

## MORAL HAZARD

### Repentance and Preferences

Chai Hecht

#### ISAIAH 55:7

MAY THE WICKED ABANDON HIS PATH AND THE CROOKED MAN HIS DESIGNS.

#### 1. CHOICES

The economic model of human decision-making essentially amounts to this: we do what we want to do.

This does not mean that we necessarily gain the most immediate physical or psychological pleasure from our actions or that we make exclusively hedonistic choices—not in the sense, at least, as those terms are generally understood—but that we choose the course of action that best serves our complex, multi-layered interests.

An ascetic, from an economic perspective, is a person who maximizes benefit by living a life without luxury; a charitable person is a person who benefits more from giving money away than from saving or spending such money. True self-sacrifice, then, is viewed as an act of insanity or, by some economists, as simply impossible.

#### 2. FACTORS THAT AFFECT CHOICES

There are two factors that affect choices:

- a) External Factors - the ingredients that make up reality (as perceived by the individual).
- b) Internal Factors - the personal tastes and desires of the individual, referred to by economists as Utility

Choices are made, according to the basic economic model, by maximizing utility (loosely defined as pleasure) in consideration of budget constraints (relationship

between income and price). For example, when choosing between apples and oranges, the buyer takes into account his/her available funds and personal preferences. He/she may prefer apples but apples may also be more expensive than oranges. We choose an affordable combination of apples and oranges that maximizes utility.

External Factors are not limited exclusively to budgetary considerations. If we become aware of a certain beneficial vitamin in apples, for example, our choices may change—this represents a change in externals. This does not represent a change in internals because our preference for healthy food has not been modified. If, however, our tastes change such that we have a newly developed desire for healthy foods, this represents an internal change.

External and Internal Factors can work in tandem (such as a price increase in books coupled with a loss of interest in reading) or in conflict (such as a scientific discovery that coffee is hazardous to one's health coupled with a newly acquired caffeine addiction).

It is important to note, despite what psychologists might say, that economists do not (generally) accept the possibility that we don't know what we want. Our preferences may change over time but, at any given time, the assumption is that our preferences are known to us and revealed by the choices we make. Conversely, our knowledge of the world around us may be, and usually is, incomplete. We can only hope to make the best decision possible with the knowledge that we have in the moment.

### 3. THE DECISION TO STOP SINNING

If we act exclusively according to our own best interests, we sin when it appears to be beneficial to sin and stop sinning when it no longer seems beneficial. This transition must occur due to at least one of the two factors addressed above. If a person sins today and no longer sins tomorrow it is either because the (perceived) world changed

(external factors were modified) or because his/her preferences were altered (internal factors were modified) or due to a combination of these factors.

#### 4. EXTERNAL FACTORS

Rav Yehudah (TB Yoma 86b) explains that a person is considered a *ba'al teshuva* (a penitent) when he/she has been tempted twice more to perform the same sin as the one committed previously and on both occasions desists. But it cannot be merely a similar circumstance; if the sin was with a woman, for example, the sinner must resist the same woman while at the same stage (in his life) in the same place.

Rambam (Hilchot Teshuva, 2:1) echoes this sentiment: “What is full *teshuva* (repentance)? A person who is confronted with the same situation in which he sinned, when it is possible for him to do so, and he does not do so because of his *teshuva*.”

According to this, it seems that the external should not be a factor in the process of *teshuva*. We seek to hold the externals constant and rely exclusively on internal development—this is “*teshuva gemura*, full repentance.”

#### 5. INTERNAL FACTORS

Although *teshuva* should be absent of external factors, it is not enough to say that *teshuva* is an internal development. This is too generic.

Rambam writes (2:1) that *teshuva gemura* occurs only when abstention from sin is due to “*teshuva*, and not due to fear or lack of strength.” Since in this case we have already established that we are holding externals constant, it cannot be said that there is now a reason, for example, to fear being caught. It must then be understood that both fear and lack of strength in this case represent internal changes.

Therefore *teshuva* is not merely a response to a change in preferences—it is a specific response to a specific change.

#### 6. TESHUVA

Rambam (2:2) defines *teshuva*: “A sinner should abandon his sins and eliminate them from his thoughts and he should conclusively decide in his heart that he will never repeat them, as it says [Isaiah 55:7]: ‘May the wicked abandon his path...’”

Rambam’s use of the words “decide in his heart (*ve’yigmor be’lebo*)” can be seen as a reference to a change in preferences, an internal change. Rambam does not, however, state what it is that brings about this change in preference; he refers to it merely as a decision. What is the catalyst for this decision?

#### 7. REGRET

To make decisions we must make assumptions. We lack omniscience. If I decide to become a teacher and later discover that teaching is different than I expected it to be, I may regret the decision to be a teacher. I did not know I would not like teaching. Had I known, I probably would not have become a teacher. This is one form of regret, based on a change in reality. (Of course reality has not actually changed; only your perception of it has changed. But that is equivalent for these purposes.)

