

Are We Responsible for the Sins of Our Ancestors? The Torah Case for Reparations, Part 2 — D'var Torah for Parashat Behukotai

Posted on May 7, 2021 by Aryeh Bernstein

A few years ago, in the midst of a heightened national discourse around reparations for descendants of enslaved people in America and other exploited parties, and standing on the shoulders of moral thinkers and organizers many steps ahead of me, I published an article called, “The Torah Case for Reparations”. In it, I unpacked the textual legacy of the abundant wealth the Israelites took from their Egyptian neighbors on the way out of Egypt, showed that the Rabbinic tradition understood that wealth to be reparations for generations of unpaid labor, demonstrated the centrality of these reparations to the exodus story, argued that it’s incoherent for Jews who care about Torah to oppose reparations in principle, and claimed that supporting Congressional bill HR 40 to create a Congressional “Commission to Study and Develop Reparation Proposals for African Americans” should become a central part of Jewish American politics. One common path of pushback has said: OK, I accept that reparations are an integral part of the basic Jewish story and I agree that the U.S. government should have paid reparations to formerly enslaved people after 1865. But what does that have to do with us? I never enslaved anyone; why should I be financially liable for the sins of our forebears? This week’s parasha gives us the opportunity to address this question: Are we responsible for the sins of our ancestors?

Atonement for sins involves several components, including naming, declaring, confessing, acknowledging the sin. We will trace this commandment from its earliest sources, but before we do, I’ll just name that this mitzvah may seem trivial — mere words — but observing how hard people work to avoid acknowledging wrongdoing already suggests that there is something more transformative at stake.

Only Our Own Sins, or Our Ancestors’, Too? A Contradiction in the Rambam

There is an apparent contradiction in the legal code of the Rambam (aka Maimonides, 1135-1204, Spain and Egypt) the Mishneh Torah: In his Laws of Repentance (2:8), he

writes: “The confession which has become the custom of all Israel is, ‘Indeed, we have sinned — *aval anahnu hata’nu* — אבל אנחנו חטאנו’, which is the essence of confession.” However, in the actual text of his prayer book, included in the same code (Order of Prayer 4:2), he writes, “The Text of Confession: Our God and God of our ancestors: Let our prayer come before You and do not ignore our supplications, for we are not so brazen and stiffnecked that we would say before You, We are righteous and have not sinned; indeed, we and our ancestors have been guilty, have acted treacherously, have robbed, have spoken slander....” It is no surprise that the actual liturgical practice would include poetic additions and expansions upon the basic, essential confession declaration. Not just “we have sinned”, but a full alphabetical acrostic of synonyms: we have hurt people from A to Z, from aleph to tav. More curious is the Rambam’s mention of the sins of our ancestors. Why would we declare the sins of our ancestors? Are we, somehow, responsible for wrongdoing of others who came before us? The question is heightened when we note that in the Talmudic passage that relates what various Rabbis said for their sin confession, the text of Mar Zutra, which is elevated as the most fundamental version is, simply, “Indeed, we have sinned”, without mention of ancestors (Talmud Bavli, Yoma 87b). Why did the Rambam add ancestors to his prayer text?

The Laws of Confession in the Torah

Let’s start at the very beginning. Chapter 5 of the Biblical book of VaYikra/Leviticus legislates how to take responsibility for sins. Listing a handful of representative sins, of civic and ritual natures, it teaches that when one sins and experiences guilt, that person “shall confess that about which they have sinned” and then they should bring a sacrifice (VaYikra 5:1-8). This is all in the singular: I sin, I confess my sin. Each of us is responsible for our own actions. Similarly, chapter 16 legislates the annual Yom Kippur ritual of purging the sanctuary of the accrued sins of all the people, which present a barrier to God’s closeness, and teaches that Aharon, the High Priest “shall lay both his hands upon the head of the live goat and confess over it all the iniquities of the Israelites and their transgressions, whatever their sins” (16:21): just the sins of the people themselves, no ancestors. Our personal crimes are not just our own, personal,

spiritual business; they affect the whole community and must be addressed and named as a communal problem, but this spiritual politics is still contemporary. Our sins mess up our community.

