

A LOVE/HATE RELATIONSHIP: DIVING INTO JEWISH TEXTS ON “THE OTHER”

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**“The category of Other is as original as consciousness itself...
No group ever defines itself as One without immediately setting
up the Other opposite itself.”**

-Simone de Beauvoir

The relation with the Other... [is] an ethical relation.”

-Emmanuel Levinas

In undertaking this study, we seek the wisdom of our tradition in navigating the tension between maintaining a distinct identity and respecting “the other.” By “the other,” we refer to those who are outsiders in society, who are not included in the majority culture and most broadly, anyone who is not a member of the group in which you are a member.

“Otherness” and boundary issues pervade our contemporary world. Refugees from the conflict in Syria seek to live in safety and find themselves excluded from entry into European countries who believe the refugees threaten their safety and the status quo of their society. The U.S. government is raising fears around an influx of immigration from Mexico and South America, warning these people will endanger the lives of Americans. Israel, our Jewish homeland, too, struggles to navigate how to be a safe haven for migrants entering from Africa without jeopardizing the status quo of Israeli society. Unfortunately, these are all instances in which those in power often allow xenophobic fears to overcome the dictum of our tradition to welcome the *ger* and grant them respect and dignity.

A common rallying cry for progressive Jews in the U.S. has become the *Torah* verses “You shall love the resident alien because you were resident aliens in Egypt” (Deuteronomy 10:19) and “There shall be one law for the citizen and the

resident alien among you” (Numbers 15:15). On the surface, these verses suggest that the *Torah* advocates for the radical inclusion of “others,” and therefore, contemporary Jews should take a similar position on issues of welcoming others into society. As serious students of *Torah*, we sought to learn what these verses actually meant in context. We wanted to learn what our Jewish texts have to say about “the others” in our midst.

A number of questions guide our study. How do Jewish texts treat “the other?” How does the context in which the texts were written influence the position on “the other?” Does the attitude toward “the other” change or remain stable throughout Jewish history? How do our texts balance maintaining Jewish identity with ensuring safety with interactions with non-Jews? How can we apply what our texts say to our contemporary world?

In this study, we will investigate four different groups of Jewish texts. For each, we evaluate how the text relates to “the other.” The texts span the spectrum of how to relate to “the other,” from inclusion to exclusion and in between. We start with two ancient texts, the *Torah* and the book of Ezra-Nehemiah. The *Torah*’s treatment of the *ger* offers a positive foundation for how to relate to “others.” The *Torah* offers a developed mode for treating “the other,” while maintaining its distinctiveness. In so doing, it protects the self and “the other.” Ezra-Nehemiah, written in the post exilic time, takes the other extreme. The books reject “the other” in order to protect the self and community. Together, these texts frame the range found in the *Tanakh* and open the Jewish conversation of how to treat “the other.” We next explore texts from

later in Jewish history, from the Talmud and from 20th and 21st-century responsa. These texts reveal two Jewish communities attempting to regulate their interactions with non-Jews, but this time as the minority culture in majority non-Jewish cultures. We do not aspire to offer an overall statement about the Jewish canon's understanding of "the other." Such a task goes well beyond the scope of the present task. Moreover, it goes against the diversity of attitudes that biblical and later Jewish texts reflect. However, our studies have revealed an ongoing wrestling and struggle with how to maintain boundaries, respect "the other" as other, and have a distinctive Jewish life. In the interest of keeping the conversation going, we use a mix of formal papers and text studies with explanatory companions to delve into the various texts and discern strategies that our sources disclose. We hope this method encourages in-depth learning as well as sparks important conversations. Through this study, we contribute an understanding of how this conversation has evolved and how these texts can inform the way that we, as modern American Jews, can understand our obligation to "the other" in our midst.

The Ger as the Ultimate Insider/Outsider in *Torah*

“For you were strangers (*gerim*) in the land of Egypt” is one of the oft-most repeated phrases in the Tanakh. For many, it has come to define what it means to be Jewish. This line embodies the narrative that as Jews we were once “the other,” the stranger, the slave, the downcast. That historical memory commands us to treat the other with respect and dignity, to not repeat the sins of those who wronged us. In fact, there are eighty laws in the *Tanakh* about the *ger*, significantly more than about other specified social or economic groups. The laws consistently reflect the sentiment stated above - that the Israelites must treat the *ger* with dignity and respect because we were once strangers in Egypt. But what exactly is a *ger*? Who counts as a *ger* and how exactly are the Israelites to relate to them, interpersonally and legally? In this study we will: 1. Define who the *ger* is, 2. Compare the *ger* to similar categories in the *Torah*, 3. Investigate how the word is used in the five books of the *Torah*, 4. Focus on two key passages that shed light on how the *Torah* expects the Israelites to treat the *ger*, and finally, 5. Apply what the *Torah* says about the *ger* to our contemporary world.

The *ger* represents one of many archetypes of “the other” in the Tanakh. There are times when “the other” is easily identifiable (the seven nations of Deuteronomy 7, idolaters, Amalekites, etc.) The *ger*, however, represents a type of “other” who lives among the Israelites, who is a part of the community, who maintains certain rights and privileges like a citizen, but is ultimately not a member of the hegemonic group. The *ger* exists as a minority in the midst of a majority culture.

In certain ways they are outsiders and other, while in other ways they are insiders and incorporated into the community (See Ruth the Moabite in the Book of Ruth, for example). How the text relates to the *ger* is not stagnant throughout the Torah, rather, the historical context and literary emphases of each book influences the portrayal of the *ger* and his or her relation to the Israelite community. By studying the *ger*, we hope to better illuminate how we as modern Jews are to relate to the others in our midst.

Before dissecting the differences of the *ger* in each book of the Torah, we must start with defining the word *ger* itself. Both its English and Hebrew definitions require a nuanced understanding of the word. *Ger* is translated a number of ways into English, including stranger, foreigner, sojourner, proselyte, immigrant, and resident alien. The word *ger* stems from the Hebrew root ג.ר.א meaning simply, “to live upon” or “to tarry as a sojourner.”¹ While not providing conclusive evidence, looking at the same root in other Ancient Near Eastern languages may shed light on how to best define *ger*. In Akkadian *garu* meant enemy or opponent. In Phoenician, *gr* contains the meaning of a “client.” Arabic offers a few definitions from the same root in verb form, including “to depart from or commit a crime,” “to be a neighbor,” and “to put under someone’s protection.”² As a noun, it means “neighbor” and expansively can be understood as a “protective companion.”³ Finally, in Ethiopic, *gor* means “neighbor” and *g^eyur*, meaning “sojourner.”⁴ While no one definition

¹ “Ger,” *Theological Dictionary of the Old Testament*, ed. By G. Johannes Botterweck, Helmer Ringgren, Heinz-Josef Fabry, (Grand Rapids, MI: Wm. B. Eerdmans Publishing, 2003), 439.

² Ibid., 442.

³ Ibid.

⁴ Ibid.

encompasses the Hebrew word *ger*, we can at least see the root, for many cultures in the ANE, speaks to people sharing a space or depending on the other.

We have chosen to translate *ger* as “resident alien.” Resident alien captures the liminal and paradoxical status of the *ger*. On the one hand, the *ger* is a resident, he or she lives amongst the Israelites and enjoys certain protections and legal privileges just like the citizen. But on the other hand, the *ger* is an alien. He or she lives amongst a group of people with whom they do not share genetic kinship and into whose society they do not necessarily plan to assimilate or can. As we will examine throughout this paper, the *ger* can be likened to a person living in the United States with a green card or a visa. They have a legal right to reside in the United States and are protected by law, but they do not maintain the full rights of a citizen. The *ger* maintains a relationship with the Israelites, the land and God although it appears differently than the Israelites. The term “resident alien” embodies the precarious position that the *ger* holds in Israelite society as well as their paradoxical status.

Most modern translations of the Bible opt for the word “stranger” to capture the essence of the *ger* (JPS, NRSV etc.). This interpretive choice can be understandable as the stranger is quite literally estranged from their family and their kinship group. They are the individuals who are not ethnically linked to those around them. However, the word “stranger” creates the sense that the *ger* exists outside of the structures of Israelite society and culture. Unlike the seven nations listed in Deuteronomy 7, who are to be destroyed or at least shunned, the *ger* is not

forbidden from Israelite society, but rather is embedded within it. There is a permanent quality to the *ger* that the word “stranger” does not capture effectively.

The word “foreigner” also does not capture the full semantic range of the *ger*. First of all, there is another Hebrew word, *nochri*, which specifically refers to a foreigner. The *nochri*, unlike the *ger*, typically holds a specifically negative connotation (Gen 31:15; Ps 144:7; Isa 2:6; 62:8). The *nochri* is an individual who has no connection to the covenantal community (Deut. 17:15, 29:22, Judges 19:12, 1 Kings 8:41). Unlike the *ger*, the *nochri* never partakes in any cultic ceremony and is forbidden from eating the Passover sacrifice (Exodus 12:43). As Tromp notes, the *nochri* does not benefit from the seventh-year jubilee (Deut. 15:3) nor are they qualified for interest free loans (Deut. 23:20).⁵ Legally speaking, the *ger* falls somewhere between the *eizrach* (defined more fully below) and the *nochri* (the foreigner).⁶

The *ger* is sometimes inaccurately translated as “proselyte” or “convert.” Nihan critiques the popular notion espoused by A. Bertholet in 1896 that the *ger* has a religious valence and can be understood as a proselyte or convert. Nihan points out that this assumption was based on the theory that after the exile, Israel became a “religious” community rather than a nation state.⁷ Additionally, the *ger* in rabbinic texts refers to the convert or the proselyte. As a result, many of the Jewish medieval

⁵ K.J. Tromp, “Aliens and Strangers in the Old Testament,” *Vox Reformata*, 2011 <http://www.rtc.edu.au/RTC/media/Documents/Vox%20articles/Aliens-and-Strangers-in-the-Old-Testament-KJT-76-2011.pdf?ext=.pdf>.

⁶ Theological Dictionary of the Old Testament, 443.

⁷ Christophe Nihan, “Resident Aliens and Natives in the Holiness Legislation,” in Reinhard Achenbach, Rainer Albertz and Jakob Wöhrle, *The Foreigner and the Law, Perspectives from the Hebrew Bible and the Ancient Near East* (BZAR 16; Wiesbaden: Harrassowitz Verlag, 2011), 114.

commentators, such as Rashi, interpret the *ger* in such a fashion (Rashi on Exodus 23:12, Rashbam on Exodus 22:20). This is a problematic view, as no direct reference to the *ger* being willing to worship the Israelite god appears in the Torah. Nihan notes that in fact the text seems to expect the *ger* to worship other gods (Leviticus 24:15b).⁸

“Sojourner” provides a final example of a common English translation of *ger* which fails to convey the nuance of the word. Similar to the word, “foreigner,” there is a more appropriate Hebrew word to describe a sojourner than *ger*. “Sojourner” holds the meaning of someone whose stay is temporary. There is no inclination that the *ger* is an individual who resides with the Israelites for an intentionally short period of time before they continue onward. The Biblical category that more appropriately describes this type of individual is *toshav*, a term associated with migrant workers, a class lower in socio-economic status than the *ger*. This distinction will be discussed in greater detail below. A number of scholars use “immigrant” to translate *ger*. But given what Awabdy describes as today’s “ethno-political connotations” of such terminology, this choice may obscure the distinct meanings and conditions of *ger* in the Bible.⁹

To be precise about understanding who the *ger* is, we must differentiate it from similar terms in the *Torah*. One such term is *toshav*. Seven times in the *Tanakh* the words *ger* and *toshav* appear either one after the other or separated by only a

⁸ Ibid.

⁹ M.A. Awabdy, *Immigrants and Innovative Law: Deuteronomy’s Theological and Social Vision for the ger*. Forschungen zum Alten Testament 2, Reihe 67. Tübingen: Mohn Siebeck, 2014, 4-5.

few words (Genesis 23:4; Leviticus 25:23, 35, 45, 47; Numbers 35:15; Psalms 39:13). Abraham refers to himself as a *ger* and a *toshav* while he is in Hittite controlled land in Canaan. The appearances in Leviticus all come in a discussion of the Jubilee laws where the same rules apply to an Israelite who indentures himself to a fellow Israelite or a *ger* or a *toshav*. No distinction is clearly evident between *ger* and *toshav* in Leviticus. The one possible exception is Leviticus 25:45, where the distinction between the two seems blurred. It refers to “*mi’bnai hatoshavim hagarim*.” Here *toshav* and *ger* could be one category or what is more likely given the sentence construction, *gar* is functioning as a noun and is not creating a unit of *toshav ger*. Numbers 35:15 mentions both the *ger* and the *toshav* as eligible to flee to a city of refuge if they accidentally kill someone. Like the previous books, Numbers makes no distinction between *ger* and *toshav*. Either way, the verb *gar* is used in relation to the *toshav*, revealing a possible connection. From these occurrences, it is clear *ger* and *toshav* at the very least occupy a very similar role in the *Torah*.

Ger and *toshav* are not completely interchangeable, however. Exodus 12:43-49 forbids the *toshav* and the *sachir* (as discussed below), as well as the foreigner (*ben-necher*) from eating the Passover sacrifice. The *ger*, however, is permitted to eat the sacrifice, under the condition that he is circumcised. In fact, according to verse 48, if he is circumcised, “he will be like the citizen (*ezrach*- as discussed below).” The *ger* is described in verses 48 and 49 as living with the Israelites. The *toshav* may dwell among the Israelites but perhaps has a more temporary living status. This difference between the *ger* and the *toshav* may account

for why the *ger* is allowed to eat the sacrifice, while the *toshav* is not. Nihan notes that the *toshav* is a foreigner living as client in an Israelite household, whereas the *ger* is not regarded as a client (at least in the Holiness Legislation in Leviticus).¹⁰

Additionally, Nihan points out that while Leviticus 19:33-34 commands the *ger* be loved like a citizen, no such instruction is given for the *toshav*, who may even “be forced to sell his children as debt-slaves if his economic situation requires it.”¹¹

According to Nihan, in the Holiness Legislation of Leviticus, *ger* refers to an economically independent non-Israelite, while *toshav* refers to a non-Israelite who is the client of an Israelite home.¹²

In one of the seven occurrences of *ger* and *toshav* together, in Leviticus 25:47, the categories of *ger* and *toshav* are combined into one, the category of *ger toshav*. As this is the only instance in *Tanakh* of this category, we cannot ascertain the nuances of this category as it compares to the categories of *ger* and *toshav*. We can say Leviticus 25 appears to be creating a new category of person within ancient Israelite culture, which seems to be hinted at by the many mentions of those two words within the same verse.

Toshav never exists in the *Torah* without a related pair word. As noted above, many of those occurrences pair *toshav* with *ger*. Alternatively *toshav* is paired with *sachir*, the hired laborer (Exodus 12:45; Levit 22:10, 25:6, 40). In the case of Exodus 12, as discussed above, the *toshav* and *sachir* incur the same limitations. They are excluded from religious rites. In Leviticus 25:6 they are each included with a list of

¹⁰ Nihan, 118.

¹¹ Ibid.

¹² Ibid., 119.

slaves that might live in an Israelite home. Yet, in 25:39-40, it is clear an Israelite can be treated as a *toshav* and *sachir*, but not as a slave. *Toshav* and *sachir* then are each categories with more rights than a slave, but no involvement in religious rites, unlike the *ger*.

The *ger*, as a non-citizen, occupies a much different category in society than the *eizrach*, the citizen. By definition, the *ger* is a non-citizen. Yet, the two terms appear in the same verse at least seven times in the *Torah*. In all but one of those times, the same religious rule is applied to the *ger* and the *eizrach*. Neither can eat a dead animal (Exodus 12:19), they each stone a person who blasphemes (Leviticus 24:16), they both must follow a number of rules related to an eye for an eye (Leviticus 24:17-22), they have the same rules of the Passover sacrifice (Numbers 9:14), there is one ritual for expiation for acting in error (Numbers 15:29), and anyone who defiantly reviles God will be cut off from the community (Numbers 15:30). Though the *ger* is not a citizen, as a member of society the *ger* is required to follow many of the same rules as the citizen. We have already seen the *toshav* is not subject to those same rules. The *ger* is closer to being a citizen than the *toshav* is, yet the *ger* is not a citizen.

The *ger*, as one outsider delineated by the *Torah*, must also be seen in light of the outsiders who are completely excluded by the *Torah*. Deuteronomy 7, which will be discussed in further detail below, outlines the seven nations with whom the Israelites are forbidden from intermarrying. In addition, the Israelites are to destroy those seven nations, the Hittites, Girgashites, Amorites, Canaanites, Perizzites,

Hivites, and Jebusites. The text gives the justification that is must be done in order to prevent those nations from perverting the Israelites' worship practices and turning the Israelites into idolaters. In addition, Deuteronomy 7:2 specifies that the Israelites should not create a contract with those nations. That would render those nations eligible to be workers in Israelites society, even if they were not destroyed by the Israelites. Overall, this chapter indicates that no member of those seven nations can be a part of Israelite society. Therefore, by implication, the *ger*, too, could not come from one of these nations.

