

# *Jewish Ethics and International Migrations*

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Jews developed a distinct ethical approach to the question of dealing with strangers in society. Examples are provided from Jewish ethical literature to illuminate this attitude and its practice. This paper touches on the Jewish migratory experience in the last 2,000 years and their acceptance in Christian and Muslim countries. Note is taken of the concept of "refuge," which was created by the Hebrew Bible and has had a significant influence on the Sanctuary Movement. The essay concludes with a personal observation, based on the author's life experience.

A major feature of the next century will be an almost exponential increase in migration. According to a 1993 United Nations report, international migration has reached unprecedented levels and could become the human crisis of our age. In 1989, the U.N. had estimated that some 50 million people, or one percent of the world population, lived in a country other than their country of origin. In 1992, the World Bank reckoned international migrants of all kinds to be 100 million. Today's figures would doubtlessly be higher.

Mass migrations are, of course, nothing new. They have existed for as long as there is recorded history, and it may be assumed that they existed long before that. From time to time, whole peoples were on the move, usually forced from their habitat by natural disasters which deprived them of their livelihoods. The two most famous migrations of the ancient Near East were those of the Israelites who were forced out of Egypt by political repression, and the so-called Sea Peoples who settled on the eastern Mediterranean coast and of whom the Philistines became the best known. In Europe, there were the migrations of the Visigoths in the later period of the Roman Empire, and some centuries later the European incursion of the Mongols, whose linguistic heritage may be observed to this day in such lands as Finland and Hungary. In the nineteenth and early twentieth centuries it was the European mass migration to the Americas which shifted the habitat of many millions. But as for sheer numbers, nothing parallels the population movements of today, which will be exceeded only by those in the immediate future (*see* Plaut, 1995).

In ages gone by, all mass migrations were, in fact, also military campaigns in order to secure for the migrants the lands until then occupied by other nations. It is not surprising, therefore, that traditional ethical systems had very little to say about this phenomenon because both migrations and wars were an

accepted reality. As every reader of the Hebrew Bible knows, the migration of the Israelites took on the form of military conquest of the Promised Land, the invaders being convinced that this was the land which God had assigned to them. It was therefore, to speak in the parlance of traditional Jewish ethics, a *milchemet chovah*, a war of necessity.

But as one surveys the pages of history it becomes obvious that, in addition to large numbers on the move as organized groups, individuals too changed their habitat. Sometimes they were people fleeing from persecution or prosecution, at other times small family clusters were on the move to find more promising pastures for their herds and for themselves. The fascinating aspect of these individual or small group migrations is the fact that such people were admitted across national boundaries without any difficulties. Indeed, not until the end of the nineteenth century can we begin to speak of closed borders and migratory regulations for newcomers. Until then, borders were always open for small groups and individuals.

### *BIBLICAL SOURCES*

When it came to individuals, the law of hospitality would reign. Especially in the Middle East, there was a tradition of long standing that strangers were to be treated with courtesy and that protection was to be extended to them (Plaut, 1995:28). Abraham, son of Terach, is seen by both Jews and Muslims as their forefather, and a tale of his exemplary hospitality is found in the Hebrew Bible:

The Lord appeared to him [Abraham] by the terebinths of Mamre; he was sitting at the entrance of the tent as the day grew hot. Looking up, he saw three men standing near him. As soon as he saw them, he ran from the entrance of the tent to greet them and, bowing to the ground, he said, "My lords, if it please you, do not go on past your servant. Let a little water be brought; bathe your feet and recline under the tree. And let me fetch a morsel of bread that you may refresh yourselves; then go on, seeing that you have come your servant's way." They replied, "Do as you have said."

