



## OUR COUNTRY WAS BUILT ON A STOLEN BEAM:

### THE CALL FOR A NATIONAL RECKONING

*We can't undo the past. But we can name it, take responsibility for it, and do everything in our power to fix what's been broken. A Jewish case for REPARATIONS.*

**Rosh Hashanah II, 5778**

Jourdon and Amanda Anderson had been slaves their whole lives when they were liberated by the Union Army in 1864. They moved to Ohio with their children and were contacted a year later by the man who enslaved them, pleading with them to return to the plantation. Here's part of Jourdan's response:

...Mandy says she would be afraid to go back without some proof that you were disposed to treat us justly and kindly; and we have concluded to test your sincerity by asking you to send us our wages for the time we served you. This will make us forget and forgive old scores, and rely on your justice and friendship in the future. I served you faithfully for 32 years, and Mandy 20 years. At \$25 a month for me, and \$2 a week for Mandy, our earnings would amount to \$11,680. Add to this the interest for the time our wages have been kept back, and deduct what you paid for our clothing, and three doctor's visits to me, and pulling a tooth for Mandy, and the balance will show what we are in justice entitled to... If you fail to pay us for faithful labors in the past, we can have little faith in your promises in the future. We trust the good Maker has opened your eyes to the wrongs which you and your fathers have done to me and my fathers, in making us toil for you for generations without recompense... Surely there will be a day of reckoning for those who defraud the laborer of his hire...

Say howdy to George Carter, and thank him for taking the pistol from you when you were shooting at me.

From your old servant,  
Jourdon Anderson

What's remarkable about this letter is not only the perfect tone (apparently they did have sarcasm in the 19<sup>th</sup> century), but the sensibly articulated assumption of wages due, remorse and recompense.

The premise of *teshuvah*—return, reconciliation—is that mistakes are inevitable in any relationship, family system or society. People need a way out, an exit strategy, so that the offender is not defined permanently by his villainy and the victim can free herself of perpetual victimhood.

But what happens when the mistake is not a momentary misstep, but rather an act of breathtaking immorality, perpetrated over the course of hundreds of years, driven by callous disregard for a person or group of people's humanity? What happens when a mistake is compounded by a national culture of indifference and cruelty? Embedded into the legal system, entrenched in everyday reality? How then are we to begin to repair?

In the Talmud (Gittin 55a), there is a dispute between Rabbis: what ought we do if a house, maybe even a beautiful palace, is built on the foundation of *marish hagazul*—a stolen beam?

Shammai argues: we must tear down the house to retrieve the beam and return it to its rightful owner. You can't build something beautiful on a lie.

But Hillel has a different take. What sense does it make to demolish the palace? Let the thief pay for the beam, considering its full value as the foundation of a beautiful home.

Both Rabbis insist that *something must be done* to rectify the injury. That is the only way for justice to be served.

I want to talk today about our country's desperate need for a reckoning around race; specifically, I want to talk about reparations.

Really? Reparations on Rosh Hashanah? With everything going on in this country, with the spike in antisemitism and growing sense of vulnerability and insecurity in our community? With "Jew hater" as an advertising category on Facebook and #burnthesynagogue trending on twitter? With the clock ticking on DACA and yet another attempt to undermine healthcare, with the floods and the hurricanes and my own broken heart?

Yes, I want to talk today about reparations, because this conversation stands at the center of so much that's broken in America. And because I believe that Jews—because of our unique history—have a special obligation to help advance this conversation.



Of the 12.5 million Africans abducted and shipped to the New World in the middle passage, 450,000 landed in the United States. (Why, I wonder, didn't I hear those words, "middle passage" until college—and even then, in a class not on American History, but on African-American History?). Those 450,000 eventually grew to a slave population of four million. Today, there are 42 million African-Americans descendants of the four million.

Slavery was abolished more than 150 years ago, but the legacy of hundreds of years of cruelty and inhumanity remain largely unaddressed. As I've learned from my friend, Bishop William Barber, who came to celebrate Rosh Hashanah with us here yesterday, the last century and a half has been a torturous journey from progress to regress, progress to regress.

