

# All who are Hungry let them come and eat? Really?: Resources for Rabbis about the Impending African Refugee Deportations in Israel and DACA

This sourcesheet comes from a very personal place. Over the last nearly ten years, I have taken my Social Justice students on yearly study missions to South Tel Aviv and heard the direct testimony of more than 20 different refugees, many of whom came to Israel as unaccompanied minors. While I have not verified the details of their stories, they tell heart-breaking tales of refugees, not migrant workers. I cannot be objective, but I have attempted to be fair and nuanced. The following sourcesheet is intended for rabbis inclined to give a sermon sympathetic to the plight of the refugees.

On February 1, the 1,500 asylum seekers interred in the *Holot* detention facility began to receive notices that they have thirty days either to accept a \$3,500 incentive to be deported "voluntarily" to a third unnamed country or to be jailed indefinitely. As other male asylum seekers go to renew their visas, they too will be told that they have two months to make the same decision.

Liberal Jews in the Diaspora and Israel, including several rabbinic groups, as well as many intellectuals, doctors, Holocaust survivors and others, are afire with protest. A number of advocates have gone so far as to compare the asylum seekers to Jewish refugees during the *Shoah*. However, the Chief Rabbinate, together with many rabbis, has supported the government, claiming that "our poor come first" (bBM 71a).

Many of the same dilemmas face American Jews as they confront Trump's recent threats not to renew DACA (Deferred Action for Childhood Arrivals).

At one level, the debate in Israel is about facts. Are the Africans illegal infiltrators in search of work, or are they refugees (based on the UNHRC definition) facing a "well-founded risk of persecution or death" if returned to Eritrea and Sudan?

On closer look, however, ideology seems to underlie which set of "facts" Israelis choose to believe.

Below are some facts everyone agrees on:

- For obvious historical reasons, Israel helped to compose and was among the first to sign the UN Convention on Refugees in 1951, committing to make the asylum application process accessible and humane.
- Down from a peak of 55,000 in 2013, there are now approximately 38,000 Africans from Eritrea and Sudan, of whom 5,000 are children and 7,000 are women.
- Most of the refugees live under crowded conditions in South Tel Aviv. The already vulnerable local Israeli population has suffered from higher rents, competition for jobs, and an eroded sense of security on their streets.
- Since building a wall on the Egyptian border at the end of 2012, fewer than 300 refugees have crossed into Israel.
- Until now, Israel has allowed Eritrean and Sudanese citizens to stay, because it recognizes that returning them to their countries of origin would endanger them.
- The Supreme Court has agreed that Israel can deport these refugees to a safe third country, if that country agrees. The Israeli government claims that an unnamed third country (widely believed to be Rwanda/Uganda) is willing to take them, if they consent. The countries themselves deny the agreement. The agreement has not been made public.
- To pressure the refugees to relocate, they are being offered a \$3,500 incentive through March, and a threat of indefinite jail if they refuse.
- Of the 14,000 asylum applications that have been filed, 8,000 have not been answered at all and 6,000 have been rejected.





 Only eleven Sudanese and Eritrean citizens have been granted refugee status. Filing an application was impossible before 2013, and has remained extremely difficult since.

#### Facts under debate:

- Noting that globally 67% of Sudanese and 87% of Eritrean asylum requests are granted, advocates for the refugees claim that applications were rejected without serious consideration. The government claims that the fact that so many were rejected is proof that there are few, if any, real refugees among them.
- Refugees claim that the government actively discourages them from applying for asylum with
  its notoriously low approval rate and by making the filing process so difficult. The government
  maintains that the fact that many of them have not applied is further proof that they are
  undeserving.
- Refugee advocacy groups argue that Uganda and Rwanda cannot provide durable protection
  for the deportees. Refugees who have already departed have been deprived of travel
  documents and have almost all been forced to continue their flight. Many have fallen prey to
  human trafficking and/or died in transit to Europe. The Supreme Court has upheld the
  government position to date, countering that the refugees never intended to make a serious go
  of Uganda. The dangers they encountered fleeing Uganda were their choice.
- While the government's neglect of South Tel Aviv clearly pre-dates the arrival of African refugees, the government argues that the only way to improve their lot is first to deport the refugees. Refugee advocates argue that the forced deportation of these refugees is a convenient and disingenuous way for the government to pretend to address the residents' many woes. With government support, refugees could easily be scattered across the country and fill jobs of migrant workers imported by the government to work in agriculture, building and home healthcare.