Abraham hastened to attend to Sarah [his wife] and said, "Quick, three measures of choice flour! Knead and make cakes!" Then Abraham ran to the herd, took a calf, tender and choice, and gave it to a servant-boy, who hastened to prepare it. He took curds and milk and the calf that had been prepared, and set these before them; and he waited on them under the tree as they ate. (Gn 18:1-8)

Jewish tradition dealt extensively with this text. Here are examples:

Why was Abraham sitting in the door of his tent? To watch for passing strangers whom he might invite into his abode. (*Midrash Ha-Gadol*, Vayera 1)

Greater than the reception of God is the practice of hospitality. (Rashi on Gn 18:3)

Once, however, Abraham's love of strangers clashed with his zeal for God. He invited a wayfarer to his home and, finding him praying to his idol, chased him away. God reprimanded Abraham severely: "I have borne with him these many years although he rebelled against Me, and you cannot bear with him one night?" Abraham realized

his sin and did not rest until he had brought this stranger back. (Original source unknown; see Bamberger, 1939)

While individuals or small group migrations created no stir or dislocation, mass migrations and wars obviously did. Still, they were considered akin to natural phenomena which could not be controlled and therefore could not be assessed by moral considerations.

Even today, our international legal instruments do not deal with mass migrations; they deal with individuals, although there may be many of them and in their aggregate resemble the mass migrations of old. Also, some military conflicts such as those in Rwanda, Ethiopia, and the former Yugoslavia exhibit traces of their migratory past.

When it comes to individuals who by their sheer numbers have been part of a mass migratory movement, Jews may be considered something of a paradigm. In fact, in the eighteenth century the term “Wandering Jew” was coined and stuck to the people for a long time.

It is perhaps no accident that it is the Jewish heritage which also developed a framework for the ethical treatment of migrants. Many times in the Hebrew Bible we are challenged to remember that we were strangers in the land of Egypt, and therefore we must be kind to the stranger in our midst. The following citations will serve as examples:

You shall not oppress a stranger, for you know the feelings of a stranger, having yourselves been strangers in the land of Egypt. (Ex 23:9)

When a stranger resides with you in your land, you shall not wrong him. The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt: I the Lord am your God. (Lv 19:33–34)

The traditional Jewish law code, the *Shulchan Arukh*, commands succinctly: “It is essential to guard against taking advantage of the stranger, either physically or fiscally (as we have been cautioned many times). (Choshen Ha-Mishpat, 228:2)

No other command (except to recognize the supremacy of God) is repeated as often – more than 30 times! This forces us to conclude that there was a need for this frequent admonition. The outsider, who did not or could not share in the cultic practices of the host nation, was always the “other” in a homogeneous society, which defined itself by inherited tribal and religious allegiances and therefore was prone to perceive otherness as a danger to the common well-being.

The quintessential stranger who was admitted into Israelite society was the foreign woman who had married an Israelite. Formal religious conversion did not as yet exist, but when a woman married into Israelite society and confessed her willingness to worship the One God she was considered a member of the group. Ruth, a Moabite, whose husband had died abroad, made the following declaration to her mother-in-law when the two women returned to Israel:

Do not urge me to leave you, to turn back and not follow you. For wherever you go, I will go; wherever you lodge, I will lodge; your people shall be my people and your God my God. When you die, I will die, and there will I be buried. Thus and more may the Lord do to me if anything but death parts me from you. (Ru 1:14–17)

Of course, not only foreign women, but men as well, were found in the midst of Israelite society. These arrivals from the outside were categorized by their intent to stay permanently or only temporarily, and thereby fell into special categories.

A *zar* or *nochri* was a stranger whom today we would call either visitor or temporary resident. He was one who came on business, or was perhaps on a mission, or might even have been an occasional traveler. There were no restrictions to his admission nor were there rules that would determine how long he could stay. While the *zar* or *nochri* was excluded from the religious practices of the community, the above cited law in Leviticus applied to him as well. When, however, the stranger voiced his intent to remain as a member of society, he was termed a *ger* and, once he acknowledged God and foreswore idolatry, became a *ger toshav*, which may best be rendered as resident alien. In Canada one would be called a landed immigrant, in the United States the person's status would be similarly recognized. But while today religious affiliation is no longer required, in antiquity it became the major mark of distinction and differentiation.<sup>1</sup>

