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The Torah Case for Reparations: A Jewish View

Posted by Rabbi Aryeh Bernstein | Oct 21, 2020 |

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The biblical narrative of the Exodus from slavery understands the reparations taken by the Israelites to be an essential part of the redemption from servitude.

The following is a much-abbreviated version of Rabbi Aryeh Bernstein's 2018 article, "The Torah Case for

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Reparations,” which you can read in full at [this link](#). The author prepared this shortened version for Evolve.

In the last several years, cultural and political winds have moved the demand for reparations to Black Americans from the fringe into the mainstream of American politics. Ta-Nehisi Coates’s magisterial 2014 article, “[The Case for Reparations](#),” deserves much of the credit for this shift. Slavery and its aftermath sit at the heart of the mythic consciousness of Judaism. Does Judaism have anything to contribute to a national consideration of reparations? I think it does.

We Took Reparations

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. The Torah emphasizes that on the way out of Egypt, the Israelites emptied their Egyptian neighbors of their wealth ([Exodus 12:35-36](#)). This taking of reparations was not castigated as dishonest plundering or sinful vindictiveness, nor even as an optional bonus, but was a required component of liberation, as God had explicitly commanded the day before ([Exodus 11:2](#)).

Receiving reparations was a core component of the Exodus. God’s first promise to liberate the Israelite slaves, spoken to Moses at the burning bush, already explicitly included abundant reparations ([Exodus 3:21-22](#)). The taking of reparations is at the very heart of the slavery story, even promised to Abram as part and parcel of the Bible’s first premonition of slavery and redemption. The first time the Torah’s core story — slavery and liberation — is revealed, the entire content of that liberation is



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the future departure from Egypt *with reparations*:
 “Know for sure that your seed shall be an alien in a land not their own, and shall serve them; and they shall abuse them — four hundred years; and also that nation, whom they shall serve, will I judge; and **afterward shall they come out with significant property**” ([Genesis 15:13-14](#)). We recite this passage ritually in our [Passover Seders](#) to this day, annually reviewing that God’s faithfulness is expressed through a promise kept over hundreds of years, and that that promise was reparations for slavery.

Are These Really Reparations?

The rabbis of the Talmud understood the wealth taken by the Israelites as slavery reparations, as shown in a piquant story in the Talmud ([Sanhedrin 91a](#)), which imagines the Egyptians suing the Jews in the court of Alexander the Great, symbol of the international superpower *par excellence*, to return the wealth they took on the way out of Egypt. A non-rabbi named Geviha ben Pesisa serves as defense attorney for the Jews and countersues: “*I, too will bring you evidence only from the Torah, as is said, ‘And the Israelites’ residence, which they resided in Egypt was 430 years’* ([Exodus 12:40](#)): *Give us payment for the labor of 600,000, whom you enslaved in Egypt for 430 years.*” The Egyptians offer no response and drop their case.

The rabbis understood Egyptian spoils as reparations and imagined that this should be legally coherent and just in the eyes of the international community. Egypt exploited the Israelites for hundreds of years, stealing their labor; any Egyptian perception of prosperity was delusional. The wealth in their hands was not theirs. Judged by morality and Divine law, it was money owed to Israelite laborers, held in sloppy escrow. Egypt was wealthy

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only if theft is the law of the land. Egypt owed the Israelites generations of reparations, but was not about to pay them willingly or to acknowledge the depth of its wrongdoing. The Egyptians were barely willing even to release the Israelites from slavery and did so only out of desperate fear, perhaps only by failing to understanding that they were leaving forever and would not persist as their underclass. 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.

The sages also don't want us to underestimate the value of these reparations. We took a lot — really, really, a lot. In the Talmud ([Bekhorot 5b](#)), Rabbi Hanina reports that Rabbi Eli'ezer taught that every single Israelite left Egypt with "ninety Libyan donkeys laden with Egypt's silver and gold," and that this, in fact, is why we are commanded forevermore to redeem every firstborn donkey in offering to God ([Exodus 13:13](#)), who enabled our ancestors to receive this start-up wealth.