Whether you consider the Africans in Israel asylum seekers or infiltrators, or even if your interest is the immigration crisis in America or Europe, the sources below are worthy of consideration.

#### I. The Torah's Manifest about Refugees

Deuteronomy 23:16-17	<u>דברים פרק כג</u>
You shall not turn over to his master a slave who seeks refuge with you from his master. He shall live with you in any place he may choose among the settlements in your midst, wherever he pleases; you must not ill treat him.	טז לא-תַסְגִּיר עֶבֶד, אֶל-אֲדֹנָיו, אֵשֶׁר-יִנָּצֵל אֵלֵידּ, מֵעִם אֲדֹנָיו .יז עִמְדּ יֵשֵׁב בְּקַרְבְּדּ, בַּמְקוֹם אֲשֶׁר-יִבְחַר בְּאַחַד שְׁעֶרִידְּבַּטּוֹב לוֹ; לֹא, תּוֹנָנוּ
Ibn Ezra, ibid. [MHK]	<u>אבן עזרא דברים פרק כג פסוק טז</u>
Do not turn over—when you go to war, it is possible that a non-Jewish slave will escape to your camp. From his master—his master is also not Jewish, and since the slave comes because of the honor of the Name which is called on Israel, if the Jews turn him over to his master, this will be a desecration of the Name.	(טז) לא תסגיר עבד – בלכתם במלחמה יתכן שיברח למחניהם עבד ואיננו ישראל. מעם אדוניו – גם הוא איננו ישראל, כי הוא בא לכבוד השם הנקרא על ישראל. ואם העבד יסגירנו ישראל אל אדוניו, הנה זה חלול השם, על כן:

This Torah injunction is probably the most explicit in addressing our obligation to asylum seekers. It is interesting that the commentators are concerned not just with protecting the fleeing slave, but also with the international reputation of the Jewish people.





## II. Some Torah on Demographics

As a country of only 8.5 million citizens, more than 20% of which are already not Jewish, demographic fear looms large in the Israeli political discourse. But demographic fear pre-exists Israel.

Exodus 1	<u>שמות א</u>
These are the names of the sons of Israel who came to Egypt with JacobThe total number came to seventyBut the Israelites were fertile and prolific; they multiplied and increased very greatly, so that the land was filled with them. A new king arose over Egypt who did not know Joseph. And he said to his people, "Look, the Israelite people are much too numerous for us. Let us deal shrewdly with them, so that they may not increase; otherwise in the event of war they may join our enemies in fighting against us and rise from the ground."	א וְאֵלֶה, שְׁמוֹת בְּנֵי יִשְׂרָאֵל, הַבָּאִים, מִּצְרְיִמָה: אֵת יַעֲקֹב,-שִׁרָאֵל, הַבָּאִים, נְפֶשׁ יִּצְאָי יֵרְךּ-יַעֵקֹבשִׁבְעִים נָפֶשׁ  ז וּבְנִי יִשְׂרָאֵל, פָּרוּ וַיִּשְׁרְצוּ ווּיְרְבּוּ וַיִּעֲצְמוּבִּמְאֹד מְאֹד; וַתִּמָּלֵא  תְּיִרְץ, אֹתָם. תְּיָבֶּם מֶלֶךְּ-חָדָשׁ, עַל-מִצְרָיִם, אָל-עַמוֹ: הָנַה, עַם בְּנֵי יִשְׂרָאֵלרַב עְלצוּם, מִמֶּנוּ ז' הָבָה נִתְחַכְּמָה, לוֹ: נְלְחַם-בָּנוּ, וְהָיָה בִּי-תִּקְרֵאנָה וְנְלְחַם-בָּנוּ, וְעָלָה מִן-הוּא עַל-שֹׁנְאֵינוּ, וְנִלְחַם-בָּנוּ, וְעָלָה מִן-הָאָרֶץ.