Our parasha, however, Behkotai, pivots us to a more retrospective posture. As the book of Vayikra/Leviticus winds toward a close, God sums up the blessings to accrue to the people if we behave responsibly, according to the commandments, and, in much greater and gorier detail, the curses and punishments to befall us if we act selfishly and abandon the commandments. After anticipating a corrupt state of affairs in which not only does the people sin egregiously, but stubbornly digs into their criminal ways, generation after generation, even after suffering grotesquely for it, the Torah warns, “Those of you remaining shall melt away over their iniquity in the land of your enemies, and even over the iniquities of their ancestors with them they shall melt away; and they shall confess their iniquity and the iniquity of their ancestors (26:39-40). Our parasha teaches that we are punished not only for our own wrongdoing, but also for that of our ancestors and when we repent, we must take ownership over our own wrongdoing and that of our ancestors.

The Rabbis are understandably nervous at this shocking betrayal of the principle of personal responsibility. The classical, 3rd-Century midrash on Vayikra/Leviticus expresses the apparent crisis of this verse: “But hasn’t the Omnipresent One promised Israel not to punish parents via their children nor children via their parents!? As is said: ‘Parents shall not be put to death on account of children and children shall not be put to death on account of parents’ (Devarim/Deuteronomy 24:16)!” Doesn’t God’s enraged promise in our parasha violate God’s own law of personal responsibility? The midrash resolves: “If so, for what purpose was ‘Even over the iniquities of their ancestors...they shall melt away’ said? Rather, it is when they hold onto the deeds of their ancestors generation after generation, they are judged on account of them” (Sifra, Behukotai, 8:2 and Talmud Bavli, Sanhedrin 27b). This resolution is embraced throughout the later, rabbinic tradition (eg, Rashi on Sh’mot/Exodus 34:7; Rabbeinu Yonah, Sha’arei Teshuva

1:40): We must own up to and confess the sins of our ancestors, as long as we still hold onto them.

If my grandparents ate pork, smoked cigarettes, or gossiped about people, and I abstain from these behaviors, seeing them as violations of Torah law, I am not responsible for my grandparents' actions: they were grown people who made their choices and are held responsible, and I'm a grown person who makes my choices, for which I'm held responsible. But if my grandparents withheld wages from workers and I inherit the business and continue to do so, I'm responsible for their sins, as well. What if they withheld wages from employees, built wealth off that sin, invested it, and bequeathed it to me, or paid for private college for me, so I have a head start built off criminality? How actively do I need to be grasping their sins to have responsibility for them? Some manuscripts of the Sifra actually read "when they are in the hold of the deeds of their ancestors" (just one letter difference in the Hebrew — תפוסים, instead of תופסים), they are responsible for them. Can anyone in America, certainly can any whited person in America, including whited Jews, claim not to be in the grip of the crimes of racism, of the ongoing economic impact of slavery, Jim Crow, racialized housing discrimination, etc.? Who among us has not benefited from horrific crimes? I write this from the Southwestern coast of Lake Michigan, the traditional homeland of the Council of Three Fires, the Odawa, Ojibwe, and Potawatomi nations, as well as others who were displaced, dispossessed, and in many cases murdered, to create the city called Chicago where I have lived and thrived. My grandparents were able to become homeowners, creating generational wealth, through the GI Bill, which was not offered to Black veterans who served with as much risk as much grandfather did. And on and on. We are deeply in the grip of the sins of our ancestors; sometimes we actively grab onto them, too.

A Biblical Allusion in Our Confession Language

This sense of intergenerational responsibility may be alluded to even in the original, simple declaration of Mar Zutra, "Indeed, we have sinned". That extra word, "indeed"

(aval/אבל in Hebrew, which only comes to mean “but” in medieval usage), is rare in the Bible, appearing only eleven times in the whole Tanakh, only twice in the Torah, and only once in a context of admission of guilt. When Yosef, now Vice-Premier of Egypt, and still unrecognized by his brothers, lays out terms for his brothers to receive drought aid from Egypt, he makes the one demand they most fear, that they bring back their youngest brother Binyamin, which their father has adamantly refused. Upon hearing this seemingly impossible demand, the brothers break down, finally acknowledging their criminal treatment of Yosef years earlier: “They said to one another: ‘Indeed, we are guilty on account of our brother, because we looked on at his anguish, yet paid no heed as he pleaded with us. That is why this distress has come upon us” (Bereishit/Genesis 42:21). Rabbi Elie Kaunfer unpacks the significance of the allusion to this episode in our core expression of confession (Interpreting Jewish Liturgy: The Literary Intertext Method, 2014, pp. 191-193):