Deuteronomy 23 continues the list of forbidden nations. 23:4 explicitly forbids Ammonites and Moabites from ever becoming a part of the congregation of *Adonai*. Edomites and Egyptians, however, can be admitted into the community after three generations. Each of those four groups is excluded from joining the community because of their poor treatment of the Israelites in the past. The question remains whether the *ger's* status is that of becoming a part of the congregation or not. If, as discussed above, the *ger* exists in a category separate from the citizen, then presumably a Moabite or Ammonite *ger* could live in Israelite society but would not become a part of the congregation. If, however, the position of *ger* in Israelite society necessitates joining the congregation of Adonai, according to Deuteronomy 23, Moabites and Ammonites could not become *gerim*. In his commentary on Deuteronomy, Tigay writes that the people from these four nations are those that are already living in the land of Israel as *gerim*.¹³ That Moabites were permitted to be

¹³ Jeffrey Tigay, *The JPS Torah Commentary: Deuteronomy*, (New York: The Jewish Publication Society, 1996), 211.

gerim fits well with what we already know about the Book of Ruth. The text makes it very clear that Ruth is a Moabite when she is in the land of Israel. She is referred to as “Ruth the Moabite” (see Ruth 1:22; 2:2 etc.). Even so, Ruth is allowed to live among the Israelites and marry Boaz. She even becomes an ancestor to King David. That the future king of Israel is a descendant of a Moabite woman demonstrates the Moabites were not quite as off limits as Deuteronomy 23 states.

Understanding the *ger* in *Torah* requires more than comparing it to other categories of people. A few mentions of the *ger* frame how we understand what the category encompasses. In Genesis 23:4 Abraham refers to himself as a *ger*. He is in the process of buying a burial site for Sarah and refers to himself as “*ger v’toshav*” to the Hittites who owned the land. Abraham is expressing that he is a minority among this people and that he does not own land. Moses, too, refers to himself as having been a *ger* in a foreign land in Exodus 2:22. These two examples tell us being a *ger* is dependent on the relation between a person’s identity and the identity of the people and place around them. Abraham and Moses were *gerim* in places where they were the foreigner. The oft repeated phrase, “for you were strangers in the land of Egypt” (see Exodus 22:20; 23:9; Leviticus 19:34; Deuteronomy 10:19 for example) also defines the parameters of what it means to be a *ger*. A *ger* exists in a land that is not their own. The Israelites in Egypt existed as a minority in the majority Egyptian culture. They sought to maintain their identity as Israelites and not to assimilate into Egyptian culture. The *ger*, therefore, while living in Israelite territory, is one who does not seek to join the Israelite culture.

This notion is complicated by the permission in Numbers 9 given to the *ger* to perform the Passover sacrifice provided that the *ger* is circumcised. Becoming circumcised and offering the Passover sacrifice might demonstrate a desire to participate in Israelite customs and possibly to forgo a previous identity. Mark Glanville argues that the objective of the legislation around the *ger* in Deuteronomy is to move the *ger* into kinship with the Israelites. He notes that Deuteronomy 16:11 and 16:14 include the *ger* in lists of people who rejoice at *Shavuot* and *Sukkot*. By sharing in food, space and celebration within a household, the *ger* begins to build kinship with the members of the household. Glanville writes, “Deuteronomy’s household lists are deliberately evocative for forging kinship within a household. Deuteronomy’s ultimate aim was for the stranger to come under the protection of the paterfamilias and to share in the commonwealth of the extended family.”¹⁴ He continues, noting that the phrase “within your gates” (16:11, 14; cf. 5:14; 14:21, 29; 16:14; 24:14; 26:12; 31:12) associates the *ger* with the clan or within the city or town. Finally, through participation in sacrificial rituals and tithing, the *ger* “is incorporated into the family of YHWH.”¹⁵ Glanville argues Deuteronomy sought to use kinship to draw the *ger* into membership in Israelite society. While Glanville makes a strong case, he does not do well enough to account for the *ger* being like the Israelites in Egypt. The Israelites did not seek to assimilate into Egyptian society. The *ger*, then, need not desire to become a part of Israelite society but rather is enabled to subsist while in Israelite lands.

¹⁴ Mark Glanville, “The *Gēr* (Stranger) in Deuteronomy: Family for the Displaced.” *Journal of Biblical Literature*, vol. 137, no. 3, (2018), 613.

¹⁵ *Ibid.*, 616.

Uses of the Word *Ger* in the Torah

The *ger* appears 83 times in the Hebrew Bible. The word appears in all five books of the *torah*, with the greatest concentration in the books of Leviticus and Deuteronomy. It also occurs 20 times in the Prophets and Writings sections of *Tanakh*. There are 80 laws regarding the *ger* in *tanakh*. Many of those laws classify the *ger* as a protected class, often grouped together with the orphan and the widow. While the *ger* appears in each book of the *torah*, it does not appear in a uniform way. The *ger* is understood and treated differently in each of the five books of the *Torah*.

Genesis

The word *ger* appears only twice in the Book of Genesis. This makes sense literarily, as the resident alien does not become a relevant term until the Israelites have left Egypt and begin instituting legal structures. However, what is noteworthy about the appearances of the word *ger* in Genesis is that the word, in various forms, is only used to describe Abraham. In Genesis 23:4, as Abraham is going to buy a burial plot for Sarah he refers to himself as a *ger toshav* stating, “I am a stranger and an alien residing among you.” The verbal form of the noun appears in Genesis 21:23 in an exchange between Abimelech and Abraham, Abimelech states that Abraham had sojourned (גרתה) on the land. Both of these uses of the word *ger* hold different connotations than elsewhere in the Hebrew Bible. W.R. Smith notes that as a *ger* Abraham is a guest, who holds a different status than his hosts. In exchange for his

loyalty to his hosts, he receives protection from them.¹⁶ The theme of hospitality and welcoming the stranger figures prominently in the Genesis narrative (Gen.18:1-5, 19:1-4) and is juxtaposed with a gruesome antithetical example (Gen. 19:5). In the framework of Genesis then, the *ger* holds more of a valence of the stranger or sojourner, of someone who has come to find respite and comfort for a limited period of time.

The image of Abraham as *ger* adds another dimension to the command of “for you were *gerim* in the land of Egypt.” Not only were the Israelites *gerim* in Egypt, but even Abraham was a *ger*. And not only that, but Abraham was a resident alien in the land that the Israelites would someday possess and upon which there would reside other *gerim* under the auspices of the Israelites. In a certain way, this reveals a kind of tenuousness to the status of people and raises the importance of the treatment of the *ger*. Today you may be the majority, it suggests, but tomorrow you might once again be the *ger*.

Exodus

The word *ger* appears ten times throughout the book of Exodus. Poignantly, Moses names his son Gershon noting that he himself had been a resident alien in a foreign land (Exodus 2:22, 18:3). In this way, Moses links himself back to Abraham who also referred to himself as a *ger*. Exodus provides an interesting moment of transition as the Israelites move from being the *ger* themselves to becoming the

¹⁶ W.R. Smith, Lectures on the Religion of the Semites (1889, 1956), http://digitalassets.lib.berkeley.edu/main/b22240089_B000893311.pdf, 75–79.

dominant community and navigating how to treat the *ger* in their midst. The text addresses issues regarding the *ger* in two main categories; ritual and justice.

Laws about how the *ger* is to relate to Israelite ritual appears clustered in Exodus 12 in the laws about the Pesach. Like the Israelite, the resident alien must also abstain from leaven during Passover (Exodus 12:19). However, the *ger* may partake of the Pesach offering if he undergoes circumcision. This is similar to the slave amongst the Israelites, but different from the foreigner (*nochri*) and the hired laborers (*toshav* and *sachir*) who are not permitted to eat the Pesach sacrifice under any conditions. As Nihan notes, it is unclear what the full ramifications of this option for inclusion in ritual practices might be for the *ger*. However, he argues that it does not imply equal status. The resident alien is permitted to observe some of the rituals of the Israelites if they were willing to, but this does not justify that they were converts.¹⁷ Perhaps most importantly, Nihan notes, the resident alien is not depicted as a client in these verses, but rather as the head of his own household who has the financial capacity to offer sacrifices. While the text does not provide detail beyond this information, it does provide a depiction of the resident alien not as a dependent, vulnerable individual which appears elsewhere in the text. This section concludes with the oft-quoted phrase, “there shall be one law for the citizen and for the resident alien who dwells among you.” (Exodus 12:49). Nihan correctly points out that whenever this adage appears, it is referring specifically to the verses preceding it,

¹⁷ Nihan, 116.

and should not be interpreted as a generality. For example, here it refers specifically and exclusively to the laws of the Passover sacrifice.¹⁸

The focus on the *ger* changes however after the exodus occurs. In the Covenant Code, which appears immediately following the exit from Egypt, the laws surrounding the *ger* explicitly state that the Israelites are forbidden from oppressing the resident alien because of their experience as the *ger* in Egypt (Exodus 22:20, 23:9). The positionality of the resident alien has changed from Exodus 12 to Exodus 22 and 23. He is now portrayed as a dependent member of Israelite society whose survival is dependent upon an Israelite household.¹⁹ Exodus 23:12 includes the resident alien in the prohibition against work on Shabbat. However, the *ger* is described as though they were a member of the household, being listed alongside the ox, ass and bondman. (see also Ex: 20:10).

The transition of the identity and socio-economic status of the resident alien in Exodus reflects the transition of the Israelites from slavery to freedom. In passages situated prior to the exodus, the *ger* is much more of a co-equal with the Israelite. The resident alien appears to be the head of their household, to have the financial capability of offering sacrifices, and the religious freedom to opt into the Israelite rituals if they so choose. The *gerim* in the Israelite community post-exodus appear to be far more dependent upon the Israelites, and the law demands that the Israelite treat them justly because they were intimately familiar with the experience

¹⁸ Ibid.

¹⁹ Nihan, 113.

of being a resident alien in a foreign land. Much like Genesis, Exodus alludes to the tenuous nature of any given group's status in society.

Leviticus

The word *ger* appears twenty times throughout the Book of Leviticus, significantly more than both the Books of Genesis and Exodus. All twenty instances are concentrated in the Holiness Code (chapters 17-26). As will be elaborated further later, the first half of Leviticus explicates how the priests should carry out their responsibilities, while the second half is comprised of the priests informing the Israelites of how they are to be holy like God. The Holiness Code is attributed to the Holiness (H) source, an appendage of the Priestly (P) source.²⁰ Nihan points out that this is the only place in the *Torah* where the text attempts to define a comprehensive set of laws for the *ger*.²¹ An analysis of the appearances of the resident alien reveal two important dimensions to the *ger*: his unique economic status and his unique ritual status. Both of these dimensions center on the issue of ensuring that the land of Adonai, and therefore the people of Adonai, do not become polluted.

Economic Status

Similar to the *ger* prior to the exit from Egypt in Exodus, the *ger* in Leviticus appears to be an economically independent individual. It appears that the resident alien is wealthy enough to be able to offer his own sacrifices (Leviticus 17:8-9; 22:18-19) including burnt offerings which were particularly expensive. Additionally,

²⁰ Ibid., 112.

²¹ Ibid.

the *ger* is able to lend money to Israelites (Leviticus 25:47-54) and is even permitted to indenture Israelites as debt-slaves.

The primary difference between the Israelite and the resident alien economically centers on the issue of land ownership. Adonai is the true owner of the land, although the Israelites may “rent” it, so to speak, as long as they maintain the covenant with God (Leviticus 25:23). Leviticus 25:38-43 specifically addresses the fact that the Israelite can never become a slave and cannot completely lose his former status as a landowner. If a resident alien, on the other hand, loses his economic independence, he can be forced to sell his children as debt-slaves (Leviticus 25:45-46). Nihan goes so far as to argue that the *ger* cannot even own land because “an Israelite estate temporarily sold (or, more accurately mortgaged) is automatically returned to its owner at the jubilee.”²² He also extrapolates this point from the absence of the *ger* in discussions about an individual temporarily selling and estate to an Israelite (Leviticus 25:13-19). Therefore, the *ger*, despite being economically independent from the Israelites is distinguished from their Israelite neighbors when it comes to issues of land.

There is one outlier that is important to note. Leviticus 23:22 asserts the laws of *pe’ah*, of leaving the corner of the fields for the poor and the stranger. By presenting the *ger* alongside the poor, the text classifies him as potentially an economically vulnerable individual. The presence of this text within the Holiness Code illustrates

²² Ibid., 123.

that, like that of the Israelites, the economic circumstances of individual *gerim* can fluctuate, and need protection in times of hardship.

Ritual Status

Overwhelmingly, the instances in which the resident alien is mentioned in the Book of Leviticus appears in reference to ritual observance. The concern throughout Leviticus is less about the economic welfare of the *ger* and more about navigating how these individuals can live alongside the Israelites in the land without interfering with the fulfilment of the covenant. Pollution, whether intentional or unintentional, is the primary focus. For example, laws surrounding pollution of the land (18:24-30), pollution of the sanctuary by offering children to Molech (20:2-5), and polluting the sanctity of the divine name through blasphemy (24:16) stand out as such examples. These are ritual practices which, if violated or carried out incorrectly would put the entire land and the people Israel in danger.

Non-Israelite practices that would not harm the purity of the Israelites, their land and their sanctuary are therefore permissible. The laws surrounding the *ger* and ritual slaughter and sacrifice provide on such example. The text specifies that any ritual sacrifice, from a resident alien or an Israelite, must be brought to the tent of meeting to Adonai (17:8-9). A ritual sacrifice must be regulated in order to maintain the purity of the land and its inhabitants. However, the prohibition against non-ritual slaughter (for consumption) refers only to the Israelite (17:3-7). The law and its prohibitions, however, makes it evident that the *ger* was entitled and expected to bring sacrificial offerings.

The Holiness Code neither attempts to convert the *ger* into an Israelite nor expects the *ger* to observe all of the *mitzvot*. These laws also do not attempt to exclude the resident alien. These laws create a path for the *ger* to exist within Israelite society without creating cultic mayhem and without having to completely assimilate into the Israelite culture.

Numbers

“There shall be one law for the citizen and the *ger*.”²³ The book of Numbers repeatedly demands the same rules apply to the citizen and to the *ger* (9:14; 15:14-16, 29-30). Taken out of context, these commands seem to imply the *ger* is treated entirely equally under the law as a full Israelite citizen. Yet, context reveals the *ger*’s equality under the law is more limited. In the book of Numbers, the *ger* is mentioned nine times, primarily as being subject to the same rituals laws as the Israelites. The *ger* is referenced in the context of following God, God’s laws and in particular in offering sacrifices. Numbers 9:14 dictates that the *ger*, when offering the Passover sacrifice, must be ritually pure, just as an Israelite offering the sacrifice. Similarly, the *ger* must observe the same rules as an Israelite when offering a meal-offering (Num 15:14-15). Not only is the individual *ger* required to follow the laws of sacrifice, if the community has erred, the *gerim* are included in the communal expiation performed the priests (Num 15:26). As a part of the community, the *ger* follows the same rules around rituals and offerings to God. Like the citizen, if the *ger* blasphemes against God, the *ger* will be cut off from his/her people (Num 15:30).

²³ Numbers 15:15

The instruction in 9:14 can be taken as a model for how the *ger* is treated in the entire book. The verse states, “when a resident alien (*ger*) who lives with you makes a Passover offering to Adonai, he will offer it according to the rules and rites of the Passover offering. There shall be one law to you, the *ger* and the citizen.” Taking the second half of the verse in context with the first half clearly demonstrates that having one law for the citizen and the *ger* is specific to this ritual and certainly should not be generalized to all laws. This verse speaks specifically of the Passover ritual offering. The *ger*’s status as not quite citizen but not fully “other” is evident in this verse. Whereas the *toshav* is explicitly forbidden from eating the Passover sacrifice (Exod 12:45), the *ger* can perform this ritual rite of the Israelites. The *ger*’s status is therefore closer to Israelite than the *toshav*. But the very fact that the verse specifies the *ger*, in a section that speaks of the laws for the Israelites, sets apart the *ger* from inclusion in the category of Israelite. As the verse elucidates, if the *ger* is to participate in the Israelite rituals, the *ger* must perform them to the same standard as the Israelites. Numbers goes to great length to ensure the *ger* will not ritually contaminate the Israelites, while acknowledging the *ger* is close enough to the Israelites to participate in certain ritual practices.

Deuteronomy

“You shall love the *ger* because you were *gerim* in the land of Egypt” (Deuteronomy 10:19). The *ger* appears 22 times as a noun in the book of Deuteronomy. Before delving deeper into the treatment of the *ger* within this book, we must understand the context in which Deuteronomy was created. Then we can

ask how the book understands who the *ger* is. Finally, through investigating how the *ger* appears in Deuteronomy, we can synthesize how the book as a whole treats the *ger*.

It is important to understand the context in which Deuteronomy was written in order to understand how Deuteronomy treats outsiders. Rofe writes that Deuteronomy is likely the “book of Torah” discovered in the 18th year of King Josiah’s reign, which would correspond to 622 B.C.E.. As such, much of Deuteronomy was composed in the 7th century B.C.E..²⁴ Rogerson describes the general movements behind Deuteronomy. After the Northern Kingdom was destroyed in 722/1 B.C.E. the Israelite refugees came south to the Judahite Kingdom. This influx of people gave rise to social problems, in particular, the issue of refugees who were living without a connection to the established families in the area. They also brought new religious beliefs with them. Years later, between 640 and 622 B.C.E., the kingdom remained a vassal of Assyria. As Assyria’s power declined, Judah sought its own independence, culminating in the centralizing and reforming of the temple cult in 622.²⁵

Importantly for this study, Deuteronomy was written at a time not far removed from the resettling of large numbers of Israelites who came to Judah without land or landed family to care for them. Secondly, the Judean society was quite ethnically and culturally secure. Even if the *gerim* brought different beliefs and practices, the

²⁴ Alexander, Rofé, *Deuteronomy: Issues and Interpretations*. (London New York: T & T Clark, 2002), 4.

²⁵ John W Rogerson. "Deuteronomy" In James D. Dunn, and J. W. Rogerson, *Eerdmans Commentary on The Bible*. (Grand Rapids, MI: W.B. Eerdmans, 2003), 152-154.

