

Jewish Perspectives on Restorative Justice: Lessons for Modern Legal Systems

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ABSTRACT

This note examines the intersection of Jewish teachings and restorative justice practices, focusing on the concepts of teshuvah (repentance)¹ and tzedek tzedek tirdof (justice, justice you shall pursue).² This note argues that these foundational principles offer a compelling ethical framework for reimagining modern legal systems, especially in the context of criminal law and incarceration. By exploring how teshuvah emphasizes personal accountability, remorse, and transformation, and how tzedek tzedek tirdof underscores the imperative of seeking justice with fairness and compassion, this note suggests that these Jewish values can guide a shift from punitive to restorative legal approaches. Such a shift would prioritize healing, reconciliation, and communal responsibility, providing alternative pathways to justice that promote restorative outcomes for both victims and offenders, while fostering greater equity and social cohesion.³

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¹ This is a translation of the Hebrew word “Teshuvah,” although the direct translation is “returning.”

² Tzedek tzedek tirdof is a Hebrew phrase from the Torah that translates to “Justice, justice you shall pursue.” It is a commandment emphasizing the importance of pursuing justice in a fair, diligent, and impartial manner. The repetition of the word “justice” underscores the idea that justice must be pursued with integrity, without corruption, and in a manner that reflects moral righteousness. This principle has been foundational in Jewish teachings on justice, emphasizing not only the outcome of legal processes but also the ethical means by which justice is sought. See Book of Deuteronomy 16:20; Rabbi Lawrence Jackofsky & David Toomim, *Four Views of Justice*, Reform Judaism, <https://reformjudaism.org/learning/torah-study/torah-commentary/four-views-justice> (discussing how the repetition of “justice” stressed the continual and active pursuit of justice).

³ This would translate positively in the United States legal system.

I. INTRODUCTION

Shaka Senghor was convicted of second-degree murder in 1988 for the killing of a man during a robbery in Detroit, Michigan.⁴ Senghor was sentenced to 25 to 40 years in prison.⁵ While incarcerated, Senghor spent years reflecting on his actions, the violence that had defined his life, and the impact of his crime on the victim's family.⁶ This period of deep self-reflection ultimately led to a profound transformation.⁷ Senghor realized the extent of the harm he had caused and began to seek personal accountability for his actions.⁸

During his time in prison, Senghor began writing and sharing his story, focusing on his journey of redemption.⁹ His writings became part of his healing process and helped him realize that taking responsibility for his crime and seeking to make amends was part of his growth.¹⁰ Senghor's commitment to self-improvement and personal accountability is evident in his work, where he advocates for restorative justice principles, emphasizing rehabilitation over punishment.¹¹ He also became involved in mentorship programs, helping other incarcerated individuals with their own journeys of transformation.¹²

In 2017, after serving 19 years in prison, Senghor was released.¹³ He became a prominent advocate for criminal justice reform, speaking at conferences and events about the need for a justice system that

⁴ *Writing is his Redemption After Spending his Youth Behind Bars*, PBS NEWS HOUR (July 4, 2016), <https://www.pbs.org/newshour/show/writing-is-his-redemption-after-spending-his-youth-behind-bars>.

⁵ Shaka Senghor, TED, https://www.ted.com/speakers/shaka_senghor [https://perma.cc/Z4MU-LHFS] (last visited Nov. 19, 2024).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Paul Costello, *A Voice For The Incarcerated: A Conversation with Shaka Senghor*, Stanford Medicine, <https://med.stanford.edu/stanmed/2021issue1/shaka-senghor-advocate-incarcerated> (last visited Mar. 2, 2026).

emphasizes rehabilitation, healing, and the possibility of second chances.¹⁴ Senghor wrote a memoir, *Writing My Wrongs*¹⁵, which tells the story of his transformation and the importance of restorative justice in helping individuals reintegrate into society.¹⁶

While repentance has traditionally been framed within religious contexts, its principles have significant implications for secular justice systems, particularly in how we understand punishment, rehabilitation, and accountability.¹⁷ This note will explore how two specific Jewish ethical principles can offer a framework for reforming criminal justice systems, particularly in the United States, shifting from punitive models toward restorative justice frameworks that prioritize healing, reconciliation, and community reintegration. Although Shaka Senghor did not specifically integrate Jewish ethical principles into the process of his transformation, his story demonstrates the power of restorative justice (which can be modeled after Jewish ethical principles) in the U.S. criminal justice system.

¹⁴ *Id.*

¹⁵ *Writing My Wrongs* is both an introspective account of Senghor's life and a broader commentary on the flaws within the criminal justice system, particularly regarding solitary confinement, rehabilitation, and the challenges of re-entering society after incarceration. The book is also a call to action for reform and a reflection of how one's past does not have to define their future. *See generally* SHAKA SENGHOR, *WRITING MY WRONGS: LIFE, DEATH, AND REDEMPTION IN AN AMERICAN PRISON* (2017) (detailing Senghor's personal experiences dealing with the justice systems and describing the justice system in general).

¹⁶ *Supra* note 4.

¹⁷ Repentance plays a significant role in the justice system, often influencing sentencing and rehabilitation. It involves an individual's acknowledgment of wrongdoing, a sincere feeling of remorse, and a commitment to change. In many legal systems, demonstrating repentance can be seen as a sign of personal accountability and rehabilitation potential. This can influence judges' decisions, as those who express genuine remorse may be viewed as less likely to reoffend, and thus could receive more lenient sentences or alternative forms of punishment, such as probation or counseling. *See generally* Stephen K. Rice, Danielle Dirks & Julie J. Exline, *Of Guilt, Defiance, and Repentance: Evidence from the Texas Death Chamber*, U.S. DEP'T OF JUST.: OFF. OF JUST. PROGRAMS (June 2009), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/guilt-defiance-and-repentance-evidence-texas-death-chamber>.

II. THE OVERLY PUNITIVE NATURE OF THE MODERN U.S. LEGAL SYSTEM

This section examines America's overly punitive criminal justice system and its damaging consequences. Harsh sentencing policies and mass incarceration have created cycles of harm extending beyond offenders to families and communities. This approach produces social stigmatization, psychological trauma, and economic barriers that disproportionately affect marginalized populations. Restorative justice practices—focusing on healing, accountability, and community involvement rather than punishment alone—offer promising alternatives that better serve victims, rehabilitate offenders, and strengthen communities while maintaining public safety.

A. A Historical Approach to Mass Incarceration

Mass incarceration has remained one of the most imminent problems in the criminal justice system. Mass incarceration refers to the very common manner in which various agencies target and incarcerate vast numbers of individuals from certain populations.¹⁸ The United States has the highest number of incarcerated people in the world, which brings about many concerns about standards and protocols within the criminal justice system.¹⁹

In our society, violence is met with more violence—such as life imprisonment, corporal punishment, and tough-on-crime laws—rather than addressing the root causes of violence.²⁰ A criminal justice system that inflicts more pain and suffering on already vulnerable groups disproportionately harms

¹⁸ Cindy Reed, *Police and Mass Incarceration*, VERA GATEKEEPERS (Aug. 2019),

<https://www.vera.org/downloads/publications/gatekeepers-police-and-mass-incarceration.pdf> [<https://perma.cc/9VKP-GZKV>].

¹⁹ *Id.*

²⁰ *Id.* Mass incarceration disproportionately harms marginalized communities by breaking up families, limiting economic opportunities, and exacerbating cycles of poverty and recidivism. Overcrowded prisons often fail to provide adequate healthcare, education, or rehabilitation, leading to long-term societal costs.

them, rather than rehabilitating them and showing compassion towards them. This has led to a cycle of racial profiling, socioeconomic issues, over-policing, and eventually mass incarceration for multiple minority populations. Overall, there are many contexts that mass incarceration can be found to be a part of.²¹

High amounts of incarceration have continued to be the “norm” in areas that are stricken by poverty. The main reason for mass incarceration is poverty and high crime. Although it is difficult to determine whether poverty increases the likelihood of committing a crime, evidence shows that it increases the likelihood of being arrested, charged with a serious crime, and receiving a longer sentence. Low-income individuals are three times more likely than non-incarcerated adults, and those who earn less than 150 percent of the federal poverty level are 15 times more likely to be charged—which by definition means a longer sentence.²² People who have an income above this threshold are less affected. Between 1999 and 2016, offenders with a college degree were 4.6-7.8% less likely to be convicted than those without a college degree. Since a person's level of education is highly correlated with a person's income, this statistic also shows that people with lower incomes get longer terms.²³

All of this puts the proportion of the prison population living in poverty before arrest at 57% for men and 72% for women, despite a national poverty rate of 11.8%.²⁴ This clearly demonstrates a disproportion in incarceration of individuals experiencing poverty levels. The Brookings Institution found that only 49% of incarcerated men had been employed in the three years prior to their incarceration, and their median annual income was \$6,250; only 13% earned more than \$15,000.²⁵ Other results from the Brookings study show a pattern: not only are these people more likely to be

²¹ *Id.*

²² Tara O'Neill Hayes, *Incarceration and poverty in the U.S.*, AM. ACTION F., <https://www.americanactionforum.org/research/incarceration-and-poverty-in-the-united-states/#ix%2071b%20tJk%20QT%20AAF> (last visited Feb. 27, 2025).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

poor and unemployed, but they are also more likely to grow up in poverty and in neighborhoods with high unemployment.²⁶

Overly punitive measures of law enforcement in general have traditionally been primary causes of mass incarceration. Slave patrols and night watches, which were both conducted to find and punish escaped slaves, are two of the most notable features of early policing.²⁷ Protecting white populations from minority immigrant groups, such as Native Americans and African Americans, was another duty.²⁸ The majority of the time, police were created to assist affluent white people in maintaining control over marginalized communities.²⁹

At the time, slavery was extensively enforced by the police, and the government accepted it as a fully legal and acceptable institution.³⁰ Regrettably, there are still many similarities between traditional and contemporary policing, with the slave patrol serving as a sort of template for many modern police officers and departments. Even after the Civil War, these trends in policing did not end, and in fact, it can be argued that racism got worse during this time period.³¹ Violent crimes against people of color increased, and police began to over-patrol major urban areas since they were mostly inhabited by individuals of African descent.³²

²⁶ *Id.*

²⁷ Victor E. Kappeler, *A Brief History of Slavery and the Origins of American Policing*, ECU ONLINE (Nov. 3, 2021), <https://ekuonline.eku.edu/blog/police-studies/brief-history-slavery-and-origins-american-policing/> [<https://perma.cc/7FV5-MBWW>].

