

ROSH HASHANAH - THE CRY OF FREEDOM AND REPENTANCE

A TEXTUAL MEDITATION ON SHOFAR, FREEDOM, AND INCARCERATION

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There is no item which serves as a greater symbol of Rosh Hashanah than that of the shofar. It represents many aspects of the holiday's themes:

- the crying out of the soul towards God;
- the Divine call towards humanity to wake from our spiritual slumber;
- the sacrifice of Abraham's ram in lieu of Isaac, and more.

Historically, another major association of the shofar was its connection to liberty and freedom; the Torah teaches that in Biblical Israel, the blowing of the shofar inaugurated the start of the Jubilee year, every fifty years, which was marked by the freeing of all slaves from their servitude.

1. Leviticus 25

Then you shall sound the horn loud; in the seventh month, on the tenth day of the month—the Day of Atonement—you shall have the horn sounded throughout your land and you shall hallow the fiftieth year. You shall proclaim freedom throughout the land for all its inhabitants. It shall be a jubilee for you: each of you shall return to his holding and each of you shall return to his family....If your kinsman under you continues in straits and must give himself over to you, do not subject him to the treatment of a slave. He shall remain with you as a hired or bound laborer; **he shall serve with you only until the jubilee year.** Then he and his children with him shall be free of your authority; he shall go back to his family and return to his ancestral holding.

וְהִעֲבַרְתָּ שׁוֹפָר תְּרוּעָה בַּחֹדֶשׁ הַשְּׁבַעִי בְּעֶשְׂוֹר לַחֹדֶשׁ בַּיּוֹם הַכִּפּוּרִים תַּעֲבִירוּ שׁוֹפָר בְּכָל־אַרְצְכֶם וְקִדַּשְׁתֶּם אֶת שְׁנַת הַחֲמִשִּׁים שָׁנָה וּקְרַאתֶם דְּרוֹר בְּאַרְץ לְכָל־יִשְׂרָאֵל יוֹבֵל הוּא תְהִיָּה לָכֶם וְשִׁבְתֶּם אִישׁ אֶל־אַחֲזָתוֹ וְאִישׁ אֶל־מִשְׁפַּחְתּוֹ תָּשׁוּבוּ: יוֹבֵל הוּא שְׁנַת הַחֲמִשִּׁים שָׁנָה תְהִיָּה לָכֶם לֹא תִזְרְעוּ וְלֹא תִקְצְרוּ אֶת־סְפִיחֶיהָ וְלֹא תִבְצְרוּ אֶת־נִזְרֶיהָ: כִּי יוֹבֵל הוּא קִדְּשׁ תְהִיָּה לָכֶם מִן־הַשָּׂדֶה תֹאכְלוּ אֶת־תְּבוּאָתָהּ: בַּשְּׁנַת הַיּוֹבֵל הַזֹּאת תָּשׁוּבוּ אִישׁ אֶל־אַחֲזָתוֹ:

1. We typically associate the theme of “freedom” with Passover, and not with Rosh Hashanah. How does text 1 challenge this assumption?
2. The Jubilee year is a sabbatical of sabbaticals: in addition to letting the land lie fallow and canceling all debts, real estate transactions of the previous 49 years are canceled and everyone reverts back to equitable, ancestral land distribution. Why do you think the shofar was sounded to herald the Jubilee and what does that association do to your experience of the shofar on Rosh Hashanah?
3. What would a Jubilee law look like in our world?

In order to explore this intersection of the crying out of the shofar with the inner urge towards redemptive freedom, we shall consider a Biblical story which on its surface does not pertain to our themes, but we will see how its inner meaning speaks poignantly and directly to the ideas of liberty and teshuva, repentance, the difficult story of Korah and his rebellion (text 2).

2. Numbers 16:1-33

Now Korah, son of Izhar son of Kohath son of Levi, betook himself, along with Dathan and Abiram sons of Eliab, and On son of Peleth—descendants of Reuben—to rise up against Moses, together with two hundred and fifty Israelites, chieftains of the community....And Moses said, “By this you shall know that it was the LORD who sent me to do all these things; that they are not of my own devising...Scarcely had he finished speaking all these words when the ground under them burst asunder, **and the earth opened its mouth and swallowed them up with their**

households, all Korah's people and all their possessions. They went down alive into Sheol, with all that belonged to them; the earth closed over them and they vanished from the midst of the congregation.

