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Two leaders vs. the “Stranger”

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While they pay lip service to “the word of God,” it is doubtful that either Donald Trump or Benjamin Netanyahu take it seriously when it comes to the Torah’s insistent prescription for how to treat “the stranger.”

Immigration, legal and illegal, was one of Trump’s most insistent campaign promises during the 2016 campaign and he took aim at delivering on it from his very first week in office in January 2017. With the promise as yet unfulfilled and with an eye toward his re-election, Trump has been intensifying his efforts in recent months.

In early March, for example, the Immigration and Customs Enforcement Agency launched a highly expensive program it calls Operation Palladium (palladium in this context is an archaic word meaning protection)—an expensive 24-hour-a-day stationing of ICE agents outside the homes and workplaces of the euphemistically termed “unauthorized immigrants” living in so-called sanctuary cities, including New York, Newark, Boston, Chicago, Detroit, Atlanta, New Orleans, Los Angeles, and San Francisco.

To have enough agents to do the job, and in order to rack up points for the president’s re-election campaign, ICE diverted essential personnel from truly protecting America. This includes some 500 special agents who until reassignment were engaged in long-term investigations aimed at rooting out dangerous criminals, weapons smugglers and drug traffickers; those investigations are now effectively on hold. ICE also reassigned at least 100 agents from its elite and Border Patrol Tactical Unit, a SWAT-like corps of highly trained officers who until then daily put their lives on the line to combat drug and weapons smuggling from Mexico, and carrying out risky rescue and intelligence operations there.

Because ICE’s Palladium targets do not fit the “real criminal” bill, ICE is unable to obtain warrants to break into homes or places of work. Palladium, therefore, is designed to pick up the immigrants when they are on the streets.

One unintended consequence of Operation Palladium has been to send their targets deeper underground just as the COVID-19 pandemic was declared a national emergency. This has put many lives at risk (or worse). The people targeted were already wary of seeking medical help; now, just when they may need that help just to stay alive, they must feel even less safe than ever.

Two months ago this past Monday, using COVID-19 as cover, Trump suspended all immigration to the United States. On Monday of this week, he extended that order until December and added new restrictions.

During his first term so far, Trump has imposed travel bans from countries with non-white majorities—including Sudan, Nigeria, Tanzania, Eritrea, Myanmar and Kyrgyzstan—and has made it harder for people to seek political asylum here. He has reduced the number of refugee admissions from 110,000 to 50,000, and plans to resettle only about 18,000 of them this year—an almost certain humanitarian crisis in the making.

Among other moves are denying visas to pregnant women from Asia, Africa, Latin America, and the Middle East; increasingly denying or delaying work visas to foreign-skilled workers; severely hampering the process of obtaining green cards generally (the backlog on approvals has topped 35 percent); and in some countries suspending and in others limiting access to the Diversity Visa program—in essence, a special visa lottery program established by Congress in 1990 for countries with low U.S. immigration rates.

Domestically, the administration in 2018 established a “denaturalization task force” to strip naturalized citizens of their citizenship, and has barred immigrants and their families from using such benefit programs as Medicaid and food stamps.

Then there is the Deferred Action for Childhood Arrivals program, known as DACA, which Trump ordered shut down in September 2017. The program provides legal protections and work permits for as many as 800,000 young people who were brought here illegally as children. Federal courts have kept it alive for now, with the U.S. Supreme Court on June 18 being the latest to weigh in, calling the order as written “arbitrary and capricious.”

Needless to say, Trump was not pleased with that decision—his second high court setback in a week. He called it “horrible and politically charged,” and said it was aimed directly at him and his re-election. “Do you get the impression that the Supreme Court doesn’t like me?” he tweeted.

It is fortunate for the president that the United States is not governed by Torah law, because virtually everything Trump has done on immigration violates that law.

In at least three places, the Torah insists that “there shall be one law for the citizen and for the stranger who dwells among you.” (See Exodus 12:49, Numbers 9:14, and Numbers 15:14-16.) As Leviticus 24:22 puts it: “You shall have one mishpat (judgment) for stranger and citizen alike.”

Numbers 15:14-16 makes clear that this is an across-the-board command. “You and the stranger shall be alike before the Lord,” it says, adding that “one torah (teaching) and one mishpat (judgment) shall apply to you and to the stranger who resides among you.” As explained by the biblical scholar Richard Elliot Friedman, “In these verses, the text says in four different ways that the law is the same for a citizen and a resident alien. Thus it again emphasizes that this is an essential principle of the Torah: Israelites are not privileged over anyone else. A country must treat everyone who lives in it fairly, with equality under the law.”

The Torah makes this point in other ways, as well. Exodus 22:20 and Exodus 23:9 both warn against wronging a stranger or oppressing him or her. Leviticus 19:33-34 adds to this: “The stranger who resides with you shall be to you as one of your citizens; you shall love him [or her] as yourself….”

According to Deuteronomy 24:14 and 17, “You shall not abuse a needy and destitute laborer, whether a fellow countryman or a stranger in one of the communities of your land….You shall not subvert the rights of the stranger.”

In Deuteronomy 10:17-19, the Torah takes this to yet another level. We are, after all, supposed to emulate God, walk in His ways. Thus, because “the Lord your God…upholds the cause of the fatherless and the widow, and befriends the stranger…you too must befriend the stranger.”

There is much more on this in the Torah, as well. As Friedman has observed: “In the whole ancient Near East, in all those lands, through several millennia, we have found 52 references to equal treatment of aliens, and all 52 are in the first five books of the Bible,” meaning in the Torah—God’s Torah. (See page 203 of his book, The Exodus, published by HarperOne.)

Because the United States does not operate under Torah law, Trump is fortunate in that regard. Nevertheless, he would do well to read the book he otherwise uses as a campaign prop; it could prove eye-opening for him in so many ways.

Torah law does not apply to the State of Israel, either, but our right to the land derives from it, so its leaders should take its words to heart, yet Prime Minister Benjamin Netanyahu is bent on just the opposite. He is threatening to annex portions of the West Bank next week, playing to the desire of many of his nationalist camp followers—secular and religious—to impose a one-state solution on the Palestinians. If that ever happens, the Palestinians would qualify as the “stranger who resides with you in your land,” and would thus be covered by “you shall not subvert the rights of the stranger” and everything else Torah law requires.

The result of ignoring Torah law will be that Israel will actually become an apartheid state, which would be a chilul hashem, a desecration of the God’s Holy Name, because His words about equal treatment of “the stranger” would be ignored. The result of observing Torah law by giving Palestinians equal rights, including the right to vote, would mean that Israel would soon be voted out of existence.

Ignoring Torah law could have grave consequences, according to at least one 19th century commentator, Rabbi Samson Raphael Hirsch.

"Just as the people is `the people of God,’ so is the land, too, `the land of God…,’” he wrote in commenting on several verses in Leviticus 18. “[If] the society that lives in this land subverts the purpose of its existence by social and moral corruption, the land, too, loses the reason for its existence..., and, in that case, the land will vomit out that society even as any organism will reject an element that has become incompatible with it."

Applying this to today, a two-state solution is the only solution, whereas annexation can only take Israel on the road to disaster. The land is no longer holy if the people for which it was intended have abandoned holiness.