It was Pharaoh's daughter's ability to hear the individual cry rather than fear the masses that gave rise to salvation for the ancient Hebrews:

Exodus 2:5-6	<u>שמות ב</u>
The daughter of Pharaoh came down to bathe in the Nile, while her maidens walked along the Nile. She spied the basket among the reeds and sent her slave girl to fetch it. When she opened it, she saw that it was a child, a boy crying. She took pity on it and said, "This must be a Hebrew child."	ת וַתֵּרֶד בַּת-פַּרְעֹה לִרְחֹץ עַל-הַיְּאֹר, וְנַעֲרֹתֶיהָ הֹלְכֹת עַל-יַד הַיְּאֹר, וַתֵּרָא אַת-הַתֵּבָה בְּתוֹךְ הַסּוּף, וַתִּשְׁלֵח אַת-אֱמֶתָה וַתִּקְּחֶהָ .וֹ וַתִּשְּׁלֵח וַתִּרְאֵהוּ אֵת-הַיֶּלֶד, וְהַנֵּה-יַעַר בֹּכָה; וַתַּחְמֹל עָלָיווַתּאמֶר, מִיַּלְדֵי הַעָבָרִים זָה .

Just as Pharaoh's daughter took a risk in saving Moses, the *Talmud* recognizes that absorbing strangers entails risk:

Bava Metzia 59b [trans MHK]	בבא מציעא נט ע"ב
It has been taught: R. Eliezer the Great said: Why did the Torah warn against [the wronging of] a stranger in thirty-six, or as others say, in forty-six, places? Because he is at risk of turning bad. What is the meaning of the verse, Thou shalt neither wrong a stranger, nor oppress him; for ye were strangers in the land of Egypt? It has been taught: R. Nathan said: Do not taunt your neighbor with the blemish you yourself have.	תניא רבי אליעזר הגדול אומר מפני מה הזהירה תורה בלייו מקומות ואמרי לה במייו מקומות בגר מפני שסורו רע מאי דכתיב וגר לא תונה ולא תלחצנו כי גרים הייתם בארץ מצרים> תנינא < ]תניא] רבי נתן אומר מום שבך אל תאמר לחברך

More of my thoughts on these sources and demographic fear can be found here.

# III. <u>Don't My Poor Come First?</u>

Talmud Bavli, Bava Metzia 71a [Soncino]	תלמוד בבלי בבא מציעא דף עא עמוד א
R. Joseph learnt: If you lend money to any of my people that are poor with you (Exodus 22): [this teaches, if the choice lies between] a Jew and a non-Jew, a Jew has preference; the poor or the rich the poor takes precedence; your poor [i.e. your relatives] and the [general] poor of your town, your poor come first; the poor of your city and the	דתני רב יוסף: +שמות כייב+ אם כסף תלוה את עמי את העני עמך, עמי ונכרי - עמי קודם, עני ועשיר - עני קודם, ענייך ועניי עירך - ענייך קודמין,