The rebellion ends badly (to put it mildly) for Korach, his family, and those 250 community leaders who rose up with him. The 250 are consumed in a Divine fire, while Korach and his retinue are swallowed alive by a fissure in the earth. Ostensibly, this should be the end of their story; however, they are mentioned again by the Torah during a census-taking in Numbers 26 (text 3), wherein we learn that “the children of Korach did not die.” But we were already informed that the earth swallowed them - so if they did not die, what happened to them? Where are they?

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3. [Numbers 26:1-11](#)

When the plague was over, the LORD said to Moses and to Eleazar son of Aaron the priest, “Take a census of the whole Israelite community from the age of twenty years up, by their ancestral houses, all Israelites able to bear arms.” ... Born to Pallu: Eliab. The children of Eliab were Nemuel, and Dathan and Abiram. These are the same Dathan and Abiram, chosen in the assembly, who agitated against Moses and Aaron as part of Korah's band when they agitated against the LORD. Whereupon the earth opened its mouth and swallowed them up with Korah—when that band died, when the fire consumed the two hundred and fifty people—and they became an example. **The children of Korah, however, did not die....**

The question of what happened to Korah's children if they did not die serves as the basis for a fascinating midrashic story (text 4):

4. [Talmud Bavli, Sanhedrin 110a-b](#)

...Rabba bar bar Hana said: One time I was walking on the road, and a certain villager said to me: Come and I will show you those from the assembly of Korah who were swallowed. I went and I saw two fissures in the ground from which smoke was emerging. The villager took a woolen fleece and dampened it with water and placed it on the tip of his spear and passed it over the fissures there. The fleece was singed, indicating the level of heat there. He said: Listen- what do you hear? And I heard that this is what they were saying: **Moses and his Torah are truth, and they are liars.** The villager said to him: Every thirty days Gehenna returns them to this place like meat cooking in a cauldron, and they say this: Moses and his Torah are truth, and they are liars.

Rabba bar bar Hana, a 3rd cent. Sage, was travelling in the Sinai desert. A local desert-dweller guided him to a spot in the desert that was of historical interest: the exact location where the earth had swallowed up Korah's party. Indeed, Hana observes a deep crack in the ground, and an intense heat billowing up from the ground. Not only that - the nomad tells bar Hana that every thirty days, if you put your ear to the hole, one can hear the swallowed Korahites crying out: “Moses was right - his Torah is true - and ‘they’ are liars!” Rabbah bar Hana puts his ear to the ground, and confirms that they are saying just that.

This story leads to two questions, one linguistic and one moral-theological. First, how do we understand the final part of the phrase - “and ‘they’ are liars”? Who is being referred to by the “they”? Traditionally, this passage has been understood to mean that the Korahites are referring to themselves in the third person (which is not uncommon in Talmudic texts). As such, it can be understood as, “and **we** are liars!” According to this reading, the Korahites are admitting their error from the fiery furnace of the underworld.

This leads to the next question: if in fact the Korahites are acknowledging their own wrong-doing - why are they still

being punished, centuries later? Have they not endured their punishment, “done the time for their crime”? It seems that they have done proper *teshuvah* - repentance - so why are they still in hell? A contemporary rabbi and scholar, R. Yaakov Mayer of Tel Aviv, offers an alternative reading of this passage which aims to help solve our two questions (text 5).

5. Rabbi Yaakov Mayer, *Drishot* (pg. 227-229)

Recall that the Talmud does not contain punctuation. It is possible, then, that the final clause, *v’hen badain*, “and they are liars”, might not be part of the same sentence as the first clause. Rather, it might be a question on behalf of the desert nomad: that is, he is asking - “every thirty days I hear the swallowed Korachites crying out ‘Moses and his Torah are true’ - is it possible that they are lying?!” This salvages the use of the third person plural, in that now it is the nomad asking the question of the Korachites, rather than them using it about themselves.

Further, it poses the moral question that we articulated earlier, and places it in the mouth of the nomad. He can now be seen as asking, “is it possible that [your] God punishes people eternally, even after they have acknowledged their actions and done *teshuvah*?” How can the Korachites both be admitting the truth, and yet still be punished - could it be that their confession is not authentic?