Judahites were not concerned the *gerim* would upend their societal order or subsume their culture. As such, they were able to treat the *ger* favorably. However, the Kingdom of Judah was still at risk from its other enemies. Deuteronomy 7:1-10 lists the seven nations the Israelites are to destroy and with whom they are forbidden from intermarrying. Deuteronomy 23:4-7 instructs the Israelites to never allow a Moabite or Ammonite to enter into the Israelite community. Further, the Israelites should never inquire as to their well-being. The threat these people pose does not appear to be one of military conquest or of a fear of the mixing of different ethnicities. Rather, the text tells us they would lead the Israelites to worship other gods. The exclusionary commands of Deuteronomy 7 and 23 reflect a people who fear foreign nations polluting their worship practices. The command to love the *ger* in Deuteronomy 10:19 requires a close investigation, given the book's general attitude toward other peoples joining the Israelites.

In his book *Created Equal*, Joshua Berman argues "the Pentateuch eschews the divide between a class of tribute imposers, which controls economic and political power, and an even larger class of tribute bearers. In its place, the Pentateuch articulates a new social, political, and religious order, the first to be founded on egalitarian ideals and the notion of a society whose core is a single uniformly empowered, homogeneous class."²⁶ He continues, stating, "Deuteronomy is a statement of principles and the broad contours of the ideal regime."²⁷ According to Berman, to understand the book of Deuteronomy, the reader must see it as an

²⁶ Joshua Berman, *Created Equal: How the Bible Broke with Ancient Political Thought*. (New York: Oxford University Press, 2011), 6-7.

²⁷ *Ibid.*, 53.

articulation of an ideal society that sought to equalize the dominant and dominated classes. In Deuteronomy, members of the Israelite society have a greater role in managing of communal life. We might say that, using today's terminology, the society is imagined as more "democratic." With this wider distribution of power, determining who is a citizen becomes a more important step that might be the case in less egalitarian society.

Who is the *ger* in Deuteronomy? The *ger* is a much different outsider than the seven nations of Deuteronomy 7. The *ger*, as a single individual, is not a threat to the social order or religious practices of the Israelites. Mark Glanville argues that *ger* in Deuteronomy refers to a "vulnerable person from outside of the core family."²⁸ While an outsider or immigrant can be classified as a *ger*, so too could an Israelite without land and not living within his/her family. Glanville argues that in Deuteronomy "otherness" is conceived of at the level of household and clan.²⁹ The *ger* has "left kinship ties, settlement, and land, and now dwell[s] in a context in which they have no blood relations. They are therefore without the security and privileges that family ties and place of birth afford." They "are in social limbo: on the one hand, they are free and not enslaved; yet, on the other hand, they are without land and meaningful connection. The strangers [*gerim*] may be easily oppressed, as they have no family members to come to their defense."³⁰

²⁸ Glanville, 599.

²⁹ Ibid., 603.

³⁰ Ibid., 602.

Furthermore, Nadav Na'aman characterizes the *ger* as “dependent, landless and on the lowest rung of the social ladder.”³¹ Importantly, Glanville argues that the time in which Deuteronomy was written was a time of when outsiders could gain kinship in other groups in a number of ways.³² Therefore the laws protecting the *ger* are not merely about charity, they are about incorporating the *ger* into Israelite society. While not all of Glanville’s conclusions are convincing, and the incorporating of the *ger* that he proposes may be questioned, his analysis nevertheless effectively portrays the vulnerabilities to which Deuteronomy is responding in its *ger* legislation.

Beyond defining the *ger* in Deuteronomy, it is necessary to investigate in what contexts the *ger* is present in the book. There is much to understand about Deuteronomy to understand the status of the *ger* in Deuteronomy. As noted above, Deuteronomy was written at a time of a large influx of people, many of whom were Israelites, into Judah. Deuteronomy’s central concern is the temple cult, centralizing the cult in Jerusalem, and ensuring nothing is done to upset its unique status. Deuteronomy also reflects the desire to make society more egalitarian. In light of these frames, we can better understand how the *ger* functions within the book.

As Deuteronomy presents a code of law, the *ger* is present in a number of sections of law, including social laws, judicial procedure laws, and feasting and festival laws.³³ With a large influx of people and a desire to create an egalitarian society, Deuteronomy provides many social protections for the *ger*, including

³¹ Nadav Na'aman, “Sojourners and Levites in the Kingdom of Judah in the Seventh Century BCE,” *ZABR* 14 (2008), 258; as cited in Glanville “The Ger in Deuteronomy,” 602.

³² Glanville, 606.

³³ As outlined by Glanville, 606-617.

protections as a worker in the low paying, menial jobs they tended to work (24:14-15), as a vulnerable member of society who might need extra gleanings (24:19-22) and as a worker who also rested on *shabbat* (5:12-15). In the realm of judicial procedures, the *ger* is guaranteed to be treated justly (1:16-17) and judged fairly (10:17-19). Moreover, God models how a judge should treat the *ger* (10:17-19). Lastly, in the feasting texts, the resident alien is incorporated into the Israelites' households. The *ger* is listed as a participant in both *Shavuot* (16:10-11) and *Sukkot* (16:13-14). Finally, the significance of the *ger* participating in tithing and other offerings to God cannot be overstated. By appearing before God (16:11,16; 26:10-11) the *ger* was included in the major cultic practices of the day. Deuteronomy seems to acknowledge that as a member of the household, the *ger* at times participates in religious rites. Therefore, the book, like the book of Numbers, regulates their participation. Glanville argues that through including the *ger* in household festivals, the *ger* may create bonds of kinship with the Israelites. Through sharing in a communal festival, the *ger* can begin to become a part of the wider community.³⁴ In a time of social upheaval, movement and a desire for a more egalitarian society, the *ger* gained many protections under the law.

In what follows we examine in detail the two most quoted passages about the *ger* in order to perceive more precisely what they communicate and how they can contribute to thinking about the *ger* in the Bible and about consequences for our present time. In doing so, we follow some basic exegetical steps that include looking

³⁴Ibid., 612.

at the setting and likely intention of the texts in their own literary and historical contexts.

Leviticus 19:33-34

33: וְכִי־יָגוּר אִתְּךָ גֵר בְּאַרְצְכֶם לֹא תוֹנוּ אֹתוֹ:

34: כְּאֶזְרָח מִמֶּנּוּ יִהְיֶה לָכֶם הַגֵּר הַגֵּר אִתְּכֶם וְאַהֲבַתְּ לוֹ כְּמִוְךָ כִּי־גֵרִים הֵייתֶם בְּאֶרֶץ

מִצְרַיִם אֲנִי יְהוָה אֱלֹהֵיכֶם:

33: And when³⁵ a resident alien resides with you in your land, you shall not oppress³⁶ him.³⁷

34: The resident alien shall be to you as³⁸ one of your citizens; you shall love him as yourself because you were resident aliens in the land of Egypt;³⁹ I am Adonai your God.

³⁵ וְכִי - I chose to translate this phrase as “and when” as a means of connecting this sentence to the list of commandments laid out in the rest of the holiness code. כִּי can hold many meanings, including “if” and “when.” I chose to translate it as “when” because it seems that it is not a question of “if” a ger lives amongst the Israelites but rather “when.” The preponderance of laws relating to the ger would suggest that the ger was a reality, not a hypothetical.

³⁶ Hiph. of יָנָה. This root appears five times throughout the *Torah*. It is the same root that is used to describe Sarah’s treatment of Hagar (Genesis 16:6) as well as Pharaoh’s treatment of the Israelites (Exodus 1:12). It carries the meaning of violating someone, usually physically.

³⁷ As Baruch Levine notes in the JPS Commentary, what is translated as “do not wrong” in Leviticus 19:33, לֹא תוֹנוּ, “generally connotes economic exploitation, the deprivation of property, or denial of legal rights” (134). The prohibition against oppression then is not emotional, physical or psychological in this case but economic. As will be discussed in the “Intention” section, the use of this verb serves to point out the difference between the *ger* and the *toshav*.

³⁸ The כִּי כְאֶזְרָח holds particular importance in this sentence. The ger shall be as a citizen. In other words, they are not a citizen in the fullest sense of the manner in which the Israelites are citizens, but they should be afforded the same basic rights and dignities of the Israelites, as connoted in the second half of the sentence with the phrase לֹא כְמוֹךָ וְאַהֲבַתְּ לוֹ.

³⁹ More common phrase in Exodus. Connects back to יָנָה to draw the line between the *ger* in the midst and the Israelites experience as the *ger* in Egypt.

Setting

Literary Setting

The book of Leviticus is the third, and more importantly, middle, book of the Torah. In Hebrew, this text is designated by the first word of the book, *vayikra*. Leviticus place in the center of the entire Torah, a literary designation in antiquity, gestures towards the importance of a text. Unlike other books of the Torah, Leviticus functions largely as a manual rather than a narrative. Unlike Exodus and Numbers, the two books that flank Leviticus, the Israelites are stationary throughout Leviticus. There are only two short narratives in the book (Leviticus 10:1-7 and 24:10-23). Law dominates the content. Comprised largely of a series of lists of purity laws and priestly rituals and sacrifices, Leviticus is often referred to as a *torat kohanim*, meaning both the instructions for the priests as well as instructions by the priests. As Levine points out in his introduction to the JPS Leviticus commentary, this designation is reflected in the structure of the text.⁴⁰

The first half of the text, chapters 1-16, consists of instructions to the priests of how to carry out their cultic responsibilities. The second half of the text, chapters 17-26, often referred to as the Holiness Code, consists of Moses and the priests teaching the Israelites how to live holy lives according to God's will.

Leviticus 19:33-34 is located within the Holiness Code. The dominant idea throughout the holiness code is that, "the people of Israel bears the collective responsibility to seek to achieve holiness, as expressed in 19:2: 'You shall be holy,

⁴⁰ Baruch Levine, *The JPS Torah Commentary: Leviticus*, (New York: The Jewish Publication Society, 1989), XVI.

for I, [Adonai] your God, am holy” Unlike other sections of Leviticus, the commands are directed not only at Moses or Aaron or the priests but rather at all of Israel. The texts being examined here fit within the third subsection of the Holiness Code which reflects themes and language from the decalogue, including the prohibition around stealing, swearing false oaths, and the declaration “I am Adonai your God.” This section of the Holiness Code can be characterized by a particularly formulaic structure. Chapter 19 consists of a series of apodictic statements such as “do not....” and “you shall” of about one to three verses in length and concluding with the statement, “I Adonai am your God” or “I am Adonai.”

The literary context in which these verses appear is incredibly important. They lie within *parshat kedoshim*, which lies directly in the middle of the Torah itself. As noted earlier, the positioning of this text in the center of the *torah* underscores its importance. The focus on the *ger* at this central location, therefore, communicates the importance granted to the *ger* in yet another fashion. As mentioned in the section outlining the *ger* in the book of Leviticus, the resident alien in this context is an economically independent individual who is only obligated to observe the laws which might profane the community and the land. One solution to the presence of an “other” could have been to exclude them entirely. In many ways, that would have been the easier solution. The Holiness Code, however, does not take this approach. Instead, the laws that it sets out creates a path for the *ger* to live respectfully within Israelite society without causing extreme chaos. In order to be holy, in other words, we must think of those who reside among us, even if they are different.

Historical Setting

The dating of the composition of the book of Leviticus is highly debated. Brettler argues that it was composed as a single work no earlier than the era of the Babylonian exile in the 6th century, much like the other books of the Torah. Stackert argues that H must post-date Deuteronomy's composition in the late seventh century while P predates Deuteronomy. Others regard the book is considerably earlier (As mentioned previously, the text is composed of two main sections. Chapters 1-16 focus on providing instruction to the priests of how to fulfill their obligations and maintain their purity. This section is often ascribed to the P or Priestly source. Chapters 17-26 focus on the priests instructing the Israelites on how to live in a holy manner and is often called the Holiness Code. It is unclear whether this section, ascribed to the H source was an addition to the Priestly work or if the Priestly work predates the Holiness source. As Levine observes, the final form of Leviticus depends on considerably more ancient sources, the dates of which cannot be determined with certitude.⁴¹

Intention

Leviticus 19:33-34 is emblematic of the way that Leviticus understands and approaches the topic of the *ger*. These two verses embody the unique position that the *ger* holds in Israelite society within the context of Levitical law. In Leviticus, the *ger* appears as an independent, free member of society whose protection is of the

⁴¹ Levine, XXV-XXX.

utmost importance. On the other hand, this resident alien is not the same as the Israelite, or the *ezech* and maintains a different position in society.

One way that this text highlights the “otherness” of the *ger* is through the phrase “your land.” This simple phrase serves as a reminder that ultimately, the land is a gift from God to the Israelites. The text could have simply read *ha’aretz*, “the land,” but instead it specifies “your” (meaning the Israelites). The land is in many ways the central issue of the Levitical laws about the *ger*. The resident alien is permitted to live on the land, but they hold the potential of desecrating that land through their actions, thus many of the texts in the Holiness Code include the *ger* in ritual and cultic practices not necessarily as a means of inclusion and welcoming, but as a means of ensuring that the resident alien does not make a dire mistake that will affect the whole community.

The *ger*’s special position in society is also expressed through the word “*tonu*” from the root נ.ג.ו. This root holds the connotation of oppression and has several links to the *ger*. It is the same root that is used when Sarah lashes out at Hagar (Genesis 16:6). In this case, it is literally “ha-gar” or “the *ger*” who is being subject to נ.ג.ו. This root is again used to describe Pharaoh’s treatment of the Hebrew slaves in Exodus 1:12. As mentioned earlier, we chose to translate *ger* as “resident alien” in order to highlight the paradoxical nature of their status in society. This verb and its connection to two moments of oppression highlights that the Israelites have both been the oppressor and the oppressed. We have both been the *ger* and the individual oppressing the *ger*. The connection with Exodus is further highlighted with

the phrase, “for you were resident aliens in the land of Egypt,” a phrase that does not appear again elsewhere in Leviticus but appears multiple times in Exodus (Exodus 22:20; 23:9).

This text also provides a direct parallel to Deuteronomy 10:18, a verse explicated in detail below. This parallel also highlights the unique and perhaps paradoxical position of the *ger*. The command in Deuteronomy 10:18 to love the *ger* is expounded upon in Leviticus 19:33 with the phrase “as yourself.” The biblical Hebrew word, “love” holds the connotation of respect and understanding in order to create an ideal society. The addition of “as yourself” eliminates some distance between the *ger* and the *eizrach*. Similarly, these verses note that the *ger* should be treated כאזרח - as a citizen. Thus these texts demand that the resident alien be treated with respect and basic dignity. These commands in Leviticus 19 and Deuteronomy 10 are the only times that the Israelites are commanded to love “the other.” While the *ger* is *like* an *eizrach*, but not a complete *eizrach*, so too is the *ger* not a *toshav*, whose freedoms and economic capabilities are far more limited than the resident alien. (Leviticus 25:45-46).

Importantly, this verse ends with the prominent trope of the Holiness Code, “I am Adonai your God.” This line reminds the Israelites throughout this legal body why they are following these laws - in order to be holy in God’s eyes. In other words, in order to be holy the Israelites needed to both treat the *ger* with respect as well as maintain certain boundaries to ensure that the *ger* did not pollute anything sacred, particularly the land.

Deuteronomy 10:17-19

17: כִּי יְהוָה אֱלֹהֵיכֶם הוּא אֱלֹהֵי הָאֱלֹהִים וְאֲדֹנֵי הָאֲדֹנִים הָאֵל הַגָּדֹל הַגִּבֹּר וְהַנּוֹרָא אֲשֶׁר לֹא-יִשָּׂא פָנִים
וְלֹא יִקַּח שֹׁדָד
18: עֹשֶׂה מִשְׁפָּט יְתוֹם וְאַלְמָנָה וְאֹהֵב גֵּר לֵתֵת לוֹ לֶחֶם וְשִׂמְלָה:
19: וְאָהַבְתֶּם אֶת-הַגֵּר כִּי-גֵרִים הָיִיתֶם בְּאֶרֶץ מִצְרַיִם:

17: For Adonai your God is the God of gods⁴², the Lord of lords⁴³, the Great, the Mighty and the Awesome God, who shows no favor and takes no bribe⁴⁴.

18: [God] executes⁴⁵ justice⁴⁶ for the orphan and the widow⁴⁷ and loves⁴⁸ the resident alien, providing⁴⁹ him bread⁵⁰ and clothing⁵¹.

19: You shall love⁵² the resident alien because you were resident aliens in the land of Egypt.

⁴² I.e. the ultimate God, the greatest of heavenly beings

⁴³ Tigay notes similar titles were used as epithets of kings in the ancient Near East. Jeffrey H. Tigay, *Deuteronomy: The Traditional Hebrew Text with the New JPS Translation*, (Philadelphia: Jewish Publication Society, 1996), 108.

⁴⁴ Exemplifying the qualities of the ideal judge (cf. 1:16-17; 16:19) as cited in Tigay, 108.

⁴⁵ Literally “do”. Executes reflects the legal aspect of this language.

⁴⁶ The word *mishpat* refers not to justice in the broad sense but in the specifics of carrying out the laws and ordinances. See Exodus 21:1, 23:6, 24:3, Leviticus 24:22, Deuteronomy 4:1, 4:5, 4:15 etc.

⁴⁷ The orphan and the widow have no one to protect or provide for them. The stranger, too, lives in instability in Israelite society.

⁴⁸ NJPS translates this as “befriends”. But see our discussion of “love” in the following pages.

⁴⁹ Literally “giving.” “Providing” includes the connotation of God caring for the stranger.

⁵⁰ More broadly “food”, but I like the concrete imagery of a piece of bread. So often in media the poor are depicted eating or stealing bread.

⁵¹ Literally “dress.”

