



Is it better to have sinned and repented than never to have sinned at all?

Most literate Jews would instinctively answer yes – we have ingrained in memory

במקום שבעלי תשובה עומדים אין צדיקים גמורים יכולים לעמוד
 In the place where penitents stand, the absolutely righteous cannot stand

Indeed, a prominent beit din in Vilna once received this question: “Since penitents are greater than those who have never sinned, and I have never sinned, may I sin once in order to become a penitent?” The astonishing answer came as follows: Mishnah Yoma 8:9 reads

האומר אחטא ואשוב, אחטא ואשוב – אין מספיקין בידו לעשות תשובה
 One who says “I will sin and repent, sin and repent” – they do not give him the means to repent

The repetition of “sin and repent” indicates that it is indeed permitted to sin once in order to repent, so long as one would otherwise not have sinned.

It is less well known that this position is explicitly controversial in the Talmud. Rabbi Abahu advances it, but the Talmud introduces Rabbi Abahu by saying that his position disagrees with that of Rabbi Yochanan as cited by Rabbi Chiyya bar Abba:

כל הנביאים לא נתנבאו אלא לבעלי תשובה
 אבל צדיקים גמורים – "עין לא ראה א-להים זולך מה יעשה למחכה לו (ישעיה סד:ג)
 All the prophets prophesied only about (the reward for) penitents
 But the absolutely righteous – “No eye has seen, G-d, other than You(rs), what You will do for those who wait for You

Rabbi Yochanan clearly held that it is better never to have sinned. But what is the issue underlying this machloket? More strongly: Once we become aware of Rabbi Yochanan’s opinion, we must wonder whether Rabbi Abahu’s position is at all coherent. The Rabbis often make decrees משכר שלא יהא חוטא משכר to avoid allowing circumstances in which a sinner would gain a legal advantage precisely because of this issue.

Torat Chayyim offers two suggestions:

- a) Penitents have a harder time avoiding sin, since from life-experience, they know the pleasures of sin.
- b) The observance of mitzvot by someone who has never been tempted is considered passive, whereas the observance of mitzvot by someone who overcomes temptation is considered active, and active deeds are greater than passive deeds.

Both these suggestions explain plausibly why the actions of penitents might be greater than the actions of never-sinners. But they do not address the deeper question of whether it is just of G-d to allow failure to sin to limit spiritual achievement.

Maharsha, by contrast, simply refuses to allow sinning to yield better results than not sinning. His suggestion is that Rabbi Abahu referred to those who repent from having been tempted and almost sinned. He apparently believes that this lets him have his theological cake and eat it too – the thought of sinning is not actually a sin, and there would be no injustice if one benefited from having thought of sinning, but yet it is wrong enough that one can repent of it. This position is clever, but to my mind not compelling.

Rav Eliyahu Dessler refused to believe in the disagreement, as part of his general refusal to believe that one can find genuine disagreements about values among Torah Sages. He therefore endorses the suggestion offered by his students that penitents more effectively demonstrate Hashem's grace, whereas – contra Torat Chaim and Maharsha – the quality of service of never-sinners is superior. I find it challenging to deny disagreement when the Talmud explicitly declares it, and in any case, it is not clear to me how this distinction explains why penitents receive a greater reward and/or reach a higher spiritual level.

I suggest instead the following.

The Talmud follows Rabbi Abahu by citing a disagreement, between Rabbis Yehoshua ben Levi and Shmuel bar Nachmeni, as to what it is that “no eye has seen, G-d, other than You”. Both positions explicitly relate the conversation back to Creation and Eden. In other words, the dispute about whether penitents are superior or inferior to never-sinners is not at core about the psychology and sanctity of individuals. Rather it is an argument about how human beings should react to the sin of Adam and Eve.

It is perhaps necessary to mention here that for Rambam (and my eleventh grade rebbe), the whole Garden story is self-evidently metaphor. All human beings are born innocent, and experience no shame in nakedness. But at some point those who are sane naturally “eat the fruit”, that is to say they experience themselves as erotically and aesthetically charged beings in an erotically and aesthetically charged environment.

Rabbi Yochanan argues that the proper response is to try to undo sin. By this he means that the surface goal of repentance is to make yourself the person you would have been had you never sinned. But the deeper goal is really to undo the consequences of sin, namely the acquisition of an independent sense of right and wrong = to make yourself what Adam and Eve were until they ate the Fruit. This is why Noach

deliberately set out on alighting from the ark to plant a vineyard – so that he could get drunk and remove all his clothes without experiencing shame.

Rabbi Abahu, by contrast, thinks that innocence cannot be regained, or perhaps should not be regained. There will always be a Cham present, who will make a mockery of your protested innocence by making you their erotic or shameful visual object. The knowledge of good and evil cannot be effectively unlearned – it is part of being human. For Rabbi Abahu, the goal is to acknowledge and own one's sins, to commit to never doing it again and yet to finding a way in which you are better or deeper as a result of having sinned.

There is a sense in which I might argue, in the manner of Rav Dessler, that really there is no dispute here. Rabbi Yochanan sees teshuvah as disassociation from sin, which we call teshuvah miyir'ah, repentance out of fear or awe; Rabbi Abahu sees teshuvah as the transmutation of sin into virtue, which we call teshuvah mei'ahavah, repentance out of love. The never-sinned are greater than disassociative penitents, but not as great as transmutative penitents.

But I prefer to argue differently. Rabbi Yochanan here essentially denies the possibility or legitimacy of teshuvah mei'ahavah – how can sins become virtues? This is parallel to the question of whether G-d can justly permit a world in which the experience of sinning raises one's spiritual potential.

I suggest the following. The issue of injustice never arises because the need to repent is an intrinsic aspect of the human condition – not in the sense that everyone necessarily violates a specific Divine command, but rather that we enter into adulthood imperfect, with unresolved issues about how to relate and manage ourselves as physical and erotic beings. This is a close cousin of Rambam's notion that one can do teshuvah toward character perfection

Rabbi Abahu's position has I think become dominant because it better conforms to the general thrust of Jewish tradition, which impose responsibility on human beings as-they-are – באשר הם שם – rather than as-they-might-be-imagined. This is why, for example, we never set celibacy as an ideal.

We can perhaps apply Rabbi Abahu's attitude to other types of issues. Some visions of Orthodoxy see the Enlightenment and modernity as the Tree of Knowledge of Good and Evil, and seek to have us uneat the fruit. I believe this approach is not sustainable – there are too many Chams around to tell us that we are simply ignorant, or intellectually naked. Others seek to deny that the Tree provided any true knowledge at all, so that our task is to resist integrating that knowledge into our beliefs and values.

The Center for Modern Torah Leadership believes that it is futile to pretend that we are not different – that our eyes have not been opened, that we do not see that

- a) identity can be fluid, that
- b) separate is often not equal, that
- c) Revelation cannot convey unmediated Truth; it requires human interpreters, and more.

We see this recognition as a source not of despair but rather of responsibility, as obligating our community to engage in teshuvah mei'ahavah toward its never-yet-achieved best self. Our beit midrash, website, conferences, lectures and publications all make vital contributions toward meeting that collective responsibility, and they happen only because you support us. Please consider not only what we have done but what we could do, what the best self of the Center would be, and do all you can to help us make that real.

Gemar Chatimah Tovah
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