



WWW.PROJECTZUG.ORG

# *Teshuvah* and Criminal Justice

## An Exploration of Second Chances

Yitzhak Bronstein

---

**UNIT 1** *Teshuvah: The Possibility to Return*  
**SESSION 1** *Teshuvah As a Pillar of the World*

---

**TESHUVAH IS AN ESSENTIAL PILLAR OF JEWISH LIFE. ALTHOUGH OFTEN TRANSLATED AS “repentance,” the Hebrew root of *teshuvah* signifies a process of *returning*. The Oxford dictionary defines repentance as to “feel or express sincere regret or remorse about one’s wrongdoing or sin.” These texts will explore the concept of *teshuvah*, and help us appreciate why it is better understood in its literal sense—as a process of *returning*. We will see how *teshuvah* has always been a core element of Jewish life, and how its significance has been understood over the course of many centuries. In doing so, we will consider how this impacts our understanding of criminal justice and how we relate to individuals who have been convicted of crimes.**

Before looking at any of the sources, take a moment in your *havruta* to reflect on what *teshuvah* means to you.

1. *How might you understand teshuvah as a type of returning?*
2. *Contrast the literal meaning of teshuvah (returning) with the Oxford definition of “repentance.” How might these two words signify different processes or lead a person to different outcomes?*
3. *How might your answer to the question above impact the way we treat a person who is attempting to correct their mistakes after committing a crime?*

### **Introducing Case #1**

The opening session of each unit of this course will begin with a case that brings to life the laws and values discussed in the upcoming sources. The cases are real, complex, and intended to pull you in multiple directions. Before digging into the sources, take several minutes with your *havruta* to

◇ **Human Redemption**  
 "From Prison to Ph.D.: The Redemption and Rejection of Michelle Jones." The New York Times. September 13, 2017.

discuss your initial reactions to the case. In the final section of the unit, you will return to the case to consider how the sources you have studied with your *havruta* may have impacted your approach towards it.

Michelle Jones is a doctoral student in American Studies at New York University. She began her studies at N.Y.U. the day after serving 20 years in prison for a murder conviction. While behind bars and without internet access, Jones became a published scholar of American history; she presented her work by videoconference. Jones led a team of inmates that pored through reams of photocopied documents from the Indiana State Archives to produce an award winning research project.

N.Y.U. was one of several top schools that recruited her for their doctoral programs. She was also among 18 selected from more than 300 applicants to Harvard University's history program. But in a rare override of a department's authority to choose its graduate students, Harvard's top brass overturned Ms. Jones's admission after some professors raised concerns that she played down her crime in the application process.

At the time, Elizabeth Hinton, one of the Harvard historians who backed Ms. Jones, called her "one of the strongest candidates in the country last year, period." The case "throws into relief," she added, the question of "how much do we really believe in the possibility of human redemption?"◇

1. *If you were on an admissions committee which received an application from Ms. Jones, how would respond to her application?*
2. *What factors might you consider in making a decision?*

## **PART I: THE NECESSITY OF TESHUVAH: WE ALL MAKE MISTAKES**

In our exploration of *teshuvah*, we will first turn to Biblical texts and then proceed chronologically through Jewish history. Our first source is a fiery prophecy from Ezekiel which offers us a Biblical perspective on *teshuvah*.

**SOURCE #1**  ← *click icon to find source on sefaria.com!*

<p><b>יחזקאל יח:כ-כג</b></p> <p><sup>20</sup>הַנֶּפֶשׁ הַחַטָּאת הִיא תָמוּת בָּן          לֹא־יִשָּׂא   בְּעֵזְוֹן הָאָב וְאָב לֹא          יִשָּׂא בְּעֵזְוֹן הַבֵּן צְדָקַת הַצַּדִּיק          עָלָיו תִּהְיֶה וְרִשְׁעַת רִשָּׁע</p>	<p><b>Ezekiel 18:20-23</b></p> <p><sup>20</sup>The person who transgresses, he alone shall die. A child shall not share the burden of a parent's guilt, nor shall a parent share the burden of a child's guilt; the righteousness of</p>
---	--

◆ **Ecclesiastes**

Traditionally attributed to King Solomon, the book of Ecclesiastes (Kohelet) questions and explores the meaning of life. Kohelet is read in synagogues on the festival of Sukkot.