⁵² As in the previous verse, the emphasis here is on acting lovingly, not merely the feeling of love.

Setting

Literary setting

According to both Jewish and Christian traditions, Deuteronomy is the 5th and final book in the *Torah* or Pentateuch. In many ways Deuteronomy (“A second law” or “A second *torah*” in Greek), as its name suggests, retells the teachings and laws of the previous books of the *Torah*. Much of the book is presented as a speech Moses gives to the Israelite people.

Deuteronomy contains a number of instructions related to interactions with others in society. As was noted earlier, Deuteronomy 7:1-10 details the seven nations living in the land of Israel that the Israelites must defeat in battle and destroy. The Israelites are prohibited from marrying them. As Deuteronomy 7:4 describes, the reason the Israelites must not interact with these nations is the fear the nations will cause the Israelites to worship other gods. Deuteronomy 23:4-7 states that Ammonites and Moabites are forever prohibited from joining the Israelites due to how they treated the Israelites when they left Egypt. Further, Deuteronomy 23:7 tells the Israelites to never worry about their well-being. 23:8-9 presents the Edomites and Egyptians as peoples the Israelites should not abhor. The command to love the resident alien in 10:19 must be viewed in relation to these other texts in Deuteronomy.

Zooming in on these specific verses, the text is broadly located within a section from 4:44 through chapter 28 detailing the covenant made in Moab.⁵³ In

⁵³ Tigay, XII.

particular, the verses are located in the preamble to the laws given in Moab. Chapter 10 begins with the creation and inscription of the second set of tablets of the ten commandments. Starting in verse 12, God presents the requirements for what the Israelites must do to serve God. This context imparts even more importance on the command in verse 19. The command to “love the *ger*” is in the same chapter that deals with the preservation of the Ten Commandments (Deuteronomy 10:4)! It is only a few verses away from the laws of how the Israelites must worship God. Treatment of *ger* is shown to be a vital part of how this society must function.

In verse 17, God describes God’s self as great and powerful and also as being a fair in judgment. Verse 17 leads right into verse 18 as God continues to describe God’s self not merely through God’s power but through God’s just nature and God’s kindness. Verses 18 and 19 are followed by a command to only worship God and an appeal to the great things God has done for the Israelites. The rest of Chapter 10 and chapter 11 speak of the need to obey God, while relating the previous consequences from disobeying God. They continue to present the paradigm of following God leading to blessings and disobeying God leading to curses. Embedded in these chapters which detail the gravity of obeying God, lies the verses about the *ger*. Seen in this context, the treatment of the *ger* is crucial to how the Israelites must live their lives and follow God. Next, Moses presents the laws themselves from the end of chapter 11 through the beginning of chapter 26.

Historical Setting

While traditionally Moses is said to be the author of Deuteronomy, a number of features in the text are evidence the text was written long after Moses. The book's "vigorous monotheism and fervent opposition to pagan practices in Israel, are very understandable as a reaction to conditions in the eighth-seventh centuries."⁵⁴ As the Assyrian Empire gained power and created connections between different groups, it greatly influenced Israelite practices. Tigay notes that scholars divide the book into "core-Deuteronomy" (4:44 through chapter 28 or 30) with the sections before and after believed to have been added after the core parts of the book.⁵⁵ Chapter 10 falls clearly in the "core" book.

In terms of authorship, the book reflects the "views and interests of various groups in ancient Israelite society but it is impossible to identify any single one of them as its author(s)."⁵⁶ Whereas the priests were involved in the discovery of the book, many of the reforms of Deuteronomy are costly to them. The intellectual orientation of the book might imply that scribes or sages authored it. Yet, they have no specified role in the book, making it unlikely they authored it. Prophetic authorship would fit with the authority given to prophets in Deuteronomy. But the book does not give prophets "extraordinary prominence" and it subjects them to a test each prophet was bound to fail. Tigay concludes Deuteronomy was created

⁵⁴ Ibid., xxi.

⁵⁵ Ibid., xxv.

⁵⁶ Ibid.

independently of each of those group interests.⁵⁷ Alternately, the book may reflect each group's ideas through their negotiation of each with the other.

Most relevant to the current exploration is that Deuteronomy was written at a time of transition for the Israelites. Their society was transforming from a primarily agrarian one to a more urbanized one. A time of upheaval in society can result in the weaker members of that society being treated poorly. Also, as Tigay explains, it was a time of cross-cultural interaction and influence. Through the resettling of peoples, drafting an army and offering an appealing different culture, the Assyrian Empire brought Israelites into contact with non-Israelites and caused assimilationist tendencies in the Israelite culture. At this time of interaction with cultures and people around them, the text warns against consorting with the powerful. And at the same time, it importantly details how to treat the powerless with kindness.

Intention

As stated above, a text from Deuteronomy can only be understood through understand the context of Deuteronomy. Deuteronomy was written at a time of a large influx of people, many of whom were Israelites, into Judah. Deuteronomy's central concern is centralizing the temple cult in Jerusalem, and ensuring nothing is done to upset the functioning of the worship practices. Deuteronomy also reflects the desire to make society more egalitarian. Each of these principles guides the treatment of the *ger* in Deuteronomy. We must understand the protections for the *ger* were written at a time when there was a large influx of *gerim*. If Israelite society

⁵⁷ Ibid., xxiii.

was seeking to become more egalitarian, as Berman argues, it is no surprise the text finds ways to incorporate the *ger* into households. Finally, the importance of verses 17 through 19 and of the treatment of the *ger* is underscored by being located in the middle of a few chapters which detail how to follow God and the rewards and punishments for correctly/incorrectly following God. By its proximity, the text tells the reader proper treatment of the *ger* is an essential aspect of following God.

These verses begin by extolling the virtues of God, in particular by describing God in terms of power and strength. Tigay notes similar titles were used as epithets of kings in the ancient Near East.⁵⁸ Here, then, the God of the Israelites is presented in the same manner as a king. This fits into the literary context of these verses. Chapter 10 presents the laws the Israelites must follow in order to follow God. Chapter 11 continues by explaining how the Israelites will be blessed if they follow God and cursed if they do not. This is the language describes how a king might relate to his subjects. Deuteronomy presents the paradigm of God as the ultimate king and the Israelites as God's subjects. In the continuation of verse 17, God is described as the perfect judge. No longer is strength what makes God mighty, but God's fairness in judgment. Tigay notes these qualities are the qualities of an ideal judge (cf. 1:16-17; 16:19).⁵⁹ Instead of presenting the qualities of strength and fair judgment as opposites, God's fairness in judgment may be a manifestation of God's strength. This could be precisely what makes God the God of gods. The ultimate

⁵⁸ Ibid., 108.

⁵⁹ Ibid.

sign of power and might is the ability to be fair in judgment and to provide for the needy.

Verses 18 and 19 provide the Israelites with two different motivations for following the command to love the *ger*. In verse 18, God provides the ultimate example of how the Israelites are to lead their lives. Through emulating God, they live out God's laws. In addition to being commanded, and an empathetic appeal, the Israelites know to love the resident alien because that is what God does. Verse 18 elevates caring for the *ger* to a Godly act.

Verse 19 instructs the Israelites to love the *ger* because they were *gerim* in the land of Egypt. As we showed earlier, this phrase occurs a number of times in the *Tanakh*, each time in a verse legislating taking care of the *ger* (see also Exodus 22:20, 23:9; Leviticus 19:34). Perhaps the author understood how difficult it might be to love the *ger* and knew that even a law from God might not be sufficient. The command to love the *ger* is based in an empathetic understanding of the *ger's* position. Because the Israelites know what it is like to be a minority in a foreign land without power and without land ownership, they must treat the *ger* with love. This command is almost an early iteration of the golden rule, the notion of treating others as they would want to be treated.⁶⁰

A discussion of these verses would be incomplete without a discussion of the Hebrew word אהב, love. Today, the word love connotes a feeling of deep attachment. Innumerable poems describe the feelings of love, as do countless

⁶⁰ This sentiment appears also in Leviticus 19:18 under the command of "loving your neighbor as yourself", as well as in the *Talmud Bavli Shabbat 31a* where Hillel summarizes the *Torah* as "what is hateful to you do not do to your fellow." It is also present in Lev 19:33-34, as discussed above.

songs. In contemporary parlance, love may come with a set of possible actions, such as caring for, treating kindly, respecting etc, but it also may not. The biblical word for love, אהב, is not about a feeling of deep attachment a person may have. אהב, in the book of Deuteronomy, requires action. NJPS translates the *ahav* here as “befriends.” “Befriends” encapsulates the loving attitude with which God views the stranger, but is not explicit about the requirement of acting that the word *ahav* encompasses. Deuteronomy contains a number of connections between the verb אהב and observing God’s commandments (10:12-13; 11:1,13; 19:9; 30:16). Each instance demonstrates that the people Israel must love God through observing the commandments.⁶¹ Love is an action expressed through following God’s commandments. In verse 18, it is God who is doing the loving. This particular instance is interesting as instead of the people Israel acting lovingly toward God, God acts lovingly toward the resident alien. The contractual language is flipped, with God the actor who is responsible for behaving a certain way. God loves the *ger*, meaning God takes loving actions to provide for the *ger*. As verse 18 describes, God acts lovingly toward the *ger* by providing the *ger* food and clothing. In taking care of the *ger*’s basic needs, God provides for and protects the *ger*. In verse 19, it is the Israelites who are commanded to love the *ger*. They must emulate God and love the *ger* by providing the *ger* with his basic needs including food and clothing. The Israelites may have been reticent to use their resources to provide for people who

⁶¹ For further information see the comment on 6:4 in Jeffrey H. Tigay, *Deuteronomy: The Traditional Hebrew Text with the New JPS Translation*, (Philadelphia: Jewish Publication Society, 1996)

are not a part of their clan or family. This command and the appeal to the Israelite history of being *gerim* demands they see the *ger* with empathy and provide for him.

A nuanced reading of the text shows the *ger* is treated differently than the widow and the orphan. The widow and orphan, like the *ger*, live in a vulnerable position in Israelite society. The widow and orphan each lack the head of a household who would have protected and provided for them. The *ger*, too, does not have a designated person to protect and provide for them. Their vulnerable positions in society results in them being referred to in the same verse many times in Deuteronomy (see 14:29; 17:11, 14; 24:17; 27:19; etc). Yet, in verse 18, God executes justice for the orphan and widow while acting lovingly toward the *ger* by providing him food and clothing. What might explain God treating the *ger* differently than the orphan and widow? Perhaps they have different needs in society. As citizens of Israelites society, the orphan and widow might need help in securing their full legal rights. The *ger*, as a non-citizen, has fewer rights and therefore it is more vital for his survival to have food and clothing. Or perhaps the *ger* is poorer than the orphan and widow and has a more tenuous access to the economy.

In a book that builds boundaries between certain other nations, the text utilizes the very experience of being an outsider to inform how the Israelites should treat outsiders (verse 19). From this we learn that Deuteronomy does not have a blanket negative attitude toward outsiders, but rather is selective in which outsiders can be welcomed into Israelite society. Deuteronomy seeks to separate the Israelites from nine different nations (chapters 7 and 23) for they would lead the

Israelites to commit idolatry (chapter 7) or because of how they treated the Israelites in the past (chapter 23). The *ger*, as an individual who has made himself vulnerable and dependent on Israelite society, is not included in the exclusion. As an individual attached to an Israelite household, the *ger* is not a risk for contaminating the religious practices of the Israelites. Also, unlike the Moabites and Ammonites mentioned in Deuteronomy 23, the *ger*, by attaching himself to the Israelite community, may forgo his lineage and thus be eligible to be more integrated into Israelite society.

Overall, these few verses reveal the importance of caring for the *ger* in Deuteronomy. The book understands the vulnerable position of the *ger* as a person who is dependent on Israelite society but is not a full citizen. Knowing the Israelites might be reluctant to provide for the *ger* the text calls on them to recall their past as a *ger* and by embedding the command within the laws detailing how to properly follow God, the care of the *ger* is elevated in importance in their society.

Conclusion

The *ger* appears in the *Torah* in social, legal and religious texts. Throughout the *Torah*, the Israelites are urged to identify their position with that of the *ger*. Abraham and Moses each refer to themselves as a *ger* (Genesis 23:4; Exodus 22:2). The Israelites as a whole are reminded numerous times that they were *gerim* in Egypt (Exodus 22:20; 23:9; Leviticus 19:34; Deuteronomy 10:19). The history of the Israelites is steeped in being *gerim*. But the *ger* is more than a historical artifact

for the Israelites. When writing Deuteronomy and Leviticus, the Israelites had *gerim* in their midst.

The *ger*, unlike other minorities, is included in many of the Israelite cultic and religious practices. For example, the foreigner, the hired laborer and the *toshav* who dwell among the Israelites are forbidden from the eating of the Passover sacrifice (Exodus 12:43-49). The *ger*, on the other hand, is given permission to eat the Passover sacrifice if he is circumcised. The *ger* is also like the citizen in that the *ger* is forbidden to eat leaven on Passover. The book of Numbers dictates that the *ger* must follow the same rules as the Israelites when offering the Passover sacrifice and a meal offering (Numbers 9:14; 15:14-15).

The concern throughout Leviticus related to the *ger* is ensuring the resident alien does not ritually pollute Israelite society while being able to participate in Israelite society. For example, laws surrounding pollution of the land (18:24-30), pollution of the sanctuary by offering children to Molech (20:2-5), and polluting the sanctity of the divine name through blasphemy (24:16) stand out as such examples. These are ritual practices which, if violated or carried out incorrectly would put the entire land and the people Israel in danger. To protect the ritual life of Israel, laws are instituted to clearly describe which conditions/practices allow the *ger* to participate.

In Deuteronomy, the *ger* is also included in cultic practices. The *ger* is listed as a participant in both *Shavuot* (16:10-11) and *Sukkot* (16:13-14). The *ger* participates in tithing and other offerings to God. By appearing before God

(16:11,16; 26:10-11) the *ger* was included in the major cultic practices of the day. As Glanville argues above, Deuteronomy may have included the *ger* in the religious practices for the purpose of bringing the *ger* into the Israelite community through bonds of kinship.

The *Torah* stakes out a nuanced position when it comes to the proper treatment of the *ger* in Israelite society. This struggle is echoed in the struggle of contemporary synagogues in welcoming non-Jews while also maintaining meaningful boundaries between Jews and non-Jews. While the *ger* in Israelite society was a minority in the midst of a majority, the non-Jew in America is a majority in the wider culture, while the synagogue and the Jews are minorities in the midst of American culture. Within the synagogue, however, the non-Jew is a minority within a Jewish cultural context. The *Torah*'s treatment of the *ger* might provide contemporary synagogues guidance on how to deal with this issue.

If a synagogue seeks to preserve a status difference between the Jews and non-Jews at the synagogue (which some synagogues may not), we propose synagogues uses the biblical *ger* as a model to guide them. This allows them to welcome, respect and incorporate the “others” in their community without violating what we believe to be sacred. Many synagogues currently do not officially allow non-Jews to be members. Yet, a non-Jewish spouse is a part of the synagogue community. Not officially recognizing the non-Jew as a part of the community is hurtful. At the same time, welcoming that person as a full member implies there is no distinction between Jew and non-Jew at the synagogue.

The model of the *ger* gives the non-Jew a connection to the Jewish community while maintaining a boundary. Like the *ger* in Deuteronomy 16:10-11, 13-14, the non-Jew celebrates *Sukkot*, *Shavuot* and other Jewish holidays with the Jewish community. The biblical *ger* offered sacrifices, just as the contemporary non-Jew should be allowed to participate in *tfillot*. The *ger* of Exodus 12:43-49 provides a model for the non-Jew of today. This *ger* participates in the Passover sacrifice as long he is circumcised. Circumcision is a physical embodiment of accepting the Covenant. By becoming circumcised, the *ger* attached himself to the Israelites. Similarly, today, a non-Jews can attach herself or himself to the Jewish community by driving their children to religious school, volunteering on committees and attending community events. Finally, the *ger* in Exodus 12 was allowed to participate in the sacrifice but did not have to. If he did offer the sacrifice, it had to be according to the Israelite customs. So too, the non-Jew in today's synagogue is not obligated to perform any Jewish action (many liberal Jews also do not understand themselves as obligated) but can choose to perform the action. Like the *ger*, if they are to participate, such as in reading a prayer during a service or celebrating a Jewish holiday, it should be done in the Jewish way. The *ger* as a biblical outsider/insider, provides a model or guidelines rooted authentically in our sources as to how to treat the "the others" within our communities today.

Paradigms of “the Other” in Ezra Nehemiah

For this section of the paper, we created six text studies centered on the three conceptual modes of relating to the other that appear in Ezra-Nehemiah - relationally, physically and ritually. We hope to highlight the ways in which these modes interact with one another as well as how one mode might function simultaneously to exclude as well as include. We have incorporated texts from elsewhere in the Jewish tradition in addition to modern texts.

We designed these text studies to be taught in six sessions for young adult and adult participants. We believe it could be utilized in a variety of settings - a synagogue adult ed course, Hillel, non-profit professional study group, etc. The texts are designed to be taught together, although each unit and text study could stand alone. The sessions are ordered from the most tangible to the most abstract - moving from physical to ritual to relational. We hope that students at the end of the course will find themselves struggling with many of the same questions that we have struggled with throughout the semester - how do we create identity and community while also maintaining fluid borders that do not alienate others? We hope students also come away with a sense that our ancient Jewish texts are relevant to their lives today.

