

Yom Kippur 5781 2020 – Teshuvah and the Call for Reparations

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On Yom Kippur, when we recite the Vidui, the Confession, we beat our chests as we go through long litanies of transgressions, of various kinds and degrees. But according to the Talmud, the essence of Vidui is just three words: *aval anachnu chatanu*, “But indeed we have sinned” (Yoma 87b).

As I recently learned from our friend Rabbi Elie Kaunfer, the source of this phrase, *aval anachnu chatanu*, is the story of Joseph’s ten brothers, who kidnapped him and sold him into slavery.

Years later, they come before Joseph in Egypt, seeking food, not recognizing him beneath his appearance as an Egyptian ruler. When Joseph insists on taking one brother hostage while the rest return to Canaan, the Torah tells us: “They said to one another, *aval ashemim anachnu*, indeed we are guilty, on account of our brother, because we looked on at his anguish, yet paid no heed as he pleaded with us. That is why this distress has come upon us. Then Reuben spoke up and said to them: Did I not tell you, ‘Do no wrong to the boy’? But you paid no heed. Now comes the reckoning for his blood” (Genesis 42:21-22).

The essential words of this quintessential prayer, the Vidui, are deeply connected to this particular ancient sin: kidnapping a human being and selling him into slavery.

But there’s more to the story. Although the brothers think that the reckoning has come, it hasn’t yet. Elsewhere in the Torah (Exodus 21:16), we learn that kidnapping is a capital crime—but the brothers never actually suffer this penalty.

And so it was that over one thousand years later, the Roman Caesar called ten rabbis into his palace. The story is recounted in the “*Eileh Ezkerah*,” the long piyyut (liturgical poem) also known as “the Martyrology,” which we read during Musaf of Yom Kippur. Based on several midrashim, the poem opens with the wicked Caesar reading his way through the Torah. He arrives at the verse, “One who kidnaps a person and sells him ... shall surely die” (Exodus 21:16).

He devises a malevolent plan. First, he orders the palace floor to be covered in shoes. Why shoes? Because according to midrash, Joseph’s brothers thought so little of their crime, that with the silver they got from the slave traders, they each bought a new pair of shoes (Pirkei d’Rabbi Eliezer 38, based on Amos 2:6).

That was the scene that greeted the ten sages when they arrived at the palace. “I have a deep question of halachah for you,” says the Caesar. “Ask,” say the rabbis. “What is the law for a person who is found to have kidnapped and sold one of his brothers as a slave?” When they answered, “The kidnapper shall be put to death,” the trap was sprung. “If your ancestors were still alive,” says Caesar, “I would judge them instead. But now, you shall bear their sins.” (“*Eileh*

Ezkerah,” see Midrash Genesis Rabbah 84:16 and Midrash Eileh Ezkerah in *Beit Hamidrash* vol. 2, pp. 64-65).

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This year, a powerful movement for racial justice has again called attention to the deep foundations and enduring structures of inequality. And on this Yom Kippur, the holiday of *teshuvah* (repentance, and return to a life in alignment with God and other people), I want to explore one form of *teshuvah* that has been proposed: reparations.

The debate about reparations brings up many profound questions that are at once social and spiritual. What is the meaning of words like guilt, shame, confession, responsibility, and repair? Are we who live in the U.S. today guilty of America’s historic slavery? Are we responsible for addressing it? How can our Jewish tradition help us to find a way forward?

Several rabbis have done important work recently to lay out the support for reparations in halachah and aggadah (Jewish law and narrative). In 2017, Rabbi Sharon Brous raised the Talmudic case in which a thief steals a beam of wood and uses it to build a house. The ruling is that it’s not necessary to destroy the house—otherwise, the thief might never be willing to do *teshuvah*. But while the house can stand, the injustice cannot: the victim of the theft must be compensated financially, plus damages (Mishnah Gittin 5:5, Babylonian Talmud Gittin 55a, Leviticus 5:21-24). Rabbi Brous applied this ruling to the house which is the United States: “Our country was built on a stolen beam,” she wrote. “Except it was several million stolen beams. And they weren’t beams; they were human beings.”

A year later, Rabbi Aryeh Bernstein published “The Torah Case for Reparations.” He explored the Torah’s insistence that God directed the Israelite slaves to demand money from the Egyptians on their way out of slavery (see Gen. 15:14, Ex. 3:21-22, Ex. 11:2). Surveying the classic commentaries by Jewish interpreters, he concluded: “This taking of reparations was not castigated as dishonest plundering or sinful vindictiveness, nor even as an optional bonus, but rather as a required component of liberation.”