poor of another town the poor of your own town have prior rights.    Hatam Sofer YD 2:231 [MHK]   אינירך קודמין.   I saw in my teacher's book "If there will be a poor person among you" that the Sifrei interprets "the poorest among the poor take precedence," and then continues "the poor of your city take precedence, and your poor relatives take precedence". The needier poor were mentioned first to indicate that the poor of your town only have priority over the neighboring town if they both need food or clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Sifrei also interprets "if there will be a poor among you"—ie your and a contract the poor of the other city takes precedence because "the neediest poor take precedence."
Hatam Sofer YD 2:231 [MHK]  I saw in my teacher's book "If there will be a poor person among you" that the Sifrei interprets "the poorest among the poor take precedence," and then continues "the poor of your city take precedence, and your poor relatives take precedence". The needier poor were mentioned first to indicate that the poor of your town only have priority over the neighboring town if they both need food or clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Siferi also interprets "if there will be a near among you"  The provided Hall the poor of take provided Hall the poor of the poor of the poor of the other city takes precedence because "the neediest poor take precedence."
l saw in my teacher's book "If there will be a poor person among you" that the Sifrei interprets "the poorest among the poor take precedence," and then continues "the poor of your city take precedence, and your poor relatives take precedence". The needier poor were mentioned first to indicate that the poor of your town only have priority over the neighboring town if they both need food or clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Siferial so interprets "if there will be a near among you"  I saw in my teacher's book "If there will be a near among you"  I saw in my teacher's book "If there will be a near among you"  I saw in my teacher's book "If there will be a near among you"  I saw in my teacher's book "If there will be a near among you"  I saw in my teacher's book "If there will be a near among you"  I saw in my teacher's book "If there will be a poor person among you"  I saw in my teacher's book "If there will be a poor person among you"  I saw in my teacher's bean "the action among you"  I saw in my teacher's bean "the self-refused in the poor of your take precedence". The needier poor were mentioned first to indicate that the poor of your town only in the poor of your
l saw in my teacher's book "If there will be a poor person among you" that the Sifrei interprets "the poorest among the poor take precedence," and then continues "the poor of your city take precedence, and your poor relatives take precedence". The needier poor were mentioned first to indicate that the poor of your town only have priority over the neighboring town if they both need food or clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Siferial so interprets "if there will be a near among you"  I saw in my teacher's book "If there will be a near among you"  I saw in my teacher's book "If there will be a near among you"  I saw in my teacher's book "If there will be a near among you"  I saw in my teacher's book "If there will be a near among you"  I saw in my teacher's book "If there will be a near among you"  I saw in my teacher's book "If there will be a poor person among you"  I saw in my teacher's book "If there will be a poor person among you"  I saw in my teacher's bean "the action among you"  I saw in my teacher's bean "the self-refused in the poor of your take precedence". The needier poor were mentioned first to indicate that the poor of your town only in the poor of your
l saw in my teacher's book "If there will be a poor person among you" that the Sifrei interprets "the poorest among the poor take precedence," and then continues "the poor of your city take precedence, and your poor relatives take precedence". The needier poor were mentioned first to indicate that the poor of your town only have priority over the neighboring town if they both need food or clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Siferi also interrets "if there will be a near among you"  The province and the proof take proof of the other city takes precedence because "the neediest poor take precedence."
that the Sifrei interprets "the poorest among the poor take precedence," and then continues "the poor of your city take precedence, and your poor relatives take precedence". The needier poor were mentioned first to indicate that the poor of your town only have priority over the neighboring town if they both need food or clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Siferi also interrets "if the received among the poor take procedence among the poor take precedence of your city take precedence because "the neediest poor take precedence."
that the Sifrei interprets "the poorest among the poor take precedence," and then continues "the poor of your city take precedence, and your poor relatives take precedence". The needier poor were mentioned first to indicate that the poor of your town only have priority over the neighboring town if they both need food or clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Siferi also interprets "the poorest among the poor take precedence among the poor take precedence of your city take precedence or in the poor of your town only they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."
precedence," and then continues "the poor of your city take precedence, and your poor relatives take precedence". The needier poor were mentioned first to indicate that the poor of your town only have priority over the neighboring town if they both need food or clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Officially interprets the poor of your city take procedence with the same and of your town only have priority over the neighboring town if they both need food or still needy, the poor of the other city takes precedence because "the neediest poor take precedence."
precedence, and then continues the poor of your city take precedence, and your poor relatives take precedence". The needier poor were mentioned first to indicate that the poor of your town only have priority over the neighboring town if they both need food or clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Officially interprets "if there will be a near among you."
poor were mentioned first to indicate that the poor of your town only have priority over the neighboring town if they both need food or clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the needlest poor take precedence."  And Officially interprets "if there will be a near among your in the needlest poor take precedence."
poor were mentioned first to indicate that the poor of your town only have priority over the neighboring town if they both need food or clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Officially interprets "if there will be a near among your town only have represented by the poor of your town only have represented by the proof of y
have priority over the neighboring town if they both need food or clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Cifai also interprets "if these your law of the proof of the other city takes precedence are the neediest poor take precedence."
clothing, but if your city already has basic sustenance but they are still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Ciferi also interprets "if there will be a near among your in your last of the contract of th
still needy, the poor of the other city takes precedence because "the neediest poor take precedence."  And Cifroi also interprets "if there will be a poor among you." is your second to the contract of the
neediest poor take precedence." אבל לכסות אבל ווא לכסות אבל ווא לכסות אבל ווא אבל הוא לכסות אבל ווא אבל הוא מאביים למזון או לכסות אבל ווא מאביים למזון או מוון מא
needlest poor take precedence.  And Cifroi also interprete "if there will be a poor among you"
And Sifrel also interprets "it there will be a poor among voil"—le voilr
family takes precedence over the poor of the city, and the Gaon said ל לזה עניי עיר אחרת קודמין
"and the reason why it says 'if there be poor among you' indicating
the poor of your family <b>and the like</b> , and not mentioning "the
neediest poor take precedence" was to indicate that your poor take
precedence in all of their needs even over the poor of your city that
الديمار ١٠/١/ الرادر داديد در
does not have basic sustenance at all. הבך קודם אביון לומר לעניי
ביתו וכדומה לא אמרי׳
אב תאב קודם אלא קודמים
ל צרכיהם אפיי לעניי עירך
וין להם מזון ומחיה כלל.
Derekh Emunah Matanot leAnyim 9:12
ק ט הל יב
One is not obligated to give to a poor person like the rest of the poor העני אין חייבין ליתן לו
of the city unless he has been living there for 12 months [but you do
ה בפסת כל נום מנימות החול   הוא and lood and lowadays oul
tzedakah minhag is to both tax and distribute after 30 days.
אבת מזון גי סעודות כנייל פייז
ח] והיום נוהגין בכל הצדקות
לענין בעהייב בין לענין לענין
ניים בלי יום כנייל

