

## Reparations: A Jewish Perspective

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Harvard Professor Henry Louis Gates, Jr. writes, “We’ve all heard the story of the ‘40 acres and a mule’ promise to former slaves.”<sup>i</sup> The promise was detailed “General William T. Sherman’s Special Field Order No. 15, issued on January 16, 1865,”<sup>ii</sup> which Gates calls “the first systematic attempt to provide a form of reparations to newly freed slaves.”<sup>iii</sup> But Sherman contemplated much more than merely to give forty acres of arable land and a mule to each freed slave. Instead, “With this order, 400,000 acres of land—‘a strip of coastline stretching from Charleston, South Carolina, to the St. John’s River in Florida, including Georgia’s Sea Islands and the mainland thirty miles in from the coast,’ ... would be redistributed to the newly freed slaves.” Moreover, in that vast territory, the former slaves were to have governed themselves. And, Gates confirms, General Sherman did throw in the mule!<sup>iv</sup>

We will never know what would have happened had General Sherman’s order been implemented. President Andrew Johnson “overturned the Order in the fall of 1865.”<sup>v</sup>

Freed slaves did not receive reparations. Nevertheless, the U.S. government has paid reparations to other victims of the nation’s wrongdoing. Japanese-Americans were concentrated in internment camps, including one in Arkansas, during World War II. As early as 1948, they began receiving reparations. The *New York Times* explains: Congress offered “compensation for ... property... About \$37 million was paid to 26,000 claimants.” Then, forty years later, “Congress voted to extend an apology and pay \$20,000 to each Japanese-American survivor of the internment. More than \$1.6 billion was paid to 82,219 eligible claimants.”<sup>vi</sup>

This summer—400 years after the first African slaves were brought to these shores and 154 years after General Sherman’s order was both issued and revoked—“A House Judiciary subcommittee discussed a bill to create a commission that would make recommendations concerning ‘any form of apology and compensation’ to descendants of enslaved African-Americans.”<sup>vii</sup>

Reacting to this endeavor, my colleague, Rabbi Ruth Zlotnick of Temple Beth Am in Seattle, recalls God’s admonition to Cain, who has murdered his brother Abel: “Your brother’s blood cries out to Me from the earth.”<sup>viii</sup> Rabbi Zlotnick continues: “All these generations later, here on American soil, ... Blood also cries to us from the earth, the blood of millions of individuals kidnapped in

chains, tortured, beaten, brutalized, lynched, incarcerated and senselessly shot down.”<sup>ix</sup>

Like Rabbi Zlotnick, I favor the commission to study the reparations questions. I do not wonder whether an apology is long overdue. It is. I do not question whether reparations are in order. They are.

At the same time, I will confess that much of the matter is outside my area of expertise, including how any reparations could be paid, and whether they would achieve their goals. As the *New York Times* has shown, reparations to American Indians, to compensate them for expropriated lands, often did not reach them directly and left many disappointed.<sup>x</sup> The issues surrounding reparations for slavery would doubtless be exponentially more nettlesome than settling claims with Japanese-Americans or American Indians, which is why a study commission strikes me as a good idea.

Our Jewish history and tradition offer perspectives on why consideration is in order.

Germany’s Holocaust reparations constitute the best-known—and arguably, most effective—example of reparations. University of South Florida Political Science Professor Bernd Reiter explains: “By 1956, the German state was supplying 87.5% of Israel’s state revenue. The young new country used the money to buy equipment and raw materials to build up its industry, railways and electrical grid.”<sup>xi</sup>

Prime Minister David Ben-Gurion was sensitive to accusations that he was accepting “blood money,” payment in exchange for murder that had committed. In response, he quoted our Bible, “Have you murdered and also inherited?”<sup>xii</sup> In short, he argued that Germany should not be permitted to keep the vast property that the Nazis had plundered from European Jews. Germany would not pay for lives, but for economic losses. In 2012, on the sixtieth anniversary of the reparations agreement, the *New York Times* reported that Germany had paid “\$89 billion in compensation mostly to Jewish victims of Nazi crimes over six decades,” and that its government “still meets regularly to revise and expand the guidelines for qualification. The aim is to reach as many of the tens of thousands of elderly survivors who have never received any form of support.”<sup>xiii</sup>

