DACA and Halakha: Concern for Immigrants

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President Donald Trump and Congress are in the midst of discussions to legislatively address the status of DACA recipients. These are 800,000 young people who had arrived in the U.S. ten or more years ago at age 16 or younger. If Congress fails to restore the terms of DACA, a vast number of young people may face deportation, even though they have lived most of their lives in the United States. They are students, workers, dreamers who have hoped for better lives as constructive members of American society. Every society must have rule of law, and the US must have and must enforce its immigration laws. At the same time, every good society practices compassion and wisdom in dealing with complicated issues.

Below is an article I wrote some time ago, relating to our responsibility to “the stranger.”

“Do not afflict or oppress the stranger, for you were strangers in the land of Egypt.” (Exodus 22:20)

“Do not oppress the stranger, for you know the soul of the stranger, for you were strangers in the land of Egypt.” (Exodus 23:9)

“When a stranger lives with you in your land, do not afflict him. As one of your citizens, the stranger who lives with you shall be to you, and you shall love him as yourself, for you were strangers in the land of Egypt, I am the Lord your God.” (Lev. 19:33-34)

These and other verses in the Torah underscore our responsibility to not only be sympathetic to, but to identify with, those who are “strangers.” The Talmud (Bava Metsia 59b) posits that oppressing a stranger violates 36—and some say 46—Torah prohibitions.

The Torah obviously is teaching us to be compassionate and charitable. But in delineating the obligation to care for the stranger, it uses surprising language. The Torah could have said: have mercy on the oppressed, because you were oppressed in Egypt; or have compassion on slaves because you were slaves in Egypt. But it does not say these things. Rather, it invokes our experience in Egypt as an impetus for us to identify with and help the *stranger*.

Who is a stranger? In the biblical times, this was a non-Israelite who lived among Israelites. (In later rabbinic thought, the stranger was identified as a proselyte.) In our days, it applies to a person of different nationality—an immigrant.

What is the nature of being a stranger? The stranger is an "outsider," someone not of our kin or clan, someone from another culture or religion, someone who is not "one of us." We might naturally feel responsibility for our own group: but why should we be concerned with strangers?

The Torah—remarkably—commands us to love the stranger as ourselves. The Torah justifies this commandment: "for you know the soul of the stranger." Because of our early experience as strangers in Egypt, we know first-hand what it means to be considered an alien. We not only suffered physical abuse as slaves in Egypt; we suffered psychological abuse. We were considered as lesser human beings; we were thought to be unworthy of basic human rights. We know deep in our own soul what it's like to be a stranger; we are uniquely qualified to understand "the soul of the stranger."

This lesson from antiquity has had ongoing meaning for Jews throughout our history. During the modern era, there have been dramatic demographic changes in the world. Most of the Jews today are living in countries different from those in which our ancestors of 150 years ago were living. Indeed, a huge percentage of Jews are themselves immigrants, children or grandchildren of immigrants. We know the "soul of the stranger" because our families have been strangers. They have migrated to new lands to escape persecution or to find a better life for themselves and their children. They have made aliyah to Israel in fulfillment of Zionist dreams. They have had to learn new languages, adapt to new cultures. Our immigrant forebears often came to new lands with little money…but with great hope. They had to face physical hardships; and they had to cope with psychological sufferings.

Because we have been immigrants, we "know the soul" of immigrants. We have an inherent understanding of the challenges they face. We recognize the importance of helping them adapt to their new lands and to enable them to

overcome the psychological stigma of being outsiders.

If the Torah needed to issue 36 commandments about caring for strangers, it means that we have a strong tendency not to be concerned for them. Indeed, there are many voices in contemporary society that take a dim view toward receiving immigrants. After all, these “outsiders” may be criminals or terrorists. They will cost us a lot of money in order to provide them social, educational and health services. They may take away jobs from native-born citizens. They can change the nature of our society if they come in excessively large numbers.

The Talmud (Sanhedrin 109a) suggests that the wicked city of Sodom was characterized by a policy that excluded immigrants. The Sodomites reasoned: why should we share our blessings with outsiders? Why should we make sacrifices for foreigners? It was this attitude that resulted in God’s punishment of Sodom for its iniquity.

As a rule, people do not become immigrants unless there are compelling reasons for them to leave their own lands. They are fleeing wars, violence, or terrorism. They are fleeing from oppressive governments. They are escaping desperate poverty. They seek a better life for themselves and their families. Our instinctive response must be to lend a helping hand. We “know the soul of strangers” because we and our forebears were strangers.

Rabbi Yitzhak Shemuel Reggio, a 19th century Italian Torah commentator, commented on the verse in Leviticus (19:18) commanding us to love our neighbor as ourselves. He pointed out that the verse should be understood to be saying: love your neighbor, because your neighbor is like yourself. Your neighbor is also created in the image of God.

The same comment applies to the commandment to love the stranger as ourselves. All human beings have a unique kinship. Instead of seeing others as “outsiders,” we need to see them as sharing a universal humanity based on all of us having been created by the Almighty.

The Torah knows that it is difficult to achieve this high level of understanding. That’s why it has underscored the obligation to care for the stranger 36 times. But it also knows that we are capable of achieving this level of understanding. And when we do, we not only fulfill God’s commandments; we fulfill our own humanity.