²⁸ *Id.*

²⁹ *Id.*

³⁰ Elijah Appelson, *Policing in America: From Slave Patrols to Mass Incarceration*, COURT WATCH OF DUTCHESS CNTY. (June 5, 2020),

<https://www.courtwatchdutchess.org/blog/2020/6/5/policing-in-america-from-slave-patrols-to-mass-incarceration> [<https://perma.cc/2W52-R5Z6>].

³¹ *Id.*

³² Kappeler, *supra* note 27.

*B. Punitive vs. Restorative Approaches to the U.S.
Legal System*

The American criminal justice system predominantly adheres to a punitive paradigm, characterized by lengthy prison sentences, harsh mandatory minimums, and an often-retributive approach to addressing criminal behavior. This framework has resulted in an incarceration rate unparalleled in the developed world, with approximately two million individuals confined in prisons and jails across the nation.³³ Despite the substantial resources allocated to this system, recidivism rates remain alarmingly high, with roughly two-thirds of released prisoners rearrested within three years, raising profound questions about the efficacy of current approaches.³⁴

The consequences of America's punitive focus extend beyond the direct experience of incarceration.³⁵ Upon release, formerly incarcerated individuals encounter significant barriers to reintegration, including limited access to employment, housing, and educational

³³ Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2025*, PRISON (Mar. 11, 2025),

<https://www.prisonpolicy.org/reports/pie2025.html>

[<https://perma.cc/TJH4-G3KU>] (“The U.S. doesn’t have one criminal legal system; instead, we have thousands of federal, state, local, and tribal systems. Together, these systems hold nearly 2 million people in 1,566 state prisons, 98 federal prisons, 3,116 local jails, 1,277 juvenile correctional facilities, 133 immigration detention facilities, and 80 Indian country jails, as well as in military prisons, civil commitment centers, state psychiatric hospitals, and prisons in the U.S. territories — at a system-wide cost of at least \$182 billion each year.”).

³⁴ *Id.* The complexity of implementing restorative justice programs may also contribute to a lack of understanding of criminology. Restorative justice requires a significant shift in the way justice systems operate, involving training for facilitators, support for participants, and the development of new protocols and procedures. This complexity can make it difficult for people to fully comprehend how restorative justice works in practice.

³⁵ Craig Haney, *From Prison to Home: The Effect of Incarceration and Reentry on Children, Families, and Communities*, in *THE PSYCHOLOGICAL IMPACT OF INCARCERATION: IMPLICATIONS FOR POST-PRISON ADJUSTMENT* (Dec. 2001), <https://aspe.hhs.gov/reports/psychological-impact-incarceration-implications-post-prison-adjustment-0>.

opportunities.³⁶ These obstacles not only perpetuate cycles of disadvantage but also increase the likelihood of reoffending, undermining the purported goal of enhancing public safety. The collateral consequences disproportionately impact marginalized communities, particularly communities of color, further entrenching existing social inequities.³⁷

A shift toward more restorative approaches, informed by principles akin to those found in Jewish teachings, could address many of these shortcomings. Restorative justice practices—including victim-offender mediation, community impact panels, and reparative boards—prioritize accountability to those harmed rather than abstract retribution.³⁸ These approaches have demonstrated promising results in reducing recidivism while better addressing victims' needs for acknowledgment, healing, and closure. Research consistently indicates that restorative approaches increase victim satisfaction with the justice process compared to traditional court proceedings.³⁹

America's criminal justice system stands at a critical juncture, with growing recognition of the limitations and costs—both financial and human—of the current punitive approach. Jewish teachings on justice, with their emphasis on repentance, proportionality, restoration, and communal healing, offer valuable insights for reimagining a system that more effectively reduces harm while honoring the dignity and potential of all involved. By incorporating these principles, the American legal system could move toward a more equitable, effective, and truly just approach to addressing crime and promoting public safety.

C. Consequences of Punitive Practices

Punitive criminal justice practices extend their reach far beyond the courtroom, deeply affecting

³⁶ *Id.*

³⁷ *Id.* (explaining that the discrepancy is due to differential enforcement and sentencing policies).

³⁸ Samuel J. Levine, *Teshuva: A Look at Repentance, Forgiveness and Atonement in Jewish Law and Philosophy and American Legal Thought*, 27 FORDHAM URBAN L. J. 1677 (2000).

³⁹ Sawyer & Wagner, *supra* note 33.

individuals, families, and entire communities. While such measures are often justified as deterrents or necessary retributions, their long-term effects perpetuate cycles of harm and exclusion. One of the most significant consequences of punitive policies is the stigmatization of individuals with criminal records. Those who have served their sentences often face insurmountable barriers to employment, housing, and social reintegration.⁴⁰ This systemic exclusion fuels recidivism, as individuals are left with limited lawful opportunities to rebuild their lives. Rather than deterring crime, punitive policies can entrench individuals into cycles of incarceration and economic instability.⁴¹

Moreover, the impact of punitive justice extends to families, particularly those of incarcerated individuals.⁴² The economic strain of losing a primary earner, coupled with the emotional and psychological toll on children, contributes to intergenerational disadvantages.⁴³ Studies have shown that children of incarcerated parents are more likely to experience financial instability, lower educational attainment, and increased interactions with the criminal justice system themselves.⁴⁴

At the community level, the consequences are equally apparent. Over-policing, harsh sentencing laws, and mass incarceration disproportionately target marginalized communities, exacerbating existing racial and socioeconomic disparities.⁴⁵ The erosion of trust between law enforcement and the communities they police further weakens public safety, as residents become less willing to cooperate with authorities due to perceived systemic injustices.⁴⁶

⁴⁰ *The Impact of Punitive Criminal Justice Practices: An In-Depth Analysis*, ABOGADOS GOLD, <https://abogadosgold.com/justice/punitive-criminal-justice/> [<https://perma.cc/3ULB-8LA4>] (last visited Mar. 9, 2026).

⁴¹ *Id.* “Punitive measures in the criminal justice system are intended to punish offenders for their crimes. This can include incarceration, fines, community service, or other penalties.”

⁴² *Id.*

⁴³ Haney, *supra* note 35.

⁴⁴ *Id.*

⁴⁵ Sawyer & Wagner, *supra* note 33.

⁴⁶ *Id.*

While the intent behind punitive practices may be to uphold justice and prevent crime, their actual effects raise important concerns about fairness and effectiveness. A justice system that prioritizes rehabilitation alongside accountability would not only serve individuals better but also promote long-term societal well-being. As discussions around criminal justice reform continue, a critical reevaluation of these punitive measures is essential to break the cycles of harm they perpetuate.

D. Jewish Perspective on Punishment and Rehabilitation

Jewish legal and ethical principles offer a compelling alternative framework through which to reimagine our conception of justice.⁴⁷ Central to Jewish thought is the concept of *teshuvah*, which emphasizes the acknowledgment of wrongdoing followed by meaningful behavioral change and restitution.⁴⁸ Unlike the American system's often singular focus on punishment, *teshuvah* recognizes the transformative potential inherent in every person and establishes pathways for rehabilitation and reintegration.⁴⁹ This principle acknowledges human fallibility while simultaneously affirming the capacity for growth and redemption.⁵⁰

The concept of *Tzedek Tzedek Tirdof* in Jewish tradition extends beyond mere retribution to encompass the restoration of right relationships within the community. While contemporary American jurisprudence frequently isolates the offender through incarceration—often severing family and community ties—Jewish approaches emphasize the importance of maintaining these connections as essential to both

⁴⁷ These concepts will be explored in more detail *infra*.

⁴⁸ Rabbi Shalom D. Lipskar, *Issues in Jewish Ethics: A Torah Perspective on Incarceration as a Modality of Punishment and Rehabilitation*, JEWISH VIRTUAL LIBRARY, <https://www.jewishvirtuallibrary.org/a-torah-perspective-on-incarceration-as-a-modality-of-punishment-and-rehabilitation> [https://perma.cc/9NB4-HGK6] (last visited Mar. 3, 2025).

⁴⁹ *Id.*

⁵⁰ *Id.*

accountability and healing.⁵¹ The Jewish principle of proportionality further contrasts with America's often disproportionate sentencing practices, particularly regarding non-violent offenses, where mandatory minimums frequently result in sentences incommensurate with the harm caused.⁵²

III. TESHUVA: THE RETURN TO MORAL INTEGRITY

Repentance, or *teshuvah*, occupies a central role in Jewish religious and ethical thought.⁵³ It is seen not just as an individual spiritual process, but as a profound societal mechanism that aims to reconcile individuals with both God and their community.⁵⁴ In Jewish law, *teshuvah* is more than an act of personal reflection—it is about acknowledging harm, taking responsibility for one's actions, and ultimately transforming oneself in a way that benefits the broader society.⁵⁵

A. The Concept of Teshuvah in Jewish Tradition

The term *teshuvah*, derived from the Hebrew root *shuv* (to return), embodies a broader theological and

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Yom Kippur: Teshuvah, or Repentance*, THE HIGH HOLIDAYS PROVIDE A SPECIAL OPPORTUNITY TO REPENT, <https://www.myjewishlearning.com/article/repentance/> [https://perma.cc/P3KN-ZWSY] (last visited Dec. 4, 2024).

