

ELECTIONS 2012 A JEWISH PERSPECTIVE

Words included in the word cloud:

- Social Security
- Medicaid
- Welfare
- Environment
- Wages
- Capitalist
- Subsidy
- Wall Street
- School Choice
- Poverty
- 9.9.9
- Tax Policy
- Republican
- Justice
- Legislation
- 99%
- Deductions
- K Street
- UNDOCUMENTED
- Socialism
- REGRESSIVE
- CAPITAL GAINS
- President
- Lobbyists
- Finance
- Reform
- Medicaid
- Billionaires
- Lobbyists
- 1%
- Free Trade
- War
- Liberal
- Justice
- Equality
- Fair Tax
- Redistribution
- Politics
- Labor Law
- Welfare
- Nation-Building
- Separation of Church & State
- Capitalist
- Wages
- Deductions
- K Street
- UNDOCUMENTED
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- Redistribution
- Politics
- Labor Law
- Welfare
- Nation-Building

A word cloud of US political and economic terms, with 'Constitution' written vertically in the center. The words are arranged in a circular pattern around the center, with varying font sizes and colors. The words include: Economy, Fair Tax, War, Military, Deficits, WAGES, Border, Loopholes, K Street, Politics, Unemployment, Health Care, Unions, Government, Illegal Alien, Subsidy, Medicaid, Social Security, Forced Vaccination, Border, Bureaucracy, Moderate, Capitalism, Conservative, Deductions, TAX, Law, Wall Street, Nation-Building, State's Rights, Regulation, Immigration, Vouchers, Poverty, REGRESSIVE, Defense, Entitlements, Undocumented, Income, and War.

INS AND OUTS OF THE IMMIGRATION DEBATE

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Introduction

In the past few elections, immigration was a topic frequently raised and it never failed to be controversial.

We Jews have known the need to immigrate. To those fleeing reactionary regimes in Central Europe or the pogroms of the Tsars, America's open door offered shelter and opportunity. And when America kept its doors tightly shut as the Nazi menace grew ever more deadly, we suffered the agony of those who were left to die. This is something real to us, not just an abstract argument. We are committed to doing the right thing, and learning from past mistakes.

To do that well, we will look at some of the very many questions that arise around the issue of immigration. Do

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countries have a right to admit newcomers only under certain conditions? Can a country make sure that the influx of immigrants will not disrupt its own labor market? Does a country have a right to insist that its laws be respected and its culture honored? Looking through the lens of Jewish law and tradition, we will seek a deeper understanding of the real issues at hand.

Section I The Morality of Borders

Opening Question

A Times of Israel blogger recently ran this report:

There are an estimated 40-50,000 Africans currently residing in Israel, mainly from war-torn Sudan and Eritrea. With around 2,000 clambering across Israel's southern border with Egypt each month, the flow of migrants shows little sign of slowing. Few dispute that this is an untenable situation. Clearly no country, Israel included, is obliged to open its borders and accept all comers.

On the other hand, Interior Minister Eli Yishai's claim that all Africans in Israel are opportunistic workers, that none deserve asylum and that every "last of the infiltrators return to their countries" is equally ludicrous. It ignores the reality of those fleeing terrifying tribal violence in Sudan and Eritreans persecuted because of their religion or refusal to serve in the army. Prime Minister Netanyahu has rightly

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emphasized that refugees fleeing for their lives must be afforded protection in Israel.

Dan Kosky, “No Cosmetic Answer to Israel’s African Influx,” *The Times of Israel*, Feb. 16, 2012

Questions for Discussion:

There are two opinions here about the stream of illegal immigrants into Israel. Which argument is more compelling: that we should maintain the Jewish character of Israel or that we should welcome all who want to live there, no matter what kind of changes that might introduce?

What should be done with these unsanctioned immigrants once they have arrived? Should they be integrated into the society or pressured to leave?

Class exercise:

If you were in charge of immigration policy, which of these types of immigrants would you be more inclined to allow to enter (or stay) your country?

Please rank your view for each with a number, with 5 being very inclined to allow and 1 being not inclined at all.

- a. People seeking greater economic opportunity
- b. People under threat of death or torture in their home countries

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- c. People seeking greater political freedom
- d. People seeking religious freedom

1. ...Controls are authoritarian. Their most fundamental assumption is that freedom of global movement by migrants, immigrants and asylum seekers is to be determined not by those who wish to move but is to be restricted by those claiming an absolute franchise and right of occupancy over where they wish to move.

No One is Illegal -- Steve Cohen (British barrister, immigration activist, and political radical)

2. [The Congress shall have the power] ...to establish a uniform rule of naturalization...