<p>(ס) [הַרְשָׁע] עָלָיו תִּהְיֶה:</p> <p>21 וְהַרְשָׁע כִּי יָשׁוּב מִכָּל־חַטָּאתוֹ [חַטָּאתָיו] אֲשֶׁר עָשָׂה וְשָׁמַר אֶת־כָּל־חֻקֹּתַי וַעֲשָׂה מִשְׁפָּט וְצִדְקָה חַיָּה יִתֵּן לֹא יָמוּת: 22 כָּל־פְּשָׁעָיו אֲשֶׁר עָשָׂה לֹא יִזְכְּרוּ לוֹ בְּצִדְקָתוֹ אֲשֶׁר־עָשָׂה יִתֵּן: 23 הֲחִפְזִי אַחְפְּזִי מוֹת רָשָׁע נְאֻם אֲדוֹשֵׁם ה' הֲלוֹא בְּשׁוּבוֹ מִדְּרָכָיו וְחָיָה:</p>	<p>the righteous shall be accounted to him alone, and the wickedness of the wicked shall be accounted to him alone. <sup>21</sup>Moreover, if the wicked one returns from the transgressions that he committed and keeps all My laws and does what is just and right, he shall live; he shall not die. <sup>22</sup>None of the transgressions he committed shall be remembered against him; because of the righteousness he has practiced, he shall live. <sup>23</sup>Is it my desire that a wicked person shall die?—says God. It is rather that he shall turn back from his ways and live.</p>
---	--

**Explanation from Yitzhak Bronstein**

In this prophecy, Ezekiel explains that each person will be held accountable for their own behavior. Moreover, the possibility of *teshuvah* is not only present but *desirable* from God’s perspective. God hopes that we perform *teshuvah* so that our transgressions will not be remembered or held against us.

**Questions from Yitzhak Bronstein**

1. How would you describe the teshuvah process based on this text?
2. What does it mean in verse 22 that “none of the transgressions he committed shall be remembered against him?”
3. Are there crimes which do deserve to be remembered against the perpetrator?

The next source offers a Biblical perspective on human nature, which directly relates to our attitude towards *teshuvah* and second chances.

**SOURCE #2** ס

<p><b>קהלת ז:כ</b></p> <p>20 כִּי אֵלֹם אֵין צַדִּיק בְּאֶרֶץ אֲשֶׁר יַעֲשֶׂה־טוֹב וְלֹא יִחַטָּא:</p>	<p><b>Ecclesiastes 7:20</b>◆</p> <p><sup>20</sup>For there is no righteous person on earth who does only good and never transgresses.</p>
--	---

◆ **Agaddic**

*Agaddah* refers to the non-legal portions of the Talmud, which includes folklore and historical anecdotes. *Agaddah* is in contrast to the sections of halakha (legal matter) in Rabbinic literature.

◆ **Baraita**

A *baraita* refers to teachings from the same time period as the Mishnah (approximately 0-200 CE) that were not included in the Mishnah. They are often cited in the Talmud to support or challenge a given position.

◆ **Gehinnom**

While the exact meaning of Gehinnom is unclear and a matter of dispute, many understand it as a place of punishment parallel to the bliss of the Garden of Eden.

◆ **Throne Of Glory**

A vision of God sitting on a Throne of Glory is described by several Biblical prophets, such as in the opening chapter of Ezekiel,

**Questions from Yitzhak Bronstein**

This verse in Kohelet (Ecclesiastes) suggests that human beings are inherently imperfect. We all make mistakes; we all break the rules at some point, according to this verse.

1. *Does this align with your own experience? Is this how you relate to yourself, or to others?*
2. *Should this impact how we treat someone who has been convicted of a crime, and if so, how?*

The next text is an *agaddic* portion of the Talmud, which describes the creation of several phenomena before the world came into existence. The inclusion of *teshuvah* on this list will have ramifications for how we understand its place in the world.

**SOURCE #3** ס

<p>תלמוד בבלי נדרים דף לט עמוד ב</p> <p>תניא שבעה דברים</p> <p>נבראו קודם שנברא</p> <p>העולם אלו הן תורה</p> <p>ותשובה גן עדן וגיהנם</p> <p>כסא הכבוד ובית</p> <p>המקדש ושמו של משיח</p>	<p><b>Talmud Bavli Nedarim 39b</b></p> <p>It is taught in a <i>baraita</i>: Seven phenomena were created before the world was created, and they are: Torah, and <i>teshuvah</i>, the Garden of Eden, and <i>Gehinnom</i>, the Throne of Glory, and the Holy Temple (<i>beit ha'mikdash</i>), and the name of the Messiah.</p>
--	---

**Questions from Yitzhak Bronstein**

In this intriguing Talmudic passage, there are seven phenomena described as being created before the world. Notably for our purposes, *teshuvah* is included on this list, perhaps signifying that *teshuvah* is always within reach. After all, it is built into the very fabric of the world.

1. *What do you think the Talmud means when it says there were phenomena created before the world?*
2. *What does it imply about teshuvah that it is included on this list?*

**Summary: Part I**

In Part I, we have seen *teshuvah* presented as a fact of life. The Talmud went so far as to describe *teshuvah* as being in existence before the world, implying that any understanding of what it means to be a human being must take *teshuvah* into

which plays an important role in the development of Jewish mysticism.

◆ **Guide For The Perplexed**  
 Rambam (Maimonides) is an acronym for Rabbi Moses ben Maimon who lived in Spain and Egypt (1135-1204). His two most significant works are (1) *Mishneh Torah*, a comprehensive codification of Jewish law from the Talmud, and (2) *The Guide to the Perplexed*, one of the most influential works of Jewish philosophy ever written. The Guide's ongoing relevance to Jewish life is reflected in the next source, a modern commentary on the book written by Israeli philosopher Dr. Micah Goodman, which was a bestselling book in Israel upon publication.

account. In the next section, we will explore a medieval understanding of *teshuvah* through the position of Maimonides.