⁵⁴ *Id.* Teshuvah can be performed at any time, but the High Holiday period, particularly Yom Kippur, is regarded as an especially favorable time for it. Maimonides outlines the process of repentance in three steps: confession, remorse, and a commitment to avoid repeating the offense. According to Maimonides, the genuine penitent is one who, when given the chance to commit the same sin again, chooses not to do so. Additionally, prayer, charity, and fasting are believed to aid in securing forgiveness.

⁵⁵ *Id.* There are two categories of sin in Jewish thought: 1) sins against God: ritual infractions, such as breaking the Sabbath or eating non-kosher food and 2) sins against other people: acts such as theft or slander.

ethical idea of returning to a state of moral integrity.⁵⁶ It is a concept that transcends mere apology; it is an active process of restoration, both personally and communally.⁵⁷ Jewish tradition teaches that *teshuvah* is the means by which one can atone for transgressions, not only in the eyes of God but also in the eyes of fellow human beings.⁵⁸ The *teshuvah* process is multifaceted, and its principles hold great relevance for understanding how criminal justice systems can transition from retribution to restoration.⁵⁹ Jewish law posits that repentance involves four key stages:⁶⁰ regret (*charata*), confession (*vidui*), resolution (*kabbalah al ha'atid*), and abandonment (*aziva*).⁶¹ These stages reflect a deepening acknowledgment of wrongdoing, the moral courage to admit fault, and the concrete steps taken to amend one's actions.⁶² The steps outlined below cannot work unless forgiveness is actually granted.

⁵⁶ Mendel Kalmenson & Zalman Abraham, *Repentance: Teshuvah* (תשובה), CHABAD.ORG, https://www.chabad.org/library/article_cdo/aid/5808387/jewish/Repentance-Teshuvah.htm.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ The steps outlined above are applicable only for sins committed against G-d. For sins committed against other people, one must first seek forgiveness from the person harmed before G-d will accept their repentance. This is the reason many Jews reach out to their family, friends, and colleagues during this period to ask for forgiveness for any actions that may have upset them in the past year(s). These four steps are only valid when repentance (Teshuvah) is done *after* the fact. It is not sufficient to say in advance, "I will commit this sin, and later I will repent, and G-d will forgive me." This approach is not acceptable, unlike in some other belief systems. See generally OU Staff, *The Four Steps of Repentance*, https://www.ou.org/holidays/the_four_steps_of_repentance/ [https://perma.cc/396E-JEXY].

⁶¹ Rabbi Yehudah Prero, *Teshuva- Four Steps to Greatness*, TORAH.ORG, <https://torah.org/learning/yomtov-yomkippur-yksurvival2/> [https://perma.cc/U9A8-9Y4Y] (last visited Dec. 4, 2024). The order of these stages vary.

⁶² *Id.*

1. Stage 1: Regret (Chatara)

The first stage of *teshuvah* is regret, which involves acknowledging the wrong committed and experiencing remorse for it.⁶³ Regret is not merely an emotional response but a deep recognition that one's actions have caused harm, whether to individuals or to society.⁶⁴ In the context of criminal law, this stage is often reflected in the offender's recognition of the pain caused to the victim(s) and the community.⁶⁵ Without true remorse, any subsequent repentance would lack sincerity, and true rehabilitation would be impossible.

2. Stage 2: Confession (Vidui)

The next stage, confession (Vidui)⁶⁶, involves publicly admitting to the wrongdoing and articulating the harm caused.⁶⁷ In Jewish tradition, confession is not just between the individual and God, but also with those harmed by the offense.⁶⁸ This reflects an understanding that accountability to others is key to true repentance.⁶⁹ For the criminal justice system, this parallels the practice of offenders admitting their crimes, either in court or through other restorative justice practices, and acknowledging the impact their actions have had on victims and the community at large.⁷⁰

⁶³ OU Staff, *supra* note 60.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Confessing one's wrongdoings is often one of the most challenging aspects of Teshuvah (repentance). This step, known as Vidui, requires the individual to openly acknowledge their sins before G-d, and sometimes before others, depending on the nature of the offense. The difficulty lies not only in admitting the wrongs to oneself but also in confronting the emotional burden of guilt and shame that often accompanies past mistakes.

⁶⁷ See generally Deuteronomy 16:20 (demonstrating how the Torah emphasizes the pursuit of justice in all aspects of governance and legal administration).

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

3. Stage 3: Resolution (*Kabbalah al ha'atid*)

After recognizing the harm and confessing it, the individual must resolve not to repeat the offense in the future.⁷¹ This stage focuses on the idea of personal transformation—moving beyond a simple avoidance of future wrongdoings to an active commitment to change.⁷² In the criminal justice system, this is reflected in rehabilitation efforts that seek to address the root causes of criminal behavior, such as substance abuse, mental health issues, or lack of education.

4. Stage 4: Abandonment (*Aziva*)

Abandonment (*Aziva*) is considered the fourth step in the process of Teshuvah.⁷³ This step involves completely abandoning the sinful behavior and committing not to repeat it in the future.⁷⁴ It is not enough to feel remorse or make verbal declarations of regret; true repentance requires a genuine, internal shift where the individual resolves to forsake the sin entirely.⁷⁵

The concept of *Aziva* reflects a deep transformation, where the individual not only expresses regret for their past actions but also actively renounces them.⁷⁶ This abandonment is essential for the repentance process to be complete, as it shows a true desire to return to a state of spiritual purity and alignment with G-d's will.⁷⁷ Without *Aziva*, the other steps—recognizing the sin, feeling remorse, and making a verbal confession—would be incomplete, as the individual would not have fully removed themselves from the sinful behavior.⁷⁸ In a broader sense, *Aziva* symbolizes a return to integrity and holiness.⁷⁹ It is not about merely avoiding the sin temporarily, but about

⁷¹ *Id.*

⁷² *Id.*

⁷³ Prero, *supra* note 61.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

making a lasting change in one's behavior and mindset.⁸⁰ True repentance requires a commitment to change and an effort to live a better, more righteous life, free from the influence of past mistakes.⁸¹

B. Teshuvah and the United States Legal System

Jewish teachings on *teshuvah* emphasize the possibility of rehabilitation and the moral imperative to repair harm, not just punish wrongdoers. While modern legal systems, particularly in the United States, have traditionally focused on punitive measures, *teshuvah* offers an alternative model that emphasizes rehabilitation, accountability, and community healing.⁸² Rather than focusing solely on punishment, Jewish thought calls for justice that restores the individual to a state of moral wholeness and reintegration into society.⁸³

The connection between *teshuvah* and modern restorative justice practices is particularly striking. Restorative justice focuses on repairing harm rather than solely on punishing offenders.⁸⁴ It engages both victims and offenders in dialogue, encourages offenders to take responsibility for their actions, and seeks to address the root causes of criminal behavior.⁸⁵ Similarly, *teshuvah* emphasizes personal accountability, public confession, and making reparations.⁸⁶ In both systems, the goal is not merely to punish, but to reintegrate individuals into society as productive, responsible members.⁸⁷

In practice, this would mean a shift away from mass incarceration, long prison sentences, and punitive measures such as solitary confinement, which often exacerbate the issues of recidivism and social alienation.⁸⁸ Instead, a legal system informed by *teshuvah* prioritizes programs that encourage self-

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Supra* note 53.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ Levine, *supra* note 38, at 1677.

⁸⁸ *Id.*

reflection, rehabilitation, and healing for both offenders and victims.⁸⁹ For instance, restorative justice circles, victim-offender dialogues, and community service could be integrated into sentencing practices, allowing offenders to actively engage in the healing process.⁹⁰

Moreover, Jewish law acknowledges that justice must be pursued not for its own sake, but for the greater good of society and to promote the restoration of moral order. The concept of *tzedek tzedek tirdof* (justice, justice you shall pursue) underscores the idea that true justice is not about vengeance but about creating a system that leads to genuine healing and reconciliation. This principle suggests that legal systems should not simply focus on retribution but aim to restore balance, address social harms, and prevent future wrongdoing. Therefore, integrating the principles of *teshuvah* into criminal justice would require an examination of how the law can balance accountability with the possibility of human transformation.

C. Summary of Practical Applications of Teshuvah in Criminal Justice

The potential for integrating *teshuvah* into criminal justice reform is vast. At the heart of *teshuvah* is the belief in human agency and the capacity for

⁸⁹ *Id.*

⁹⁰ Restorative justice practices, including restorative circles, victim-offender dialogues, and community service, focus on repairing harm by facilitating direct communication between victims, offenders, and the community. Restorative circles provide a structured space for dialogue, allowing all parties to discuss the impact of a crime and agree on steps toward healing. Victim-offender dialogues offer victims an opportunity to express their experiences and ask questions, while offenders take responsibility for their actions. Restorative community service is designed to make amends in meaningful ways, such as repairing damaged property or assisting affected communities. Studies show that these practices reduce recidivism and improve victim satisfaction. Jeff Latimer, Craig Dowden & Danielle Muise, *The Effectiveness of Restorative Justice Practices: A Meta-Analysis*, 85 THE PRISON J. 129-30 (June 2005). See also *Victim Offender Mediation: A National Perspective*, Office for Victims of Crime, https://ovc.ojp.gov/sites/g/files/xyckuh226/files/pubs/OVC_Archives/reports/96517-gdlines_victims_sens/guide4.html.

change.⁹¹ By shifting the focus of criminal law from punishment to rehabilitation and reintegration, the legal system could offer offenders an opportunity for redemption. Jewish teachings, through *teshuvah*, emphasize that individuals are capable of change if they take responsibility for their actions, make amends, and commit to moral and ethical transformation.⁹² In the modern context, this could translate into rehabilitative justice systems that foster accountability and offer pathways to reintegration rather than solely isolating individuals from society.