Alternatively, my assumptions about teaching were completely accurate.

Unfortunately, over time, my preferences have changed and I no longer enjoy teaching. Had I known that my preferences would change, I probably would not have become a teacher. This is another form of regret, based on a change in preferences.

If we are holding all externals constant, we are limited to the latter form of regret. But an interesting problem arises when we view *teshuva* as a response to a change in preferences: *teshuva* becomes a self-fulfilling prophecy. As soon as my preferences

change, I regret my actions and will not err again in the future. Where is the process of *“ve’yigmor be’leebo”*?

#### 8. AWARENESS OF GOD: INTERNAL OR EXTERNAL FACTOR?

Belief in God is generally seen as related to preferences, like belief in free speech or animal rights. But for those with true faith it is in fact decidedly the opposite: God exists apart from my belief in Him. Newly acquired belief in God, then, should not be indicative of an internal change but a new awareness of reality.

Faith in God must amount to faith in His system. If we believe that God commanded us not to commit adultery, we must believe that it is inefficient to do so; that is, the benefits of adultery will always be outweighed by the costs. With this level of faith, it is universally in the best interest of the individual to abstain from sin. So no matter what the sin—severe or minimal, recurring or isolated—it must, by economic standards, go hand-in-hand with a lack of faith in God. Because faith in God would have certainly been sufficient disincentive.

Therefore, it is impossible for someone to repent without reality being altered along the way: reality is altered by the introduction (or re-introduction) of God. In a world without God, I would sin. Holding my preferences unchanged, in a world that includes God, I would not sin.

#### 9. PASSIVE VS. ACTIVE CHANGE

Rav Yehudah states, “That woman. That time. That place.” But the world has changed since last you sinned. Now it is a world that includes God. And as much as you still desire that woman, and as much as you are still strong enough and comfortable enough to sin, you follow your preferences and walk away. Not, as Rambam warns, because of fear or because of weakness. Your preferences have not changed.

Eliminate God from the equation and you would sin again without hesitation. The external has changed. Not the internal.

There's one problem: Rambam writes explicitly that it is "because of his *teshuva*" that he does not sin anymore. And, as stated above, Rambam defines *teshuva* as the active process of abandoning sins: "[The sinner] should conclusively decide in his heart that he will never repeat [his sins]."

Rambam defines *teshuva* as a change in preferences. But a change in preferences cannot be the starting point of *teshuva* because then the *teshuva* is not the source of the change—the new preferences predate the regret. Rather there must first be a change in reality. This is the introduction of God. Rambam instructs, however, that this is just the starting point, not the end point. *Teshuva* demands the process of *ve'yigmor be'leebo*—a change in preferences. This is active change.

#### 10. ABANDONING THE SELF

Economically speaking, the definition of self is based on preferences: I am what I desire. (Remember that 'desire' in this context is complex and far-reaching.) Over time, our preferences change. This is equivalent to saying that, over time, we change. Generally speaking, these changes develop naturally. Sometimes, however, our meta-preferences (our preference for preferences) do not like certain preferences that we have and so we do our best to rid ourselves of these undesirable preferences.

When we change our preferences we are essentially changing from one person into another person. This is difficult to do (we have a hard time abandoning ourselves) so, most often, we try to find ways to change our circumstances (the externals) rather than our preferences (the internals). Instead of changing our preference for Soap Operas, for example, we get rid of our television. Instead of changing our preference for sugar, we use substitutes. Instead of changing our preference for cigarettes, we put a tax on tobacco. In the long run, preferences probably do change naturally. Or

maybe they don't. The theory is, though, that it doesn't matter because the end-result is the same.

#### 11. PURPOSE OF *TESHUVA*

*Teshuva* is initiated with a change in reality, the introduction of God. Our natural response to this is to stop sinning. If the exclusive purpose of *teshuva* were to get us to change our actions, the introduction of God would be sufficient. In fact, any change in reality or preferences that resulted in the cessation of sin would work. Clearly there is more to *teshuva* than a change in practice.

The challenge of *teshuva* is that we must resolve not to sin *after* we are conscious of God's existence (as Rambam writes, 2:1, "...if one remembers his creator and [then] repents..."). This means a change in preferences—a change, essentially, in self. The person who sinned no longer exists once he/she has gone through the process of *teshuva*; left in his/her place is an entirely new person with a new set of preferences.

But what is the nature of this change in preferences? Surely we are not meant to exclude the relevance of God. Without God, we would eat that which is now forbidden; we would desecrate the Sabbath; we would dress, speak and act differently. Rambam cannot mean that we are to develop preferences that result in proper Halachic behaviour regardless of God. What would be the point of that?

On the other hand, if we are not seeking preferences that result in abandoning sin, what is the relevance of these newly acquired preferences?

