In these days, when the Temple no longer stands and we have no altar of atonement, all we have is teshuvah. Teshuvah atones for all sins. Even if someone was wicked all her days and repented towards the end of her life, we do not remind her of any of her wickedness, as it says, “The wicked will not fail on account of her wickedness, on the day that she repents of her wickedness.” (Ezekiel 33:12)

Discussion Question
How does Rambam’s approach to teshuvah differ from the approach embodied in America’s criminal justice system?
Obligations of Teshuvah

Rambam Hilchot Teshuvah 2:9

Teshuvah and Yom Kippur only atone for sins between a person and God, such as eating something forbidden or engaging in [consensual] illicit sexual relations, and so on. But sins between a person and her fellow—such as injuring another person or cursing at her or stealing from her and so on—she is not forgiven ever until she gives her fellow what she owes her and reconciles with her.

Even if she returned the money that she owes, she must appease her and ask her forgiveness. Even if she hurt her fellow only with words, she must soothe [the hurt feelings] and entreat her until she forgives.

If [the victim] does not want to forgive, [the perpetrator] should bring a row of three people who are [the victim’s] friends, and they should entreat her and ask her [to forgive]. If she is not appeased, do so a second and a third time. If she still does not wish [to forgive], let her be and go away; she who did not forgive is now the sinner. And if [the victim] was her teacher, she should come and go even a thousand times until she is forgiven.

Discussion Questions

1. How is the perpetrator held accountable in Rambam’s system?

2. In what ways are Rambam’s instructions sensitive to the needs of the victim? In what ways are they not?

3. The word translated “to entreat,” lifgo’a, can also mean “to strike or wound.” How can the process of asking forgiveness be painful for the victim? For the perpetrator?

4. In Rambam’s context, the last line is about the honor given a teacher of Torah. Translating it to a contemporary context, what does this injunction teach you about the limits of forgiveness?
Sensitivity to the Victim’s Needs

Exodus 21 (Tr. Everett Fox)

18 When men quarrel, and a man strikes his neighbor with a stone or with (his) fist, yet he does not die, but rather takes to his bed: 19 If he can rise and walk about outside upon his crutch, he that struck (him) is to go clear, only: he is to make good for his resting-time, and provide-that-he-be-healed, yes, healed.

Rashi ad. loc. (11th century France)

“Provide-that-he-be-healed, yes, healed”-- according to its translation: [the assailant] should pay the doctor’s fee.

Siftei Chachamim ad. loc.
(17th-18th century Poland)

Even if the assailant is a doctor, the victim may say to him, “I am not comfortable with you treating me, for you appear as a lion to me.” And if the assailant says to the victim, “I know a doctor who will treat you for free,” the victim may say, “A doctor who gives treatment for nothing is worth nothing.”

Discussion Questions

1. What sensitivities are Rashi and the Siftei Chachamim picking up on?
2. How do you interpret the phrase, “You appear as a lion to me”?

www.truah.org  Jewish Resources
Case study: Ritva 159 (Rabbi Yom Tov Ishbili, Spain c. 1250-1330)

**Question:** The community had decreed [banishment] for Isaac son of Abraham from Daro and Abraham son of Joseph son of Plas, because they were found in the synagogue here in Droka at night, while everyone was asleep in their beds. They were breaking down the doors of the ark where the Torah scrolls are kept to steal their silver decorations. The two were placed in jail and subsequently escaped, so the community decreed [exile]...

Now the mother of Abraham son of Joseph son of Plas has come to the court and said: Please take action so that my son, Abraham, does not become an apostate, for you have banished him from this city in consequence of his escape. He is ready to accept any punishment and fine that you may reverse the decree that you decreed upon him, so that he may do full teshuvah... Don't push him away; bring him close under the wings of your love.

**Discussion Questions**

1. Whom did Abraham and Isaac harm, and how? (Think expansively.)
2. What punishment did they receive? What are its ramifications? (Try to put yourself in the mind of 14th century Jews in their insular communities.) What modern punishment does this resemble?
3. What argument does Abraham’s mother make to the court? What best case and worst case scenarios can you imagine if Abraham is allowed to return?
4. What value is guiding the Ritva’s ruling? What “mistake” does he think the community may have made?
5. What does this entire situation teach you about America’s contemporary prison system?
After Return

Mishnah Makkot 2:8

...[After his return from exile in the City of Refuge,] he may return to the high public office that he held previously, according to Rabbi Meir.

Rabbi Yehudah says: he may not return to the high public office he previously had.

Discussion Questions

1. What rationale do you think Rabbi Meir and Rabbi Yehudah would give for their positions?

2. Which best matches the current American system?

3. Which do you think is more just?

Eugene V. Debs leaving the Federal Penitentiary in Atlanta, Georgia, on Christmas Day 1921. He was the Socialist Party's candidate for president four times, including from his prison cell in 1920. He had been imprisoned in 1918 under the Sedition Act, for giving a speech against participation in the First World War. President Warren G. Harding commuted his sentence to time served in December 1921.

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