One concrete example of the integration of *teshuvah* could be the implementation of restorative justice programs, which offer offenders the chance to meet with victims, express remorse, and understand the impact of their actions.⁹³ This process allows offenders to take ownership of their behavior, encourages victim healing, and creates opportunities for both parties to work together toward resolution. The offender's participation in restorative justice aligns with the *teshuvah* concept of confession and restitution, ensuring that individuals can begin their path toward redemption by acknowledging their wrongdoings and making reparations.

Further, rehabilitation programs in the criminal justice system could be modeled after the *teshuvah* principles. For example, prison programs that focus on education, vocational training, addiction recovery, and mental health support align with the *kabbalah al ha'atid* stage of *teshuvah*, where the offender is asked to make a commitment to change and avoid reoffending.⁹⁴ This holistic approach to rehabilitation could address the root causes of criminal behavior, whether they are economic, psychological, or social, and would provide offenders with the tools they need to reintegrate into society successfully.⁹⁵

⁹¹ David R. Blumenthal, *Soul Repair: A Jewish View – Part 2*, CANOPY FORUM (Apr. 22, 2020), <https://canopyforum.org/2020/04/22/soul-repair-a-jewish-view-part-2/> [https://perma.cc/9MRD-TX2T].

⁹² *Id.*

⁹³ *Id.*

⁹⁴ OU Staff, *supra* note 60.

⁹⁵ *Id.*

Lastly, *teshuvah* suggests that justice is not only about individual accountability but also about healing the larger community.⁹⁶ In a legal context, this could mean exploring alternative sentencing options that encourage offenders to make reparations, not just in the form of fines, but also through community service or participation in restorative justice programs. By promoting the idea of community restoration, the legal system could foster a greater sense of social responsibility, reducing the likelihood of reoffending and increasing community trust in the justice system.

IV. “JUSTICE YOU SHALL PURSUE”: TZEDEK TZEDEK TIRDOF

The concept of tzedek tzedek tirdof — “Justice, justice you shall pursue” — is one of the most profound and central ideas in Jewish law, found in Parshah Re’eh and Shoftim.⁹⁷ This commandment, which is often translated as “Justice, justice, shall you pursue,” is foundational in the ethical and legal teachings of Judaism, and its implications extend beyond the individual to the community and society as a whole.⁹⁸

Tzedek tzedek tirdof is a timeless ethical mandate that calls on Jews and all people to pursue justice in all its forms — judicial, moral, and societal.⁹⁹ It is not only about ensuring that laws are applied correctly but also about fostering a legal and social environment where all individuals are treated with dignity, and where the community is committed to healing, restoration, and fairness.¹⁰⁰ Tzedek tzedek tirdof provides a moral compass for navigating the complexities of legal and societal issues, encouraging both personal responsibility and collective action toward a more just and equitable world.¹⁰¹

⁹⁶ Blumenthal, *supra* note 91.

⁹⁷ *Supra* note 67.

⁹⁸ Rabbi Jonothan Kligler, *Divrei Torah: Justice, Justice*, RECONSTRUCTING JUDAISM (Aug. 17, 2017),

<https://www.reconstructingjudaism.org/dvar-torah/justice-justice/>.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

A. Repetition and Emphasis

The repetition of the term *tzedek* in this verse highlights a multifaceted approach to justice.¹⁰² Jewish thought teaches that this is not a mere call for the outcome of justice but for a process that is just, equitable, and transparent.¹⁰³ *Tzedek, Tzedek Tirdof* insists that justice should not be arbitrary or partial but should consistently uphold fairness and moral righteousness, reflecting the divine will.¹⁰⁴ By stating "justice, justice," the Torah signifies that one must pursue justice with the same diligence and care at every stage of its implementation, from the initial judgment to its ultimate outcome.¹⁰⁵

B. Justice and Moral Integrity

The Torah's call for justice, *Tzedek, Tzedek Tirdof*, is inextricably linked with the moral and ethical dimensions of justice.¹⁰⁶ The repetition of the term "justice" emphasizes that Jewish justice is not simply about enforcing laws or administering punishment; it is about doing so in a way that reflects deep moral values and ethical principles.¹⁰⁷

¹⁰² Prero, *supra* note 61.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ See generally *Torah and Social Justice: The Work of Uri L'Tzedek*, Jewish Ideas, <https://www.jewishideas.org/article/torah-and-social-justice-work-uri-ltzedek> [<https://perma.cc/RW6N-WT3H>] (last visited [Month Day, Year]) (discussing how principles of social justice are seen throughout the Torah).

¹⁰⁷ *Id.*

In Jewish law, there is a distinction between mishpat¹⁰⁸ and tzedakah¹⁰⁹, and it is understood that justice must be tempered with kindness and compassion. For example, in Pirkei Avot¹¹⁰, it is taught that “the world stands on three things: on Torah, on service to God, and on acts of lovingkindness.”¹¹¹ This highlights the ethical principle that justice, as a divine command, must also reflect the values of mercy and compassion.¹¹²

Additionally, the Torah commands that justice be pursued in such a way that it is both fair and seen to be fair by the community.¹¹³ In the Mishnah Sanhedrin, it is stated that “justice must not only be done but must be seen to be done.”¹¹⁴ This reflects the Jewish ethical understanding that justice is not only about legal outcomes but about ensuring that the processes of justice are transparent, equitable, and rooted in ethical behavior. For this reason, Jewish law requires judges to display a high level of moral character, and it prohibits

¹⁰⁸ This means “judgement” in Hebrew. See generally Abraham Joshua Heschel, *The Prophets* (New York: Harper Perennial Modern Classics, 2001) p. 200-201, SEFARIA LIBRARY (Nov. 5, 2009), <https://www.sefaria.org/sheets/114348.1?lang=bi> [<https://perma.cc/S723-6PK2>] (“[T]wo key terms [in Judaism] are Tzedakah (tzedek- justice) and mishpat (judgement). The word mishpat means the judgment given by the shofet (judge); hence the word can mean justice, norm, ordinance, legal right, law. The word tzedakah may be rendered by ‘righteousness.’ While legality and righteousness are not identical, they must always coincide, the second being reflected in the first.”).

¹⁰⁹ Tzedakah may be translated to “righteousness” or charity”.

¹¹⁰ Pirkei Avot, (literally, “Chapters of the Fathers”) is a tractate of the *Mishnah*, part of the *Talmud*, that focuses on ethical teachings from the Jewish sages. It is a collection of sayings that provides guidance on personal conduct, moral integrity, and the development of virtues such as humility, patience, and justice. Traditionally studied in Jewish communities, *Pirkei Avot* is considered a foundational text for Jewish ethics, offering wisdom that applies not only to religious observance but to everyday interactions and the broader aspects of communal life. The work emphasizes the importance of learning, character-building, and social responsibility.

¹¹¹ Pirkei Avot 1:2, at ¶ 3. See https://www.sefaria.org/Pirkei_Avot.1.2?lang=bi [<https://perma.cc/8CP9-BXWX>].

¹¹² *Id.*

¹¹³ Yehudah HaNasi, Mishnah Sanhedrin 4:5.

¹¹⁴ *Id.*

certain actions, such as accepting bribes or showing favoritism, that could compromise the fairness of their rulings. Thus, Jewish justice is deeply ethical, focusing not only on what is lawful but also on what is right and just in the eyes of God and the community.

C. Restorative Justice

While the Torah clearly emphasizes the need for justice, it also underscores the importance of reconciliation and restoration throughout the pursuit of justice.¹¹⁵ Jewish teachings provide a framework in which justice goes beyond retribution and punishment, focusing instead on healing and the restoration of relationships between offenders, victims, and the community.

The concept of *Teshuvah*, or repentance, is a key Jewish practice closely linked to *Tzedek, Tzedek Tirdof*. *Teshuvah* is a process through which a person who has wronged another seeks forgiveness by acknowledging their wrongdoing, expressing remorse, and making amends.¹¹⁶ This practice reflects the idea that the pursuit of justice is not about inflicting pain or retribution but about allowing space for transformation and healing.¹¹⁷ By facilitating reconciliation, both between the wrongdoer and the victim and within the broader community, the Jewish tradition emphasizes that justice is truly restorative, rather than merely punitive.

In the Jewish view, true justice is achieved when the damage caused by wrongdoing is addressed in a way that fosters mutual respect, understanding, and healing.¹¹⁸ This process encourages individuals to take responsibility for their actions, work towards personal growth, and restore harmony within the community.

D. Social Justice and Community Responsibility

The imperative of *Tzedek, Tzedek Tirdof* is not just about individual justice but serves as a call for

¹¹⁵ Levine, *supra* note 38, at 1681.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

social justice on a broader level.¹¹⁹ The Torah's commitment to justice extends beyond personal disputes and legal matters to the broader societal obligation to care for the most vulnerable members of the community.¹²⁰ In Jewish tradition, justice includes addressing systemic inequalities and ensuring that every member of the community, regardless of social status, is treated with fairness and dignity.¹²¹

The prophets of Israel frequently emphasized this broader understanding of justice, calling on the people of Israel to act justly, particularly toward the poor, the widows, orphans, and strangers—those who might be most vulnerable to exploitation and injustice.¹²² For instance, the prophet Amos famously declared, “[l]et justice roll down like waters, and righteousness like an ever-flowing stream,” a powerful image of justice that is both pervasive and transformative.¹²³

In this sense, *Tzedek, Tzedek Tirdof* extends beyond legal codes and individual cases. It calls for the creation of a society where justice is the foundation of all relationships, where fairness governs all interactions, and where the community actively works to uplift the oppressed and remedy social injustices. It is a call to foster a just society that reflects the divine will for equity, compassion, and shared responsibility.

E. Impartiality and Fairness

An essential element of *tzedek tzedek tirdof* is the idea that justice must be pursued impartially.¹²⁴ This has profound implications for the way the legal

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² Amos 5:24 (discussing Jewish pilgrimage festivals). When analyzing the words of Amos, one may see that G-d is angry at the suffering of the poor and marginalized, and that He is unwilling to accept offerings given at the major festivals of the year. Rather, G-d wants justice and righteousness for the people as a whole.