Some history: After the Civil War, it was precisely the success of Reconstruction—under which fourteen black men were elected to the House of Representatives, and more than 600 elected to state legislatures across the south—that led to the violent backlash of the Ku Klux Klan and other extremist groups. With a fierce determination to restore white supremacy to the South, Jim Crow was born, restricting, controlling and disenfranchising former slaves, and leaving black folks at the mercy of violent white mobs.

Post-Reconstruction, there were more than 4000 lynchings of African Americans across the south.<sup>1</sup> Each one was a searing assault on the black community and sense of personhood. These were public events, generally condoned by public officials and witnessed by frolicking picnickers and folks taking photos and cutting scraps of clothing as souvenirs. The murderers acted with almost complete impunity.

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<sup>1</sup> <https://eji.org/reports/lynching-in-america>.

Jim Crow enforced a system of racial discrimination and segregation in the south. Aside from "Whites Only" and "Colored" signs on drinking fountains and bathrooms, on parking spaces and telephone booths, did you know that it was illegal, under Jim Crow, for blacks to pass white motorists on the road? "At every turn," according to Isabelle Wilkerson, "was the reminder to stay in your place in the suffocating, all-encompassing caste system."<sup>2</sup>

Many call the Civil Rights Movement in the 60s a Second Reconstruction, heralding not only legal advances toward the end of segregation, but also the triumph of the moral argument for equality. But like Reconstruction, the Civil Rights Movement was followed by yet another fierce backlash, what Bishop Barber calls "Mr. James Crow, Esq." A cleaned-up version of Jim Crow that preserved the supremacy of whites over blacks in nearly all areas of civic and political life. This manifested as housing redlining, Nixon's Southern Strategy and voter ID laws that have led to the systematic disenfranchisement of millions of black voters, including a North Carolina law from 2013 that an appeals court recently found "targeted African-Americans with almost surgical precision."<sup>3</sup>

And now, after the election of the first black President of the United States, we are witnessing what many see as another massive backlash to the advancement of equality for People of Color in this country.

Our current reality? Mass incarceration, police brutality, poverty and profound inequalities, such that my friend, Rev. Otis Moss, felt he needed to warn his son, Elijah, of the perils of being black in America:

"Shall I tell you your body is of equal value to all citizens? Shall I tell you your rights are protected and racism is now a scourge banished from society? Shall I tell you that you are entitled to freely act and live as a teenaged boy in this country, dance playfully with minor mischief, and speak with a quick immature tongue? Shall I tell you that your body is safe and your mind is valued and your future is free?

If I tell you this, these words will be perjury before God and an assault upon the memory of our ancestors. I must share a hard truth with you today. The truth is you are not safe. ...You do not yet have the right to be a frolicking teenager like other children in our community, for your boisterous actions might be misconstrued by people who refuse to remove the racialized lens from their soul."<sup>4</sup>

THIS is the backdrop to the resurgence of the far right on the public stage, now bolstered by neo-Nazis and White Nationalists determined to build a white-only nation, free of Jews and People of Color, and hell-bent on perpetuating the idolatry of the Confederacy, all while denying the terror, degradation, theft, rape and murder that are its unresolved legacy.

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<sup>2</sup> <https://www.youtube.com/watch?v=c751gghuGsM>

<sup>3</sup> <http://www.npr.org/sections/thetwo-way/2017/05/15/528457693/supreme-court-declines-republican-bid-to-revive-north-carolina-voter-id-law>

<sup>4</sup> [http://www.huffingtonpost.com/rev-otis-moss-iii/post\\_12566\\_b\\_10974782.html](http://www.huffingtonpost.com/rev-otis-moss-iii/post_12566_b_10974782.html)

According to Biblical law (Lev 5:21-24), stolen property *itself* must be returned, along with punitive damages. So how can Hillel, knowing that the beam at the heart of the palace is stolen, not insist that the whole house be taken down?