Unit I: Relational	Unit II: Physical	Unit III: Ritual
Intermarriage	Walls	Torah
<i>Am Ha'aretz</i>	Diaspora	Temple Cult

Keeping it in the Family: Intermarriage in the *Tanakh*

Source Sheet by Alexis Erdheim and Avi Fine

Deuteronomy 7:1-6

(1) When Adonai your God brings you to the land that you are about to enter and possess, and God dislodges many nations before you—the Hittites, Gergashites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites, seven nations much larger than you— (2) and Adonai your God delivers them to you and you defeat them, you must doom them to destruction: grant them no terms and give them no quarter. **(3) You shall not intermarry with them: do not give your daughters to their sons or take their daughters for your sons.** (4) For they will turn your children away from Me to worship other gods, and Adonai's anger will blaze forth against you and God will promptly wipe you out. (5) Instead, this is what you shall do to them: you shall tear down their altars, smash their pillars, cut down their sacred posts, and consign their images to the fire. (6) For you are a people consecrated to Adonai your God: of all the peoples on earth the Adonai your God chose you to be God's treasured people.

דברים ז'א-ו'

(א) כִּי יְבִיאֲךָ ה' אֱלֹהֶיךָ אֶל-הָאָרֶץ אֲשֶׁר-אַתָּה בָּא-שָׁמָּה לְרִשְׁתָּהּ וְנָשַׁל גּוֹיִם-רַבִּים מִפְּנֶיךָ הַחַתִּי וְהַגִּרְגָּשִׁי וְהָאֹמֹרִי וְהַכְּנַעֲנִי וְהַפְּרִזִּי וְהַחִוִּי וְהַיְבוּסִי שִׁבְעָה גּוֹיִם רַבִּים וְעַצוּמִים מִמֶּךָּ: (ב) וְנָתַתָּם ה' אֱלֹהֶיךָ לִפְנֶיךָ וְהִפִּיתָם הַחֶרֶם תַּחְרִים אֹתָם לֹא-תִכְרֹת לָהֶם בְּרִית וְלֹא תִחַנֵּם: (ג) וְלֹא תִתְּחַתֵּן בָּם בֵּתְךָ לֹא-תִתֵּן לִבְנֹךָ וּבִתּוֹ לֹא-תִקַּח לְבִנְךָ: (ד) כִּי-יִסִּיר אֶת-בִּנְךָ מֵאַחֲרֵי וְעַבְדוּ אֱלֹהִים אֲחֵרִים וְחָרָה אַף-ה' בָּכֶם וְהִשְׁמִידְךָ מֵהָרָ: (ה) כִּי-אִם-כָּה תַעֲשׂוּ לָהֶם מִזְבְּחֹתֵיהֶם תִּתְּצוּ וּמִצִּבּוֹתָם תִּשְׁבְּרוּ וְאֲשִׁירֵיהֶם תִּגְדַּעוּן וּפְסִילֵיהֶם תִּשְׂרֹפוּן בָּאֵשׁ: (ו) כִּי עִם קְדוּשָׁה אֶתָּה לַה' אֱלֹהֶיךָ בְּךָ בְּחָרָה ה' אֱלֹהֶיךָ לֵהְיוֹת לּוֹ לְעָם סִגְלָה מִכָּל הָעַמִּים אֲשֶׁר עַל-פְּנֵי הָאֲדָמָה: (ז)

Deuteronomy 23:4-9

(4) An Ammonite or a Moabite shall not enter into the assembly of Adonai; even to the tenth generation shall none of them enter into the assembly of Adonai forever; (5) because they met you not with bread and with water in

דברים כ"ג:ד-ט'

(ד) לֹא-יָבֹא עִמּוֹנִי וּמוֹאבִי בִקְהֵל ה' גַּם דֹּר עֲשִׂירִי לֹא-יָבֹא לָהֶם בִּקְהֵל ה' עַד-עוֹלָם: (ה) עַל-דִּבְרֵי אֲשֶׁר לֹא-קִדְּמוּ אֹתְכֶם בְּלַחֵם וּבִמֵּים בְּדֶרֶךְ בְּצֵאתְכֶם מִמִּצְרָיִם וְאֲשֶׁר שָׁכַר עֲלֶיךָ אֶת-בָּלְעָם בֶּן-בְּעֹר מִפְּתוֹר אֲרָם נְהָרִים לְקַלְלֶךָ: (ו) וְלֹא-אָבָה ה' אֱלֹהֶיךָ לִשְׁמֹעַ אֶל-בָּלְעָם וַיַּהֲפֹךְ ה'

the way, when ye came forth out of Egypt; and because they hired against thee Balaam the son of Beor from Pethor of Aram-naharaim, to curse thee. (6) Nevertheless Adonai your God would not hearken unto Balaam; but Adonai your God turned the curse into a blessing unto thee, because Adonai your God loved thee. (7) Thou shalt not seek their peace nor their prosperity all thy days forever. **(8) Thou shalt not abhor an Edomite, for he is thy brother; thou shalt not abhor an Egyptian, because thou wast a stranger in his land. (9) The children of the third generation that are born unto them may enter into the assembly of Adonai.**

אֱלֹקֶיךָ לְךָ אֶת־הַקְלָלָה לְבִרְכָּהּ כִּי אָהַבְךָ ה' אֱלֹקֶיךָ: (ז) לֹא־תִדְרֹשׁ שְׁלָמָם וְטוֹבָתָם כָּל־יְמֶיךָ לְעוֹלָם: (ח) לֹא־תִתְעַב אֲדָמִי כִּי אָחִיךָ הוּא (ט) לֹא־תִתְעַב מִצְרִי כִּי־גֵר הָיִיתָ בְּאֶרֶץ: (ט) בָּנִים אֲשֶׁר־יִוָּלְדוּ לָהֶם דּוֹר שְׁלִישִׁי יָבֹא לָהֶם בִּקְהָל ה' (ס)

Ezra 9:2

(2) They have taken their daughters as wives for themselves and for their sons, so that the holy seed has become intermingled with the peoples of the land; and it is the officers and prefects who have taken the lead in this trespass."

עֲזָרָא ט"ב: (ב) כִּי־נָשְׂאוּ מִבְּנוֹתֵיהֶם לָהֶם וּלְבָנֵיהֶם וְהִתְעַרְבוּ זָרַע הַקֹּדֶשׁ בְּעַמִּי הָאֲרָצוֹת וַיַּד הַשָּׂרִים וְהַסִּגְנִיִּים הָיְתָה בְּמַעַל הַזֶּה רָאשׁוֹנָה: (ס)

Ezra 9:12

(12) Now then, do not give your daughters in marriage to their sons or let their daughters marry your sons; do nothing for their well-being or advantage, then you will be strong and enjoy the bounty of the land and bequeath it to your children forever.'

עֲזָרָא ט"י"ב: (יב) וְעַתָּה בְּנוֹתֵיכֶם אַל־תַּתְּנוּ לְבָנֵיהֶם וּבְנוֹתֵיהֶם אַל־תִּשָּׂאוּ לְבָנֵיכֶם וְלֹא־תִדְרֹשׁוּ שְׁלָמָם וְטוֹבָתָם עַד־עוֹלָם לְמַעַן תִּחְזַק וְאַכְלֶתֶם אֶת־טוֹב הָאָרֶץ וְהוֹרַשְׁתֶּם לְבָנֵיכֶם עַד־עוֹלָם:

Ezra 10:2-3

(2) Then Shecaniah son of Jehiel of the family of Elam spoke up and said to Ezra, **"We have trespassed against our God by bringing into our homes foreign women from the peoples of**

עֲזָרָא י"ב-ג': (ב) וַיַּעַן שְׁכַנְיָה בֶן־יְחִיאל מִבְּנֵי עוֹלָם [עֵילָם] וַיֹּאמֶר לְעֲזָרָא אֲנַחְנוּ מַעֲלָנוּ בְּאֱלֹקֵינוּ וְנָשָׁב גָּשִׁים נְכָרִיּוֹת מִמַּעַם הָאָרֶץ וְעַתָּה יִשְׁמְקֶנָה לְיִשְׂרָאֵל עַל־זֵאת: (ג) וְעַתָּה נִכְרַת־בְּרִית לְאֱלֹקֵינוּ לְהוֹצִיא כָּל־גָּשִׁים וְהַנּוֹלָד מֵהֶם בַּעֲצַת אִדּוּשָׁם וְהַחֲרָדִים

במצות אלקינו וכתורה יעשה:

the land; but there is still hope for Israel despite this. (3) **Now then, let us make a covenant with our God to expel all these women and those who have been born to them**, in accordance with the bidding of Adonai and of all who are concerned over the commandment of our God, and let the Teaching be obeyed.

Nehemiah 13:23-24

(23) Also at that time, I saw that Jews had settled Ashdodite, Ammonite, and Moabite women; (24) a good number of their children spoke the language of Ashdod and the language of those various peoples, and did not know how to speak Judean.

Yevamot 76a:13

Rava, is the reason for the prohibition "do not intermarry with them" a matter of sanctity? Rather, it is out of fear that the intermarried couple will have a child who will worship idolatry. This prohibition against intermarriage applies only against non-Jews, but if they convert, they are allowed for marriage.

Maimonides, Laws of Prohibited Sexual Relations, 12:1

If a Jewish person sleeps with a non-Jew in the way of married people, they receive biblically ordained lashes, as it says "*You shall not intermarry with them: do not give your daughter to their sons or*

נחמיה י"ג:כ"ג-כ"ד

(כג) גם | בימים ההם ראיתי את־היהודים השׁ־יבו נשים אשדודיות [אשדדיות] עמוניות [עמניות] מואביות: (כד) ובניהם חצי מדבר אשדודית ואינם מכירים לדבר יהודית וכלשון עם נעם:

יבמות ע"ו א:י"ג

אמר רבא אטו התם משום קדושה ולא קדושה הוא דלמא מוליד בן ואזיל פלח לעבודת כוכבים וה"מ בהיותן עובדי כוכבים כי מגירי בישראל שרו

הלכות איסורי ביאה פרק יב

א ישראל שבעל גויה משאר האומות, דרך אישות, או ישראלית שנבעלה לגוי, דרך אישות--הרי אלו לוקין מן התורה, שנאמר "לא תתחתן, במ" (דברים ז, ג): אחד שבעה עממין, ואחד כל האומות באיסור זה. וכן מפורש על ידי עזרא "ואשר לא ניתן בנותינו, לעמי הארץ; ואת

take their daughters for your sons." The same law is true concerning the seven nations of the land of Canaan and all other nations. This is also explained by Ezra, *"We will not give our daughters in marriage to the peoples of the land, or take their daughters for our sons."* The Torah only forbade marriage, but one who sleeps with a non-Jew in a licentious manner gets rabbinically ordained lashes as a decree lest they come to get married.

בנותיהם, לא ניקח לבנינו" (נחמיה י, לא). [ב] ולא
אסרה תורה, אלא דרך חתנות.

Rabbi Elliot Cosgrove

I don't think Conservative rabbis should rush too quickly to perform intermarriages for the simple reason that as a parent, as a rabbi and as a shaper of Jewish community and identity, I unapologetically want young Jews to marry other Jews. Rabbinic officiation at intermarriages signals an implicit and explicit leveling of the field, sending the message that all choices are equal, a message that I do not think wise given the undisputed place in-marriage has as the single most important determinant in ensuring Jewish continuity.

Rabbi Angela Buchdahl

What I learned during those years is that refusing to stand under the chuppah with the children of our community does not prevent them from marrying the people they love. Instead, saying "No" often leads to a profound alienation from the Jewish community.

Unit I. Relational

Intermarriage

This text study presents many of the key Jewish texts around intermarriage. While not an exhaustive list, it will give learners a sense of how Jewish texts understand what constitutes intermarriage and why it is/is not prohibited. As you go through the texts, pay close attention to how each text defines marriage, intermarriage and the problems with intermarriage. After reading all of the texts, you will have the opportunity to decide what Jewish texts say about intermarriage and how we should (or should not) apply them today.

Text 1

This text from Deuteronomy presents a strong and harsh direction for how the Israelites are to treat the seven nations in the land of Israel. In fact, taken within the entire context of the verse the prohibition of intermarrying with them is a much more accepting way of dealing with the foreign nations than destroying them as verse two suggests.

Discussion questions:

1. What reason does the text give for not allowing intermarriages with these nations?
2. Why do you think the text forbids intermarriage when they nations were supposed to be destroyed anyway?

It is important that the reason given for prohibiting intermarriage is that it would lead to worshipping other gods. It is not the blood or ethnicity of the other nations that is objectionable, but their worship practices.

Text 2

This text from Deuteronomy is another seminal text in the book's attitude toward others. Ammonites and Moabites, two peoples that were not included in the seven nations above, are excluded from entry into the Israelite community. The Israelites are to deal with them less harshly than they were to deal with the seven nations.

1. What reason is giving for prohibiting intermingling with these nations?
2. Why do you think these nations are treated differently than the seven nations?
3. How are the Egyptians and Edomites treated differently than the other nations mentioned?

Verses eight and nine drive home the point that Deuteronomy's prohibition is not about intermarriage itself, but about how other nations treated the Israelites and what influence those nations might have on Israelite worship practices.

Text 3

With the texts from Ezra and later Nechemia, we have moved from the context of Deuteronomy to the context of the Jews returning to the land of Israel after exile and creating a new society. In doing so, they needed to draw boundaries between who was in and who was out of their society.

Discussion question:

1. What is the sin of the Israelites as expressed in Ezra?

Ezra uses the terminology of "holy seed." At first glance, this could be saying the blood or even more literally, the semen, of the Jews should not be mixed with the other peoples of the land. This would define the Jews as a group based on their genes and any intermarriage outside of the larger family would be prohibited. But the phrase "holy seed" exists in a construct in Hebrew, which means the Jew seed is not inherently holy but it holy because it is consecrated to something holy.

Text 4

At the end of the verse, Ezra ties marriage to the physical land. The benefit of in-marriage is that the Jews will eat from the good of the land and will pass it on to their children. If the Jews do intermarry, Ezra is suggesting they would lose the inheritance of the land. As people who recently returned to the land after being in exile, the prospect of losing the land is a daunting one.

Discussion question:

1. What new aspect does Ezra introduce here?

Text 5

Discussion questions:

1. What is the named sin in verse two?
2. To which of the previous definitions of who the Jews are not allowed to marry does this align?
3. What is unique about this statement?

Verse two does not actually use the word marriage, but speaks of bringing foreign women into Jewish homes. A close read of the text then reveals it not intermarrying that is the problem, per se, but the bringing of foreigners onto the land and into Jew homes. In verse three, Shechaniah suggests a solution to their sins by expelling the foreign women and their children.

Discussion questions:

1. What do you think of this as a solution?
2. How would this affect society?
3. Can you come up with a better solution?

There is no evidence in the text itself to say that this practice was actually followed, except in the case of the priestly families. The rule may have been created to establish a societal boundary but may never have been enforced.

Discussion question:

1. Does that change how you understand the harshness of the command?

Text 6

Nehemiah presents evidence that the Jews were intermingling with many foreign peoples, including those forbidden to them. Nehemiah does not use the Hebrew word for marriage to describe the relationships, but instead uses a word which implies bringing the women into the Jewish areas. The text reveals being part of the insider group is not about lineage. The children may have had a Jewish parent but had lost Judean culture and language. The sin for a Judean was not the direct intermarriage, but the indirect effect of children losing the Judean culture.

Text 7

This text from the *Talmud* raises themes around intermarriage presented in biblical texts.

Discussion question:

1. How does this text understand the reason for the prohibition of intermarriage?

Like the text in Deuteronomy, the concern raised about intermarriage is about it leading to idolatry. The concern is not about the sanctity of Jewish lineage.

Text 8

Maimonides, a 12th-century writer, was one of the most important and prolific Jewish writers and thinkers in medieval times. This text comes from the law code he compiled. Maimonides quotes two of the sources we looked at earlier.

Discussion questions:

1. How does he read the sources?
2. Do you agree with his read?

Maimonides take the biblical citations out of context, turning them from speaking to specific circumstances into a general rule. He also extends the prohibition from marriage to sleeping together. Maimonides vastly overgeneralizes and oversimplifies the biblical rules around intermarriage.

Text 9

Discussion questions:

1. What is Rabbi Cosgrove primary concern about intermarriage?
2. Put another way, what is his hope for Jewish couples?

Text 10

Discussion question:

1. What principle lies underneath Rabbi Buchdahl's position?

Conclusion

Discussion questions:

1. How might applying the different fears around intermarriage in the texts change how we define intermarriage today?
2. After reading the various texts, how do you understand the prohibition against intermarriages? What purpose did/does the prohibition serve?
3. Today, is prohibiting intermarriage an appropriate tool to draw a boundary between the Jewish community and other communities?
4. What principles undergird your position on the permissibility of intermarriage?

The text study aimed to provide learners with the foundational Jewish texts used to justify prohibitions against intermarriage. We hope you will have seen the reasons for prohibiting intermarriage are not about the purity of Jewish lineage but out of a fear of it leading to idol worshipping or populating the land of Israel with people from outside of the tribe. In the liberal Jewish world today, it is up each individual to

determine their stance on intermarriage. Hopefully, these texts equip you to answer the question for yourself and to respond to others who might disagree with you.

Am Ha'aretz: Friend or Foe; How are the Jews to Relate to their Neighbors?

Source Sheet by Alexis Erdheim and Avi Fine

Ezra 9:1-2

(1) When this was over, the officers approached me, saying, "The people of Israel and the priests and Levites have not separated themselves from the peoples of the land whose abhorrent practices are like those of the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites. (2) They have taken their daughters as wives for themselves and for their sons, so that the holy seed has become intermingled with the peoples of the land; and it is the officers and prefects who have taken the lead in this trespass."