#### 12. THE PREFERENCE FOR AWARENESS

A man speeds past an unnoticed stop sign and just barely makes it to work on time. The following day, while walking, he notices the sign. He feels guilty. When he approaches the intersection again, he comes to a complete stop.

The man's preferences did not change. Had he noticed the stop sign the first time, he would have stopped. But he did not notice it. The second time, he stops. His behaviour indicates repentance but he has not actually changed.

Further along his route that day, a bicycle pulls into the intersection. The man, perhaps, does not notice.

Belief in God is always a sufficient deterrent for sin. But for this deterrent to be effective, the belief must be potent at the moment of conflict. At times, our awareness of God comes naturally. At other times, various factors distract us. To be constantly aware of God we must have a strong preference for awareness.

After the fact, with hindsight, it is possible to recognize God's presence. To test this awareness, we enter the exact situation of the sin, with all externals held constant. Perhaps whatever it was that distracted us last time will distract us again and, for practical purposes, succeed in removing God from the equation, shifting the balance sufficiently to make sin appear beneficial. Or, perhaps, our awareness of God will prevail and will, necessarily, result in our abstention from sin. But the essential question will be whether our awareness will be due to a factual awareness—a change in externals—or a preference for awareness—a change in internals. If due to the latter, we have satisfied Rambam's requirement for *teshuva gemura*: we have resisted sin due to *teshuva*.

### 13. PRACTICAL RAMIFICATIONS

The goal is to go through the process of *teshuva* when, circumstantially, it is still possible for the sin to be committed in the exact fashion as before. Sometimes, however, the externals change before the impetus to change arises. For example, if the sin was with a married woman, perhaps she was divorced prior to the onset of *teshuva*. Now it is no longer possible for the sinner to experience a temptation

perfectly equivalent to the one he experienced before (although, of course, as the adulterer he is still forbidden to her).

At other times, our preferences change prior to *teshuva*. In the case of adultery, the sinner may simply lose interest in the married woman. His tastes change. After he is no longer attracted to her, he feels guilty and he is driven to repent. But if placed in a room with “that woman” again, he would not be tempted by her anymore regardless.

Does this mean, in such cases, *teshuva gemura* is impossible? If we cannot re-enter the original place of sin, are we incapable of full repentance?

Logically speaking, Rav Yehudah could not have meant that we are supposed to actively seek out the same situation as the one in which we sinned. This is clear from the very example he gives in the gemara. Any woman forbidden sexually to a man is also a woman with which that man violates the prohibition of *yichud*, seclusion, when he is alone with her. By even entering the situation of sin, he is committing a new sin. This cannot be what Rav Yehudah was referring to. (If the woman Rav Yehudah was referring to was the man’s wife when she was in *niddah*, the prohibition of *yichud* would not apply but it is unlikely that this was what Rav Yehudah was discussing. Alternatively, one could argue that the positive command to do *teshuva* could overrule the prohibition of *yichud*. But this, too, is unlikely.)

Realistically, we never go back. The world changes and we change with it. There is something poetic about crossing an old bridge and recalling now where it sags, where it sways, and choosing our steps accordingly. But in actuality, an old bridge only gets older with time and we’re rarely the same person upon the second crossing.

#### 14. THE TEST

“And He testifies, He that knows the hidden, that [the sinner] will not return to this sin forever (Rambam, 2:2).” There is only one moment in time that could prove

unequivocally the sinner's successful completion of *teshuva gemura*: the moment of sin. If, somehow, we could return to this moment and try it again, we would know. But this moment is now hidden from us; we are bound by a linear progression through time. To God, the hidden is revealed. We are limited to our memories and our capacity for self-knowledge. With these tools, we re-enter the past and test ourselves, with God observing the results.

The conditions of the test are simple: all externals are held constant except the possible presence of God and all preferences are held constant except the possible modification of the preference for awareness. Since this is in the past, we do not have hindsight—we don't know that we will live to regret our actions, no more so, at least, than we knew the first time. Nor do we have the objectivity that lingers after sin: we cannot identify God factually. If anything, all we have is a new preference for awareness of God. If this preference is strong, we will identify God this time and desist from sin.

#### 15. THE TASK, THEN

So the task of *teshuva* is not merely to resolve to stop sinning. It is a very specific form of stopping that relies heavily on discipline and consciousness. It must begin with a factual awareness of God. If anything else acted as the catalyst for the cessation of sin, it threatens to taint the *teshuva* and must be isolated. The *teshuva* process cannot even begin before this has occurred. Similarly, all changes in preferences must be isolated and cannot be allowed to have an effect on the *teshuva* process. If the *teshuva* has been completed successfully, the *ba'al teshuva* will know, despite any associated changes in circumstances or preferences, that he/she would not commit such a sin again because a newly acquired preference for the awareness of God would make such a sin impossible. This constitutes *teshuva gemura*, full repentance.