Hillel is a pragmatist, and he's almost always right. His argument is *mishum takanat hashavin*—for the sake of those who need healing, those who need to make things right. If you don't create the possibility of *teshuvah* after something precious is stolen, you will ensure an unrepentant and unforgiving society in which cruelty is heaped on cruelty with no end in sight. Strict adherence to Biblical principle here would disincentivize anyone from ever admitting wrongdoing, ensuring that everyone loses.

Remember, between Shammai (the extremist) and Hillel (the pragmatist) neither said that you can pretend, generation after generation, that the beam wasn't stolen, continuing to reap profit off the criminal act at the foundation of what's been built. That would be willful ignorance. No, that beam is the elephant in the palace. To refuse to acknowledge its presence is to engage in a dangerous game of denialism, which ultimately threatens the legitimacy of the whole house.

Rabbi Sholom Noach Berezovsky understood this. A survivor of the Slonim Hasidic dynasty that was essentially wiped out in the Holocaust, he wrote that one who builds a home without investing in a deep and pure foundation will inevitably confront cracks on the walls and breaches in the structure. He'll work furiously to paint and plaster over the cracks, desperate to maintain the appearance of normalcy. But at some point, no superficial adjustments will suffice, and the house will be in danger of collapsing. Eventually, the only solution will be to demolish the place, clean out the rotten foundation and build something new that is strong and healthy.<sup>5</sup>

The question for us as Americans today is: what kind of house do we want to live in?



Immediately after the end of WWII, the Jewish Agency demanded reparations and restitution for the Jewish people from Germany in light of the "mass murder, the human suffering, the annihilation of spiritual, intellectual, and creative forces," which they argued were "without parallel in the history of mankind."<sup>6</sup>

The idea of reparations was met with fierce opposition in the Jewish community, from across the political spectrum. Many saw it as blood money, a cheap way to buy forgiveness for the unforgiveable. And many felt it was both impossible and insulting to put a price tag on the atrocities of our people. Some still feel that way to this day.

But others argued that while no amount of money could give back what was taken from us, we could start to right some of the wrongs through monetary compensation. David Ben-Gurion said: "There are two approaches. One is the ghetto Jew's approach and the other is of an independent people. I don't want to run after a German and spit in his face. I don't want to run after anybody. I want to... *build* here."

These funds helped build the infrastructure of Israel's young economy, providing the foundation for Israel not only to achieve economic viability but ultimately positioning it to become the economic

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<sup>5</sup> Netivot Shalom, Vol. 1, *Teshuvah b'Behinat Gerut*.

<sup>6</sup> <http://www.jewishvirtuallibrary.org/german-holocaust-reparations>

powerhouse it is today. That's why Holocaust reparations are seen by many as a model for reparations to the black community in America. Reparations allowed for Israel to purchase crude oil, steel, chemical, industrial, and agricultural products. Decades later, Germany also agreed to compensate individuals for slave and forced labor in a grossly insufficient lump sum payment, but one that signaled moral culpability and a desire to make amends.

Remorse was seen as a necessary condition of the reparation and restitution deals. Understanding the limitations of financial compensation, the German Minister of Economy said, "We know the money is very insufficient... No one can give you back those years of your life." This matters. Beyond the economics, reparations offered a way for Jews to feel validated that those who had taken everything from them were at least being forced to own what they had done. And while the Jewish psyche is still in many ways defined by the experience of the Holocaust, that trauma no longer manifests primarily as animus toward Germany or Germans. Today, 72 years after the liberation of Auschwitz, so many Israeli artists, musicians and tech entrepreneurs have moved to Berlin that that city has become for many Israelis the very symbol of the good life.

And there's more. Within only a few generations, Germany has transformed itself from the worst world actor—responsible not only for the genocide of our people but for the death and destruction of millions more—to the world's moral leader. It's not a perfect place, as evidenced by the recent return of the far right to the political stage, but it has gone through an undeniable and dramatic transformation. How did that happen? Reparations gave Germany an opportunity to begin to come to terms with its history, to make amends and to rebuild itself into a thriving western democracy.

