

Jewish Perspectives on Reparations

How do we reckon with the ways our holy texts both limit and countenance slavery?

Scholar Jonathan Crane uses the framework of imperatives and rationales to explore reparations for slavery. Biblical and rabbinic teachings convey the imperative that enslaved people and their descendants are owed reparations for their work in servitude. This lesson will focus on two of the rationales that Crane puts forward. These two rationales come from different Jewish texts, one biblical and the other rabbinic. Each offers an opportunity to discuss a Jewish ethical framework for the imperative to make reparations for slavery.

The first comes directly from the Torah, where Moses instructs the people on how they are to behave when they are masters over their fellow Israelites. (The Torah anticipates that when individual Israelites become impoverished, they might submit to slavery for a limited number of years. The Torah's institution of Israelite slavery resembles indentured servitude rather than chattel slavery as it was practiced in the United States.) This text addresses a situation of enslavement directly and puts forth a clear imperative to give support to the formerly enslaved. The second text comes from the rabbinic tradition, in a context where the Rabbis are discussing ethical responses to ill-gotten gains. In her 2017 Rosh Hashana sermon, Rabbi Sharon Brous introduced this text, and the image of a house built from stolen materials, as a way to conceive of how American society, and White people generally, have benefited from slavery over a long time.

GOALS

- Participants will explore arguments for reparations rooted in Jewish textual tradition.
- Participants will be better able to articulate the ways in which Jewish tradition supports the idea of reparations for the descendants of enslaved people in America.

LESSON

Welcome and Context: 10 minutes

- Participants introduce themselves, their reasons for coming.
- Facilitator introduces the context: there is an ongoing conversation in the United States about reparations owed to the descendants of enslaved Africans. How can we enter this conversation from a Jewish ethical perspective?

Text Study: 30-45 minutes

- The texts in the handout below are presented here with some introduction and guiding questions for use as appropriate in your group. For example, texts can be studied first in a havruta (paired-learning) format, followed by group discussion, or the facilitator can lead a group discussion. The guiding questions are grouped as “comprehension questions” to ensure participants have a good understanding of the texts, followed by “reflection questions” to push for deeper consideration.

Closing Reflections: 15 minutes

- Invite sharing or written reflection on broader questions:
- Which of these two Jewish rationales for reparations feels most compelling to you? Why? How do they relate to or support each other?
- Does the fact that these rationales for reparations can be found in ancient Jewish texts make them more or less compelling to you? What continuities and differences do you see between the circumstances described in our texts and the legacy of slavery in the contemporary United States?
- How could you deploy the rationales laid out in these texts in the contemporary American conversation about reparations?
- Are there ways that you feel moved to join the moral movement for reparations?

Text Study: Two Rationales for Reparations

Text 1: Deuteronomy 15:12-15

Forty years after they left Egypt, the Israelites are on the cusp of crossing into the Land where they will have sovereignty and responsibility to manage a fair and just society. Anticipating that some people will become economically vulnerable, Moses introduces the following law.

<p>12. If a fellow Hebrew, man or woman, is sold to you, he shall serve you six years, and in the seventh year you shall set him free from you.</p> <p>13. When you set him free from you, you shall not let him go empty-handed:</p> <p>14. You shall furnish him out of your flock, your threshing floor, and your vat; as Adonai your God has blessed you, you shall give to him.</p> <p>15. You shall remember that you were a slave in the land of Egypt and Adonai your God redeemed you. On account of this, I command you this thing today.</p>	<p>כִּי־יִמְכַר לְךָ אַחִיךָ הָעִבְרִי אוֹ הָעִבְרִיָּה וְעִבְדָּךָ שֵׁשׁ שָׁנִים וּבַשְּׁנָה הַשְּׁבִיעִת תִּשְׁלַחְנוּ חֶפְשִׁי מֵעִמָּךְ:</p> <p>וְכִי־תִשְׁלַחְנוּ חֶפְשִׁי מֵעִמָּךְ לֹא תִשְׁלַחְנוּ רֵיקָם:</p> <p>הָעֵבֶיךָ תַעֲבִיךָ לוֹ מִצֹּאֲנֶךָ וּמִגִּרְנֶךָ וּמִיִּקְבֶּךָ אֲשֶׁר בֵּרַכְךָ יְהוָה אֱלֹהֶיךָ תִתֶּן־לוֹ:</p> <p>וְזָכַרְתָּ כִּי עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם וַיִּפְדֶּךָ יְהוָה אֱלֹהֶיךָ עַל־כֵּן אֲנִכִי מְצֹוֹךְ אֶת־הַדָּבָר הַזֶּה הַיּוֹם:</p>
---	--

Comprehension Questions:

- In this situation, what do we know about the person who became enslaved?
- What imperatives are given for how to treat the slave?
- Why, according to the text, should you not “let him go empty-handed”?