According to Rabbi Mayer’s reading, bar Hana puts his ear to the ground and confirms what the nomad suspects - “they are lying”, he concurs. Bar Hana **cannot countenance a notion of Divine justice which would eternally punish someone despite their having done *teshuvah*.**

This reading of Rabbi Mayer’s is profound and important, precisely because it illustrates well a strongly-held human conviction: we desperately wish - or fundamentally need - to believe that there is justice in the world. For the theist - which in this story is represented by both the nomad and bar Hana - it is axiomatic that God is wholly Just. Therefore, the notion of repentant sinners being continually punished is both illogical and repugnant. The nomad questions it, and bar Hana affirms that it is not, in fact, the case. These are really unrepentant sinners, which is the only explanation possible in a Just world. Were they ever to truly repent, to do a full *teshuvah*, then certainly God would cease roasting them in the fires of the underworld.

Discussion Questions on Texts 2-5:

1. The story of Korah is given a severe epilogue in the Talmudic *midrash*. Can an appropriate comparison be made here to contemporary incarceration? What are the similarities, and what are the differences?
2. The concept of *teshuvah*, repentance, is a central one to Jewish thought, especially around the High Holiday season. How do we reconcile the radical potential of *teshuvah* with incarceration? How would you articulate the tension between the two to someone who believes that prisons are a part of a functioning justice system?

It is one thing to say that for the religious believer there is a presumption of underlying justice in the universe. But many Americans have the same need to believe in our own American criminal justice system. There is a deep and widespread belief that if a person is in prison, then they deserve to be there. Not simply that they are guilty, but that their punishment is inherently and fundamentally just.

Certainly, there are prisoners who remain unrepentant of their crimes, and would pose a threat to society were they released. When I was privileged to visit the Louisiana State Penitentiary - known widely as the Angola Prison - those were not the prisoners that I met. Instead, the men I met were remorseful, introspective, and penitent. They were brutally honest about their past crimes. And most importantly, they had clearly and obviously changed. As multiple of them pointed out, “the person who committed those crimes is dead. I am a new person.” This language is

immediately evocative of Maimonides' statements regarding a person who has achieved a full and total teshuva (text 6):

6. Maimonides, Mishneh Torah, Laws of *Teshuva* (Repentance) 2:4

Among the ways of repentance (*teshuva*) are for the penitent to distance themselves exceedingly from the thing wherein they sinned, to have their identity changed, as if saying: "I am now another person, and not that person who perpetrated those misdeeds", to completely change their conduct for the good and straight path...

For many inmates, their crimes were committed early in their lives, and for some it was their first offense. After many years in prison, they had - simply put - changed. They had done *teshuva*. They had gained skills - artistic, literary, legal, intellectual and physical. They want to be productive members of society. But yet, they remain locked up. Ten years later. Twenty. Thirty. Forty. Fifty years later! Many have died in Angola of old age, and sadly many will continue to do so.

One of the many ironies of the place is that the institution itself recognizes that these men no longer pose a threat. As such, our group was allowed to freely interact with dozens of them for hours at a time, with no supervision or security. Groups of inmates are even allowed out of the prison for extended trips to elsewhere in the state, as the prison knows that they are harmless and will return at the end of the day.

And yet, they remain locked up.

Of course, this is not unique to Angola, nor to Louisiana. We live in the most highly incarcerated country in the world, with a carceral system that wildly and disproportionately punishes people of color.

On Rosh Hashanah, we hear anew the sound of the shofar blasts. Like in biblical Israel, the shofar resonates with a call towards redemptive freedom, for all people and all the world. On this Rosh Hashanah, our task is to allow the sound of the shofar to push us towards activism, to the organizing and policy work that can ultimately dismantle the carceral state. In the crying of the shofar, we must hear the crying of the prisoners. We must be like the nomad, listening to the cracks in the earth, attuning ourselves to these marginalized and often hidden voices.

Will we allow ourselves to ask the question of the nomad? Will we force ourselves to listen to their cries? Let this Rosh Hashanah be the beginning of a new season of liberation, freedom, and action.

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