Halakha demands that concern for the poor Israelis in South Tel Aviv remains primary. However, there are many ways to consider the idea that "our poor come first". The Hatam Sofer notes that the needs of our poor are not to be considered to the exclusion of other poor. Similarly, based on Talmud Sanhedrin 112a, Derekh Emunah argues that after a relatively short stay, the migrant population should begin to be considered local. Perhaps this helps Israelis and Americans alike in considering how they can help some migrants without being overwhelmed by the millions of others who cannot possibly be helped.

## IV. <u>Harboring the Enemy?</u>

Kohelet Rabba (Vilna) Chapter 11	<u>קהלת רבה (וילנא) פרשה יא</u>
R. Elazar b. Shammua was walking on the rocks by the sea, when he saw a ship which was tossed about in the water suddenly to sink with all on board. He noticed a man sitting on a plank of the ship [carried] from wave to wave until he stepped ashore. Being naked he hid himself among the rocks by the sea. It happened to be the time forth Israelites to go up to Jerusalem for the Festival. He said to them, 'I	רבי אלעזר בן שמוע הוה מטייל על כיף ימא רבה, חמא אילפא דמיטרפא בימא כהריפת עין טבעת וטבע כל מה דהוה בה, חמא חד גבר דיתיב על קורשא דספינתא מגלא לגלא סליק
	,101027