¹²³ *Id.*

¹²⁴ Rabbi Jonothan Sacks, *Tzedek: Justice and Compassion*, CHABAD.ORG, https://www.chabad.org/parshah/article_cdo/aid/2269078/jewish/Tzedek-Justice-and-Compassion.htm.

system should function, as it demands that all individuals, regardless of their social standing or background, be treated equally before the law. The Torah warns against biases in the justice system, stressing that judges must not show favoritism or be influenced by external factors, such as wealth or power.¹²⁵ This directive is grounded in the belief that true justice can only exist when all individuals are treated with dignity and fairness.¹²⁶

V. THE POTENTIAL FOR INTEGRATING JEWISH ETHICAL PRINCIPLES INTO MODERN LEGAL PRACTICES

Jewish tradition offers a compelling alternative to the adversarial approach of modern legal systems, emphasizing restoration, reconciliation, and communal healing over retribution.

A. Restorative Justice

The concept of restorative justice represents a paradigm shift from retributive approaches toward a model focused on healing relationships damaged by criminal behavior. As Howard Zehr, a well-renowned criminologist explains, restorative justice views crime primarily as "a violation of people and relationships" rather than merely a violation of law.¹²⁷ This perspective aligns remarkably with Jewish principles of justice, particularly the concept of *teshuvah*. Restorative justice practices—including victim-offender dialogues, community circles, and reparative agreements—create structured opportunities for offenders to acknowledge harm, express genuine remorse, make amends, and commit to behavioral change.¹²⁸ These elements mirror the process of *teshuvah* (often translated as "repentance" or "return") described in Jewish tradition.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ HOWARD ZEHR, CHANGING LENSES: A NEW FOCUS FOR CRIME AND JUSTICE 181 (Herald Press 1990).

¹²⁸ MARK UMBREIT AND MARILYN PETERSON ARMOUR, RESTORATIVE JUSTICE DIALOGUE: AN ESSENTIAL GUIDE FOR RESEARCH AND PRACTICE 42-65 (Springer 2010).

As Maimonides articulated in the 12th century, true *teshuvah* involves recognition of wrongdoing, verbal confession, sincere remorse, and changed behavior when confronted with similar circumstances.¹²⁹

The alignment between restorative justice and *teshuvah* extends beyond procedural similarities to shared underlying values. Both emphasize the inherent dignity and capacity for change within every person, even those who have committed serious offenses. As Marshall observes, restorative justice "starts from a belief in the possibility of transformation—transformation of perspective, of relationship, and of aspiration."¹³⁰ Similarly, Rabbi Jonathan Sacks notes that *teshuvah* represents "the idea that human beings are free and can change . . . that the past does not inevitably determine our future."¹³¹

Furthermore, both frameworks recognize the importance of community involvement in the justice process. Braithwaite argues that "communities are building blocks of restorative justice in a way that they can never be for retributive justice."¹³² This community dimension parallels the Jewish understanding that while *teshuvah* begins as an individual process, it is completed within the community. As Elliot Dorff explains, the communal element is essential, for Judaism understands the human being as fundamentally social.¹³³ He emphasizes that Jewish principals can teach people what they should strive to

¹²⁹ *Mishneh Torah*, Laws of Repentance 2:1-2 ("[Who has reached] complete Teshuvah? A person who confronts the same situation in which he sinned when he has the potential to commit [the sin again], and, nevertheless, abstains and does not commit it because of his Teshuvah alone and not because of fear or a lack of strength.").

¹³⁰ CHRISTOPHER MARSHALL, BEYOND RETRIBUTION: A NEW TESTAMENT VISION FOR JUSTICE, CRIME, AND PUNISHMENT 53 (Eerdmans 2001).

¹³¹ RABBI JONATHAN SACKS, THE DIGNITY OF DIFFERENCE: HOW TO AVOID THE CLASH OF CIVILIZATIONS 192 (Continuum 2002).

¹³² JOHN BRAITHWAITE, RESTORATIVE JUSTICE AND A BETTER FUTURE 9-32, 76 (1st ed. 1996).

¹³³ ELLIOT N. DORFF, LOVE YOUR NEIGHBOR AND YOURSELF: A JEWISH APPROACH TO MODERN PERSONAL ETHICS 159 (Jewish Publication Society 2003).

be, both on the individual level and the community level.¹³⁴

Incorporating Jewish principles of *teshuvah* into restorative justice practices would enhance both frameworks. The Jewish emphasis on *tikkun* (making concrete amends) would strengthen restorative justice's focus on repair, while the structured practices of restorative justice would provide practical mechanisms for implementing *teshuvah*. As David Lerman observes, Jewish tradition offers a theological foundation for restorative practices, while restorative justice provides a practical methodology for implementing the values embedded in Jewish conceptions of justice.¹³⁵

Perhaps most significantly, both restorative justice and Jewish principles reject deterministic views of human behavior and affirm the possibility of genuine change. As Umbreit notes, restorative justice is grounded in "a belief in the human capacity to grow and change."¹³⁶ Similarly, Heschel describes *teshuvah* as "an answer to the question: Can man change? Is man capable of transforming himself?"¹³⁷ The affirmative answer to these questions forms the foundation for a justice system that prioritizes transformation over punishment.

¹³⁴ *Id.*

¹³⁵ David Lerman, *Restorative Justice and Jewish Law*, RESTORATIVE JUST. EXCH. (June 4, 2015), <https://restorativejustice.org/rj-archive/restorative-justice-and-jewish-law/> [<https://perma.cc/TWA7-HFA5>] ("Our traditional texts reveal that our forebears understood a justice system which looks remarkably like today's restorative justice. Judaism requires a person to have some commitment to fellow humans. That commitment must be in terms of justice. But justice is not a passive principle calling upon us to do no harm to anyone. Nor is it to be activated only when one's own welfare is at stake. Justice is a positive principle requiring an active allegiance for its own sake: 'Seek peace and pursue it (Psalms 34:15).').").

¹³⁶ MARK UMBREIT, *FACING VIOLENCE: THE PATH OF RESTORATIVE JUSTICE AND DIALOGUE* 29 (Criminal Justice Press 2003) (internet archive version).

¹³⁷ ABRAHAM JOSHUA HESCHEL, *GOD IN SEARCH OF MAN: A PHILOSOPHY OF JUDAISM* 369 (Farrar, Straus & Giroux 1955) (internet archive version).

B. Jewish Restorative Practices

Jewish tradition offers a compelling alternative to the adversarial approach of modern legal systems, emphasizing restoration, reconciliation, and communal healing over retribution. Central to Jewish ethics is the concept of teshuvah (repentance), requiring wrongdoers to acknowledge harm, express genuine remorse, and make concrete changes, as outlined by Maimonides.¹³⁸ Unlike the winner-takes-all adversarial court system in the U.S., traditional Jewish law encourages p'sharah (compromise) over strict din (judgment), with the Talmud warning that court's ruling solely by strict law brings destruction.¹³⁹

The Jewish approach prioritizes direct reconciliation between parties—teaching that even Yom Kippur cannot atone for interpersonal wrongs until the wrongdoer has sought forgiveness from the person harmed¹⁴⁰ and emphasizes communal responsibility in both supporting victims and reintegrating offenders.¹⁴¹ As Rabbi Jonathan Sacks noted, “[i]n Judaism, justice is not just about punishment but about healing relationships and restoring social harmony”, an approach that finds expression in contemporary restorative justice movements.¹⁴²

C. Diversionary Programs in Court

The United States criminal justice system has increasingly embraced diversionary programs as alternatives to traditional incarceration. These specialized court programs—including drug courts, mental health courts, veteran's courts, and juvenile diversion initiatives—represent a significant shift in approach, focusing on rehabilitation rather than

¹³⁸ Maimonides, *Mishneh Torah*, Hilchot Teshuvah 2:1-9.

¹³⁹ See generally Bava Metziah 30b (discussing civil matters such as property law and usury, the second of a series of three Talmudic tractates in Seder Nezikin (“Order of Damages”).

¹⁴⁰ *Mishnah Yoma* 8:9.

¹⁴¹ Shavuot 39a. This is also referred to as “areivut.”

¹⁴² RABBI JONATHAN SACKS, *TO HEAL A FRACTURED WORLD, THE ETHICS OF RESPONSIBILITY* (2005) (internet archive version).

punishment for eligible offenders.¹⁴³ According to the National Drug Court Resource Center, there are currently over 4,000 treatment courts operating across the United States, including over 1,700 adult drug courts.¹⁴⁴

Drug courts provide substance abuse treatment and intensive supervision for non-violent offenders with substance use disorders. Mitchell et al. conducted a comprehensive meta-analysis published in the *Journal of Criminal Justice* that examined 154 independent evaluations of drug courts.¹⁴⁵ Their findings demonstrated that drug courts significantly reduce recidivism compared to traditional criminal justice processing, with an average reduction in recidivism rates of approximately 12%.¹⁴⁶ The Government Accountability Office similarly found that drug court participants were less likely to reoffend than comparable individuals processed through traditional courts, with recidivism reductions ranging from 6 to 26 percentage points.¹⁴⁷

Mental health courts address the needs of individuals with mental illness by connecting participants with community-based treatment while providing court supervision.¹⁴⁸ In their study published in *Archives of General Psychiatry*, Henry Steadman and his peers examined 447 people in four jurisdictions and found that mental health court participants had a lower rate of any new arrests (49%) compared to similar

¹⁴³ *National Drug Court Resource Center*, AMERICAN UNIV. JUST. PROGRAMS OFFICE (Dec. 7, 2021),

<https://www.american.edu/spa/justice-initiatives/initiatives/national-drug-court-resource-center.cfm>.