The *ger toshav* could participate in most of the religious rites of the community, while someone who had abandoned idolatry but had not as yet made a commitment to the religious community seemed to have held an intermediate position and was characterized as a *Ben Noach* (a descendant of Noah). This terminology comprised people who were no longer considered idolaters because they had voluntarily accepted the seven basic laws of humanity and therefore were seen to be on the way to full integration into Israelite society.<sup>2</sup>

Since charging interest on commercial loans was unknown in early Israelite society – for any such loan was considered an act of charity from which one should not make a profit – later on it was necessary to introduce such a practice with the increase of international relations. While Israelites remained under the prohibition of taking interest from fellow Israelites, they could take it from strangers with whom they had entered into commercial relations. But even a *ger toshav* had to abide by these strictures (Mishnah, Baba Metzia 9:6).

<sup>1</sup>The *ger toshav* is treated repeatedly in Jewish tradition; see for instance the tractate *Gerim*; also *Babylonian Talmud*, Avodah Zarah 64b; Sanhedrin 56a and following; Arakhin 29a. Later on, when formal conversion came into being, the *ger* was called a *ger tzedek* upon conversion (Bamberger, 1939).

<sup>2</sup>The seven principles a *Ben Noach* had to acknowledge were these: forswearing idolatry, blasphemy, murder, adultery, robbery, and eating flesh from a living animal; he also had to acknowledge the need for courts of justice in society.

## XENOPHOBIA

These categories increasingly lost their distinction, and after the Jewish State was destroyed in the year 70 C.E. they became meaningless in practice. From then on Jews – as the Israelites were now generally called – no longer were inhabitants of a country that accepted strangers but became themselves strangers and wanderers for nearly 2,000 years, until the State of Israel was established in 1948.

However, it was the distinction of the ancient Hebrews that their legislation (the Torah) tried to balance their desire for cultural and religious cohesion with an injunction against xenophobia and called attention to its roots. The Israelites were reminded that the stranger shares with them a common humanity and that this humanity finds its roots in the Divinity that cares for all its children. This conception is pragmatically summarized by the eighth century B.C.E. prophet Amos, who has God say to the Israelites: “Are you not like the Ethiopians before Me?” (Am 9:7) – meaning, I, God, value both of you equally in your common humanity. Strangers were to be given every consideration and care so that not only their rights but also their feelings were safeguarded. They must never be shamed, much like debtors whose status is treated in the laws immediately following those concerning the stranger (Ex 22:20).

It is noteworthy that the tale of Sodom and Gomorrah (Gn 19) gave rise to similar considerations. The rabbis speculated as to what had really been the grievous sin of these two cities. One of the answers provided was that the city’s streets were paved with gold and that the residents had flooded the approaches so that strangers could not come to partake of their wealth. Of Sodom, it is written that it was well-watered everywhere (Gn 13:10). It possessed all the luxuries of the world, and its inhabitants were unwilling to share them with others. They punished anyone who offered food to a stranger; they even polled their fig trees lest birds would eat of them.

Rabbi Hiya said: “They deserve punishment both for their morality and their uncharitableness. For whoever grudges assistance to the poor, does not deserve to exist in this world and he also forfeits the life of the world to come. Contrariwise, whoever is generous towards the poor deserves to exist in the world, and it is for his sake that the world exists, and the fullness of life is reserved for him in the world-to-come.” (Plaut, 1994:135)

The streets of Sodom were paved with gold, and the Sodomites flooded the approaches to their town so that strangers would be kept away. (*Zohar*, Vayera, 108b–109a)

The term refuge entered religious legislation also through the Torah. Chapter 35 of the Book of Numbers provides that a person who killed unintentionally could find security from the blood avenger in one of six designated cities, the *arei miklat*, “cities of refuge.” A trial would then be held in the locale where the slaying had occurred and, if malice aforethought was not established, the

manslayer would be sent back to the city of refuge and live there securely until the death of the reigning High Priest, at which time he could return home.

