

Teshuvah and Reparations

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When I first came to Washington in the early 1980s, I worked in a policy shop as a consultant. Much of my work was routine, but there was one project that stood out among all the economic analyses and reports we produced. We received a government contract to analyze the economic losses that Japanese Americans incurred when the U.S. government interned them in camps during WWII. It was a fascinating four month project, and it was especially gratifying when Congress went ahead, five years later in 1988, and used our estimate -- well, the lower end of our estimate -- to pay out \$1.5 billion in reparations -- \$20,000 each to more than 100,000 Japanese-Americans still alive who had been interned. And President Reagan issued a formal apology from the U.S. government.

Some years later, studying to be a rabbi, I learned that this was closely aligned to the classic *Jewish* way of making amends. Maimonides codified the method about 800 years ago in his Laws of Forgiveness: (forgive the male language)

Sins between one man and his fellow, such as striking, cursing, or stealing are never forgiven until one pays up his debt and appeases his fellow. Even if he returns the money he owes he must still ask for forgiveness. Even if he only spoke badly about him, he must appease and beseech until he is forgiven. If his fellow refuses to forgive him then he must bring a group of three of his friends and go to him and ask him [for forgiveness]. If he still does not forgive him he must go to him a second and third time (with a different group of three people). [Maimonides, Mishneh Torah, Book of Knowledge, "Laws of Forgiveness" 2:10]

It's a fascinating process of seeking forgiveness, or as we call it, doing teshuvah -- apologizing, bringing along others to witness one's apology, up to three times, with three different sets of friends! But what we often overlook is the very first step. The apology comes AFTER restitution is made, after the money stolen or harm done is fully recompensed. After all, you can't steal something and say I'm sorry, and continue to hold onto the stolen goods. It doesn't work that way. Does it?

That is what we will be exploring tonight, as we think about doing teshuvah as a nation for the sin of treating Black people as if their lives didn't matter.

In the last few years but especially this summer, America has been coming to terms with our racist past -- and present -- in ways we haven't seen since the 1960s. Weeks, months of protest in the streets by Americans of every color and creed, are continuing. A public discourse has opened the subject of racial injustice to a far more comprehensive understanding; folks across the country have been reading books on antiracism, just like we did. This is the first step -- the confessional, the awareness of wrongdoing.

But we need to educate ourselves on the magnitude of the wrongdoing, and of how the America we have inherited was built with slave labor -- in Lincoln's words, "the bondsman's unrequited toil." Calculations of the value of forced labor by African American slaves range in the trillions. To my mind even more significant is what recent studies have shown -- that not only did the *Southern* economy thrive and flourish with slave labor -- but that in the first half of the 1800s, this *entire* country's economy was fueled by slavery. The historian Eric Foner has written, "Cotton, the raw material of the early Industrial Revolution, was by far the most important commodity in 19th-century international trade ... capital accumulated through slave labor flowed into the coffers of Northern and British bankers, merchants and manufacturers."

Chief among the Northern cities involved in slavery's ill-gotten gains was New York City. Even after slavery was abolished in the state in 1827, New York City rose to economic dominance on the fruits of slave trading -- with the South, with Brazil and Cuba. Southern cotton and sugar sailed to Europe from New York's harbor. And New York banks and insurance companies did business with slaveholders and slave ship owners. At the start of the Civil War, Southern planters and merchants owed New York firms \$200 million -- something like 6 billion in today's dollars; small wonder that New York City was highly pro-slavery and sympathetic to the Southern cause. [NY Public Library, Sylviane Diouf]

What, you might ask, does this have to do with us as a Jewish community? We might be sympathetic, we might feel that reparations are just, even if impractical. But after all, for the most part our families had not even migrated to America during the years of slavery. We were in the shtetlach of Eastern Europe at the time, and it took a generation or two even for our great-grandparents and grandparents to be accepted in America.

But to call ourselves American means to accept responsibility for the history of America. Just as we recite the Hebrew confessionals in the collective "we" form, we bear responsibility for what is done, what was done, in the society we live in and benefit from.

Gradually, over the last 20 years, our Jewish community has wrestled with our own implication in the slave trade in America. The number of Jewish slave owners and slave traders in the South was actually very small -- but many Jewish livelihoods in both North and South depended on cotton. The largest pre-Civil War industry in New York was the garment industry; it employed more Jews than any other business, and sported numerous Jewish-owned textile firms. Historian Howard Rock wrote that support for slavery was considered almost a business necessity: "The city's most eminent Jewish leaders, reflecting New York's Southern attachments, were unified in their hostility to abolition and, to varying degrees, supported slavery."

Some Jewish spiritual leaders actually promoted slavery. Rabbi Morris Raphall gave a sermon at Bnai Jeshurun synagogue in New York in 1861 defending slavery on biblical grounds -- even going so far as to find sanction for slavery in the Ten Commandments. Raphall gave his sermon as a speech and it became a sensation -- it was reprinted in three New York newspapers and

dispersed by Southern sympathizers throughout the nation. A few other rabbis rushed to critique Raphael but most Jews in the city kept silent.