¹⁴⁴ *Id.*

¹⁴⁵ Ojmarrh Mitchell et al., *Assessing the effectiveness of drug courts on recidivism: A meta-analytic review of traditional and non-traditional drug courts*, 40 J. OF CRIM. JUST. 60, 60-71 (2012).

¹⁴⁶ *Id.*

¹⁴⁷ *Adult drug courts: Studies show courts reduce recidivism, but DOJ could enhance future performance measure revision efforts*, GAO REP. TO CONG. COMMITTEES (Dec. 2011), <https://www.gao.gov/assets/gao-12-53.pdf> [<https://perma.cc/67MA-38JC>]

¹⁴⁸ Henry J. Steadman, Allison Redlich & Lisa Callahan, *Effect of Mental Health Courts on Arrests and Jail Days: A Multisite Study*, 68 ARCHIVES GEN. PSYCHIATRY VOL. 2, 167-72 (2011).

offenders in traditional courts (58%).¹⁴⁹ Additionally, a meta-analysis of twenty-nine articles examining the effectiveness of mental health courts found significant reductions in recidivism among participants compared to those processed through traditional courts.¹⁵⁰

Veterans' treatment courts serve former military personnel involved in the justice system, particularly those struggling with issues related to their service. In a 2018 study published in *Psychiatric Services*, researchers analyzed data from 8,088 veterans in the Veterans Justice Outreach program and found that those who participated in veterans' treatment courts showed greater improvements in housing and mental health outcomes compared to veterans who went through traditional courts.¹⁵¹ A previous study in 2015 with seven veterans treatment courts, found that program participants experienced improved PTSD symptoms and reduced substance use.¹⁵²

Despite proven success, diversionary programs face several significant challenges.¹⁵³ Many jurisdictions struggle with inadequate funding for comprehensive services. In a report for the Bureau of Justice Assistance, researchers identified sustainable funding as a primary barrier to problem-solving court expansion.¹⁵⁴ There are still questions about who qualifies for diversion, with critics arguing that strict eligibility requirements may exclude those most in need of services or perpetuate racial disparities. An analysis published in *Race and Justice*, found that Black and

¹⁴⁹ *Id.*

¹⁵⁰ Kelli Canada et al., *Bridging mental health and criminal justice systems: A systematic review of the impact of mental health courts on individuals and communities*, 25 J. OF PSYCH., PUB. POL'Y, AND L. 73, 73-74 (2019).

¹⁵¹ Tsai, Finlay, Flatley, Kaspro, & Clark, *A national study of Veterans Treatment Courts: Who Benefits and Who Recidivates*, 45 ADMIN. & POL'Y MENTAL HEALTH SERVS. RSCH. 236, 239 (2018).

¹⁵² J.M. Baldwin, *Executive summary: National Survey of Veterans Treatment Courts*, J. OF CRIM. JUST. 45, 121-23 (2015).

¹⁵³ Donald J. Farole, Jr., et al., *Problem-Solving and the American Bench: A National Survey of Trial Court Judges*, CTR. FOR COURT INNOVATION (FEB. 2008), https://www.innovatingjustice.org/wp-content/uploads/2008/02/natl_judges_survey.pdf [<https://perma.cc/Q6TJ-F6ZS>].

¹⁵⁴ *Id.*

Hispanic defendants had less access to diversionary programs compared to similarly situated white defendants.¹⁵⁵

Some scholars express concern that diversionary programs may actually expand the reach of the criminal justice system by bringing individuals under court supervision who might otherwise have received less restrictive interventions.¹⁵⁶ This "net-widening" effect was examined in a report for the National Center on Addiction and Substance Abuse, which cautioned that without careful implementation, diversion programs could inadvertently increase the number of people under criminal justice supervision.¹⁵⁷

Recent innovations in diversionary approaches include pre-arrest diversion programs that intercept individuals before formal charges are filed. An evaluation of Seattle's Law Enforcement Assisted Diversion (LEAD) program found that participants were 58% less likely to be arrested after enrollment compared to similar individuals processed through traditional methods.¹⁵⁸ Additionally, participants were significantly more likely to obtain housing and employment. Trauma-informed approaches have also gained prominence, with the Substance Abuse and Mental Health Services Administration (SAMHSA)

¹⁵⁵ Traci Schlesinger, *Racial Disparities in Pretrial Diversion: An Analysis of Outcomes Among Men Charged with Felonies and Processed in State Courts*, 3 J. OF RACE & JUST. 210 (2013).

¹⁵⁶ See generally Steven Belenko, Ph.D., *Research on Drug Courts: A Critical Review*, 1 NAT'L DRUG COURT INSTITUTE REVIEW 1, 1-42 (1998) ("It was found that drug courts provided closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program than other forms of community supervision.").

¹⁵⁷ *Id.*

¹⁵⁸ S. Collins E. et al., *Seattle's Law Enforcement Assisted Diversion (LEAD): Program Effects on Criminal Justice and Legal System Utilization and Costs*, 15 J. EXPERIMENTAL CRIMINOLOGY 201 (2019).

providing guidance for implementing trauma-informed practices in treatment courts.¹⁵⁹

Based on current research, several recommendations emerge for strengthening diversionary programs. Access should be expanded by broadening eligibility criteria while ensuring appropriate screening and assessment tools are in place.¹⁶⁰ The Center for Court Innovation emphasizes the importance of using validated risk and needs assessments to guide eligibility decisions without perpetuating existing disparities.¹⁶¹ Evidence-based standards for drug courts have also been established, emphasizing the importance of target population identification, equity and inclusion, and appropriate use of incentives and sanctions.¹⁶²

Diversionary programs represent a significant shift in the American approach to criminal justice, moving from a primarily punitive model toward one that recognizes the complex needs of individuals involved in the justice system. While challenges remain in implementation and access, the evidence suggests these programs can effectively reduce recidivism, improve individual outcomes, and generate cost savings

¹⁵⁹ See generally SAMHSA'S TRAUMA AND JUSTICE STRATEGIC INITIATIVE, SAMHSA'S CONCEPT OF TRAUMA AND GUIDANCE FOR A TRAUMA-INFORMED APPROACH (2018) ("Individuals with experiences of trauma are found in multiple service sectors, not just in behavioral health. Studies of people in the juvenile and criminal

justice system reveal high rates of mental and substance use disorders and personal histories of trauma.").

¹⁶⁰ Lindsey Price Jackson & Kelly Doyle, *Risk-Need-Responsivity: Recommendations for Community Courts*, CTR. FOR JUST. INNOVATION (Jan. 29, 2024), <https://www.innovatingjustice.org/resources/risk-need-responsivity-response-recommendations-for-community-courts/> [https://perma.cc/C2Q6-82KV]..

¹⁶¹ *Id.*

¹⁶² ADULT DRUG COURT BEST PRACTICE STANDARDS COMMITTEE, ADULT DRUG COURT BEST PRACTICE STANDARDS: VOLUME I, NAT'L ASSOCIATION OF DRUG COURT PROFESSIONALS 5-6, 141 (last updated Jan. 2026) ("Incentives and sanctions are delivered to enhance compliance with goals that participants can achieve in the short term and sustain for a reasonable period of time (proximal goals), whereas service adjustments are delivered to help participants achieve goals that are too difficult for them to accomplish currently (distal goals))".

compared to traditional incarceration. As the criminal justice reform movement continues to gain momentum, diversionary programs are likely to play an increasingly important role in efforts to create a more effective, equitable, and humane system.¹⁶³

D. Jewish Values and Diversion

Jewish principles, particularly Teshuvah, provide a profound ethical framework that supports the implementation of diversionary programs within the criminal justice system. These programs emphasize rehabilitation over punishment, aligning with the Jewish emphasis on personal transformation, accountability, and the sanctity of human dignity.¹⁶⁴

In Jewish thought, Teshuvah is not merely about expressing remorse; it's a comprehensive process involving acknowledgment of wrongdoing, sincere repentance, and a commitment to change.¹⁶⁵ This concept underscores the belief that individuals are capable of transformation and should be afforded opportunities to make amends.¹⁶⁶

Diversionary programs, such as mental health courts and substance abuse treatment initiatives, embody the principles of Teshuvah by addressing the root causes of criminal behavior and facilitating pathways for offenders to reintegrate into society.¹⁶⁷ These programs focus on healing and accountability rather than retribution, reflecting the Jewish commitment to compassion and second chances.¹⁶⁸ The Jewish Council for Public Affairs (JCPA) emphasizes that restorative justice approaches align with Jewish values by promoting healing and accountability. Such programs have been shown to reduce recidivism and

¹⁶³ *Id.*

¹⁶⁴ *Teshuvah Season*, VELVETEEN RABBI, https://velveteenrabbi.blogs.com/blog/2004/08/teshuvah_season.html?com (last visited Apr. 22, 2025).

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ JONOTHAN SACKS, *supra* note 142.

¹⁶⁸ *Supra* note 143.

increase satisfaction with the justice process among victims.¹⁶⁹

Moreover, Jewish teachings advocate for systemic change to create a more equitable and compassionate society.¹⁷⁰ This includes investing in non-carceral programs and social services, such as education, housing, employment, and healthcare, which can address the underlying factors contributing to criminal behavior.¹⁷¹ Overall, the Jewish principle of Teshuvah supports diversionary programs by emphasizing the potential for personal transformation, the importance of addressing root causes of criminal behavior, and the need for systemic reforms to promote justice and equity.