## **PART II: TESHUVAH AND FREE CHOICE**

This next passage, from Maimonides' *Guide for the Perplexed*, explores the significance of *teshuvah* and its relationship with free choice.

### **SOURCE #4** ס

מורה נבוכים, חלק ג:לו  
 ומבואר הוא שה"תשובה" גם  
 כן מזה הכלל – רצוני לומר  
 מן הדעות אשר לא יסודר  
 מציאות אנשי התורה אלא  
 בהאמין אותם – שאי אפשר  
 לשום אדם שלא יחטא ויפשע  
 אם שיסכול בדעת שיבחרהו  
 או מדה והיא בלתי נבחרת  
 באמת או לתגבורת תאוה או  
 כעס; ולו האמין האדם שלא  
 יוכל לתקן זה המעות לעולם  
 היה מתמיד על טעותו ואפשר  
 שהיה מוסיף במריו אחר  
 שלא נשארה לו תחבולה;  
 אך עם אמונת התשובה  
 יתקן וישוב לטוב שבענינים  
 ויותר שלם ממה שהיה קודם  
 שיחטא.

### **Guide for the Perplexed** 3:36 (Maimonides)

It should be understood that *teshuvah* also belongs in this group of ideas without which followers of the Torah cannot be well-grounded, unless one believes in them. For it is impossible for any person not to sin, either through ignorance—by professing an opinion or a moral quality that is not preferable in truth—or else because he is overcome by desire and anger. If then the individual believed that the fracture can never be repaired, he would persist in his error, and perhaps disobey even more because of the fact that no tool remains at his disposal. If, however, he believes in *teshuvah*, he can correct himself and return to a better and more complete state than the one he was in before he sinned.

## Explanation of Source #4

Rambam, echoing the verse above from Kohelet, writes that it is inevitable that human beings will make mistakes. The belief in *teshuvah* is what motivates a person to learn from their errors and correct oneself. For Rambam, it is the *belief* in the ability to right one's wrongs that leads a person to change their ways. Even more boldly, Rambam states that an individual will become even more *shalem* (whole, complete) after having done *teshuvah* than one was before having sinned.

## Questions for Further Discussion

1. How might the belief in *teshuvah* motivate a person to correct their wrongs?
2. Why do you think the Rambam claims that one reaches a "better and more complete state" after the process of *teshuvah* than before one sins?
3. What steps do you think are necessary for the *teshuvah* process to bring someone to a higher level than before they sinned?

The following paragraph comes from Dr. Micah Goodman's recent book on *The Guide for the Perplexed*. He comments on the selection above, offering an important insight about its placement in the Guide.

## SOURCE #5

### Dr. Micah Goodman, *Maimonides and the Book That Changed Judaism* (2015)

Another belief that the Torah attempted to entrench in human consciousness was faith in human beings. The Torah teaches that human beings have free choice. People do not merely chart their own course in life; they also mold their own personalities. We are not entrapped by our habits or by life's circumstances. Instead, we have the power to free ourselves from all of these and create ourselves anew. In Jewish tradition, this power is called *teshuvah*. A condition for doing *teshuvah*, according to the Rambam, is belief in *teshuvah*. Someone who does not believe that he can change his basic patterns of behavior or the structure of his personality will never succeed in doing so.

The Rambam locates his discussion of the *mitzvah* of *teshuvah* in the *Guide* in a surprising place: next to those commandments that he describes in the "Laws of Foundations of the Torah" (the first section of Mishneh Torah). That is to say, besides all of the theological claims that we are meant to believe in relation to God, *teshuvah* is the vital belief that we need to have about the potential for improvement and repair in relation to man. Faith in *Teshuvah* is also established not merely by words and declarations, but through ceremonies and deeds.

## Questions for Further Discussion

Dr. Micah Goodman notes that Maimonides includes *teshuvah* adjacent to his discussion of Judaism's most important theological claims. In doing so, Maimonides is making a strong statement about the importance of *teshuvah* as a fundamental pillar of Jewish belief.

1. *Why do you think Maimonides considers teshuvah to be of such great importance?*
2. *Have you ever felt transformed by the teshuvah process? If not, what have been some obstacles towards achieving a "better and more complete state" as Maimonides described?*

## Summary: Part II

In this section, we have seen how *teshuvah* occupies a key place in the philosophy of Maimonides. For Maimonides, the belief in *teshuvah* is inseparable from believing in free choice and an indispensable pillar of Judaism.

### ◆ Take a Step Back ◆

1. *After learning these texts, what is the significance of understanding teshuvah as a process of returning?*
2. *What is the relationship between teshuvah and belief in the possibility of second chances?*
3. *What teaching around the idea of teshuvah was most compelling to you? Was there anything challenging to accept?*