עזרא ט'א-ב'

(א) וּכְכֹלֹת אֲלֶה נִגְשׁוּ אֵלַי הַשָּׂרִים לֵאמֹר
לֹא-נִבְדְּלוּ הָעָם יִשְׂרָאֵל וְהַכֹּהֲנִים וְהַלְוִיִּם מֵעַמֵּי
הָאֲרָצוֹת כְּתוֹעֲבֹתֵיהֶם לִכְנֹעַנִי הַחֲתִי הַפְּרָזִי
הַיְבוּסִי הָעַמִּי הַמִּצְרִי וְהָאֱמֹרִי: (ב)
כִּי-נִשְׁאָוּ מִבְּנוֹתֵיהֶם לָהֶם וּלְבָנֵיהֶם וְהִתְעַרְבוּ זָרַע
הַקֹּדֶשׁ בְּעַמֵּי הָאֲרָצוֹת וַיֵּד הַשָּׂרִים וְהַסִּגְנִים הִיתָה
בְּמַעַל הַזֶּה רָאשׁוֹנָה: (ס)

Nehemiah 13:1

(1) At that time they read to the people from the Book of Moses, and it was found written that no Ammonite or Moabite might ever enter the congregation of God,

נחמיה י"ג:א'

(א) בַּיּוֹם הַהוּא יוֹא נִקְרָא בְּסֵפֶר מֹשֶׁה בְּאָזְנֵי הָעָם
וּנְמָאָה כְּתוּב בּוֹ אֲשֶׁר לֹא-יָבֹאוּ עַמִּי וּמֵאֲבֵי בְּקִהֹל
הָאֱלֹהִים עַד-עוֹלָם:

Ezra 4:2-3

(2) they approached Zerubbabel and the chiefs of the clans and said to them, "Let us build with you, since we too worship your God, having offered sacrifices to Him since the time of King Esarhaddon of Assyria, who brought us here." (3) Zerubbabel, Jeshua, and the rest of the chiefs of the clans of Israel answered them, "It is not for you and us to build a

עזרא ד'ב'-ג'

(ב) וַיִּגְשׁוּ אֶל-זִרְבָּבֶל וְאֶל-רָאשֵׁי הָאֲבֹת וַיֹּאמְרוּ
לָהֶם נִבְנֶה עִמָּכֶם כִּי כָכֶם נִדְרֹשׁ לֵאלֹהֵיכֶם וְלֹא
[וְלֹא] אֲנַחְנוּ זִבְחִים מִמֵּי אֶסֶר חֹדֶן מֶלֶךְ אֲשׁוּר
הַמַּעֲלָה אֶתֵּנוּ פֹה: (ג) וַיֹּאמְרוּ לָהֶם זִרְבָּבֶל וַיֹּשִׁיעַ
וּשְׂאֵר רָאשֵׁי הָאֲבֹת לִישְׂרָאֵל לֹא-לָכֶם וְלָנוּ לִבְנוֹת
בֵּית לֵאלֹהֵינוּ כִּי אֲנַחְנוּ יַחַד נִבְנֶה לַיהוָה אֱלֹהֵי
יִשְׂרָאֵל כְּאֲשֶׁר צִוָּנוּ הַמֶּלֶךְ כּוֹרֶשׁ מֶלֶךְ-פָּרַס:

House to our God, but we alone will build it to Adonai God of Israel, in accord with the charge that the king, King Cyrus of Persia, laid upon us.”

Nehemiah 9:2

(2) Those of the stock of Israel separated themselves from all foreigners, and stood and confessed their sins and the iniquities of their fathers.

נחמיה ט:ב'

(ב) וַיִּבְדְּלוּ זֶרַע יִשְׂרָאֵל מִכָּל בְּנֵי נֶכֶר וַיִּעֲמְדוּ וַיִּתְּנוּ עַל-חַטֹּאתֵיהֶם וְעוֹנוֹת אֲבוֹתֵיהֶם:

Baba Kamma 38a

But isn't it taught in a *baraita* that **Rabbi Meir says: From where** is it derived that **even a gentile who engages in Torah is** considered like a High Priest? **The verse states** with regard to the mitzvot: **“Which if a person does, he shall live by them”** (Leviticus 18:5). **It is not stated:** Which if **priests and Levites and Israelites** do, they shall live by them, **but rather: A person**, indicating that all people are included. **You have therefore learned that even a gentile who engages in Torah study is** considered like a High Priest.

Tiferet Yisrael on Avot 3:14

Even if our sages had not explicitly taught (that righteous Gentiles have a place in the World to Come) we would have understood this ourselves since God is righteous in all [of God's] ways ... and we see many of the righteous Gentiles who not only recognize the Creator and believe in the divine origin of the Torah and also act charitably

Am Ha'aretz

This text study focuses on the biblical texts of Ezra and Nehemiah, who lived in a time where the Jews were facing the vital questions of where to draw the boundaries around their society. Other texts in *tanakh*, the Hebrew bible, speak at great lengths to this topic, but the scope of this text study is Ezra Nehemiah.

Text 1

The officers present Ezra with the “problem” amongst the Jews as they see it.

Discussion question:

1. What is the problem for them?

Verse one references Deuteronomy 7:1-10, which lists the seven nations the Israelites must destroy and with whom the Israelites are forbidden from intermingling. Here the issue is not outsiders who are descendants of those nations but as the כ in כתועבתיהם tells us, their practices are “like” the practices of those nations, namely they are abhorrent (idoltrous). The concern with interacting with other people in verse one is that they might lead the Israelites to idolatry.

In verse two, Ezra uses the terminology of “holy seed.” At first glance, this could be saying the blood or even more literally, the semen, of the Jews should not be mixed with the other peoples of the land. This would define the Jews as a group based on their genes and any intermarriage outside of the larger family would be prohibited. But the phrase “holy seed” exists in a construct in Hebrew, which means the Jewish seed is not inherently holy but it holy because it is consecrated to something holy.

Text 2

Here Nehemiah reads out of “The Book of Moses” and quotes Deuteronomy 23:4.

Discussion questions:

1. How does having textual evidence requiring separating from the Ammonites and Moabites support Nehemiah?
2. Evaluate the strength of the argument

Text 3

Ezra 4:2-3 presents an interesting case. A group approaches the leaders of the Jews and claims to worship the same God as the Jews worship. If previous prohibitions of mingling with outsiders relied on a concern for idolatry, worshipping the same God would eliminate that conflict. Yet, the leadership rejects their request to build together.

Discussion questions:

1. Why do you think that is?

2. Where is the boundary drawn in these verses?

Text 4

After all the laws have been presented to the people, this verse demonstrates the people followed. It also could easily be taken out of context. Nehemiah is speaking at a unique time, where the Jews are re-creating their society from the ground up. In order to do so, they must draw clear boundaries between them and other groups. That is how they build a common identity and community.

Text 5

Now we move to a text from much later in Jewish history. The *Talmud* was written at a time when the Jews no longer had sovereignty or even autonomy. They were subject to the rule of non-Jewish rulers. They interacted with non-Jews and could not always dictate the terms of the interactions.

Discussion questions:

1. Is the verse from Leviticus good evidence for the argument? Why or why not?
2. How might the circumstances under which the *Talmud* was written influenced the rabbis stance toward non-Jews?
3. For the rabbis, what qualifies a non-Jew to be highly respected?

This text reflects that the rabbis interacted with non-Jews. Because they interacted with non-Jews and were subject to their rules, it was prudent of them to include a text that shows non-Jews can be highly respected. This is qualified by what makes a non-Jew respectable, namely engaging in *Torah* study.

Text 6

This text comes from a commentary to the *Mishnah* from the 19th century. It presents the most favorable view of non-Jews we have seen in the texts.

Discussion questions:

1. What qualifies a non-Jew as righteous according to this text?
2. How does this standard compare to the standard in text 5?

According to this, our texts did not need to explicitly state non-Jews had a place in the world to come. In a tradition based on citations, this is a bold statement. The text ties God's righteousness to the treatment of non-Jews. That is quite powerful. Once again, the righteousness of a non-Jew is qualified by their actions and beliefs. In this case, they must recognize God, believe in the divine origin of the Torah and act charitably. This is lower standard than the *Talmud*, yet it still defines righteousness in terms of how well they adhere to Jewish beliefs.

Conclusion

Discussion questions:

1. Why might the *Tanakh* and later sources take a skeptical stance toward non-Jews?
2. In order to look upon our non-Jewish neighbors as equals, do they need to behave in a certain way?
3. How do you think Jews should relate to their non-Jewish neighbors? Should any boundaries be created between them?

Tearing Down & Building Up: Walls in Ezra-Nehemiah

Source Sheet by Alexis Erdheim and Avi Fine

Nehemiah 1:2-4

(2) Hanani, one of my brothers, together with some men of Judah, arrived, and I asked them about the Jews, the remnant who had survived the captivity, and about Jerusalem. (3) They replied, "The survivors who have survived the captivity there in the province are in dire trouble and disgrace; Jerusalem's wall is full of breaches, and its gates have been destroyed by fire." (4) When I heard that, I sat and wept, and was in mourning for days, fasting and praying to the God of Heaven.

נחמיה א':ב-ד'

(ב) וַיָּבֹא חֲנָנִי אֶחָד מֵאֶחָי הוּא וְאֲנָשִׁים מִיְּהוּדָה וְאֶשְׁאֲלֵם עַל־הַיְּהוּדִים הַפְּלִיטָה אֲשֶׁר־נִשְׁאַרְוּ מִן־הַשְּׂבִי וְעַל־יְרוּשָׁלַם: (ג) וַיֹּאמְרוּ לִי הַנִּשְׁאָרִים אֲשֶׁר־נִשְׁאַרְוּ מִן־הַשְּׂבִי שֵׁם בְּמִדְיָנָה בְּרָעָה גְדֹלָה וּבְחִרְפָּה וְחוֹמַת יְרוּשָׁלַם מִפְּרָצָה וּשְׁעָרֶיהָ נִצְתוּ בָאֵשׁ: (ד) וַיְהִי כִשְׁמַעִי אֶת־הַדְּבָרִים הָאֵלֶּה יֹשְׁבֵתִי נֹאכְכָה נֹאֲתָאֲבֵלָה יָמִים נֶאֱחִי צֹם וּמְתַפְּלֵל לִפְנֵי אֱלֹהֵי הַשָּׁמַיִם:

Nehemiah 7:1-3

(1) When the wall was rebuilt and I had set up the doors, tasks were assigned to the gatekeepers, the singers, and the Levites. (2) I put Hanani my brother and Hananiah, the captain of the fortress, in charge of Jerusalem, for he was a more trustworthy and God-fearing man than most. (3) I said to them, "The gates of Jerusalem are not to be opened until the heat of the day, and before you leave your posts let the doors be closed and barred. And assign the inhabitants of Jerusalem to watches, each man to his watch, and each in front of his own house."

נחמיה ז':א'-ג'

(א) וַיְהִי כִּי־כָאֲשֶׁר נִבְנְתָה הַחוֹמָה נֶאֱעָמְדוּ הַדִּלְתוֹת וַיִּפְקְדוּ הַשּׁוֹעָרִים וְהַמְשָׁרְרִים וְהַלְוִיִּם: (ב) נֶאֱצְוָה אֶת־חֲנָנִי אַחִי וְאֶת־חֲנַנְיָה שֶׁר הַבִּירָה עַל־יְרוּשָׁלַם כִּי־הוּא כָאִישׁ אֱמֶת וִירָא אֶת־הָאֱלֹהִים מֵרַבִּים: (ג) וַיֹּאמֶר [נֶאֱמַר] לָהֶם לֹא יִפְתְּחוּ שְׁעָרֵי יְרוּשָׁלַם עַד־חֹם הַשֶּׁמֶשׁ וְעַד הֵם עֹמְדִים יִגְפוּ הַדִּלְתוֹת וְאֶחָזוּ וְהָעַמ׃ יָד מִשְׁמֶרֶת יֹשְׁבֵי יְרוּשָׁלַם אִישׁ בְּמִשְׁמְרוֹ וְאִישׁ נֶגֶד בֵּיתוֹ:

Nehemiah 13:20-21

(20) Once or twice the merchants and the vendors of all sorts of wares spent the night outside Jerusalem, (21) but I warned them, saying, "What do you mean by spending the night alongside the wall? If you do so again, I will lay hands upon you!" From then on they did not come on the sabbath.

נחמיה י"ג:כ'-כ"א

(כ) וַיֵּלִינוּ הַרְכָּלִים וּמִכְרֵי כָּל־מִמְכָּר מִחוּץ לִירוּשָׁלַם פַּעַם וּשְׁתַּיִם: (כא) וָאֲנִי נֹאמְרָה אֲלֵיהֶם מִדּוּעַ אַתֶּם לָנִים נֹגְדֵי הַחוֹמָה אִם־תִּשְׁנֹנוּ יָד אֲשַׁלַּח בְּכֶם מִן־הָעֵת הַזֶּה יֵא לֹא־בֹאוּ בַשַּׁבָּת: (ס)

Joshua 6:1-5

(1) Now Jericho was shut up tight because of the Israelites; no one could leave or enter. (2) Adonai said to Joshua, "See, I will deliver Jericho and her king [and her] warriors into your hands. (3) Let all your troops march around the city and complete one circuit of the city. Do this six days, (4) with seven priests carrying seven ram's horns preceding the Ark. On the seventh day, march around the city seven times, with the priests blowing the horns. (5) And when a long blast is sounded on the horn—as soon as you hear that sound of the horn—all the people shall give a mighty shout. Thereupon the city wall will collapse, and the people shall advance, every man straight ahead."

יהושע ו':א-ה'

(א) וַיְהִי־חֹ סָגֻרָת וּמִסְגָּרָת מִפְּנֵי בְנֵי יִשְׂרָאֵל אֵין יוֹצֵא וְאֵין בָּא: (ב) וַיֹּאמֶר יְהוָה אֶל־יְהוֹשֻׁעַ רְאֵה נָתַתִּי בְיָדְךָ אֶת־יְרִיחוֹ וְאֶת־מֶלֶכָּהּ גִּבּוֹרִי הַחִיל: (ג) וְסִבְתֶּם אֶת־הָעִיר כָּל־אֲנָשֵׁי הַמִּלְחָמָה הַקִּיף אֶת־הָעִיר פַּעַם אַחַת כֹּה תַעֲשֶׂה שֵׁשֶׁת יָמִים: (ד) וּשְ�בַעַת כְּהֲנָנִים יִשָּׂאוּ שִׁבְעָה שׁוֹפְרוֹת הַיִּזְבָּלִים לִפְנֵי הָאָרוֹן וּבַיּוֹם הַשְּׁבִיעִי תִסָּבּוּ אֶת־הָעִיר שִׁבַּע פְּעָמִים וְהַכְּהֲנִים יִתְקְעוּ בַשּׁוֹפְרוֹת: (ה) וְהָיָה בַּמָּשָׁךְ בִּקְרֹן הַיִּזְבָּל בְּשִׁמְעֶכֶם [כְּשִׁמְעֶכֶם] אֶת־קוֹל הַשּׁוֹפָר יִרְעוּ כָּל־הָעָם תְּרוּעָה גְדוֹלָה וְנָפְלָה חוֹמַת הָעִיר תַּחְתֵּיהָ וְעָלוּ הָעָם אִישׁ נֹגְדֹ:

Jerusalem by Yehudah Amichai

On a roof in the Old City
Laundry hanging in the late afternoon sunlight:
The white sheet of a woman who is my enemy,
The towel of a man who is my enemy,
To wipe off the sweat of his brow.
In the sky of the Old City
A kite.
At the other end of the string,
A child
I can't see

Because of the wall.
We have put up many flags,
They have put up many flags.
To make us think that they're happy.
To make them think that we're happy.

Mending Wall by Robert Frost

Something there is that doesn't love a wall,
That sends the frozen-ground-swell under it,
And spills the upper boulders in the sun;
And makes gaps even two can pass abreast.
The work of hunters is another thing:
I have come after them and made repair
Where they have left not one stone on a stone,
But they would have the rabbit out of hiding,
To please the yelping dogs. The gaps I mean,
No one has seen them made or heard them made,
But at spring mending-time we find them there.
I let my neighbour know beyond the hill;
And on a day we meet to walk the line
And set the wall between us once again.
We keep the wall between us as we go.
To each the boulders that have fallen to each.
And some are loaves and some so nearly balls
We have to use a spell to make them balance:
"Stay where you are until our backs are turned!"
We wear our fingers rough with handling them.
Oh, just another kind of out-door game,
One on a side. It comes to little more:
There where it is we do not need the wall:
He is all pine and I am apple orchard.
My apple trees will never get across
And eat the cones under his pines, I tell him.
He only says, "Good fences make good neighbours."
Spring is the mischief in me, and I wonder
If I could put a notion in his head:
"Why do they make good neighbours? Isn't it
Where there are cows? But here there are no cows.
Before I built a wall I'd ask to know
What I was walling in or walling out,
And to whom I was like to give offence.
Something there is that doesn't love a wall,

That wants it down." I could say "Elves" to him,
But it's not elves exactly, and I'd rather
He said it for himself. I see him there
Bringing a stone grasped firmly by the top
In each hand, like an old-stone savage armed.
He moves in darkness as it seems to me,
Not of woods only and the shade of trees.
He will not go behind his father's saying,
And he likes having thought of it so well
He says again, "Good fences make good neighbours."