Prime Minister Ben-Gurion was not the first leader in Jewish history to consider reparations for stolen goods. In fact, the Houses of Shammai and Hillel debated the matter two millennia ago: “The rabbis taught: A person stole a beam and built it into a palace. The House of Shammai say: The person must destroy the entire palace and return the beam to its owner. The House of Hillel say: The person

need only pay the value of the beam—a [reparation] for those who would repent.”<sup>xiv</sup> The law, of course, is according to Hillel.

So much of the foundation of this country—the White House, for example<sup>xv</sup>—was built by slave labor. White Americans need not be racists to have benefitted because of privileges made available to us, and not to African Americans, as a result of white supremacy institutionalized across 400 years of our history. We cannot restore the families ripped asunder on the shores of West Africa or on the slave auction blocks of the American South. We cannot heal the deep wounds of the master’s lashes. We cannot restore life to victims of racist terror lynching. We can, however, endeavor to find a way to repay Black America for the beam that was robbed—the stolen labor, the discriminatory wages, the separate and unequal education—on which this palace, America, is built.

Earlier this year, FiveThirtyEight reported that only a quarter of Americans favor considering reparations.<sup>xvi</sup> Here, too, we may find precedent in Germany’s Holocaust reparations. Susan Neiman, writing in the *Los Angeles Times*, tells us: “In the 1950s, far more West Germans were opposed to paying reparations to Jewish victims than white American are opposed to reparations for black Americans today.”<sup>xvii</sup>

The House of Shammai demanded that the entire palace be destroyed in order to restore a stolen beam. Hillel’s school, on the other hand, allowed for exclusively financial reparations, but only on one condition: The restitution must be accompanied by repentance. The time has come for America to recognize slavery as its original sin. The time has come for America to confront the lasting trauma imposed upon Black America by convict leasing, peonage, lynching, and mass incarceration. In principle, at least, the time has come for reparations.

Amen.

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<sup>i</sup> Henry Louis Gates, Jr., “The Truth Behind ‘40 Acres and a Mule,’” <https://www.pbs.org/wnet/african-american-many-rivers-to-cross/history/the-truth-beind-40-acres-and-a-mule/>.

<sup>ii</sup> Ibid.

<sup>iii</sup> Ibid.

<sup>iv</sup> Ibid.

<sup>v</sup> Ibid.

<sup>vi</sup> Adeel Hassan and Jack Healy, “America Has Tried Reparations Before. Here Is How It Went,” *The New York Times*, June 19, 2019.

<sup>vii</sup> Ibid.

<sup>viii</sup> Genesis 4:10.

<sup>ix</sup> Rabbi Ruth Zlotnick, “Reckoning with the Sins of Slavery & Racism,” *RAVBLOG*, [ravblog.ccarnet.org](http://ravblog.ccarnet.org), October 4, 2019.

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<sup>x</sup> Hassan and Healy.

<sup>xi</sup> Bernd Reiter, "If Germany atoned for the Holocaust, the US can pay reparations for slavery," *The Conversation*, July 31, 2019, updated August 2, 2019.

<sup>xii</sup> I Kings 21:19.

<sup>xiii</sup> Melissa Eddy, "For 60<sup>th</sup> Year, Germany Honors Duty to Pay Holocaust Victims," *The New York Times*, November 17, 2012.

<sup>xiv</sup> BT Gittin 55a, text and translation provided by Rabbi Rachel Mikva.

<sup>xv</sup> Danny Lewis, "The White House Was, in Fact, Built by Slaves," *Smithsonian.com*, July 26, 2016.

<sup>xvi</sup> Perry Bacon, Jr., "What Americans Think About Reparations And Other Race-Related Questions," *FiveThirtyEight*, February 26, 2019.

<sup>xvii</sup> Susan Neiman, "Op-Ed: Germany paid Holocaust reparations. Will the U.S. do the same for slavery?" *Los Angeles Times*, July 21, 2019.