

## What Do We Mean When We Ask a Sexual Offender to “Do T’shuva?”

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This resource is from the second session of the T’shuva Series which was held in September 2022 and is shared with the permission of Dr. Sufrin and Shalom Hartman.

From 2021-2022, five scholars in the Created Equal Research Group at the [Kogod Research Center](#) asked:

### ***What do we mean when we ask a sexual offender do to t’shuva?***

They noticed a pattern when stories of sexual misconduct, harm, and abuse were raised in the media and in organizations and institutions and they turned to Jewish sources that can help us think about this question.

#### **1. There are calls for t’shuva.**

There is often a call for t’shuva or repentance and [Danielle Berrin](#), writing about the sexual assault she experienced by Ari Shavit and that she is not ready to forgive him, describes t’shuva as such:

*This is why the Hebrew word for “repentance” is “teshuva,” or return — as in a return to your higher self, a return to your essential goodness, a return to recognizing your own dignity and the dignity of others. The repentance process begins with an “accounting of the soul” (heshbon ha’nefesh), an examination of how one has failed or fallen short. God can forgive sins against God, but notably, sins between people can be forgiven only by the aggrieved. Judaism requires that transgressors seek out those they’ve hurt and ask forgiveness of each and every person. If rebuffed, the tradition demands the transgressor ask no fewer than three times before moral responsibility is lifted.*

#### **2. There are limits to t’shuva.**

The research group could not think of an example where someone who has been harmed, abused, or harassed publicly stated that the person who harmed them has done enough t’shuva and can be welcomed back to their community.

They understood the limits of t’shuva to include:

- How to measure someone’s t’shuva? How much t’shuva is enough?
- Who judges whether enough t’shuva was done?
- What is the ultimate goal of t’shuva? Can an offender return to the community?

### 3. Jewish texts can help us understand t'shuva.

Rabbinic texts do not discuss sexual harassment and abuse and how power structures play into sexual abuse, though there are Torah laws and commandments against incest and other sexual crimes. However, the rabbis were interested in serious sins and crimes that can help us think about what we need as a community in recovering from sexual abuse. In their writing, they sometimes use the word 't'shuva' and they also use other words. Three texts are instructive when thinking about t'shuva.

- a. Confession before the death penalty: Looking at Mishnah Sanhedrin 6:2, which discusses the opportunity to confess that a person who is about to be put to death is given, is helpful in understanding what it means to repent:

*When the condemned man is at a distance of about ten cubits from the place of stoning, they say to him: Confess your transgressions, as the way of all who are being executed is to confess. As whoever confesses and regrets his transgressions has a portion in the World-to-Come.... And if the condemned man does not know how to confess, either from ignorance or out of confusion, they say to him: Say simply: Let my death be an atonement for all my sins.*

The confession accomplishes the person getting right with G-d, knowing that they can die and go be with G-d in the World to Come like any other person who has confessed and atoned for their sins. But, the person is still put to death. In other words, their confession does not cancel out the death penalty. **T'shuva, therefore, is not a wiping clean of the slate. There is a difference between atoning for our sins and getting okay with G-d versus getting okay with our fellow human beings who we have harmed.**

- b. (In)complete t'shuva: In rabbinic society, people made a game making bets on dice, nutshells, and pomegranate rinds. In this text, the rabbis discuss the problems of betting, people who lend money and charge interest, and setting up animal fights and having people make bets on these fights:

*For one who plays with dice and one who plays with nutshells and pomegranate rinds: they can never repent [literally "return"] from this until they break the dice and [thus] do complete repentance [chazarah gemurah]. One who lends with interest cannot repent from this until he tears up his documentation and [thus] does complete repentance... The same is true for one who exhibits pigeons and one who exhibits any kind of domestic or wild animal or bird: they can never repent from this until they break the scenery they use for their exhibitions and [thus] do complete repentance. (Tosefata Sanhedrin)*

Here, the rabbis use two different words for repentance interchangeably - t'shuva and chazarah. This is a gift from the rabbis teaching us that t'shuva is not the be all and end all about repenting or stopping sin. We can use chazarah and other words to discuss this. This text also introduces the idea that there can be complete and incomplete

repentance, which invites us to ask how much repentance is enough as well as what complete repentance entails. **Complete repentance takes a lot - this text shows that it means taking extraordinary efforts so that you won't be able to do the sin again. And the text suggests that it is on the individual perpetrator to make that effort.**

