

COVENANT & Conversation

A STUDY OF THE PARSHA WITH RABBI SACKS



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I am deeply touched that Covenant & Conversation has been generously sponsored by The Maurice Wohl Charitable Foundation in memory of Maurice and Vivienne Wohl ז"ל. Maurice was a visionary philanthropist on a vast scale, driven throughout his life by a sense of Jewish responsibility. Vivienne was a woman of the deepest humanity and compassion, who had a kind word for everyone. Together, they were a unique partnership of dedication and grace, for whom living was giving. Through their Charitable Foundation, they continue to bring blessings to Jewish communities around the world.

— RABBI LORD JONATHAN SACKS



THE MAURICE WOHL
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Minority Rights

Behar & Bechukotai 2017 / 5777

One of the most striking features of the Torah is its emphasis on love of, and vigilance toward, the ger, the stranger: *Do not oppress a stranger; you yourselves know how it feels to be strangers, because you were strangers in Egypt.* (Ex. 23:9)

For the Lord your God is God of gods and Lord of lords, the great God, mighty and awesome, who shows no partiality and accepts no bribes. He defends the cause of the fatherless and the widow, and loves the stranger residing among you, giving them food and clothing. You are to love those who are strangers, for you yourselves were strangers in Egypt. (Deut 10:17-19)

The Sages went so far as to say that the Torah commands us in only one place to love our neighbour but thirty-six times to love the stranger (Baba Metsia 59b).

What is the definition of a stranger? Clearly the reference is to one who is not Jewish by birth. It could mean one of the original inhabitants of the land of Canaan. It could mean one of the “mixed multitude” who left Egypt with the Israelites. It might mean a foreigner who has entered the land seeking safety or a livelihood.

Whatever the case, immense significance is attached to the way the Israelites treat the stranger. This was what they were meant to have learned from their own experience of exile and suffering in Egypt. They were strangers. They were oppressed. Therefore they knew “how it feels to be a stranger.” They were not to inflict on others what was once inflicted on them.

The Sages held that the word ger might mean one of two things. One was a ger tzedek, a convert to Judaism who had accepted all its commands and obligations. The other was the ger toshav, the “resident alien”, who had not adopted the religion of Israel but who lived in the land of Israel. Behar spells out the rights of such a person. Specifically:

If any of your fellow Israelites become poor and are unable to support themselves among you, help them as you would a resident alien, so they can continue to live among you. (Lev. 25:35)

There is, in other words, an obligation to support and sustain a resident alien. Not only does he or she have the right to live in the Holy Land, but they have the right to share in its welfare provisions. Recall that this is a very ancient law indeed, long before the Sages formulated such principles as “the ways of peace”, obligating Jews to extend charity and care to non-Jews as well as Jews.

What then was a ger toshav? There are three views in the Talmud. According to Rabbi Meir it was anyone who took it upon himself not to worship idols. According to the Sages, it was anyone who committed himself to keeping the seven Noahide commandments. A third view, more stringent, held that it was someone who had undertaken to keep all the commands of the Torah except one, the prohibition of meat not ritually slaughtered (Avodah Zarah 64b). The law follows the Sages. A ger toshav is thus a non-Jew living in Israel who accepts the Noahide laws binding on everyone.

Ger toshav legislation is thus one of the earliest extant forms of minority rights. According to the Rambam there is an obligation on Jews in Israel to establish courts of law for resident aliens to allow them to settle their own disputes – or disputes they have with Jews – according to the provisions of Noahide law. The Rambam adds: “One should act towards resident aliens with the same respect and loving kindness as one would to a fellow Jew” (Hilkhos Melachim 10:12).

The difference between this and later “ways of peace” legislation is that the ways of peace apply to non-Jews without regard to their beliefs or religious practice. They date from a time when Jews were a minority in a predominantly non-Jewish, non-monotheistic environment. “Ways of peace” are essentially pragmatic rules of what today we would call good community relations and active citizenship in a multi-ethnic and multicultural society. Ger toshav legislation cuts deeper. It is based not on pragmatism but religious principle. According to the Torah you don’t have to be Jewish in a Jewish society and Jewish land to have many of the rights of citizenship. You simply have to be moral.

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One biblical vignette portrays this with enormous power. King David has fallen in love and had an adulterous relationship with Batsheva, wife of a ger toshav, Uriah the Hittite. She becomes pregnant. Uriah meanwhile has been away from home as a soldier in Israel's army. David, afraid that Uriah will come home, see that his wife is pregnant, realise that she has committed adultery, and come to discover that the king is the guilty party, has Uriah brought home. His pretext is that he wants to know how the battle is going. He then tells Uriah to go home and sleep with his wife before returning, so that he will later assume that he himself is the father of the child. The plan fails. This is what happens:

When Uriah came to him, David asked him how Joab was, how the soldiers were and how the war was going. Then David said to Uriah, "Go down to your house and wash your feet." So Uriah left the palace, and a gift from the king was sent after him. But Uriah slept at the entrance to the palace with all his master's servants and did not go down to his house.

David was told, "Uriah did not go home." So he asked Uriah, "Haven't you just come from a military campaign? Why didn't you go home?"

Uriah said to David, "The Ark and Israel and Judah are staying in tents, and my commander Joab and my lord's men are camped in the open country. How could I go to my house to eat and drink and make love to my wife? As surely as you live, I will not do such a thing!" (2 Samuel 11:6-11)

Uriah's utter loyalty to the Jewish people, despite the fact that he is not himself Jewish, is contrasted with King David, who has stayed in Jerusalem, not been with the army, and instead had a relationship with another man's wife. The fact that Tanakh can tell such a story in which a resident alien is the moral hero, and David, Israel's greatest king, the wrongdoer, tells us much about the morality of Judaism.

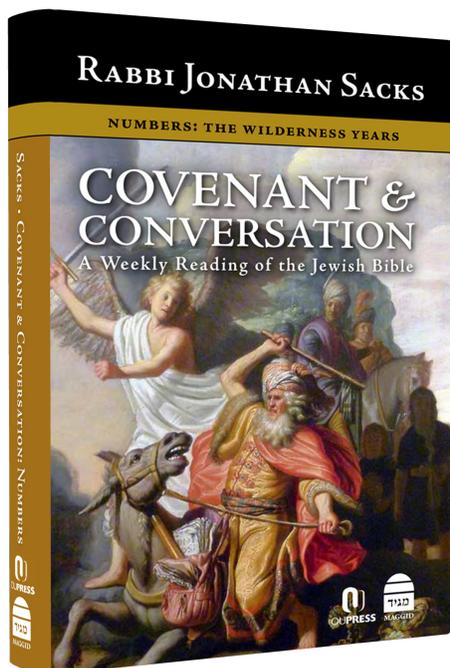
Minority rights are the best test of a free and just society. Since the days of Moses they have been central to the vision of the kind of society God wants us to create in the land of Israel. How vital, therefore, that we take them seriously today.

Shabbat Shalom

**"Minority rights
are the best test of a
free and just society."**



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