

Tochecha & Teshuva

How to (and not to) Ask Someone to Repent

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Leviticus 19:16-18

(16) Do not be a slanderer among your people. Do not profit by the blood of your fellow: I am God. (17) You shall not hate your kinsfolk in your heart. You must surely rebuke your fellow and incur no guilt on their account. (18) You shall not take vengeance or bear a grudge against members of your people. Love your fellow as yourself: I am God.

ויקרא י"ט:טז-י"ח

(טז) לֹא-תֵלֵךְ רֵכִיל בְּעַמֶּיךָ לֹא תַעֲמֹד עַל-דַּם רֵעֶךָ אֲנִי יְהוָה: (יז) לֹא-תִשָּׂא אֶת-אָחִיךָ בְּלִבְכָּךְ הוֹכַח תוֹכִיחַ אֶת-עַמִּיתְךָ וְלֹא-תִשָּׂא עָלָיו חֹטֵאת: (יח) לֹא-תִקֶּם וְלֹא-תִטַּח אֶת-כַּנֵּי עִמָּךְ וְאֶהְיֶה כְמוֹךָ אֲנִי יְהוָה:

Mia Mingus, The Four Parts of Accountability & How To Give A Genuine Apology

Accountability is generative, not punitive. If you want punishment, you should be upfront and transparent about that. Do not ask for accountability, when what you really want is punishment or revenge. Just as it takes work to be accountable, it also takes work to receive someone's accountability.

Mishneh Torah, Human Dispositions 6:7-8

(7) He who beholds his fellow stooping to sin or following an unrighteous path, is obliged to return him toward the good, and to let him know that he is actually sinning against himself in pursuing wicked deeds for, it is said: "And thou shalt indeed rebuke thy neighbor" (Lev. 19.17).

He who rebukes his fellow, whether it be regarding a sin committed between man and man, or whether it be regarding matters between man and God, it is essential that the rebuke be administered only between them both; and he shall speak to him calmly, employing soft language, telling him that he only speaks to him his own good, to bring him to a life in the world to come.

If he receive it attentively from him, it is well; if not, he should rebuke him a second, even a third time. So is the

(ז) הַרְוֵאָה חֲבֵרוֹ שֶׁחָטָא אוֹ שֶׁהִלָּךְ בְּדַרְךָ לֹא טוֹבָה מִצְוָה לְהַחֲזִירוֹ לְמוֹטֵב וּלְהוֹדִיעוֹ שֶׁהוּא חוֹטֵא עַל עַצְמוֹ כְּמַעֲשֵׂי הָרָעִים שֶׁנֶּאֱמַר (ויקרא יז) "הוֹכַח תוֹכִיחַ אֶת עַמִּיתְךָ". הַמוֹכִיחַ אֶת חֲבֵרוֹ. בֵּין בְּדָבָרִים שֶׁבִּינּוֹ לְבִינּוֹ. בֵּין בְּדָבָרִים שֶׁבִּינּוֹ לְבֵין הַמָּקוֹם. צָרִיךְ לְהוֹכִיחוֹ בִּינּוֹ לְבֵין עַצְמוֹ. וַיִּדְבֵּר לוֹ בְּנִחָה וּבְלִשׁוֹן רַחֵם וַיּוֹדִיעוֹ שֶׁאֵינוֹ אוֹמֵר לוֹ אֶלָּא לְטוֹבָתוֹ לְהַבְיֵאוֹ לְחַיֵּי הָעוֹלָם הַבָּא. אִם קָבַל מִמֶּנּוּ מוֹטֵב וְאִם לֹא יוֹכִיחֵנּוּ פַּעַם שְ�נִיָּה וּשְׁלִישִׁית. וְכֵן תָּמִיד חַיֵּב אָדָם לְהוֹכִיחוֹ עַד שֶׁיִּפְּחָה הַחוֹטֵא וַיֹּאמֶר לוֹ אֲנִי שׁוֹמֵעַ. וְכָל שֶׁאִפְשָׁר בְּיָדוֹ לְמַחֲוֹת וַאֲנִינוּ מוֹחָה הוּא נִתְפָּשׁ בְּעוֹן אֵלּוּ בֵּינוֹ שֶׁאִפְשָׁר

constant duty of a man to continue to rebuke his fellow, even until the sinner strike him, and say unto him: "I will not listen". He in whose power it is to prevent sin and does not take the means to prevent it, he himself is ultimately overtaken by their sin, since it was possible for him to prevent them.

(8) He who rebukes a friend, at the beginning, no hard words should be used against him to shame him, for it is said: "And thou shalt bear no sin upon him" (Lev. 19.17)... it is forbidden to put an Israelite to shame, needless to say publicly.

Although he who does put his fellow to shame is not flogged, it is a grievous sin. Even so did the wise men say: "He who publicly puts his fellow's countenance to shame has no share in the world to come" (Pirke Abot, 3.11). A man is, therefore obliged to guard himself against putting his fellow to shame publicly, regardless of whether he be young or old; not to call him by a name of which he feels ashamed, nor tell aught in his presence of which he is ashamed.