These Walls by Kendrick Lamar (excerpts)

(I)

If these walls could talk they'd tell me to swim good
No boat I float better than he would
No life jacket I'm not the guard in Nazareth
But your flood can be misunderstood
Wall telling me they full of pain, resentment
Need someone to live in them just to relieve tension
Me? I'm just a tenant
My lord said these walls vacant more than a minute
These walls are vulnerable, exclamation
Interior pink, color coordinated
I interrogated every nook and cranny
I mean its still amazing before they couldn't stand me
These walls want to cry tears
These walls happier when I'm here
These walls never could hold up
Everytime I come around demolition might crush
If these walls could talk
I can feel your reign when it cries gold lives inside of you

(II)

If these walls could talk
I love it when I'm in it, I love it when I'm in it
If these walls could talk they'd tell me to go deep
Yelling at me continuously I can see
Your defense mechanism is my decision
Knock these walls down that's my religion
Walls feeling like they ready to close in
I suffocate then catch my second wind
I resonate in these walls
I don't know how long I can wait in these walls
I've been on these streets too long looking at you from the outside in
They sing the same old song about how they walls are always the cleanest

I beg to differ, I must've missed them
I'm not involved I'd rather diss them
I'd rather call all you put your wall up
Cause when I come around demolition gon' crush
If these walls could talk

UNIT II. PHYSICAL

Tearing Down & Building Up: Walls in Ezra-Nehemiah

Ezra-Nehemiah recounts that upon the return of the exiles to Jerusalem, one of their central goals was to rebuild the walls of Jerusalem and the walls of the Temple. On the most basic level, these walls offer protection for the city. However, the walls hold layers of metaphorical meaning about the creation of boundaries, about reclaiming land and defining "the other" and their place in society.

Text 1

This text describes Nehemiah's emotional reaction to hearing about the state of affairs in Jerusalem. In particular, the survivors who have survived the captivity there in the province are in dire trouble and disgrace; Jerusalem's wall is full of breaches, and its gates have been destroyed by fire." This verse links the health of the "remnants" with the physical state of Jerusalem's walls and gates. In other words, the walls and the gates not only represent a means of safety and protection but the spiritual well being of the people of Israel.

Text 2

We chose to include this text to highlight the connection between the walls and the anxiety about who shall be included within the walls and who shall be kept out. Safety is a key concern for the exiles, even after rebuilding the wall. The entire people of Israel - priests, gatekeepers, singers, and common people are responsible for maintaining the walls and keeping watch. Maintaining this boundary is almost of an existential importance.

Text 3

This text provides an example of how Nehemiah purposely excludes individuals. Not only are the merchants not permitted within the walls of Jerusalem, but Nehemiah forbids them even from camping outside the walls. Again, this reveals the anxiety of how foreigners might contaminate Jerusalem or create chaos and infidelity to God.

Discussion Questions (for Texts 1-3):

1. What role do walls play in these three texts from Nehemiah? What do they represent in each case?

Text 4

The Book of Joshua recounts the Israelites conquering the land of Israel, destroying the native Canaanites and dividing the land amongst the twelve tribes. One of the most iconic moments of the text is when the Israelites surround the city of Jericho and merely through the sound of the shofar, manage to bring the walls crumbling down.

This text provides an interesting counterpoint to the Nehemiah texts about the rebuilding of the wall and its function. In Nehemiah, the wall needs to be built back up. Here, the Israelites must knock the wall down. In Nehemiah, the wall represents safety, security and solidification of the ingroup. In Joshua, the wall is a barrier to victory. Its destruction represents a military defeat for the Canaanites.

Discussion Questions:

1. How do the walls of Jericho in the Book of Joshua function? Do they mirror the walls of Jerusalem in Nehemiah? How so?

Text 5

This contemporary poem by the Israeli poet Yehudah Amichai highlights the ways in which walls, both physical and metaphorical, continue to draw boundaries and exclude the “other” in modern Israeli society. This poem tragically demonstrates how the same walls in the same city, thousands of years later continues to divide and to exclude human beings from one another.

Discussion Questions:

1. How does Yehudah Amichai represent walls in this poem?
2. He is referring to the same walls that Nehemiah is. How does he understand the wall similarly or differently from Nehemiah?

Text 6

Robert Frost was one of the most prominent American poets of the early and mid 20th century. This poem plays with the familiar adage that “good fences make good neighbors.” He explores how a fence designed to separate, to alienate and to distance might become a “mending wall” serving to bring people together. Frost appears to take a position that is critical of Nehemiah’s desire to build walls and create boundaries between his community and the “other.” I believe that this text will help participants draw a connection between Ezra-Nehemiah and our own lives. So often, we hide ourselves behind our walls, our fences and our locked doors for many of the reasons that Nehemiah lays out; security, peace, comfort, boundaries, but, like Nehemiah, we do not consider how it isolates humanity from itself.

Discussion Questions:

1. What are walls representing in this Robert Frost poem?
2. Do these walls function to separate or bring together? How?
3. Are you familiar with the phrases, “Good Fences Make Good Neighbors?” Do you agree with this sentiment? Why or why not?
4. How do you think the author of Ezra-Nehemiah would respond to this poem? Would he agree with its message? Why or why not?

Text 7

Kendrick Lamar is one of the most successful contemporary rappers. His rap is noted for its lyrical and literary sophistication and its messages of social critique, particularly pertaining to the African American community. In this song, Lamar explores the idea of walls through a variety of layers. The walls here are not only physical and metaphorical but psychological. In many ways, he is talking about the walls of his own mind, which at times seem to suffocate him.

Discussion Questions:

1. What meanings of walls can you identify?
2. How does the cultural meanings of walls influence how Lamar depicts them compared to the other source we have examined in this text study?

"Real Jews": Relations between Israel and Diaspora

Source Sheet by Alexis Erdheim and Avi Fine

Ezra 4:1-5

(1) When the adversaries of Judah and Benjamin heard that the returned exiles were building a temple to Adonai God of Israel, (2) they approached Zerubbabel and the chiefs of the clans and said to them, "Let us build with you, since we too worship your God, having offered sacrifices [to Him] since the time of King Esarhaddon of Assyria, who brought us here." (3) Zerubbabel, Jeshua, and the rest of the chiefs of the clans of Israel answered them, "It is not for you and us to build a House to our God, but we alone will build it to Adonai, God of Israel, in accord with the charge that the king, King Cyrus of Persia, laid upon us." (4) Thereupon the people of the land undermined the resolve of the people of Judah, and made them afraid to build. (5) They bribed ministers in order to thwart their plans all the years of King Cyrus of Persia and until the reign of King Darius of Persia.

עזרא ד':א-ה'

(א) וַיִּשְׁמְעוּ צָרֵי יְהוּדָה וּבִנְיָמִן כִּי־בָנִי הַגּוֹלָה בּוֹנִים הֵיכָל לַיהוָה אֱלֹהֵי יִשְׂרָאֵל: (ב) וַיִּגָּשׁוּ אֶל־זִרְבָּבֶל וְאֶל־רָאשֵׁי הָאֲבֹת וַיֹּאמְרוּ לָהֶם נִבְנֶה עִמָּכֶם כִּי כָכֶם נִדְּרוּשׁ לַאלֹהֵיכֶם וְלֹא [וְלֹא] אֲנַחְנוּ זָבַח יָם מִיָּמֵי אֲסָרְחַדֶּן מֶלֶךְ אַשּׁוּר הַמַּעֲלָה אֶתָּנוּ פֹּה: (ג) וַיֹּאמְרוּ לָהֶם זִרְבָּבֶל וַיֹּשִׁיעַ וְשָׂאֵר רָאשֵׁי הָאֲבֹת לַיִשְׂרָאֵל לֹא־לָכֶם נָלְנוּ לִבְנוֹת בַּיִת לַאלֹהֵינוּ כִּי אֲנַחְנוּ יַחַד נִבְנֶה לַיהוָה אֱלֹהֵי יִשְׂרָאֵל כַּאֲשֶׁר צֻוְּנוּ הַמֶּלֶךְ כּוֹרֶשׁ מֶלֶךְ־פָּרְס: (ד) וַיְהִי עִם־הָאָרֶץ מִרְפָּיִם יָדַי עִם־יְהוּדָה וּמַבְלִיִּים [וּמַבְהִילִים] אוֹתָם לִבְנוֹת: (ה) וְסֹכְרִים עָלֵיהֶם יוֹעֲצִים לְהַפֵּר עֲצָתָם כָּל־יָמֵי כּוֹרֶשׁ מֶלֶךְ פָּרְס וְעַד־מַלְכוּת דָּרִיוֶשׁ מֶלֶךְ־פָּרְס:

Ezra 10:7-8

(7) Then a proclamation was issued in Judah and Jerusalem that all who had returned from the exile should assemble in Jerusalem, (8) and that anyone who did not come in three days would, by decision of the officers and elders, have his property confiscated and himself excluded from the congregation of the returning exiles.

עזרא י':ז-ח'

(ז) וַיַּעֲבִירוּ קוֹל בִּיהוּדָה וּבִירוּשָׁלַם לְכָל בְּנֵי הַגּוֹלָה לְהִקָּרֵץ יְרוּשָׁלַם: (ח) וְכָל אִשׁוּר לֹא־יָבֹא לִשְׁלֹשֶׁת הַיָּמִים כְּעֲצַת הַשָּׂרִים וְהַזְקֵנִים יַחְרָם כָּל־רִכּוּשׁוֹ וְהוּא יִבְדֵּל מִקְהַל הַגּוֹלָה: (ט)

Ezekiel 37:1-14

(1) The hand of Adonai came upon me. He took me out by the spirit of Adonai and set me down in the valley. It was full of bones. (2) God led me all around them; there were very many of them spread over the valley, and they were very dry. (3) God said to me, "O mortal, can these bones live again?" I replied, "O Adonai GOD, only You know." (4) And God said to me, "Prophecy over these bones and say to them: O dry bones, hear the word of Adonai! (5) Thus said Adonai GOD to these bones: I will cause breath to enter you and you shall live again. (6) I will lay sinews upon you, and cover you with flesh, and form skin over you. And I will put breath into you, and you shall live again. And you shall know that I am Adonai!" (7) I prophesied as I had been commanded. And while I was prophesying, suddenly there was a sound of rattling, and the bones came together, bone to matching bone. (8) I looked, and there were sinews on them, and flesh had grown, and skin had formed over them; but there was no breath in them. (9) Then God said to me, "Prophecy to the breath, prophecy, O mortal! Say to the breath: Thus said the Adonai GOD: Come, O breath, from the four winds, and breathe into these slain, that they may live again." (10) I prophesied as God commanded me. The breath entered them, and they came to life and stood up on their feet, a vast multitude. (11) And God said to me, "O mortal, these bones are the whole House of Israel. They say, 'Our bones are dried up, our hope is gone; we are doomed.' (12) Prophecy, therefore, and say to them: Thus said Adonai, GOD: I am going to open your graves and lift you out of the graves, O My people, and

יחזקאל ל"ז:א-י"ד

(א) היתה עלי יד־יהוה ויצאני ברוח יהוה וניחני בתוך הבקעה והיא מלאה עצמות: (ב) והעבירני עליהם סביב | סביב והנה רבות מאד על־פני הבקעה והנה יבשות מאד: (ג) ניאמר אלי בן־אדם התיחיינה העצמות האלה ואמר אדני יהוה אתה ידעת: (ד) ניאמר אלי הנבא על־העצמות האלה ואמרת אליהם העצמות היבשות שמעו דבר־יהוה: (ה) כה אמר אדני יהוה לעצמות האלה הנה אני מביא בכם רוח וחיותם: (ו) ונתתי עליכם גדים והעלתי עליכם בשר וקרבתי עליכם עור ונתתי בכם רוח וחיותם וידעתם כי־אני יהוה: (ז) ונבאתי כאשר צויתי ניהי־קול כהנבאי והנה־רעש ותקרבו עצמות עצם אל־עצמו: (ח) וראיתי והנה־עליהם גדים ובשר עלה ויקרבו עליהם עור מלמעלה ורוח אין בהם: (ט) ניאמר אלי הנבא אל־הרוח הנבא בן־אדם ואמרת אל־הרוח כה־אמר | אדני יהוה מארבע רוחות באי הרוח ופחי בהרוגים האלה ויחיו: (י) והנבאתי כאשר צוני ותבוא בהם הרוח ויחיו ויעמדו על־רגליהם חיל גדול מאד־מאד: (יא) ניאמר אלי בן־אדם העצמות האלה כל־בית ישראל המה הנה אמר ים יבשו עצמותינו ואבדה תקונתנו נגזרנו לנו: (יב) לכן הנבא ואמרת אליהם כה־אמר אדני יהוה הנה אני פתח את־קברותיכם והעליתי אתכם מקברותיכם עמי והבאתי אתכם אל־אדמת ישראל: (יג) וידעתם כי־אני יהוה בפתחי את־קברותיכם ובהעלותי אתכם מקברותיכם עמי: (יד) ונתתי רוחי בכם וחיותם והנחתי אתכם על־אדמתכם וידעתם כי־אני יהוה דברתי ועשיתי נאם־יהוה: (פ)

bring you to the land of Israel. (13) You shall know, O My people, that I am Adonai, when I have opened your graves and lifted you out of your graves. (14) I will put My breath into you and you shall live again, and I will set you upon your own soil. Then you shall know that I Adonai have spoken and have acted"—declares Adonai.

Yonatan Geffen, Israeli Poet and Essayist

"You can't sit in Manhattan and be a Zionist just because you like oranges, falafel and come here once a year to argue in Jerusalem about 'Where is Zionism going?' There is only one answer: Zionism is going on here. Zionism as I see it exists only in its practical form. And as a person who likes shoes isn't a shoemaker, so a Jew who likes Israel isn't a Zionist."

<https://www.myjewishlearning.com/article/the-israel-diaspora-relationship/>

"Reflections on IDF service as a college-educated oleh" by Noam Ivri, Jerusalem Post May 31, 2014

<https://www.jpost.com/Opinion/Op-Ed-Contributors/Reflections-on-IDF-service-as-a-college-educated-oleh-354978>

DURING MY service, I experienced periods of elation and joy, countered by streaks of disappointment and despair.

In one moment I could feel immense pride in donning the uniform and saluting the flag, while in the being disillusioned with the national anthem, unable to recite the expression of the Jewish yearning for Zion and self-determination.

In these 42 months, I questioned myself as to whether this road was the correct choice, whether the sacrifice was worth it. While it was not combat, my service was nevertheless emotionally and mentally arduous. Yet it entailed never-ending interactions in Hebrew, exposure to Israeli and foreign personalities from all walks of life and multi-tasking with little to no sleep in high-stress situations. Thus, in retrospect, I harbor no regrets: the relatively short-term investment is poised to translate into an undoubtedly longterm gain as a thriving citizen in the Jewish state.

.....

While I ultimately benefited from my service in two of these units, it pains me to have witnessed scores of my fellow olim having quite the reverse experience.

In numerous discussions with olim in these three units over the past 3.5 years, I kept encountering the same narrative: overall disappointment with the IDF, a sense of under-utilization and less-than-receptive treatment at the hands of a chaotic and often aggressive chain of command unsure as to how to put their skills to sound use.

Some soldiers had lost their initial passion to serve and were seeking to shorten their tour of duty, demoralized by a sense that their sacrifice was wasted; others were already planning to return to their countries of birth, disenchanted by their experience in uniform and no longer believing in the promise of the Israeli idea itself. The lowest common denominator I found in these intellectual and committed soldiers was the language barrier: many positions demanded reading and writing proficiency in Hebrew. The general feeling was that the olim themselves were being blamed for not knowing Hebrew at a satisfactory level prior to enlisting and thus constituting a burden on their workplaces. Conversely, the potential asset of their vast array of knowledge and burning drive to contribute was generally perceived to have been neglected.

"Real Jews": Relations between Israel and Diaspora

In the year 586 BCE the Babylonian Empire exiled the leaders of the Israelite community out of the land of Israel. When the Persian Empire conquered the Babylonians, King Cyrus decreed that the Israelites may return to the land of Israel in 539 BCE. The Book of Ezra Nehemiah chronicles the return of the Israelite leadership to the land, the rebuilding of the temple and the re-establishment of the cult. One of the major issues that arose upon the return of the leadership was also redefining who belonged in the community and who held the authority. In other words, some of the "othering" that happens in Ezra-Nehemiah is not only between Israelites and non-Israelites but also between the returned exiles and the "remnants" who remained behind in the land.

Text 1

This text is one of many throughout Ezra-Nehemiah in which Zerubbabel represents the desire of the local inhabitants to thwart the reconstruction efforts of the returned exiles. While the historical veracity of such a text is questionable, it does reveal tension between these two groups of individuals. The returned exiles seem to feel that they have the authority to decide who is "legitimate" and who is "illegitimate" and exclude them from participation. That exclusion, however, only leads to further animosity and enmity between them.

Text 2

This is another example of a literal exclusion in the book of Ezra-Nehemiah. Here, however, the barriers are not being created for the natives, but rather for the returned exiles themselves. It is not enough in this situation to simply be an individual who traveled back to the land with the "ingroup," rather you must also prove your loyalty and obedience.

Discussion Questions (for Texts 1 & 2):

1. Based on texts 1 and 2, how would you describe the relationship between the returned exiles and the people of Judah?
2. Who has the control according to the text?
3. How are the exiles marked differently than their Judean counterparts?
4. Is this one community or two? Why?

Text 3

The Book of Ezekiel is the third book of the Latter Prophets in the Book of Prophets. The text records six visions of the prophet Ezekiel. According to the text, Ezekiel was exiled to Babylon. This excerpt comes from a section in which Ezekiel prophesies how the return from exile will play out. It is interesting to look at this text in comparison to Ezra-Nehemiah which also recounts the return of the exiles from

Babylonia. He imagines a valley of bones that is suddenly brought to life. Unlike Ezra-Nehemiah, he does not consider the socio-political consequences of the return and instead focuses on a unified people of Israel, resurrected from the dead.

Discussion Questions:

1. How does Ezekiel, living in exile, imagine the return and restoration in Ezekiel 4:1-5?
2. How does this compare to Ezra-Nehemiah's description?