 $^{1}$  הרב פנחס הלוי איש הורוביץ1805 - 1731 ;





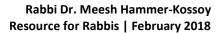
belong to the descendants of Esau, your brother; give me a little clothing wherewith to cover my nakedness because the sea stripped me bare and nothing was saved with me.' They retorted, 'So may all your people be stripped bare!' He raised his eyes and saw R. Elazar who was walking among them; he exclaimed, 'I observe that you are an old and respected man of your people, and you know the respect due to your fellow-creatures. So help me, and give me a garment wherewith to cover my nakedness because the sea stripped me bare.' R. Elazar b. Shammua was wearing seven robes; he took one off and gave it to him. He also led him to his house, provided him with food and drink, gave him two hundred dinars, drove him fourteen Persian miles, and treated him with great honour until he brought him to his home. Some time later the wicked emperor died, and they elected this man king in his stead, and he decreed1 concerning that province that all the men were to be killed and all the women taken as spoil. They said to R. Elazar b. Shammua, 'Go and intercede for us.' He told them 'You know that this government does nothing without being paid.' They said to him, 'Here are four thousand dinars; take them and go and intercede for us.' He took them and went and stood by the gate of the royal palace. He said to [the guards], 'Go, tell the king that a Jew is standing at the gate, and wishes to greet the king.' The king ordered him to be brought in. On beholding him the king descended2 from his throne and prostrated himself before him. He asked him, 'What is my master's business here, and why has my master troubled to come here? 'He replied, ' That you should have mercy upon this province and annul this decree.' The king asked him, 'Is there any falsehood written in the Torah? '' No,' was the reply; and he said to him, 'Is it not written in your Torah, An Ammonite or a Moabite shall not enter into the assembly of the Lord (Deut. XXIII, 4)? What is the reason? Because they met you not with bread and with water in the way (ib. 5). It is also written, Thou shalt not abhor an Edomite, for he is thy brother (ib. 8); and am I not a descendant of Esau, your brother, but they did not treat me with kindness! And whoever transgresses the Torah incurs the penalty of death.' R. Elazar b. Shammua replied to him. 'Although they are guilty towards you, forgive them and have mercy upon them.' He said to him, 'You know that this government does thing without being paid.' He told him, 'I have with me four thousand dinars; take them and have mercy upon the people. 'He said to him, ' These four thousand dinars are presented to you in exchange for the two hundred which you gave me, and the whole province will be spared for your sake in return for the food and drink with which you provided me. Go also into my treasury and take seventy robes of honour in return for the robe you gave me, and go in peace to your people whom I forgive for your sake.' They applied to him the text, CAST THY BREAD UPON THE WATERS.

כד הוא הוה ערטילאי והוה מיטמר בכיף ימא, ארעת ענתה דישראל סלקין לריגלא בירושלם, אמר להון מן בני עשו אחוכון אנא הבו לי זעיר כסות ואיכסי בה תתאי דערעני ימא ולא אישתזב גבאי מידי, אמרין ליה כן יתערערן כל אומתך, תלה עיניה וחמא ית רבי אלעזר דהוה מטייל ביניהן, אמר מסתכל אנא דאת גבר סב ויקיר מאומתך ואת חכים ביקרי דברייתא, אלא זכי בי והב לי תכסית דאכסי בה תתאי דערערן ימא, הוה על רבי אלעזר בן שמוע שבע איצטלוון, שלח חד ויהביה ליה, אובליה לביתיה ואכליה ואשקיה ויהב ליה תרין מאוון דינרין וארכביה ארבעה עשר פרסין, ועבד ליה יקרא סגי עד דאעליה לביתיה, לבתר יומין מת קיסר הרשע ואימנו ליה מלכא תחותיה, גזר על מדינתא ההיא כל גוברין לקטלא וכל נשיא לביזה, אמרו לרי אלעזר בן שמוע זיל ופייס עלינו אמר לון אתון ידעיתון הדא מלכותא עבדא מידי על מגן, אמרו ליה אית הכא ארבעה אלפין דינרין סב יתהון ואזיל ופייס עלינן, נסב יתהון וסלק, וקם על תרע מלכותא, אמר לון איזלון אימרון למלכא חד גבר יהודאי קאים על תרעא בעי מישאל שלמא דמלכא, אמר אעלוניה, כד חמיניה מלכא שדא מעל כורסייה ונפל על אנפוחי, אמר ליה מאי עיסקיה דמרי הכא ולמה איצטער מרי להכא, אמר בגין דתתרחם על הדא מדינתא ותתבטל הדא גזירתא, אמר ליה אורייתא כלום כתיב בה שיקרא, אמר ליה לא, אמר ליה לא כתיב בתורתכם לא יבא עמוני ומואבי בקהל הי, למה, על דבר אשר לא קדמו אתכם בלחם ובמים וכתיב (דברים כג) לא תתעב אדומי כי אחיך הוא ואנא לא בר עשו אחוכון אנא ולא גמלון לי חסד, ומאו דעבר אדאורייתא חייב לקטלא, אייל רבי אלעזר בן שמוע אעייפ דהינון חייבין לך תישבוק ותרחם עליהון,