Germany is not the only country that has wrestled with its soul. I would urge us to consider Australia, where in the late 90s the Prime Minister expressed "deep and sincere regret that indigenous Australians suffered injustices under the practices of past generations, and for the hurt and trauma that many indigenous people continue to feel as a consequence of those practices."<sup>7</sup> And this was not a one-time statement: every year since on National Sorry Day, Australians commemorate the mistreatment of the indigenous population.

There seems to be a widespread recognition that a real conversation around reparations would be a starting point that will not only validate past suffering, but also help the society as a whole move forward. Even in the First Nation/ Native American community, where reparations have not "figured prominently into... calls for justice," Professor Daniel Wildcat argues that it could only catalyze a national coming to terms with systemic and institutionalized racism.<sup>8</sup>

Clearly, in America, reparations would be fraught, and there are legitimate concerns about the effects on both the black community and the rest of the country.

Reparations would not suddenly ensure economic equality, nor would they erase generations of trauma. But they *would* offer some financial redress. And most significantly, they would signal a reckoning that our nation desperately needs.

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<sup>7</sup> [http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=\(Id:media/pressrel/23e06\);rec=0;](http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=(Id:media/pressrel/23e06);rec=0;)

<sup>8</sup> [https://www.washingtonpost.com/posteverything/wp/2014/06/10/why-native-americans-dont-want-reparations/?utm\\_term=.b5e38462d23d.](https://www.washingtonpost.com/posteverything/wp/2014/06/10/why-native-americans-dont-want-reparations/?utm_term=.b5e38462d23d)

As Ta-Nehisi Coates writes in his seminal piece on reparations:

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.<sup>9</sup>



The American Jewish community, often thought of as monolithic, is multiracial, with Jews of black, Latino, Persian, Arab, Asian, Native American and European descent. Most of our people came here fleeing persecution or poverty; most arrived well after the abolition of slavery.

We did not create this problem, but that does not free us from being part of the solution. We are beneficiaries of a national economic system that was built on stolen land and stolen labor, a foundational wrong that has never been rectified.

Many of you are wondering: but what would a national reckoning really look like? How would the US distribute reparations to 42 million people? What about black folks who are not descendants of slaves but are still victimized by a racist criminal justice system? What about poor white folks—won't this only exacerbate racial tension? What about the slippery slope: won't other minorities, like women and Latinos, suddenly make similar demands? And why now, when racial tensions are bubbling over in all spheres of American life... are reparations not more fantastical and remote than ever today?

I acknowledge the challenges, and I will not purport to know exactly what this should look like. But I believe that it reflects a profound lack of righteous imagination to argue that the practical difficulties should foreclose the commencement of this long overdue conversation. What we know is that injustice, unaddressed, does not disappear. It festers until it erupts.

So maybe it's free tuition for first generation black college students or comprehensive educational support programs for the black community. Maybe it's student loan debt forgiveness, subsidized home mortgages or business start-up funding.<sup>10</sup> There are economists, scholars, and politicians who have been sounding this call for many years and are far better suited to hash out the practicalities. They should be supported in their efforts to determine the most just and effective way to do this, and there ought to be a Congressional commission tasked with formally exploring models and mechanisms.

I am neither an economist nor a politician. I am a rabbi; a moral leader. What I know is that terrible offenses have been committed in this place that have had lasting destructive ramifications. What I know is that a little girl I tutored in middle and high school, September, grew up in a small brick walk-up in Newark on a block that had no garbage pick-up. Her grandma couldn't pay the electrical bill, so she had no electricity in her house, and the combination of the stifling heat and the stench of trash made it hard for September to focus on her school work, which she would have struggled with in any case because of learning challenges compounded by a grossly under resourced public-school system. Across the street

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<sup>9</sup> <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

<sup>10</sup> <https://qz.com/1012692/this-is-what-reparations-could-actually-look-like-in-america/>.

from her home was an abandoned lot covered in broken glass, a haven for drug dealers and gang members.