The Alexander story concludes with the literary fantasy of having the Egyptians turn over even more property to the Jews when they flee in humiliation, abandoning their agricultural holdings. A thousand years and many regimes after the Exodus, Egypt still owed the Jews *more* reparations. Systemic injustices must be remedied even long after the end of official slavery.

By placing this event during a sabbatical year, when Jews are prohibited from farming and therefore vulnerable to food shortage, the rabbis add a happy ending literary flourish showing that this deserved windfall came in the nick of time, when they needed it, and in reward for performing a difficult

commandment. It may say something more, though. Observing the sabbatical year disrupts anyone's domination over land and people. The land is released to grow wild and debts are relieved. Temporary economic straits, then, cannot plunge a person into structural poverty and servitude. Just as the Torah contrasts Egyptian slavery with observance of the weekly sabbath ([Deuteronomy 5:15](#)), the prophet Jeremiah tells the people that God commanded the sabbatical year laws "on the day that I brought them out of the land of Egypt, out of the house of slavery" ([Jeremiah 34:13](#)). For the rabbis, Egyptian spoils were reparations, were massive in quantity, yet still insufficient compensation, and contributed to an economy set up as a foil to the exploitation of slavery.

The Torah's Internalization of the Legal Implications

The Torah does not frame the Israelites' taking of Egyptian reparations only as an important *historical* element to their past liberation, but as a core component of the Divine law moving forward. As the Torah prepares the Israelites for life in the Land of Israel as an independent nation, God warns them of the proper way to transition vulnerable and dependent indentured servants to freedom ([Deuteronomy 15:12-15](#)). Landowners, having used their servants' labor to generate not just income, but wealth, are commanded to endow freed servants with wealth that will enable them to escape the poverty that plunged them into servitude in the first place. This legal burden is a lesson of the redemption from Egyptian slavery.

If your brother, a Hebrew man, or a Hebrew woman, is sold to you, he shall serve you six years; and in the seventh year you send him free from you. And when

you send him free from you, do not send him **empty**. 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. 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.

The Torah emphasizes a connection between releasing indentured servants responsibly and remembering that we were slaves in Egypt, liberated by God. What is the nature of that connection? The passage highlights this connection with an important literary allusion. Verse 13 says, “And when you send him free from you, do not send him empty.” This echoes God’s promise of reparations at the Burning Bush: “And I will give this people favor in the sight of the Egyptians, so that when you go, you will not go empty” ([Exodus 3:21](#)). God redeemed us from slavery with reparations — resources to break the cycle of poverty and subordination. Accordingly, when we have economic security, we must never prop ourselves up with wealth exploited from those subordinated to us through financial misfortune.

[Rashi](#), following a midrash ([Sifrei #120](#)), sharpens the link between the liberation from Egyptian slavery and this commandment: “ ‘And remember that you were a slave’ and I provided for you and gave to you twice, from the spoils of Egypt and the spoils at the sea; so, too, you must provide for [your departing indentured servant] and give to him twice.” Our ancestors were rescued from slavery with reparations bountiful enough to build long-term financial security. Our free society is commanded to ensure the same for those plunged into economic subordination, so that temporary poor-ness never becomes structural poverty.

Reparations in Practice: The Resulting Spiritual Economy

Not only is the epic story of the Exodus a story largely about reparations, but so is the desert aftermath, the highs and lows of the free nation's religious life. God commands the people to contribute gold, silver, copper and fine fabrics towards the construction of the Mishkan. The Torah states that it is the construction of the Mishkan that enabled God to dwell among the Israelites in the desert ([Exodus 25:8](#)). From the perspective of Exodus, then, intimacy with God for the Israelites was enabled by reparations.