What do we demand of sexual predators to make it nearly impossible for them to offend in the way that they did without great, extraordinary effort? **The rabbis teach us that it is not enough to recommit not to reoffend or to not sin. Saying the right words is also not enough. Instead, there are observable actions that people must do for us to see that they are engaged in complete repentance or chazarah gemurah.**

- c. Chillul Hashem (Desecration of G-d's name): The leaders of a community write to Maimonides and ask what to do about a ritual slaughterer who has been cheating people in some way (by overcharging or selling non kosher meat as if it is kosher). The ritual slaughterer is failing in the performance of the duties of his role and the community wants to know what to do with him. Being a slaughterer is how he makes his living but people feel uncomfortable having him continue in his role knowing what he did.

*It is already well known among the Gentiles that we would only appoint the most appropriate among us to perform slaughter, and also as our judges and prayer leaders...And [in regard to] a person like this: it is prohibited for one who believes in the Torah of our master Moses, and who cares about the honor of their Maker, to allow this person to perform ritual slaughter for the masses, even if he did full repentance, due to the desecration of God's Name. It is, however, permissible for him to perform ritual slaughter for individuals who wish him to in his own home. (Maimonides, Responsum 173)*

Maimonides replies that it would be a desecration of G-d's name to have the ritual slaughter continue in his communal role. However, he may perform ritual slaughtering for individuals who want him to, in their homes. Maimonides refers to three types of communal leaders in his response; judges, prayer leaders, and ritual slaughterers. **These are all people who, through their role, help the community fulfill their obligations to G-d.** You would not want a corrupt person in these positions. **When people like this fail to do their jobs properly, no matter how much repentance they do, they can never be restored to their jobs.**

The ritual slaughterer can have full repentance before G-d and the forgiveness of everyone in the community, but he cannot be the community's slaughterer ever again **because he used his position to sin and to lead other people into sin.**

For Maimonides, there's a category of sin that, no matter how much t'shuva one does or how right they are with Gd, the community cannot put them back in the position that they used or abused to commit the sin. This is the category of hillul hashem - it is more than a

mistake at other human beings. It's a sin that makes G-d look bad and the very idea of G-d seem unholy. These sins are too great.

This is a powerful text that is not about sexual abuse. It's a text about communities and their leaders that understands the amount of trust a community puts into its religious leaders to make their religious life possible. The research group wondered: **What if a community today decides that there are other behaviors that are a hillul Hashem? What if we decided that a leader who abuses congregants, or students, or mentees, or people who are counting on that leader to nurture their spiritual lives - who abuses that kind of trust - cannot be a leader again?**

There *can* be atonement through actions the slaughterer can take, however, such as refunding the meat he sold or donating food to the needy. He can also continue to live in the religious community and even make a living as a slaughterer for individuals in their homes. But he can never again be appointed as the central ritual slaughterer for the community. Because his sins - like sexual sins and crimes - are desecrations of G-d and of what it means to live in a moral and ethical community.

4. Communal t'shuva: An example of communal confession that can set red lines and communicate what communities won't tolerate and what they consider to be hillul Hashem:

*For the sin we committed through inappropriate use of power.*

*For the sin we committed by inappropriate sexual advances.*

*For the sin we committed by putting people in power without oversight.*

*For the sin we committed by not taking seriously the complaints of a colleague.*

*For the sin we committed by not believing victims when they spoke up.*

*For the sin we committed by not being aware of our own power or privilege when making an advance. (Excerpt from "[An Al Chet for the #MeToo Era](#)" by Danya Ruttenberg, Shira Berkovits, S. Bear Bergman, and Guila Benchimol)*

**We do need t'shuva - it *is* the appropriate answer - on the communal level.** It's a way for the entire community to say, "Bad things happened in our midst, we are all responsible for allowing them to happen - at a minimum, and we are all going to say out loud that it was unacceptable that we allowed it to happen." But at the level of the individual, t'shuva isn't a word that can do enough or carry the weight we want to give it.

**These sources and others will appear in an article in the forthcoming issue of [Sources](#).**