E. Effectiveness of Diversionary Programs

In examining the efficacy of gun diversion programs, a significant alignment with key Jewish values is clear, particularly teshuvah and tzedek tzedek tirdof. These principles, central to Jewish thought and practice, emphasize accountability, repentance, and the pursuit of justice, which are values that are embodied in restorative justice approaches used in diversionary programs.¹⁷²

Programs such as Brooklyn's Young Adult Court (YAC) and Minneapolis's Pathways to New Beginnings stand as examples of how diversionary models can reduce recidivism and support long-term rehabilitation.¹⁷³ These initiatives offer an alternative to traditional punitive measures by addressing the root causes of offending, such as trauma and social instability, while also providing pathways for personal

¹⁶⁹ *Combating Hate and Bigotry*, JEWISH COUNCIL FOR PUBLIC AFFS., <https://jewishpublicaffairs.org/network/combating-hate-and-bigotry/> [<https://perma.cc/86S9-BULC>] (last visited Feb. 25, 2026).

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Supra* note 162.

¹⁷³ *A Second Chance: The Case for Gun Diversion Programs*, GIFFORD L. CTR. TO PREVENT GUN VIOLENCE (Dec. 7, 2021), <https://giffords.org/lawcenter/report/a-second-chance-the-case-for-gun-diversion-programs/> [<https://perma.cc/E6FW-G52E>].

growth.¹⁷⁴ The results are telling: graduates of the Pathways program, for example, have a recidivism rate of just 10%, a stark contrast to the much higher rates seen in the broader population for similar offenses.¹⁷⁵ This success illustrates how diversion programs not only reduce the likelihood of repeat offenses but also contribute to the reintegration of individuals into society in a meaningful, rehabilitative way.¹⁷⁶

This approach resonates deeply with the Jewish value of teshuvah, which involves a process of repentance and return to righteousness. In Jewish tradition, teshuvah is not merely about seeking forgiveness for past wrongdoings but about actively engaging in a process of moral and spiritual transformation.¹⁷⁷ This mirrors the philosophy behind diversion programs, which focus not just on punishing wrongdoing but on fostering an opportunity for self-improvement, accountability, and community healing.¹⁷⁸

Further, the pursuit of justice within these programs reflects the commandment of tzedek tzedek tirdof—"justice, justice shall you pursue." This directive, found in the Torah,¹⁷⁹ underscores the importance of striving for justice in all aspects of life, ensuring fairness and equity in both individual and societal contexts. The restorative justice framework applied in gun diversion programs aligns with this call for justice by emphasizing restorative over retributive justice. Instead of simply punishing the offender, these programs work to repair the harm caused by their actions, creating opportunities for both the individual and the community to heal and rebuild.¹⁸⁰

Incorporating principles of tzedek tzedek tirdof and teshuvah into diversion programs results in a more holistic approach to criminal justice, one that seeks not only to address individual wrongdoing but to foster a sense of communal responsibility and healing. Such

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *Supra* note 53.

¹⁷⁸ *Id.*

¹⁷⁹ *Supra* note 67.

¹⁸⁰ *Id.*

programs embody the vision of a justice system that values transformation over retribution, ultimately creating a more just, compassionate, and effective response to gun violence.¹⁸¹

F. Addressing Systemic Injustices in the U.S. Legal System: A Jewish Perspective

The U.S. criminal justice system is deeply entrenched in systemic injustices, notably racial disparities and the criminalization of poverty.¹⁸² These issues are not mere byproducts of the system but are woven into its very fabric, resulting in disproportionate impacts on marginalized communities.¹⁸³ Jewish teachings, particularly the principles of teshuvah and tzedek tzedek tirdof, offer a moral framework to critique and reform these inequities.

1. Racial Disparities and the Legacy of Oppression

Racial disparities in the criminal justice system are well-documented and stem from a history of oppression and discriminatory policies. Research indicates that Black individuals are disproportionately affected by arrest, incarceration, and sentencing practices, often due to biased decision-making and systemic racism.¹⁸⁴ This phenomenon, described by Michelle Alexander in *The New Jim Crow*, likens the modern system of mass incarceration to a racial caste system, systematically disadvantaging Black Americans.¹⁸⁵

Poverty intersects with the criminal justice system in ways that exacerbate inequality. Individuals from low-income backgrounds often face harsher

¹⁸¹ Diversionary programs grounded in these values emphasize accountability, healing, and reintegration over punishment, aiming to repair harm, prevent recidivism, and restore wholeness both to individuals and communities affected by violence.

¹⁸² *Supra* note 143.

¹⁸³ *Id.*

¹⁸⁴ *An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System*, VERA INST. JUST. (May 2018), https://www.vera.org/publications/for-the-record-unjust-burden?utm_.com [<https://perma.cc/J7JN-447G>].

¹⁸⁵ *Id.*

penalties due to factors like inability to pay bail, lack of access to quality legal representation, and limited resources for rehabilitation.¹⁸⁶ This cycle perpetuates a system where poverty is both a cause and consequence of criminal justice involvement.

2. Jewish Teachings as a Moral Compass

Jewish tradition emphasizes the pursuit of justice and the sanctity of human dignity. The Torah's commandment, *tzedek tzedek tirdof*, underscores the imperative to seek justice relentlessly. This principle calls for a justice system that is not only fair but also restorative and rehabilitative.¹⁸⁷ The Jewish community has advocated for reforms that address systemic racism, promote rehabilitation over punishment, and ensure dignity for all individuals, aligning with the values of *teshuvah* and *tzedek tzedek tirdof*.

3. Reforming the System: A Call to Action

Addressing these systemic injustices requires comprehensive reform. Jewish organizations have been at the forefront of advocating for changes that reflect these values. For instance, the Jewish Public Affairs Committee's framework calls for ending mass incarceration, addressing racial disparities, and shifting towards a justice system that emphasizes rehabilitation and restorative practices.¹⁸⁸

The systemic injustices within the U.S. legal system demand a response rooted in moral clarity and compassion.¹⁸⁹ Jewish teachings provide a robust framework for advocating for a justice system that upholds the dignity and humanity of all individuals, particularly those most marginalized.¹⁹⁰ By pursuing reforms aligned with *teshuvah* and *tzedek tzedek tirdof*, we can work towards a more equitable and just society.

¹⁸⁶ *Id.*

¹⁸⁷ *Supra* note 67.

¹⁸⁸ *Supra* note 143.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

VI. CASE STUDY: A JEWISH PERSPECTIVE ON MASS INCARCERATION AND REFORM

A. *Jewish Involvement in Criminal Justice Reform*

Jewish tradition has long emphasized justice not merely as a legal mechanism but as a moral obligation deeply embedded in communal life. Principles such as *teshuvah* (repentance) and *tzedek tzedek tirdof* (justice, justice shall you pursue) have animated Jewish approaches to law, insisting that justice be restorative and rooted in human dignity.

In the United States today, Jewish organizations have applied these values to advocate for a more compassionate and effective legal system. Truah: The Rabbinic Call for Human Rights, which organizes over 2,300 rabbis and cantors across North America, has been a leading voice in efforts to end solitary confinement, reform sentencing laws, and support restorative justice. Their advocacy is rooted in the belief that every person is created *b'tzelem Elohim* (in the image of God), and thus worthy of dignity and redemption.¹⁹¹

Similarly, the Religious Action Center of Reform Judaism (RAC) uses Jewish ethical teachings to support criminal justice reform at the federal and state levels.¹⁹² The RAC advocates for ending mass incarceration, investing in diversionary programs, and promoting racial equity in policing and sentencing.¹⁹³

These efforts reflect the enduring influence of Jewish law's insistence that justice must be pursued both through and as an ethical process. The tradition of *pesharah* (compromise) in the Talmud, for instance, reflects a preference for reconciliation over adversarial conflict.¹⁹⁴

¹⁹¹ See generally Truah, <https://truah.org> [<https://perma.cc/4RAK-JW2S>].

¹⁹² *Criminal Justice Reform*, RELIGIOUS ACTION CTR. OF REFORM JUDAISM, <https://rac.org/issues/criminal-justice-reform> [<https://perma.cc/5TBL-VHGN>] (last visited Feb. 25, 2026).

¹⁹³ *Id.*

¹⁹⁴ See generally Rambam, Hilchot Sanhedrin 22:4 and Shulchan Aruch, Chosen Mishpat 12:2 (explaining that *pesharah* achieves justice, charity, and peace, and that it is a mitzvah to negotiate a *pesharah*).

B. Analyzing the Impact of Reform

Where Jewish values have informed advocacy, tangible results have followed. In New Jersey, a coalition that included Jewish leaders helped push for sweeping bail reform, which has since led to a 40% reduction in the state's pretrial jail population while maintaining public safety.¹⁹⁵

Jewish community centers and synagogues are increasingly hosting public education events and Torah study circles focused on themes like incarceration, justice, and repair. Programs run by Avodah, a Jewish service corps, train young adults in legal advocacy and reentry services, connecting Jewish ethics with policy work that addresses poverty, discrimination, and mass incarceration.¹⁹⁶

These initiatives reflect a broader ethos in Jewish thought: that law is not just about punishment, but about tikkun—repair.¹⁹⁷ By drawing on teshuvah, Jewish advocates propose a justice system that affirms the possibility of human transformation and insists on society's responsibility to facilitate it.

VII. CONCLUSION*A. Summary of Jewish Ethical Teachings and Legal Reform*

Jewish ethical teachings offer a powerful challenge to the status quo of retributive justice. Teshuvah—with its call for confession, restitution, personal change, and reintegration—articulates a vision of justice that is forward-looking and restorative.¹⁹⁸

Equally, the commandment tzedek tzedek tirdof compels pursuit of justice in a manner that is itself

¹⁹⁵ *New Jersey Judiciary*, CRIMINAL JUST. REFORM INFO. CTR., <https://www.njcourts.gov/public/concerns/criminal-justice-reform> [https://perma.cc/6FU8-7SP6] (last visited Apr. 22, 2025).

¹⁹⁶ *How can Jewish institutions take on deep, sustainable, accountable, and effective work for justice?*,

AVODAH INST. FOR SOC. CHANGE, <https://avodah.net/institute/> (last visited Apr. 24, 2025).