While the cities-of-refuge institution did not survive the final destruction of the Second Commonwealth in 70 C.E., a second form of internal asylum did – refuge at the sanctuary altar. A direct spiritual descendant of this custom was the North American Sanctuary Movement of the 1980s.

### *THE HOMELESS JEW*

Unfortunately, the teachings of the Torah were not applied to the Jewish people when they themselves became strangers in the Diaspora. Usually they were not given the same rights and protection that citizens enjoyed. They were never integrated or allowed to integrate, and therefore their protection was haphazard, usually by dint of a ukase of the ruling pope or potentate.

Through all these trying centuries, the wandering people encountered two civilizations. Though Christians proclaimed belief in the Hebrew Bible, which contained the oft-repeated command to treat strangers in one's midst kindly, they chose to overlook it when it came to Jews. Muslims, on the other hand, were far more tolerant and hospitable.

While Jews found access to most countries, they usually faced restrictions of one kind or another and in Christian lands they repeatedly suffered expulsions. The largest happened in 1492, when Ferdinand and Isabella, the reigning monarchs of Spain, expelled their Jewish subjects. Only those who converted were permitted to stay. The displaced hundreds of thousands migrated to Portugal, Italy, and further eastward to Muslim countries (Plaut, 1995:48–51).

Some 40 years earlier, when Europe was beset by a raging plague and Jews were accused of poisoning the wells, a large part of German Jewry fled eastward. In Lithuania and Poland, they were received hospitably and for some centuries were able to develop their culture and establish lasting institutes of learning (which were destroyed only after the Nazis conquered Poland in 1939).

Various restrictions prevailed for Jews who remained in Central Europe. In Germany, only a small quota was allowed to marry – a device to keep the number of Jews at a low level. When they moved, the Jews had to pay head taxes and the major occupations were closed to them. Above all, they were not allowed to own land, a restriction which in turn increased their mobility.

Still, while most countries did not refuse to settle them, if only temporarily, this changed when Jews began to flee from Nazi tyranny. The paradigmatic example was the voyage of the steamer *St. Louis*.

Nine hundred seven German Jews embarked on the luxury liner on May 15, 1939, in Hamburg. They had spent their last penny getting space on the ship, and their prized possession was a visa to Cuba. But when they reached Havana, the Cuban government refused to acknowledge the validity of their

visas and forced the *St. Louis* to discharge its cargo elsewhere. They were refused access to the United States, whose Coast Guard was ordered to keep the ship far enough from shore, at sea; similarly were they denied access to Canada. In time the ship headed for Germany where many died in Hitler's crematoria (Thomas and Witts, 1974:135–217).

The attitude of the Canadian government at the time was characterized by one of the country's chief bureaucrats who, when asked how many Jews should be admitted to Canada, replied "None is too many" (Abella and Troper, 1982).

When the Holocaust revealed the terrible effects of closed borders, a more open policy began to prevail in Western countries. But it was too late, 6 million had already perished.

### *THE REFUGEE EXPERIENCE*

History plays by its own rules, and it is therefore the ultimate irony that the very people who historically have been most in need of acceptance and integration have struggled in their newly established homeland for ways to deal with the refugees that former wars have produced.

It is noteworthy that at the heart of the Israeli-Palestinian conflict lies a discussion about the right to return. It is claimed by Israelis as their charter for settling the Promised Land, and it is the Palestinians' basis for returning to their individual patrimony. This is a controversy that has distinct legal and moral aspects.

Palestinians claim that the right of return is inherent to the human being, while Israelis counterclaim that a return of millions of people will spell the end of their nation and that the right to self-preservation must hold precedence for them. Morally speaking, the Israeli-Palestinian debate is one of two rights in contention with each other; in such a case either force or accommodation will write the scenario. There is hope at the present time that accommodation and compromise will spell out the foundation for tomorrow (Plaut, 1995:82–88).

