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Kol Nidrei 5783
October 4, 2022

Grounding Our Communities in *Teshuvah* and *Tzedek*: A Jewish Approach to Reparations for Black Americans

The book of Leviticus states, "If you steal something, give it back." (Lev. 5:23)

A long, long time ago, Rabbi Hillel was arguing with Rabbi Shammai: If a robber steals a beam, and uses it to build a house, how can you give it back? What exactly do you do now that that beam is holding up the entire structure?

Rabbi Shammai insisted that the robber demolish his house to extract the beam and return it.

Rabbi Hillel disagreed. He knew that a robber would be unlikely to come forward and do *teshuvah*, or make amends, if he knew that he would have to demolish his house. That would be too onerous – he would lose the beam, but also his home. Instead, Rabbi Hillel argued that the original owner should be compensated for what was stolen.

Rabbi Shammai was known for his strict, literal – and some might say extreme – approach to Jewish law, while Rabbi Hillel was more flexible, lenient, and pragmatic. Jewish law almost always sides with Rabbi Hillel, and indeed, his opinion prevailed in the case of *marish hagazul* – a stolen beam.

The rabbis enacted *takanat hashavim*, an ordinance for the rehabilitation of the penitent, to encourage the robber to do teshuvah. They made this ruling because they believed it would encourage the robber to repent through financial compensation and to stop stealing altogether.

This Talmudic debate is a bit obscure, but in the last few years it has become a core Jewish text to argue for reparations for Black Americans descended from enslaved Africans. Slavery, among many other evils, is theft. America stole Black lives, Black labor, and Black dignity.

Rabbi Sharon Brous writes, "Our country was built on a stolen beam. Except it was several million stolen beams. And they weren't beams; they were human beings."[1]

Rabbi Hillel and Rabbi Shammai might have disagreed about what to do with a stolen beam, but it was clear to them that justice had to be served. What was stolen must be returned, and if that was too difficult, then restitution must be made.

Today, on Yom Kippur, we are here not only to make amends in our individual relationships, but also to focus on collective *teshuvah*. We examine our society, along with our role in it, with a critical lens. Those of us who are white must acknowledge our wrongdoings and responsibility. None of us was alive during slavery. Those of us who are descended from Jews who came from

Central and Western Europe, our relatives primarily came here after the Civil War ended, but benefited from white skin. As journalist Isabel Wilkerson writes,

> [Each] new immigrant—the ancestors of most current-day Americans—walked into a preexisting hierarchy, bipolar in construction, arising from slavery and pitting the extremes in human pigmentation at opposite ends…Oppressed people from around the world, particularly from Europe, passed through Ellis Island, shed their old selves, and often their old names to gain admittance to the powerful dominant majority…It was in becoming American that they became white.[2]

Jews of Color among us struggle with the legacy of slavery and white supremacy while being part of a majority white Jewish community. This is challenging. I give this sermon today as another step in pushing our community to become more anti-racist.

As we consider our communal responsibilities, we turn our attention to reparations, because the injustices of the past perpetuate the injustices of the present and of the future.

The word "reparations" comes from the word "repair." In Jewish thought, we talk about *tikkun olam*, or "repair of the world." We address the brokenness in our world, not just through an act of kindness here or there, but through sustained, meaningful action to effect systemic change.

To repair what is broken takes courage. It takes a willingness to understand, listen, learn, grow, and change. We can't make change if we feel defensive, entitled, or consumed by guilt. We make change when we examine what we have done wrong, as individuals and as a society. And from that place we engage in the critical issues of our society.

As a Jewish community, we discuss reparations through a Jewish lens. Reconstructing Judaism, one of the two movements of which we are a part, has proposed a resolution in support of reparations, and we will study the issue together over the next several months. Our members, Shahanna McKinney Baldon and Rabbi Renee Bauer, were the national co-chairs of the committee that created the resolution.

Rabbi Micah Guerrin Weiss explains:

> Reparations can mean many things. It is policy, theology, a moral obligation, history, and a demand for truth and reconciliation. The National African-American Commission on Reparations (NAACR) defines reparations as, "a process of repairing, healing and restoring a people injured because of their group identity and in violation of their fundamental human rights." Ta-Nehisi Coates understands reparations as an ethical orientation — "the full acceptance of our collective biography and its consequences." There is no Hebrew term that fully encompasses the range of meanings that are associated with the English word, reparations. It is both *teshuvah* — the Jewish process of public accountability, apology, mending, and returning to right relationship, and *tzedek* — the ethical demands of material and legal justice.[3]

We can't address the imperative of reparations if we don't understand the brutality of American slavery. Wilkerson writes:

> The vast majority of African-Americans who lived in this land in the first 246 years of what is now the United States lived under the terror of people who had absolute power over their bodies and their very breath, subject to people who faced no sanction for any atrocity they could conjure…
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> Slavery so perverted the balance of power that it made the degradation of the subordinate caste seem normal and righteous…The most respected and beneficent of society people oversaw forced labor camps that were politely called plantations, concentrated with hundreds of unprotected prisoners whose crime was that they were born with dark skin. Good and loving mothers and fathers, pillars of their communities, personally inflicted gruesome tortures upon their fellow human beings.[4]

This is the foundation upon which the United States was built – millions of "stolen beams," who were, in fact, human beings.

In 1865, General William T. Sherman drafted an order which stipulated that Confederate land seized in Georgia and South Carolina would be split among formerly enslaved Black people in those states. Each former slave family would receive up to 40 acres and an army mule. President Abraham Lincoln and Congress gave their approval. But after Lincoln was assassinated, President Andrew Jackson vetoed the legislation.