Now I'm not just playing to our Jewish guilt tonight. And I'm not just invoking "white privilege" that in *our generations*, has allowed us to benefit from being seen as white in a country that has not afforded basic civil liberties to people of color.

I want to make the case that reparations are very much our business, particularly because we have something to offer in this area. We as Jews have a history with reparations that make us the natural allies of the African American community that seeks justice. I do want to make note of the reparations received in the Jewish community paid by the German government after the Holocaust, but what I want to talk about goes much further back in time.

There is a deep connection between Jews and slavery and reparations. Reparations are built into the heart of our Exodus narrative, and the exodus narrative is the heart and soul of Judaism. Let's go back, briefly, to the Exodus story. When the Torah describes what happened on the night of Passover, there are a curious couple of lines (Ex. 12:35-36) that read:

34 And the people took their dough before it was leavened, their kneading-troughs being bound up in their clothes upon their shoulders. 35 And the children of Israel did according to the word of Moses; and they asked of the Egyptians silver items and gold items, and clothing. 36 And Adonai gave the people favor in the sight of the Egyptians, so that they gave them what they asked; so they emptied out the Egyptians.

Now this is not an after-thought on their way out the door. The Israelites are doing what God told them to do. In the previous chapter God told Moses: ***Speak, please, in the ears of the people, that they ask, each man of his neighbor, and each woman of her neighbor, silver items and gold items.***

Nor is the Torah embarrassed about this, as if it was some kind of looting after midnight. As Rabbi Aryeh Bernstein notes in an important article, "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**: on the eve of the exodus, just before the slaying of the Egyptian first-born, God explicitly commanded the Israelites to take reparations." [["The Torah Case for Reparations"](#)]

And this understanding that Israel would leave Egypt recompensed with gold and silver for its hundreds of years of forced labor is built into the story of the Exodus -- it's mentioned at the Burning Bush, it's mentioned in Genesis when Abraham has a vision of what will happen to his descendants. We even recite that passage to this day in the Passover Haggadah -- that God promised that Israel would leave Egypt and slavery *birchush gadol* -- with significant property.

Now it's true that the Torah does not call the Egyptian gold and silver "reparations," or link the amount to the cost of unpaid labor. But our Rabbis in the Talmud explicitly do. They tell the

story of some Egyptians who came to the court of Alexander the Great with a claim against the Jews for all the gold and silver taken long ago. The advocate for the Jews says, If you're going to use evidence from the Torah, how about the verse in the Torah that says the Israelites were in Egypt for 430 years. So, okay, *Give us payment for the labor of 600,000, whom you enslaved in Egypt for 430 years.*" And the Egyptians slink off with no answer.

And even though the Torah permits individual slavery -- a kind of indentured servitude -- the Torah insists that when you do set your Israelite slaves free after six years, you must not send them away empty. You must set them back on their feet again, able to earn a living, to be independent and not fall back into destitution.

In the words of Deuteronomy 15: **14** *Provide for him liberally from your flock, and from your threshing floor, and from your winepress; from that which YHWH your God has blessed you, give to him. 15 And remember that you were a slave in the land of Egypt, and YHWH your God redeemed you; therefore I command you this thing today.*

In summary, to quote Rabbi Bernstein, "Jews must support reparations in principle, because we took reparations for our slave labor, we were commanded by God to do so, and we were promised these reparations in the earliest Divine plan for our liberation." If we are about anything, we are about how to treat the stranger among us. If we are about anything, we are about the horror of state-sanctioned slavery – precisely what we had here in America -- and the need for dignity in emerging out of slavery into freedom.

Now I know that the political forces arrayed against reparations to African Americans are still vast and possibly insurmountable. There is a mile-long list of reasons why reparations can't be done right, aren't feasible, won't help, cost too much, won't wipe the slate clean.

I would note, though, that recent estimates for reparations are thoughtful and sophisticated, and not wildly beyond our means if allocated over time. After 30 years of bringing HR 40 to the floor of the House, a bill to develop reparations proposals, there was finally a hearing last year. Moreover, some municipalities and institutions are beginning to look at their own histories.

-- Georgetown University has acknowledged that it was only able to continue operations in 1838 because of the sale of 272 slaves that the Jesuits owned; it is negotiating a reparations process with student involvement.

-- Chicago paid reparations in 2015 to hundreds of Black people tortured by police from the 1970s to the 1990s.

--The Presbyterian Princeton Theological Seminary has endowed a \$27 million scholarship fund for descendants of slavery and to support underserved communities, calling it an act of repentance.

-- And Asheville, North Carolina, has approved reparations for its Black citizens and apologized for the city's role in slavery and discrimination.

This is a drop in the bucket, but it is a drop in the right bucket. Change *can* happen, but it can also take a VERY long time.

Several years ago, the rabbi of Ikar in LA, Rabbi Sharon Brous, wrote in a piece about reparations:

"There is 2,000-year-old rabbinic dispute in the Talmud over what ought to be done if a palace is built on the foundation of a stolen beam.

One rabbi, Shammai, argues that the whole structure must be torn down, the beam retrieved and returned to its rightful owner. No home can flourish on a foundation built illegally and immorally. Another rabbi, Hillel, offers a different take: What sense does it make to demolish it? Let the thief pay for the beam, considering its full value as the foundation of what is now a beautiful home.