As a parallel one might note in unified postwar Germany the current discussion of the right of return. At the end of World War II, some 12 million Germans were forced out of Poland, and these millions found refuge in Eastern and Western Germany. Now the old question of the right to return is raised again, although with not as much insistence as one might have thought, for most of the displaced have since been integrated and have no intention of returning. Still the problem is there, as it is in Bosnia, the former Sudetenland, Afghanistan, and many other places.

Where then are we with regard to moral and ethical considerations of migratory movements? Nations have rights and so have individuals in search of a liveable habitat. A resolution of this dilemma exceeds the limits set for this paper. But from the point of view of Jewish tradition, the ultimate imperative lies with the

injunction to treat strangers like the home-born and to open not only our hearts but our borders to them so that they can find a new and sustainable existence. It is this kind of sentiment which underlay the Sanctuary Movement in the United States, and which underlies the current Sanctuary Movement in Canada.

From the very beginning, the Movement's practitioners set their religious beliefs against the dictates of federal statutes that made it a crime to knowingly conceal or harbor any alien not lawfully entitled to enter or reside in the country. Synagogues participated with churches in the Movement, although today the media no longer focus on them with any intensity, and so the extent of their activity is hard to discern (Plaut, 1995:129–138).

It is interesting that the Jewish community has not debated these issues as extensively as has the Christian. In Canada, the Jewish ethic regarding migrants is expressed less in theory than in fact. It is no accident that it was individual Jews and their religious bodies that have consistently been in the forefront of refugee advocacy. In the early 1980s it was the effort of one single Jewish individual, Howard Adelman, who galvanized the nation into accepting some 40 thousand Vietnamese boat people into Canada, and the major organizations and institutions which deal with migratory problems have had a large measure of Jewish leadership – from the Canadian Council for Refugees to the establishment of the Centre for Refugee Studies at York University.

If I may speak personally, it did not really come as a surprise that some ten years ago I was asked by the Canadian federal government to help rewrite the refugee legislation for the country. Thus, ours has been a significant practical contribution to enlarging the country's moral horizons, and I would like to think that our people, who after all are but a minuscule portion of humanity, have done their share reasonably well.

On the other hand, I do not wish to pretend that we are a people of saints who are invariably large-hearted. Lately I have noticed that in the process of assimilation and advancement in the economic realm we have become more defensive about what we deem to be the intrusion of "others." Back in the days of Hitler, Jews were rarely accepted into Canada. While Jews today do not indulge in the patent immorality of rejection, many are prone to follow the majority whose attitude all too often approaches xenophobia.

Back in 1935, during the days of the Nazis, I myself became a refugee and a migrant to the United States. I joined the United States Army and served as an officer whose fate it was to be present at the opening of the first concentration camp at Dora in central Germany. But I also was subject to the small-heartedness of an American bureaucracy when, for many years, it was impossible for me to bring my aging parents, who had fled to England, to the United States.

The fact that once I came to these shores penniless and with a spotty knowledge of the English language has never left my memory, and it has



reinforced the urgency to do something for others. After all, I was one of the fortunates who survived the dread of the Holocaust, while parts of my family did not. I owe them a debt to see to it that others will not suffer a similar fate and perish in the flames of need and deprivation. That is why I wrote my recent book on asylum as a moral dilemma, and that is why I conclude with a quotation from the book (Plaut, 1995:148)

The religious and moral conditions of most nations speak of the need to make some sacrifices to help others. While on a one-to-one basis this is often demonstrated as the virtue of individual citizens, somehow on a national basis sacrifice gives way to comfort, and principle to politics. This is a human dilemma, and in the area of refugee policy where the odds are heavily stacked against one side and time is often of the essence, it comes into sharp focus and thus becomes a theme of our age. Still, the moral impulse is not without resonance. It may motivate only the few who care, yet their conviction and persistence have on many occasions sensitized the national conscience and have moved governments towards a more generous refugee policy.

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