“1) The confession uttered by Joseph’s brothers is not a general admission of guilt for vague sins; rather it is a direct acknowledgement of the ways in which the brothers saw Joseph’s suffering when kidnapping him, but did not listen to him....

2) It is also clear that the archetype sin that is being confessed to, based on this intertext, is one between people, not between a person and God. Not only that, the sin was committed years earlier. This scene offers the possibility that confession is not something that is limited to the actions of the here and now, or even the past year only. Actions that have been committed long ago can still be recalled, and wrongdoing admitted.

3) This confession is a moment of assuming collective responsibility, with the words of guilt recited by ‘one to another’ (v. 21). Significantly, the admission is in the plural....The admission is a moment of putting aside blaming others and uniting in accepting the consequences for the action. This is significant in considering the plural language of confession in the liturgy as well.”

As hard as it is to own up to immediate, surface, individual sins in the here and now, the beating heart of the requirement to own up to sins is for those long-lasting, interpersonal crimes that one may be tempted to bury in the past and see as disconnected from the woes of today. Responsibility starts with going to those root causes, tracing how we got from there to here, and owning up to our role.

But Are They Even Our Ancestors?

Some American Jews might argue, though, that they have no responsibility for the sins of slavery and therefore, no liability for reparations, because the enslavers weren't even their ancestors! Sure, Jews were as involved in the Confederacy, enslavement, or financing slavery, as Christians were, but there just weren't that many Jews in the country at that time and the strong majority of American Jews today do not descend from them, but, in most cases, from the large waves of immigrants around the turn of the century or around World War II. I ask those people to consider another famous text of the Rambam, his letter to Obadiah. Obadiah was a religiously pious convert to Judaism who asked whether, as a convert, he was permitted to say "God of our ancestors", or "You who have sanctified us through Your commandments," or "You who have brought us out of the land of Egypt," or any of the other myriad first-person plural liturgical texts in which Jews assert our connections to our Biblical forebears. Obadiah did not, literally, biologically descend from Abraham and Sarah, just as I don't biologically descend from anyone who participated in the enslavement of Africans in America. The Rambam emphatically responded that Obadiah and all converts have the same status as born Jews and should say the same prayers: "[W]hoever adopts Judaism and confesses the unity of the Divine Name, as it is prescribed in the Torah, is counted among the disciples of Abraham our Father, peace be with him. These people are Abraham's household....In the same way as he converted his contemporaries through his words and teaching, he converts future generations through the testament he left to his children and household after him." Everyone rules like the Rambam; in Jewish law, adopted ancestors are ancestors. Have you ever gone to a Fourth of July parade? Were you excited by the musical Hamilton for reasons beyond being a theater

nerd? Do you refer to Washington and Jefferson as “The Founding Fathers”? Are you protected by the U.S. Constitution? If so, they are your ancestors, for good and for bad. The Declaration of Independence and slavery. As Ta-Nehisi Coates wrote, “We invoke the words of Jefferson and Lincoln because they say something about our legacy and our traditions. We do this because we recognize our links to the past—at least when they flatter us. But black history does not flatter American democracy; it chastens it” (“The Case for Reparations”, The Atlantic, 2014).

This Shabbat, let’s really enter into the dark space of the curses of Behukotai. Let’s go to the root causes, as Yosef’s brothers did. Let’s dedicate ourselves to the politics of repentance for intergenerational sin, the profoundly Jewish politics of reparations.

Shabbat shalom.

This entry was posted in Learning and tagged ancestors, dvar torah, Leviticus, reparations, repentance, Torah. Bookmark the permalink.

← Life in a Medical Van: Joshua Singer discusses his Service Corps Membership
Social Work with Heart: A Conversation with Avodah Alum Camellia Heart →
Comments are closed.