What I hope to add to this conversation is how deeply connected the question of reparations is to our Jewish understanding of *teshuvah*, and to the core liturgy of Yom Kippur.

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As I mentioned, the Talmud says that the essence of Vidui, Confession, is just three words, *aval anachnu chatanu*, “Indeed we have sinned.” But in the text of prayer compiled by the Rambam, Maimonides, he prescribes four: *aval anachnu v’avoteinu chatanu* – We and our ancestors have sinned (MT *Seder Tefillah* 4:13 acc. to *MS Oxford*). What a powerful transformation by adding just one word. What a profound awareness of the way we are shaped by those who came before us. And Jewish communities have recognized this, and have adopted that version into our machzor.

Why? The medieval Spanish ethicist, Rabbeinu Yonah, explains it this way: “A person needs to confess their own sins and those of their ancestors, because we are punished for those “באחוזו במעשה אבותיו בידו” – for holding onto the deeds of our ancestors” (Sha’arei Teshuvah 1:40). In other words, we may not have committed the sins of our fathers, but we are still responsible as long as we let things stay the same and don’t put them right.

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So what do we make of this story of the Caesar and the ten martyred rabbis, which we recount every year on Yom Kippur? Does it mean that contemporary Americans, or at least the descendants of slaveowners, should be put to death for the sins of their ancestors?! Is that the only way to accomplish *teshuvah*?

Well, no, I’m not suggesting that. And even the piyyut itself distances itself from that, by casting in the role of prosecutor the Roman Caesar, who’s hardly a moral authority. And later, when the rabbis send a representative up to heaven to ask whether this decree was God’s will, the angel Gabriel doesn’t affirm that, but simply says that they must accept it.

And even if we were to take the halachic question seriously, the ten rabbis would not be sentenced to death. As we know, the Talmud imposed severe conditions on enacting the death penalty, which wouldn’t be satisfied here. We also know that the Torah tells us, “Parents shall not be put to death for children, nor children be put to death for parents: a person shall be put to death only for his own crime” (Deut. 24:16).

However—the midrash and the piyyut do have another message, which is more subtle but just as penetrating: that, as Joseph’s brothers suspected, a reckoning will come. It must come. The hole that’s left behind when a sin tears the fabric of the moral universe cannot just be left hanging open forever. It needs to be repaired. Someone will have to deal with it, even many generations later. In the case of reparations for slavery, I believe that that generation is ours.

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As contemporary Americans, we have inherited the legacy of chattel slavery, not only in the form of racist attitudes that need to be unlearned, but also of racist policies that need to be unraveled. Our inheritance is not just the long persistence of oppression and discrimination, but also the inability of African Americans to inherit: generational wealth, which the US government has long fostered for white families and disrupted for Black families.

As a rabbi, I don’t pretend to know what reparations should actually look like in the United States, what policies and mechanisms should be employed. But as the Black writer Ta-Nehisi Coates put it: “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. An America that looks away is ignoring not just the sins of the past but the sins of the present and the certain sins of the future” (“The Case for Reparations,” *Atlantic Magazine*, 2014).

As a rabbi, I do think that we can learn from what Yom Kippur teaches us about *teshuvah*. It encourages us that atonement is readily and universally available. But it also teaches us that atonement isn't free. *Teshuvah* requires Vidui, confession, acknowledgment of all that has been done, a kind of "truth and reconciliation" process, which may involve some pain and embarrassment (see BT Yoma 86b and Rambam, *Hilchot Teshuvah* 1:1).

Teshuvah also, often, costs money. It requires the restitution of what was damaged or stolen. The victims must be made whole, even if the theft has gone on for generations.

We as Jews, we as Americans – it doesn't matter if we aren't descended from slaveowners. It doesn't matter if we are recent immigrants. We have lived in this house, and it's our responsibility. Especially if we are white, but really all of us as a society. I hope that when this process of truth-telling and reparation comes around—and it will—that we will be open to it, and embrace it with a whole heart. To be the generation that accepts the reckoning is not a punishment, but a blessing.

I'll leave the last word to the Black journalist Nikole Hannah-Jones (*New York Times Magazine*, June 30, 2020):

"If black lives are to truly matter in America, this nation must move beyond slogans and symbolism. Citizens don't inherit just the glory of their nation, but its wrongs too. A truly great country does not ignore or excuse its sins. It confronts them and then works to make them right. If we are to be redeemed, if we are to live up to the magnificent ideals upon which we were founded, we must do what is just.

"It is time for this country to pay its debt. It is time for reparations."