Reflection Questions:

- How does the rationale “you were slaves in Egypt” work to explain the need to set your Israelite slaves free and give them parting gifts?

Race, Religion & American Judaism

- How might this phrase resonate differently for people with lived (or recent) experience of slavery vs. for people who identify with the Biblical commandment to remember that “you” were slaves in Egypt?
- In verse 13 the Torah states that the person should not leave empty-handed.
 - Why do you think the text continues to explain giving gifts from the flock, threshing floor, and vat?
 - How might this variety of goods that are to be provided inform our understanding of what reparations could be today?
- Slavery was a common feature of the ancient world, and it is clearly described in the Torah. Elsewhere in the Torah, we find a striking contrast to the text from Deuteronomy above. While Israelite slaves are to be protected, a different set of rules governs the treatment of non-Israelite slaves. This is how Leviticus 25:45-46 sets out the laws about how Israelites may take slaves from other peoples:

“You may also buy [slaves] from among the children of aliens resident among you, or from their families that are among you, whom they begot in your land. These shall become your property. You may keep them as a possession for your children after you, for them to inherit as property for all time. Such you may treat as slaves. But as for your Israelite kin, no one shall rule ruthlessly over another.”

- How should we understand the Torah’s willingness to limit the oppressiveness of enslavement for kin, but accept it for others?
- (How) can we derive meaning or ethical imperatives about reparations from a Torah text that sits alongside another Torah text that condones slavery?

Text 2: *Babylonian Talmud Gittin 55a*

Gittin is a book of the Talmud that generally deals with Jewish divorce. It includes both earlier rabbinic teachings, the Mishnah, and later rabbinic commentary on the Mishnah, the Gemara. In the Mishnah, Rabbi Yohanan ben Gudgeda relates four teachings. As often happens in rabbinic literature, these adjacent teachings range over a variety of legal topics and cases. Here, Ben Gudgeda's first two teachings relate to two different situations concerning marriage. These are followed by two teachings about stolen items, one dealing with a stolen beam that is built into a house, and a final teaching about stolen goods that are used in an offering in Temple ritual. The following text comes from the Gemara's discussion of the third teaching, about what is to be done when a house is built on the foundation of a beam that was stolen.

About a stolen beam that was already built into a building:

The Sages taught: If one robbed another of a beam and built it into a building,

- Beit Shammai says: One must destroy the entire building and return the beam to its owners.
- And Beit Hillel says: The injured party receives only the value of the beam but not the beam itself, due to an ordinance instituted for the sake of the penitent.*

ועל המריש הגזול שבנאו:
תנו רבנן גזל מריש ובנאו בבירה
ב"ש אומרים מקעקע כל הבירה כולה ומחזיר
מריש לבעליו
וב"ה אומרים אין לו אלא דמי מריש בלבד משום
תקנת השבין:

Comprehension Questions

- Describe the scenario in your own words. What is the situation being debated?
- What is Beit Shammai's opinion, and what is their reasoning?
- What is Beit Hillel's opinion, and what is their reasoning?

*The medieval commentator Rashi explains that this ordinance exists to encourage a person to confess their wrongdoings. If the potential penitent doesn't think they could ever redress the harm they have done, they might not be moved to repent.

Reflection Questions

- Of the two opinions given, which do you think is stronger, and why?
- How is this text relevant to the question of reparations for slavery in the contemporary context?
 - What does the building represent? What does the beam represent?
 - Who are the beneficiaries of the building?
 - What “buildings” – be they physical (brick/mortar) or institutional (education systems, government, banking, nonprofits) – do you benefit from that were built with ‘stolen beams’?”
- What are the pros and cons of basing an ethical argument about slavery reparations on a text about building a house?