September's home in Newark was eleven miles door to door from my house in Short Hills. My parents worked hard to give us a good life, often putting in 14-hour work days and making many sacrifices to give us every possible opportunity in the world. I'm forever grateful to them, most importantly for the love and sense of safety that defined my childhood, and for the great education their hard work afforded me. But/ and... I know that it was due to no merit of my own, and no fault of September's that she was born into her lot and I, mine. She, and so many others, was neither given a fair share, or a fair shot.

Chief Justice Roberts famously said, in an argument often used against affirmative action, "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race."<sup>11</sup> There is no doubt that if we could create America from scratch we would build a society in which neither race, ethnicity, religion or gender figured into prospects for success, but that is not the reality of America today. To insist on equality without first ensuring equity is to willfully ignore both history and contemporary reality to the detriment of those most vulnerable.

That's why reparations and the national conversation around racial healing would have to coincide with and incorporate significant changes in policy. As Bishop Barber likes to say: It's not just about statues—it's about statutes. Reparations would jumpstart a long overdue conversation in America about what must happen for this country to realize its great promise to all its inhabitants.

Why am I talking about this today, on one of our holiest days of the year? Because the black community is taking the lead in this conversation, but it is simply immoral to leave the call for reparations to the black community alone.

We—Jews, people of faith, survivors and descendants of survivors of generational trauma, must join this conversation because it's decent and it's right. Because our destiny, as American Jews, is tied inextricably to the health and wellbeing of this nation, and right now our country is profoundly unwell. Because we know what it means to be on the receiving end of so much cruelty. I remind you of the words of Rabbi Joachim Prinz, who stepped up to the podium to speak just before King delivered his I Have a Dream speech in 1963:

I speak to you today as an American Jew. When I was the rabbi of the Jewish community in Berlin under the Hitler regime, I learned many things. The most important thing that I learned under those most tragic circumstances was that bigotry and hatred are not the most urgent problem. The most urgent, the most disgraceful, the most shameful and the most tragic problem is silence.

Prinz argued that Jewish involvement in civil rights and racial justice was motivated "not merely by sympathy and compassion for the black people of America... [but] above all... [by] a sense of complete identification and solidarity born of our own painful historic experience."

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<sup>11</sup> <https://www.theatlantic.com/politics/archive/2014/10/on-race-and-voter-id-john-roberts-wants-it-both-ways/381868/>

It is the suffering of our past and the privilege of our present that demand that we do what is just and right. Today, I ask you to join me in insisting that this country—where so many Jews from around the world have found freedom, safety and boundless opportunity—extend those blessings to *all* who live here, including and especially those who built this country with their own blood, sweat and too many tears.

What can we do? We can amplify and strengthen and magnify. We can stand up at town hall meetings and speak, as a people that has benefited from reparations for our own great collective trauma, about the moral necessity for a national reckoning. We can fight to keep this conversation in the public domain.

We're all deeply worried about the state of our country. We've all cycled through waves of anger, despair, frustration this year, as the tensions that have lived for many years under superficial cover have surfaced with a vengeance.

I wonder if we will have the courage to hear the lessons of our sacred texts and traditions today.

I wonder if we'll be willing to hear the eternal promise of this season, that *heshbon hanefesh*—real introspection, soul-examination—can lead us not only to personal healing but also to societal improvement.

I wonder if we have the courage to start this year asking the uncomfortable question: *what are we willing to do about it?*

Our nation has never contended honestly with its past. The point of *teshuvah* is to make it possible for people to move forward, to reconcile and begin to heal. We can't undo the past. But we can name it, take responsibility for it, and do everything in our power to fix what's been broken.

The city of New Orleans removed three Confederate statues in May. Mayor Mitch Landrieu, in a brave and historic speech, said: "Now is the time for choosing. Now is the time to actually make this the City it always should have been, had we gotten it right in the first place."

I love this country.

But our GDP was built on a rotten foundation, and we've never made it right. Our country was built on a stolen beam. Except it was several million stolen beams. And they weren't beams, they were human beings. The palace they built was magnificent, but they have not yet been paid for their labor. Or thanked. Or fully invited to a seat at the dining room table.

Now is the time to actually make this the country it always should have been, had we gotten it right in the first place.