This is the basis for current legislation, H.R. 40, which would study the ongoing effects of slavery in the U.S. and create a commission to study reparations for Black Americans. Late Michigan Rep. John Conyers introduced it in 1989 and every year after until 2017. It is still being introduced, but it has never made it out of committee. The history and legacy of slavery, apparently, is so controversial that it cannot even be studied.

As a Jewish community we don't need to rely on an obscure Talmudic text to justify the need for a Jewish approach to reparations. We only need to turn to one of our most fundamental stories, which we tell every year at Passover. Usually we gloss right over it, but when the Israelites fled Egypt, the Torah explains that they "asked" or "borrowed from" their Egyptian neighbors objects of silver and gold, as well as clothing. They took reparations for their enslaved labor.

What's more, they left with vast amounts. The Egyptians owed the Israelite slaves payment for their unpaid labor. As Rabbi Aryeh Bernstein writes, "According to the Talmud and even the Torah itself, not only were reparations just, but taking them by any means necessary, even deception, was just and commanded by God."[5]

Reparations in the United States would look quite different from ancient Egypt. As Ta-Nehisi Coates writes, it would compensate families for "250 years of slavery, 90 years of Jim Crow segregation, 60 years of separate but equal, and 35 years of racist housing policy." It would

attempt to narrow disparities in wealth between white and Black Americans, for the average white family possesses ten times the average wealth of a Black family.[6]

Many different models for reparations exist. There could be direct payments to families, vouchers for medical insurance or college, or access to a trust fund to finance a business or home. Or there could be long-term investments in education, housing, and businesses that build up the wealth of Black Americans.[7]

We might wonder how reparations would be paid and whether our country can afford it. That's a good question for an economist, but I don't think that's the issue for us. Coates writes,

> Perhaps after a serious discussion and debate—the kind that HR 40 proposes—we may find that the country can never fully repay African Americans. But we stand to discover much about ourselves in such a discussion…I believe that wrestling publicly with these questions matters as much as—if not more than—the specific answers that might be produced. An America that asks what it owes its most vulnerable citizens is improved and humane.[8]

Coates writes that this is about "a national reckoning that would lead to spiritual renewal."[9] *This is collective teshuvah.* He reminds us that we must consider our obligations to other people. So do our Jewish texts. To whom are we responsible, for what, and how will we set things right? How do we turn towards *tzedek*, towards justice, so that we can live up to our ethical principles?

Our ancient texts and the principles of *teshuvah* and *tzedek* form the basis of a Jewish understanding of reparations. We should also consider modern Jewish history – German reparations to the State of Israel and to Jewish survivors of the Holocaust.

In 1951, West German chancellor, Konrad Adenauer, affirmed that Germany would pay reparations. "In the name of the German people," he said, "unspeakable crimes were committed which create a duty of moral and material restitution." [10]

Many Jews harshly opposed the idea of reparations. They argued it was blood money. Future Israeli prime minister, Menachem Begin, urged Israeli Jews to stop paying taxes in opposition. Israeli militants tried to assassinate Adenauer. But Prime Minister David Ben Gurion believed that Israel would only survive if it accepted financial support from Germany. Indeed, by 1956, Germany was supplying 87.5 percent of Israel's state revenue.[11]

At the time, only a minority of West Germans – 29 percent – believed that they owed Jews reparations for Nazi atrocities. But Germany moved forward, and it mattered – to Israel, Jewish survivors, and the German people. It led to a real moral reckoning in Germany, which led to an imperfect but tangible reconciliation. As political scientist Lily Gardener Feldman states, "reconciliation is a process" – and "reparations are the first step."[12]

There are so many issues to address this Yom Kippur. But I wanted to talk about reparations because it is part of our Jewish story. Our country was built on "stolen beams," and we must return what is stolen. When return is not possible, we must pay reparations.

As Rabbi Weiss writes, reparations is "*teshuvah* — the Jewish process of public accountability, apology, mending, and returning to right relationship, and *tzedek* — the ethical demands of material and legal justice."

This Yom Kippur, let's engage in *teshuvah* and *tzedek*.

Let's work towards "a national reckoning that would lead to spiritual renewal."

Let's build now for the future, because political transformation is possible.

Another world is possible.

Gmar chatimah tovah.

Notes

1. Rabbi Sharon Brous, "Our Country Was Built on a Stolen Beam: The Call for a National Reckoning," sermon on Rosh Hashanah II, September 22nd, 2017.
2. Isabel Wilkerson, "Isabel Wilkerson on the Legacies of American Chattel Slavery: The Making of Color Caste in the United States," *Literary Hub*, November 30, 2020.
3. Reconstructing Judaism on reparations: https://www.reconstructingjudaism.org/reparations/
4. Isabel Wilkerson, "Isabel Wilkerson on the Legacies of American Chattel Slavery: The Making of Color Caste in the United States," *Literary Hub*, November 30, 2020.
5. Rabbi Aryeh Bernstein, "The Torah Case for Reparations," March 29, 2018. A shortened version of this article can be found at Evolve, October 21, 2020.
6. Ta-Nehisi Coates, "The Case for Reparations," *The Atlantic,* June 2014.
7. Patricia Cohen, "What Reparations for Slavery Might Look Like in 2019," *The New York Times*, May 23, 2019.
8. Coates, "The Case for Reparations"
9. Coates, "The Case for Reparations"
10. Bernd Reiter, "If Germany Atoned for the Holocaust the US Can Pay Reparations for Slavery," *The Conversation*, July 31, 2019 (updated August 2, 2019).
11. Reiter, "If Germany Atoned for the Holocaust the US Can Pay Reparations for Slavery"
12. Annabelle Timsit, "The Blueprint the US Can Follow to Finally Pay Reparations," *Quartz*, October 13, 2020 (updated July 20, 2022).