אמר ליה ואת ידע הדא מלכותא

עבדא מידי על מגן,







אמר ליה אית עמי ארבעת אלפין דינרין סב יתהון ואיתרחם עליהון, אמר ליה ארבעה אלפין הללו יהון לך יהיבין חלף תרין מאוון דיהבת משתזבא בגינך, חלף מיכלא ומישתיא דאוכלת ואשקת יתי, ועול לבי געא וגנזי דידי וסב לך שבעין איצטלוון דלבושן חלף איצטלא דיהבת לי, וזיל בשלם על אומתך ואשביקין בגינך וקרון עלוי שלח לחמך על פני

I love this story and its eerie echoes of the global refugee crisis and the treacherous crossing of the Mediterranean. I have written a longer analysis of the story <u>elsewhere</u>. However, for our context it is worth noting that unlike in the <u>contemporary Christian myth of St. Martin</u>, the Jewish tradition does not idealize someone who gives away half of his last garment. On the contrary, Rabbi Elazar ben Shammua's generosity comes from a place of plenty. One wonders whether we contemporaries are also capable of seeing ourselves as equally blessed.

### V. Setting Sustainable Limits

## Minchat Shlomo vol. 2, 86:4 [trans. AJWS]

In relation to the obligation to pay the costs of saving the life of a sick person who is in danger of dying: From the straightforward reading of Sanhedrin 73a [that states that whoever sees another person in danger is obligated to save him, even at financial cost, based on the verse "Do not stand idly by the blood of your neighbor" Lev. 19:16] we see that one is obligated to do everything to save him, and if not, one transgresses the negative commandment "Do not stand idly by the blood of your neighbor." (And in my opinion, the sick person needs to repay him afterwards.) And if we say that the commandment is directed at action, and therefore one is not under an obligation to spend all of his money, nevertheless 10% or 20% of his property surely is required. It is more logical that this prohibition is far more stringent and that he is obligated to spend all his property. But regretfully, we encounter this all of the time and nobody does it. I heard that the Gaon Israel Salanter was very uncertain about this issue. As to what to do in our case: It looks to me certain that in a case such as this, where one sees his friend drowning in the river and there is no one to save him, he has to spend all his resources to save him. But when the matter is publicly known to everyone, there are those who rely on the lenient opinion, and one is not obligated to give more than his fair share. But in any event, this doesn't make sense to me, because how can he absolve himself from such a stringent negative commandment simply because others are not concerned with it and violate it? This matter requires great study.