The spoils of Egypt also feature at the center of the other "religious" construction of Exodus, the Golden Calf. Though the rabbis link the sin of the Golden Calf to the spoils of Egypt, they do not question the justice of those reparations, implying that not taking reparations would have been even worse than the sin of the Golden Calf. The Talmud ([Berakhot 32a](#)) links the sin of the Golden Calf to the reparations:

From the School of Yannai, they said:

So said Moses to the Holy Blessed One: "Ruler of the Universe, [the sin of the Golden Calf] was because of the silver and gold that you loaded on Israel until they said, 'Enough!' THAT is what caused them to make the Calf."

From the School of Yannai, they said: A lion does not roar from a box of straw, but only from a box of meat ...

R. Hiyya bar Abba said that R. Yohanan said: This is a parable, to one person who had a son; he bathed and perfumed him, fed him food and drink, and hung a

wallet from his neck, and dropped him off at the door of a brothel. What can this son do but to sin?!

Rashi and numerous other commentators incorporate this passage into their comments, especially to [Deuteronomy 1:1](#). The Golden Calf stands out as one of the epic catastrophes of the Bible, perhaps the Israelites' greatest sin, which resulted in a God-sanctioned bloodbath. Saying that the Golden Calf was enabled by reparations might raise a question as to their propriety, suggesting that the rabbis thought that reparations can lead to misconduct, [as some contemporary naysayers argue](#). After all, the rabbis even deflect some of the responsibility for the sin away from the Israelites onto God.

This would be a misreading of the passage. The argument that the spoils of Egypt inevitably led to sin doesn't hinge on the spoils being reparations *per se*, but on their being *money*, specifically rapidly accrued money. The rabbis never challenge the *justice* of reparations; it's the *method* of reparations collection that is implicated as the cause of the negative consequences. Sure, if a large population snatches hundreds of years' worth of reparations in one night, then runs to freedom, drunk on the cocktail of novel liberation, PTSD, migration stress and the exhilarating terror of witnessing God split the sea and drown their oppressors, and then, weeks later, that same population is overwhelmed with the terror of that God appearing to them with smoke, lightning and thunder at a mountain, we should expect some aspects of their emotional life to go haywire.

It would have been better to have a reparations commission and a process for steady payment over years or generations, directed to rebuild the Israelite

economy sustainably. There was no roadmap for that to happen. The justice of reparations is so clear that if they are not disbursed in an organized way, plundered people are urged by God to take them anyway, and if the ensuing chaos produces calamity, so be it. When people talk about reparations today, they mean targeted programs, overseen by governmental commissions. Various models have been proposed and implemented in different places; they should be studied, selected and implemented. Refusal to do so is irreconcilable with the Torah tradition.

What Are We Supposed to Do About it?

In this congressional session, as in every one for more than 25 years, a bill (H.R. 40) has been introduced to the U.S. Congress, the Commission to Study and Develop Reparation Proposals for African-Americans Act. Though its number of signatories has grown significantly in recent years and last year an accompanying Senate bill was introduced for the first time, in all these years, this bill has never been brought to the House floor. This reflects the status of reparations in broad, American discourse: they're seen as a joke. The Torah covenant tells us differently: It is not that reparations are a joke, but that they are so serious and of such massive implication as to cause national vertigo. As Coates put it,

"The popular mocking of reparations as a harebrained scheme authored by wild-eyed lefties and intellectually unserious black nationalists is fear masquerading as laughter" (*We Were Eight Years in Power*, 202).

As Jews, if we are to take seriously our Torah, our covenant, our faith, our *brit milah* ceremonies and

Passover seders, our Kiddush blessings and every time we invoke the “memory of the Exodus from Egypt” — זכר ליציאת מצרים — then we cannot participate in that fear or engage in that laughter. Without the justice of reparations, we have no liberation story. As Jews, if we take our Torah tradition seriously, we should make it a core issue of Jewish American politics to demand that H.R. 40 be brought to the House floor and passed. We know that liberation from slavery without reparations is a woefully incomplete liberation.

To continue your learning at greater depth, read the full article, “The Torah Case for Reparations,” at [this link](#).

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