However, all these refer to matters touching the relationship between man and man; but if it concern heavenly matters, if the sinner does not repent after being rebuked privately, he should be shamed publicly, and his sin should be proclaimed, and harsh words should be used in his presence, and he should be shamed and cursed till he repent and take up the good path, even as all of the prophets in Israel did with the wicked.

Adrienne Marie Brown, We Will Not Cancel Us, p. 47-49

Here are some questions I sit with when I am asked to engage in a call out:

- Have there been any private efforts for accountability and conflict resolution?
- is/are the survivor(s) being adequately supported?
- Has the accused individual or group acknowledged what they've done, or are they saying something different happened, or even that nothing happened at all?
- Has the accused individual or group avoided accountability? Have they continued to cause harm?
- Has the accused already begun the process of taking accountability?

לו למחות בהם:

(ח) המוכיח את חברו תחלה לא ידבר לו קשות עד שיכלימונו שנאמר (ויקרא יז) "ולא תשא עליו חטא" ... אף על פי שהמכלים את חברו אינו לוקה עליו עון גדול הוא. כן אמרו חכמים (גמרא סנהדרין קז א) "המלפין פני חברו ברבים אין לו חלק לעולם הבא". לפיכך צריך אדם להזהר שלא לביש חברו ברבים בין קטן בין גדול. ולא יקרא לו בשם שהוא בוש ממנו. ולא יספר לפניו דבר שהוא בוש ממנו. כמה דברים אמורים בדברים שבין אדם לחברו. אבל בדברי שמים אם לא חזר בו בסתר מקלימין אותו ברבים ומפרסמים חטאו ומחרפים אותו בפניו ומבזין ומקללין אותו עד שיחזור למוטב כמו שעשו כל הנביאים בישאאל:

- Does the accused person have significantly more power than the accuser(s)--in what ways? Are they using that power to avoid accountability?
- Is this a demand for process and consequences that will satisfy the survivor, the community, the movement?
- Is this call out precise? Is the demand for accountability related to the alleged harm?
- Does it feel like we can ask questions?
- Is all the attention going towards the person accused of harm?
- Are we being asked to rush to action? Is there enough time between the accusation and the call for consequences to make sure we know that's going on and what's possible?
- Is the only acceptable consequence to those making the call out for the accused to cease to exist?
- Is the accused from one or more oppressed identities?
- Is there any discernible power difference between the accused and the accuser(s)?
- Does this feel performative?

We have to recognize that we are on dangerous territory that is not aligned with a transformative justice vision when we mete out punishment in place of consequences, and/or when we issue consequences with no inquiry, no questions, no acceptance of accountability, no process, no time for the learning and unlearning necessary for authentic change, just instant and often unsatisfactory consequences.

Questions:

- What differences do you see between the “tochecha - rebuke” described in the Jewish sources and “accountability” described by Mingus and Brown? What similarities?
- What are the different qualities of a transgression that these authors note (e.g. the type of sin, the types of relationships, etc.)? How do they impact the nature of the call out? Do you have different qualities you would take into consideration?

Bonus Story:

It is related that **when Rabbi Zeira had a complaint against a person** who insulted him, **he would pace back and forth before him and present himself, so that the person could come and appease him.** Rabbi Zeira made himself available so that it would be easy for the other person to apologize to him.

It is further related that **Rav had a complaint against a certain butcher** who insulted him. **The butcher did not come before him** to apologize. **On Yom Kippur eve, Rav said: I will go and appease him. He met his student Rav Huna, who said to him: Where is my Master going? He said to him: I am going to appease so-and-so.** Rav Huna called Rav by his name and **said: Abba is going to kill a person**, for surely that person's end will not be good. Rav **went and stood by him.** He found the butcher **sitting and splitting the head** of an animal. The butcher **raised his eyes and saw him. He said to him: Are you Abba? Go, I have nothing to say to you. While he was splitting the head, one of the bones of the head flew out and struck him in the throat and killed him,** thereby fulfilling Rav Huna's prediction.

רבי זירא כי הנה ליה מילתא בהדי איניש, הנה חליף ותני לקמיה וממצי ליה, כי היכי דניתי וניפוק ליה מדעתיה.

רב הנה ליה מילתא בהדי טבחא, לא אתא לקמיה. במצעלי יומא דכפורי אמר איהו: איזיל אנא לפיוסי ליה. פגע ביה רב הונא, אמר ליה: להיכא קא איזיל מר, אמר ליה: לפיוסי לפלגנא. אמר: איזיל אבא למיקטל נפשא. איזיל וקם עילויה. הנה יתיב וקא פלי רישא, דלי עיניה וסזניה, אמר ליה: אבא את? זיל, לית לי מילתא בהדו. בהדי דקא פלי רישא, אישתמיט גרמא ומחיה בקועיה וקטליה.