Article I, Section 8.4 of the U.S. Constitution

*3a. When the One Above gave peoples their inheritance,
When He separated the children of Adam,
He set up the boundaries of peoples
By the number of the children of Israel.
Deut. 32:8*

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3b. When He separated the children of Adam...*The differences between these lands and the unique good qualities of each influenced the body and the spirit, the language, the occupation, the mores and the style of the inhabitants of these lands. Thus the human family, which is united in its root (for all are descendants of Adam) split apart. The many nations separated, differing one from the other according to their unique styles, each one a distinct product of its land, representing a unique aspect of human nature...*

He gave to the tribes of the various peoples the entirety of the lands as an inheritance and the peoples would undergo the process by which all the nations of the earth are tried and tested – by their work of governing the land, the land comes to govern them and becomes “boundaries of the peoples.”

Commentary of Rabbi S. R. Hirsch on Deut. 32:8

3c. *Each nation differs from every other nation absolutely in several aspects: its land, its language, its clans, and its peoples.*

Rebbe, Bi'urim bifeirush Rashi, on Numbers 7:19

Section II The Morality of Closed Doors

Class questions:

Accepting that there is something positive in national

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boundaries, what positive reasons do nations have for opening their boundaries to admit others in?

- a. The immigrants take the jobs of local residents and as a result, it is likely to increase unemployment, as the companies prefer to hire the immigrants for the cheaper wages they accept.*
- b. Increase of societal turmoil; fear of those with an alien economic, cultural, political or racial background; societal tension between the various immigrant minorities and the local population (as the immigrants incline towards a separate way of life and a closed community, a sort of urban ghetto). The immigrants form poor urban neighborhoods that draw heavily on the communities' public services.*
- c. The immigrants feel a sense of frustration, darkness and deprivation, creating a kind of a powder keg, a danger of riots and of political and security endangerment.*

Eran David Hadad, "Immigration in Developing Countries"

4a. ... It shall be lawful for the President of the United States at any time ... to order all such aliens as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States.

(1 Statute 570)

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4b. *No person shall hereafter be naturalized as a citizen of the United States - (1) who advocates or teaches, or who is a member of or affiliated with any organization that advocates or teaches, opposition to all organized government; or (2) who is a member of or affiliated with (A) the Communist Party of the United States; (B) any other totalitarian party of the United States...[or] of any foreign state, or of any political or geographical subdivision of any foreign state;*

8 USC 1424 - Sec. 1424

Section III Torah's View

Security

5a. *Iron and brass are your locks (Deut. 33:25)*

5b. *The mighty men of Israel would dwell in the border towns and lock the frontier so no enemies could enter – it was as if it were closed with locks and bars of iron and brass.*

Commentary of Rashi

5c. *In a border city, even if the non-Jews approach you [ostensibly] on matters of “straw and hay”, one must violate the Shabbat to repel them, lest they take over the city and proceed from there to conquer the land.*

Shulchan Aruch Orach Chaim 229:6

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Question for Discussion:

In Arizona and in Tel Aviv, the security danger posed by new immigrants is not so much to the country as a whole, as in an organized, hostile infiltration, but from violent crimes against persons and property. Do you think that the Torah's mandate for security applies in these cases?

Cultural coherence

6a. *Lo tichaneim* (Deut. 7:2) means: Do not allow idol worshippers a holding in the Land.

Avoda Zara 20a

6b. *When Israel [meets the conditions for observing the Jubilee], it is forbidden for us to allow an idolater among us.*

Even a temporary resident or a merchant who travels from place to place should not be allowed to pass through our land until he accepts the seven universal laws commanded to Noah and his descendants, as [Exodus 23:33] states: "They shall not dwell in your land" - i.e., even temporarily.

A person who accepts these seven mitzvot is a ger toshav – a resident alien.

Maimonides, Hilchot Avoda Zara 10:6

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6c. *You know how strictly the Torah makes us distance idol worshippers from our land, our borders and our surroundings, and how in so many places it goes at great length to warn us to distance ourselves from their deeds...*

This applies only to a non-Jew whom we do not know, or a wayfarer. But if he is our neighbor or friend it is permissible...There is no doubt that we may be permissive to all who are from the nations disciplined in their lifestyle by the religions and who believe in G-d, even if they are not personally known to us – not only is it permissible, but it is proper to do so.