#### <u>שו"ת מנחת שלמה תנינא ב:פו</u>

בענין החיוב לממן את
ההוצאות להצלת חייו של חולה
מסוכן מפשטות הגמי בסנהדרין
עייג עייא רואים דחייב לעשות
הכל להצלתו ואם לאו הוא
עובר בלאו של ליית על דם רעך
)לענייד פשוט שהחולה עצמו
שפיר חייב אחייכ לפרוע לו),
ואם נאמר דעל לאו שחיובו
מעשה ליכא חיוב לבזבז כל
ממונו, מיימ מעשר או חומש
מיהא חייב, ובפרט דמסתבר
יותר שלאו זה הרבה יותר חמור

אך לצערנו נתקלים בזה תמיד ולא עושים כך, ושמעתי שהגאון ר׳ ישראל מסאלאנט זצ״ל הסתפק הרבה בענין זה .

ושפיר חייב לבזבז כל ממונו .

ולמעשה ודאי נראה דבכה״ג שרואה את חברו טובע בנהר ואין מי שיציל אותו שפיר חייב לבזבז כל ממונו, אולם כשהענין ידוע ומפורסם לרבים סומכים להקל שאינו חייב ליתן יותר מהחלק שמוטל עליו .

ומיימ אין זה מתקבל על דעתי כי מהיכיית יפטור עצמו מלאו חמור זה מפני זה שאחרים לא חוששים ועוברים על זה, והדבר





צריך עיון רב.

With 65 million displaced people globally, it is easy to be overwhelmed. How can we possibly turn anyone away? And yet, if we do not, we will be overrun. For me, this source is powerful in the way it suggests that it is possible to decide to take on our "reasonable share" of the burden, and to let go of the rest.

#### VI. A Wall?

Talmud Bavli Bava Batra 7b	תלמוד בבלי בבא בתרא ז ע"ב
Mishnah: The may coerce him to [share the cost of] building a gatehouse and a gate for the [joint] courtyard.  Rabbi Shimon ben Gamaliel says, "Not all courtyards need a gatehouse"	מתני .' <u>כופין</u> אותו לבנות בית שער ודלת לחצר ; רבן שמעון בן גמליאל אומר : לא כל החצרות ראויות לבית
Gemara: This implies that the building of a gate house is a laudable thing.  But wait! There is [a case] of a righteous person whom Elijah spoke with [regularly]. He built a gatehouse for his house, and Elijah no longer spoke with him.	שער גמי. למימרא, דבית שער מעליותא היא, והא ההוא חסידא דהוה רגיל אליהו דהוה משתעי בהדיה, עבד בית שער ותו לא משתעי בהדיה!
Rashi, ad loc. For it gates off the poor people who are shouting [for money or assistance] and their voices are not heard	<u>רשייי</u> גמ.'ולא אישתעי בהדיה - לפי. שמפסיק בעניים הצועקין ואין קולם נשמע.

As the United States debates its policy about a wall, the wall along Israel's southern border is a fait accompli. In *Talmudic* times, the rabbis were clear about the spiritual dangers posed by physical barriers. They easily prevent us from hearing the cry of those in need. And when we are numb to their cry, G-d may choose to be numb to ours as well.

#### Resources:

- One of our current students wrote this article in the Atlantic about the religious tensions around this issue.
- For my fuller treatment of the global refugee, especially as it pertains to women, <u>here.</u>
- Rabbi Zvi Hirschfield interviewed alumnus, director of CIMI, Jean Marc Liling in an episode of This Pardes Life.

Many Jewish and Israeli human rights organizations are trying to help, each from their unique political orientation and perspective. Here are a few whose primary focus is on the refugee crisis:

- The Hotline for Migrants and Refugees
- HIAS specializes in providing legal aid.
- <u>CIMI</u> has been leading a campaign to adopt and advocate young people who first arrived in Israel as unaccompanied minors.
- Miklat Yisrael has been organizing a sanctuary campaign
- עוצרים את הגירוש a grassroots effort to stop the impending deportations through disseminating information, protests, and social media campaigns.
- Right Now: Advocates for Asylum Seekers in Israel is running an advocacy campaign abroad.