¹⁹⁷ *Id.*

¹⁹⁸ See Maimonides, *Mishneh Torah*, Hilchot Teshuvah 2:1–2.

just—ensuring fairness not just in outcomes, but in the means used to reach them. This principle critiques systems that dehumanize, marginalize, or ignore the root causes of harm.¹⁹⁹ Jewish teachings do not merely call for more humane policies; they call for a shift in our collective moral imagination. Justice must seek not vengeance but repair, not condemnation but reconciliation.²⁰⁰

B. Call for Reform in the U.S. Legal System

The American legal system remains mired in punitive logic. Harsh sentencing, economic and racial inequities, and widespread incarceration have failed to produce safety or healing. In contrast, Jewish law imagines a system in which wrongdoers can return to society as transformed individuals, and communities are obligated to support that return. Reforms such as restorative justice programs, diversionary courts, and reentry services already align with this ethic and show demonstrable success.²⁰¹

Rabbi Jonathan Sacks notes that in Judaism, “[j]ustice is not just a system. It is a sacred duty.”²⁰² The application of this sacred duty demands bold policy transformation—toward a justice system that reflects compassion, accountability, and equity.²⁰³ This interpretation of justice must be implemented at all stages of the criminal justice system, from bail hearings and plea agreements to sentencings, confinement, and an offender’s reintegration into society. The system does not need to be a mechanism whose main goal is to lock an offender up and throw away the key—but rather,

¹⁹⁹ *Supra* note 60.

²⁰⁰ *Id.*

²⁰¹ See HOWARD ZEHR, CHANGING LENSES: A NEW FOCUS FOR CRIME AND JUSTICE (1990); MARK UMBREIT, FACING VIOLENCE: THE PATH OF RESTORATIVE JUSTICE AND DIALOGUE (2003).

²⁰² RABBI JONATHAN SACKS, *supra* note 131. See generally James R. Otteson, *Adam Smith on Justice, Social Justice, and Ultimate Justice*, 42 SOCIAL PHILOSOPHY AND POLICY 123 (“[O]ne common feature is the incorporation into justice of at least some positive moral obligations — typically a positive requirement to help the poor, the hungry, the disenfranchised, the powerless, perhaps the undeservedly unlucky.”).

²⁰³ *Id.*

using teshuvah and tzedek tzedek tirdof as a guide—it can instead become a system that emphasizes holistic transformation and the belief that people are capable of change.

C. Future Considerations

The path toward meaningful criminal justice reform cannot be grounded solely in policy solutions; it necessitates a broader ethical and cultural reimagining of justice—one that prioritizes dignity, restoration, and shared responsibility. Jewish law and tradition provide not just a vision of justice that emphasizes moral repair but also a framework for sustained communal engagement and systemic transformation.

At the heart of Jewish values is the concept of Tzedek tzedek tirdof, and teshuvah (repentance or return), both of which offer profound insights into reforming the justice system. Tzedek tzedek tirdof is not a call for retribution, but for the pursuit of justice that is multifaceted, restorative, and holistic.²⁰⁴ This commandment echoes the idea that justice is not simply about punishment but about creating structures where repair, reconciliation, and human dignity are prioritized. It is in this spirit that Jewish tradition calls for teshuvah, the process of returning to one's moral core, recognizing harm, and actively seeking to make amends. Reform in criminal justice, therefore, must not only focus on systemic change but also on the possibility of individual redemption, transformation, and restoration.

Jewish institutions have a role to play in shaping both the discourse and the practice of reform. One promising direction is through interdisciplinary collaborations between rabbinical seminaries, law schools, and public policy organizations. These partnerships could foster scholarly publications, public lectures, and educational curricula that draw on halakhic principles to illuminate contemporary issues such as mass incarceration, prosecutorial discretion, and the ethics of punishment. Legal ethics seminars co-taught by rabbis and legal scholars would offer a unique

²⁰⁴ *Supra* note 63.

opportunity to juxtapose ancient moral reasoning with the structural realities of modern legal systems, grounding legal practice in the profound ethical imperatives of Jewish law.

Within Jewish communities, synagogues and community centers are critical spaces for public education and advocacy. Torah learning sessions centered on themes like justice, incarceration, and human dignity could help build a communal vocabulary of resistance and repair. These discussions, while deeply spiritual, can also serve as preparation for civic action, empowering community members to engage in campaigns for sentencing reform, de-carceration, and restorative justice.

On the policy level, Jewish advocacy organizations are well-positioned to champion reforms that align with Jewish values of compassion, accountability, and fairness. This includes advocating for the abolition of cash bail, expanding eligibility for diversionary programs, decriminalizing poverty-related offenses, and ensuring access to mental health and addiction treatment as alternatives to incarceration. Jewish organizations can also amplify efforts to secure clean slate legislation and other legal mechanisms for expungement and reintegration, reinforcing the belief that transformation and renewal are central to justice.

Building coalitions is vital to ensuring comprehensive reform. Jewish organizations should continue to forge alliances with Black-led and Indigenous-led justice movements, lending resources and visibility to reforms shaped by those most directly impacted by incarceration. These partnerships must be rooted in humility and a recognition of the ways Jewish communities have both suffered from and benefited within systems of power. Acknowledging the intersectionality of justice reform is crucial for meaningful progress.

Also importantly, restorative justice must center the voices and experiences of those most directly affected by incarceration. Jewish ethics insists that those impacted by the justice system must have a meaningful role in shaping it. Community dialogues, reentry support networks, and participatory justice practices must not be merely designed for but with

formerly incarcerated individuals. Their testimonies are not just important for advocacy, but they represent sacred narratives of struggle, survival, and transformation. This is the essence of teshuvah: a process of personal and collective return, where past harms are acknowledged and repaired through both action and commitment to restorative justice.

Jewish tradition offers more than moral rhetoric; it provides a rigorous and actionable framework for rethinking legal structures. It insists on the possibility of redemption through teshuvah and the necessity of communal responsibility. As we look toward the future, the command of *tzedek tzedek tirdof* remains a directive to create systems that not only restrain wrongdoing but also repair harm and restore lives. In the words of the ancient sages, justice must be rooted in restoration, not retribution, and the path forward must be one of healing, not punishment. This is the enduring message that Jewish ethical principles offer to the work of restorative justice.

VIII. POST-SYMPOSIUM REFLECTIONS

*“Restorative Justice is respect. Respect for all, even those who are different from us; even those who seem to be our enemies. Respect reminds us of our interconnectedness, but also of our differences. Respect insists we balance concerns for all parties. If we pursue justice as respect, we will do justice restoratively.”*²⁰⁵

Jewish ethical principles and their influence on restorative justice act not only as a beneficial guide to the criminal justice system but to immigration systems as well.²⁰⁶ The intersection of criminal law and immigration law, often referred to as “crimmigration,” has created a system in which deportation and banishment have become default responses to

²⁰⁵ HOWARD ZEHR, *EL PEQUEÑO LIBRO DE JUSTICIA RESTAURATIVA* (THE LITTLE BOOK OF RESTORATIVE JUSTICE) (2005).

²⁰⁶ The author’s sentiments in this section are based on discussions that were part of the Rutgers Journal of Law and Religion’s symposium on “‘Race’ and ‘Religion’ in the Law of Migration: Comparing U.S. and E.U. Contexts” that took place at Lund University in Lund, Sweden. The author attended this symposium and received feedback on this Note.

immigration violations. Much like the punitive approach to incarceration discussed *supra*, crimmigration prioritizes removal and exclusion over rehabilitation and reintegration, stripping individuals of their dignity and severing them from their communities. A restorative justice framework rooted in Jewish ethical principles offers a meaningful corrective to this approach.

Central to Jewish ethical teaching is the concept of the *ger*,²⁰⁷ or stranger. The Torah commands not merely tolerance of the stranger but active love. The Torah warns against oppressing the *ger* multiple times stating, “[w]hen a foreigner resides among you in your land, do not mistreat them . . . [l]ove them as yourself, for you were foreigners in Egypt.”²⁰⁸ This principle challenges the dehumanizing logic of crimmigration by insisting that those who came from outside our community are not threats to be banished but human beings deserving of dignity and belonging. An immigration system guided by this value would prioritize pathways to integration over punitive removal and would recognize the shared vulnerability that connects citizens and immigrants alike.

Equally applicable is the principle of *tzedek tzedek tirdof*. The repetition of the word justice is understood not as redundancy but as emphasis—a call to pursue justice relentlessly, from every angle, and by just means. The positive influence this principle would have on the criminal justice system has been discussed in detail above, and the same logic applies with equal force to immigration. In the immigration context, this principle demands the interrogation into whether a system built on banishment and criminalization is truly pursuing justice at all, or simply the appearance of order. This same concern exists within the context of incarceration, where there needs to be a real inquiry into whether the primary function of the system is locking up an offender and throwing away the key rather than fostering any meaningful form of

²⁰⁷ The noun “foreigner” (*ger*) is based on the same verbal root as “lives” (*gur*), which means “to sojourn, to dwell as an alien.” See Exodus 12:19.

²⁰⁸ Leviticus 19:33-34. On not oppressing the *ger*, see also Exodus 22:21 and Deuteronomy 24:14.

accountability or transformation. In both contexts, *tzedek tzedek tirdof* calls us to demand more.

The principle of *teshuvah* further deepens this critique. *Teshuvah* holds that transformation is always possible and that no person is beyond the capacity for change. Respect, in the restorative justice sense, requires that we hold this belief even about those who seem to be our enemies, even about those whose actions have caused harm. In the immigration context, *teshuvah* pushes back against the logic of permanent exclusion, which treats a person's past circumstances or violations as a fixed and defining characteristic rather than one moment in a longer and more complex human story. A system informed by *teshuvah* would create genuine opportunities for individuals to demonstrate growth and would build reintegration, rather than removal, into its core design. To pursue justice in this manner means refusing to reduce any person to the worst or hardest moment of their life, whether it be in the context of criminal justice or immigration.