Rabbi Menachem Meiri, Beit Habechira on Avoda Zara 20a

Economics

7a. *A poor person who is one's relative receives priority over all others. The poor of one's household receive priority over the poor of one's city. And the poor of one's city receive priority over the poor of another city, as [implied by Deuteronomy 15:11]: "[You shall surely open your hand to] your brother, the poor, and the destitute in your land."*

Maimonides, Matnot Aniyim 7:13

7b. *R. Huna the son of R. Joshua said: It is quite clear to me that the residents of one town can prevent the resident of another town [from setting up in competition in his town] but*

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not, however, if he pays taxes to that town — and that the resident of an alley cannot prevent another resident of the same alley [from setting up in competition in his alley].

Baba Batra 21b

Question for Discussion:

Would you support admitting all immigrants who would pay taxes? Or should America to put a strict limit on foreigners, no matter what (with the exception of those fleeing deadly persecution)?

7c. If the [immigration] laws are enforced, 61 percent of voters favor a welcoming policy that lets anybody come to America except national security threats, criminals and those who would live off the U.S. welfare system. All who would like to work hard and pursue the American Dream are welcome.

Scott Rasmussen, “Voters Understand the Immigration Debate; Politicians Don’t,”

7d. It is elementary that a person can dwell wherever he wants and the people of the city cannot stop him.

Rabbi Asher b. Yechiel, responsum cited in Tur Choshen Mishpat 156

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7e. For poverty is rampant and increases day by day on account of people who come here to dwell from other congregations and have no support here.

Register of the Vaad Arba Ha'aratsot, 333-334

7f. If refugees come to the settlement fleeing fear and danger, the residents of the settlement may not stop them from attaching themselves and making enough money to keep themselves alive and caring for their households until the fury abates.

Mordechai, Baba Batra, Part 3, Remez 147

Question for class: Which of these arguments for a right to restrict immigration would be most applicable in today's political debate, here or in Israel?

Section IV The Compact: Mutual Expectations

8. One Torah and one law shall there be for you and the stranger who comes to live with you.

Numbers 15:16

9a. Also, seek the peace and prosperity of the city to

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which I have carried you into exile. Pray to G-d for it, because if it prospers, you too will prosper.

Jeremiah 29:7

9b. Rabbi Channanya would say: Pray for the peace of the kingdom, for were it not for fear of its laws, for they are hard on us, one man would swallow the other alive (*Avot 3*). *This is the idea that one should pray for the peace of the world and to be pained by others' pain. Such is the way of the righteous, as David (peace be upon him) said: "When they were ill, I wore sackcloth; I afflicted my soul with fasting (Psalms 35:13)." One should not plead and intercede for one's own needs only, but should rather pray for all mankind, that all should be in peace. In the tranquility of the kingdom, there is peace for the whole world.*

Commentary of Rabbeinu Yona on Avot

9c. *Since the prophet commanded us to pray to G-d for the place to which we were exiled, how could we ordain something the opposite of that, G-d forbid, thereby transgressing the prophet's words? To the contrary: the Sages warned us to accept the sovereignty and the rule of the nations. After G-d decreed that we should be under their authority, it is proper for us to accept their rule and not to act as if the decree were void.*

Maharal Prague, Be'er Hagola 7:6

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9d. *The ger who lives with you should be considered by you as a native among you and you should love him as you love yourself, for you were gerim in the land of Egypt; I am your G-d.*

Leviticus 19:34

9e. *This is mentioned just after the verses that instructed us to honor the elderly. The reason for this is that just as I cautioned you to honor the elderly of Israel since they have no strength of their own, so do I caution you about the ger, for your strength is greater than his... for he is in your land, under your control.*

You shall love him...I am your G-d -- I am the one G-d who created you both.

Commentary of Ibn Ezra

Class Question:

How might this concept apply in today's debate over illegal immigration? Would this requirement to accept and abide by the laws help clarify and define what kind of immigrant a country would and should accept?

In the light of the above, what should our attitude be towards those who do not follow the law of the land – the “illegal

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immigrants”? Should they be entitled to permanent residence? Should they be entitled to free schooling? Medicare? Food stamps? Section 8 housing?

Section V

Expectations Not Met: Illegal Immigration

10. When G-d saw that the children of Noach had accepted the seven commandments but then had not fulfilled them, He released them from their obligation.

But then they would have gained! If so, we would find that a sinner is rewarded for his sin!

Mar the son of Ravina said: It means that even if they observe these commandments, they get no reward.

Baba Kama 38a

Questions – How might the use of the principle *ein choteh niskar* apply to the modern debates over immigration? Would it require that an illegal immigrant leave the country and get to the back of the line before being considered?

Would some other method establish him/her as someone now truly committed to accepting the community's sovereign laws?

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Conclusions

- A. *Gain control of borders.*
- B. *Hold employers and enablers responsible.-*
- C. *Guest-worker programs.*
- D. *Provide a path for college-age youth who know no other home.*