Neither rabbi argues that you can pretend, year after year, generation after generation, that the beam wasn't stolen. Neither suggests that time rights the wrong. Both understand that the theft, unaddressed, threatens the legitimacy of the whole enterprise. Something must be done to rectify the original injury.

Our country was built on a stolen beam. More accurately, several million stolen beams. Only they weren't beams. They were human beings. "

You cannot start over when the beams of your house were human beings. Reparations cannot wipe the slate clean, my friends. What African Americans endured in this country for 400 years will never be expunged or erased. But reparations are fundamental not just to achieving equality but to human dignity and the human soul -- to all of our souls. We as Jews, as people who love Jews, as Americans, bear a moral responsibility to be allies in this fight. For better and for worse, we have been part of the fabric of this country's racial history. We must lend our support to calls for reparations. We need to bring to the fore our mythic history on which our religion is based. We need to educate ourselves as to what was done to African Americans, and confess these sins, as we will begin to do in just a moment, with an AI Het for Our Racial History.

Awareness. Reparations. And *then* Apology. **This** is the process of teshuvah. Only then can we truly say to God: *Selach lanu, mechal lanu, caper lanu*. Forgive us, pardon us, grant us atonement.

AI Het for Our Racial History

Rabbi Gilah Langner and Herb Levy

For the sins of the Middle Passage that kidnapped and transported 9 to 12 million Africans to the

New World

For the sin of buying and selling human beings

For the sin of forced breeding

For the sin of differentiating between Light and Dark African Americans and treating them differently

For the sins of rape and torture and other atrocities against the bodies of African Americans

For the sin of using our Bible to justify slavery -- as did Rabbi Morris Raphall of Congregation B'nai Jeshurun in New York

For the sins of cruel labor in the fields, on the chain gangs

For the sin of building both the northern and southern states' economies on the backs of African

American forced labor

For the sin of amassing the wealth of New York City on the forced labor of the cotton industry

For the sin of the Fugitive Slave Act of 1850 and the Dred Scott decision

For the sin of keeping African Americans enslaved in some areas for three and a half years after the Emancipation Proclamation

For the sin of forcing freed slaves into indentured servitude after the Civil

War, paying them not with wages, but by tipping and sharecropping

For the sin of abrogating 40 acres and a mule, and instead rewarding Confederate soldiers with confiscated lands

For the sins of Black codes in the South, of voiding Reconstruction and perpetuating the myth that Reconstruction was intended to impose Black supremacy

For the sin of never enforcing the 14th Amendment throughout the long decades when the voting

rights of African Americans were suppressed, and for the sin of continuing to suppress the voting rights of African

Americans.

Ve'al kulam Elo'ah selichot, selach lanu, mechal lanu, kaper lanu

For the sin of humiliating, separating, and discriminating against African Americans with Jim Crow laws for 100 years

For the sins of racist white supremacists -- presidents Andrew Johnson, Millard Fillmore....

John C. Calhoun, Edmund Pettus, Woodrow Wilson, and Judah Benjamin, among many more

For the sins of the Tulsa Massacres and other pogroms, destroying any chance of African

Americans achieving economic prosperity, and wiping out that history from white America's

collective memory

For the sin of textbooks that claimed some African American slaves loved their masters, while others were lazy and immoral.

For the sins of building public towns barred to Black people, of redlining neighborhoods and preventing Black people from renting by means of racist mortgage covenants, with the approval of state and federal governments

For the sin of showing "Birth of a Nation" at the White House, and in front of enthusiastic Jewish audiences in New York City

For the sin of segregating schools and underfunding schools in predominantly Black neighborhoods, and fighting against integration and affirmative action

For the sin of directing the war on drugs as a war on the African American community, incarcerating Black males in massive numbers, and depriving Black neighborhoods of adult male householders

For the sins of disproportionate traffic stops, the cash bail system, and the school-to-prison pipeline.

For the sin of police violence that keeps on killing Black Americans

Ve'al kulam Elo'ah selichot, selach lanu, mechal lanu, kaper lanu

For the sins of resting on the laurels of Rabbi Abraham Joshua Heschel and other brave Jews who fought in the civil rights movement in the 1960s ... and letting the Jewish alliance with African Americans disintegrate

For the sin of benefitting as a Jewish community from white privilege for over 100 years while claiming we are not white and not responsible

For the sin of thinking this is something somebody else did.

For the sin of thinking we are being welcoming to Jews of color when we ask them if they're really Jewish

For the sin of not having African American friends or colleagues.

For the sin of schools that are more segregated now than 40 years ago

For the sin of allowing provisions of the Voting Rights Act to disappear and not working on their re-enactment

For the sin of falling into stereotypes in our thinking that we would not tolerate against the Jewish people.

For the sin of allowing racist patterns of thought to persist -- that individual actions are indicative

of the behavior of an entire group

For the sin of continuing to treat people differently because of the color of their skin, rather than

the content of their hearts

Ve'al kulam Elo'ah selichot, selach lanu, mechal lanu, kaper lanu