Texts 4 & 5

These two quotes, one from an Israeli and one from an American IDF soldier demonstrate some of the antagonism and distance between modern Israelis and the diaspora community. In many ways, the tension surrounding legitimacy, authenticity and claims to the land and the tradition that is reflected in Ezra-Nehemiah continues today. It is recommended to present texts 4 & 5 together as representation of both sides of the relationship.

Discussion Questions:

1. How do these two modern reflections on the relationship of Israel and the diaspora compare to the biblical depictions?
2. In what ways are the two communities still separate? From your experience, in what ways are the two communities joined together?

Torah: The Great Unifier or the Great Divider?

Source Sheet by Alexis Erdheim and Avi Fine

Nehemiah 9:1-6

(1) On the twenty-fourth day of this month, the Israelites assembled, fasting, in sackcloth, and with earth upon them. (2) Those of the stock of Israel separated themselves from all foreigners, and stood and confessed their sins and the iniquities of their fathers. (3) Standing in their places, they read from the scroll of the Teaching of Adonai their God for one-fourth of the day, and for another fourth they confessed and prostrated themselves before the Adonai their God.

נחמיה ט':א-ו'

(א) וּבַיּוֹם עָשְׂרִים וָאַרְבָּעָה לַחֹדֶשׁ הַזֶּה נֶאֱסָפוּ בְנֵי־יִשְׂרָאֵל בְּצוֹם וּבִשְׂקִים וְאֹדְמָה עֲלֵיהֶם: (ב) וַיִּבְדְּלוּ זָרַע יִשְׂרָאֵל מִכָּל בְּנֵי נֶכֶר וַיַּעֲמְדוּ וַיִּתְּנִדּוּ עַל־חַטֹּאתֵיהֶם וְעוֹנוֹת אֲבוֹתֵיהֶם: (ג) וַיִּקְוּמוּ עַל־עַמְדָם וַיִּקְרְאוּ בְּסֵפֶר תּוֹרַת יי אֱלֹהֵיהֶם רַבְעִית הַיּוֹם וַרְבַּעִית מִתְּנִידִים וּמִשְׁתַּחֲוִיִּים לִי אֱלֹהֵיהֶם:

Nehemiah 8:1-3

(1) the entire people assembled as one person in the square before the Water Gate, and they asked Ezra the scribe to bring the scroll of the Teaching of Moses with which Adonai had charged Israel. (2) On the first day of the seventh month, Ezra the priest brought the Teaching before the congregation, men and women and all who could listen with understanding. (3) He read from it, facing the square before the Water Gate, from the first light until midday, to the men and the women and those who could understand; the ears of all the people were given to the scroll of the Teaching.

נחמיה ח':א-ג'

(א) וַיֵּאֱסָפוּ כָּל־הָעָם כָּאִישׁ אֶחָד אֶל־הַרְחֹוב אֲשֶׁר לִפְנֵי שַׁעַר־הַמַּיִם וַיֹּאמְרוּ לְעֶזְרָא הַסֹּפֵר לְהַבִּיֵּא אֶת־סֵפֶר תּוֹרַת מֹשֶׁה אֲשֶׁר־צִוָּה יי אֶת־יִשְׂרָאֵל: (ב) וַיָּבִיֵּא עֶזְרָא הַכֹּהֵן אֶת־הַתּוֹרָה לִפְנֵי הַקָּהֶל מֵאִישׁ וְעַד־אִשָּׁה וְכָל מִבְּיֵן לִשְׁמֹעַ בַּיּוֹם אֶחָד לַחֹדֶשׁ הַשְּׁבִיעִי: (ג) וַיִּקְרָא־בּוֹ לִפְנֵי הַרְחֹוב אֲשֶׁר | לִפְנֵי שַׁעַר־הַמַּיִם מִן־הָאֹרֶךְ עַד־מַחְצִית הַיּוֹם נֹגֵד הָאֲנָשִׁים וְהַנָּשִׁים וְהַמְּבִינִים וְאֶזְנֵי כָּל־הָעָם אֶל־סֵפֶר הַתּוֹרָה:

Nehemiah 13:1-3

(1) At that time they read to the people

נחמיה י"ג:א-ג'

(א) בַּיּוֹם הַהוּא נִקְרָא בְּסֵפֶר מֹשֶׁה בְּאָזְנֵי הָעָם

from the Book of Moses, and it was found written that no Ammonite or Moabite might ever enter the congregation of God, (2) since they did not meet Israel with bread and water, and hired Balaam against them to curse them; but our God turned the curse into a blessing. (3) When they heard the Teaching, they separated all of the mixture from Israel.

וּנְמָצָא כְּתוּב בּוֹ אֲשֶׁר לֹא־יָבוֹא עִמָּנִי וּמֹאבִי בְּקִהְלֵי
הָאֱלֹקִים עַד־עוֹלָם: (ב) כִּי לֹא קִדְּמוּ אֶת־בְּנֵי
יִשְׂרָאֵל בְּלֶחֶם וּבִמִּים נִשְׁכַּר עָלֵינוּ אֶת־בְּלַעַם לְקַלְלֵנוּ
וַיַּהֲפֹךְ אֱלֹקֵינוּ הַקְלָלָה לְבִרְכָּה: (ג) וַיְהִי כְּשִׁמְעֵם
אֶת־הַתּוֹרָה וַיִּבְדְּלוּ כָל־עֶרְב מִיִּשְׂרָאֵל:

Megillah 23a:11

§ The Sages taught in a *Tosefta* (*Megilla* 3:11): All people count toward the quorum of seven readers, even a minor and even a woman. However, the Sages said that a woman should not read the Torah, out of respect for the congregation.

מגילה כ"ג א"א

ת"ר הכל עולין למנין שבעה ואפילו קטן ואפילו
אשה אבל אמרו חכמים אשה לא תקרא בתורה
מפני כבוד צבור

Mishneh Torah, Tefillin, Mezuzah and the Torah Scroll 10:8

Any impure person, even [a woman in] a *niddah* state or a gentile, may hold a Torah scroll and read it. The words of Torah do not contract ritual impurity. This applies when one's hands are not soiled or dirty with mud. [In the latter instance,] one should wash one's hands and then touch the scroll.

משנה תורה, הלכות תפילין ומזוזה וספר תורה י"ח

(ח) כל הטמאין ואפילו נדות ואפילו כותי, מותר
לאחוז ספר תורה ולקרות בו; שאין דברי תורה
מקבלין טומאה. והוא שלא יהיו ידיו מטונפות או
מלוכלכות בטיט, אלא ירחצו ידיהם ואח"כ יגעו
בו.

Berakhot 22a:8

It was taught in a Baraita: Rabbi Yehuda ben Beseira used to say: Words of Torah do not contract ritual impurity.

ברכות כ"ב א"ח

תניא ר' יהודה בן בתירא היה אומר אין דברי
תורה מקבלין טומאה.

Unit III. Ritual

Torah

This text study investigates how the ritual of reading the Torah serves to both other and include. The study focuses on the books of Ezra Nehemiah, as they are the books in *Tanakh* which reference Torah as the five books.

Text 1

Discussion questions:

1. What did the Jews do to prepare for the reading of the Torah?
2. Why do you think the Jews separated from all foreigners?
3. Who is included/excluded in the assembly of people reading from and hearing the Torah?

Prior to hearing the Torah, the Jews separated from the foreigners. This may have been a way of making sure no idolaters were present at the reading. Or it may have been a way of limiting the Torah to only the Jews. It is interesting that the text does not separate the followers of Adonai from the foreigners, but the “seeds of Israel.” The distinction here appears to be one of lineage, not of belief. In addition, nothing in these verses distinguishes between men and women or children.

Text 2

Discussion question:

1. What is the criterion here for who can hear the Torah?

Now the text explicitly includes women as well as men as hearing the Torah. In addition, what seems most important is the ability to “listen with understanding.” That is what allows a person to be present. It does not draw a distinction between lineages. In fact, verse one opens with the “entire people” assembled. The entire people could be limited to the Jews or it could include everyone who was a part of the rebuilding.

Text 3

Here it is not in preparation for the reading of the Torah that the Jews separated from the foreigners, but after. They separate only due to the explicit prohibition they read from the Torah. Yet, they generalize –whereas the Torah instructs them to not include Ammonites or Moabites, the Jews separate from the entire mix.

Text 4

Discussion questions:

1. Who does this text from the *Talmud* include and exclude?
2. What purpose does it serve to include women in the count but then exclude them from reading the Torah?

On the one hand this text does include women and minors. On the other hand, it quickly dismisses women as equal to the men and denies them the practical ability to read Torah.

Text 5

Written much later, this medieval law code lays out the rules of touching and reading the *Torah*.

Discussion question:

1. Who does this text include and exclude?

This is the most inclusive law around *Torah* we have seen thus far. Nearly anyone can touch and read the *Torah*. Now, just because a woman or a non-Jew is allowed to read from the *Torah* does not mean it was seen as accessible for that to happen during a worship service. The only requirement for touching and reading the *Torah* in this text is having clean hands.

We will return to the idea of the *Torah* not contacting ritual impurity in the next text.

Text 6

Ritually purity is a central issue for the *Torah* and later rabbinic texts. Once a person or object becomes impure they can pass the impurity onto anyone with whom they come into contact. One might have thought that given the sacredness of the physical *Torah* that people would need to be very careful in not passing impurity onto the scroll. Yet, this text teaches that the words of *Torah* cannot become ritually impure.

Discussion question:

1. What is the implication of this?

This is a beautiful notion. The *Torah* should be accessible to anyone who wants to touch or read it. Even an impure person has that right. The *Torah* is sacred because of the words it contains and what it symbolizes. While it is important not to dirty the physical scroll, the physical *Torah* is not what is sacred about it.

Conclusion

Discussion questions:

1. In what ways does the ritual of reading the Torah open societal boundaries? In what ways does it draw boundaries?
2. If you were designing your own rules of who could read from the Torah, would you limit who could participate? How would you delineate boundaries?

The *Torah*, as the foundational text in Judaism, and as a central aspect of public worship services, stands on the boundary of being inclusive and exclusive. On the one hand, *Torah* is directed toward the Jews. It even specifies separated from many foreign nations. As a monotheistic document, it naturally excludes idol worshippers.

Yet, the *Torah* also includes. The laws around reading *Torah* invite all people to be present, even if in some texts women are prevented from reading it aloud in front of the community.

Good Touch, Bad Touch: Ritual Impurification as a means of Othering

Nehemiah 13:7-10

(7) When I arrived in Jerusalem, I learned of the outrage perpetrated by Eliashib on behalf of Tobiah in assigning him a room in the courts of the House of God. (8) I was greatly displeased, and had all the household gear of Tobiah thrown out of the room; (9) I gave orders to purify the rooms, and had the equipment of the House of God and the meal offering and the frankincense put back. (10) I then discovered that the portions of the Levites had not been contributed, and that the Levites and the singers who performed the [temple] service had made off, each to his fields.

נחמיה י"ג:ז-י'

(ז) נֶאֱבֹא לִירוּשָׁלַם וְנֹאֲבִינָה בְרַעְיָה אֲשֶׁר עָשָׂה אֶלְיָשִׁיב לְטוֹבִיָּה לַעֲשׂוֹת לוֹ נִשְׁכָּה בְּחֻצְרִי בֵּית הָאֱלֹהִים: (ח) נִרְעָה לִי מְאֹד וְנֹאשְׁלִיכָה אֶת־כָּל־כְּלֵי בֵּית־טוֹבִיָּה הַחוּץ מִן־הַלְשָׁכָה: (ט) וְנֹאמַרְהָ נִיטְהַר הַלְשָׁכוֹת וְנֹאשִׁיבָה שָׁם כָּל־בֵּית הָאֱלֹהִים אֶת־הַמִּנְחָה וְהַלְבֹנָה: (פ) (י) וְנִדְעָה כִּי־מִנְיוֹת הַלִּוִּים לֹא נִתְּנָה וְנִבְרַחוּ אִישׁ־לְשָׂדֵהוּ הַלְוִיִּם וְהַמְשָׁרִים עָשִׂי הַמִּלָּאכָה:

Nehemiah 13:15-18

(15) At that time I saw men in Judah treading winepresses on the sabbath, and others bringing heaps of grain and loading them onto asses, also wine, grapes, figs, and all sorts of goods, and bringing them into Jerusalem on the sabbath. I admonished them there and then for selling provisions. (16) Tyrians who lived there brought fish and all sorts of wares and sold them on the sabbath to the Judahites in Jerusalem. (17) I censured the nobles of Judah, saying to them, "What evil thing is this that you are doing, profaning the sabbath day! (18) This is just what your ancestors did, and for it God brought all this misfortune on this city; and now you give cause for further wrath against Israel by profaning

נחמיה י"ג:ט"ו-י"ח

(טו) בַּיָּמִים הַהֵמָּה רָאִיתִי בִיהוּדָה | דֹּרְכִים־גִּתוֹת | בַּשַּׁבָּת וּמִבִּיאִים הָעֲרֻמוֹת וְעִמְסִים עַל־הַחֲמָרִים וְאֶפְרָיִן עֲנָבִים וְתַאנִּים וְכָל־מִשָּׂא וּמִבִּיאִים יְרוּשָׁלַם בַּיּוֹם הַשַּׁבָּת וְנֹאעִיד בַּיּוֹם מִכָּרֶם צִיד: (טז) וְהַצֹּרִים יֹשְׁבוּ בָּהּ מִבִּיאִים דָּאָג וְכָל־מִכָּר וּמִכָּרִים בַּשַּׁבָּת לִבְנֵי יְהוּדָה וּבִירוּשָׁלַם: (יז) וְנֹאֲרִיבָה אֶת חֲרֵי יְהוּדָה וְנֹאמַרְהָ לָּהֶם מִה־הַדָּבָר הַרַע הַזֶּה אֲשֶׁר אַתֶּם עֹשִׂים וּמַחֲלִלִים אֶת־יוֹם הַשַּׁבָּת: (יח) הֲלוֹא כֹה עָשׂוּ אֲבֹתֵיכֶם וַיָּבֹא אֱלֹהֵינוּ עָלֵינוּ אֶת כָּל־הַרָעָה הַזֹּאת וְעַל הָעִיר הַזֹּאת וְאַתֶּם מוֹסִיפִים חָרוֹן עַל־יִשְׂרָאֵל לְחַלֵּל אֶת־הַשַּׁבָּת: (פ)

the sabbath!"

Leviticus 15:19-28

(19) When a woman has a discharge, her discharge being blood from her body, she shall remain in her impurity seven days; whoever touches her shall be unclean until evening. (20) Anything that she lies on during her impurity shall be unclean; and anything that she sits on shall be unclean. (21) Anyone who touches her bedding shall wash his clothes, bathe in water, and remain unclean until evening; (22) and anyone who touches any object on which she has sat shall wash his clothes, bathe in water, and remain unclean until evening. (23) Be it the bedding or be it the object on which she has sat, on touching it he shall be unclean until evening. (24) And if a man lies with her, her impurity is communicated to him; he shall be unclean seven days, and any bedding on which he lies shall become unclean. (25) When a woman has had a discharge of blood for many days, not at the time of her impurity, or when she has a discharge beyond her period of impurity, she shall be unclean, as though at the time of her impurity, as long as her discharge lasts. (26) Any bedding on which she lies while her discharge lasts shall be for her like bedding during her impurity; and any object on which she sits shall become unclean, as it does during her impurity: (27) whoever touches them shall be unclean; he shall wash his clothes, bathe in water, and remain unclean until evening. (28) When she becomes clean of her discharge, she shall count off seven days, and after that she shall be clean.

ויקרא ט"ו:י"ט-כ"ח

(יט) ואִשָּׁה כִּי־תִהְיֶה זִבָּה דָּם יִהְיֶה זִבָּה בְּבִשְׂרָהּ שִׁבְעַת יָמִים תִּהְיֶה בְּנִדְתָּהּ וְכָל־הַנִּגָּע בָּהּ יִטְמָא עַד־הָעֶרֶב: (כ) וְכָל־אֲשֶׁר תִּשְׁכַּב עָלֶיהָ בְּנִדְתָּהּ יִטְמָא וְכָל־אֲשֶׁר־תִּשָּׁב עָלֶיהָ יִטְמָא: (כא) וְכָל־הַנִּגָּע בְּמִשְׁכָּבָהּ יִכָּבֵס בְּגָדָיו וְרֹחֶץ בַּמַּיִם וְיִטְמָא עַד־הָעֶרֶב: (כב) וְכָל־הַנִּגָּע בְּכָל־כְּלִי אֲשֶׁר־תִּשָּׁב עָלָיו יִכָּבֵס בְּגָדָיו וְרֹחֶץ בַּמַּיִם וְיִטְמָא עַד־הָעֶרֶב: (כג) וְאִם עַל־הַמִּשְׁכָּב ה' וְאִם אֹל־עַל־הַכְּלִי אֲשֶׁר־הוּא יִשְׁבַּת־עָלָיו בְּנִגְעוֹ־בּוֹ יִטְמָא עַד־הָעֶרֶב: (כד) וְאִם שָׁכַב יִשְׁכַּב אִישׁ אֹתָהּ וְתִהְיֶה נִדְתָּהּ עָלָיו וְיִטְמָא שִׁבְעַת יָמִים וְכָל־הַמִּשְׁכָּב אֲשֶׁר־יִשְׁכַּב עָלָיו יִטְמָא: (כה) וְאִשָּׁה כִּי־יִזְבֹּב זֹבֵב דָּמָהּ יָמִים רַב־יָמִים בְּלֹא עֵת־נִדְתָּהּ אֹל־כִּי־תִזְבֹּב עַל־נִדְתָּהּ כָּל־יָמֶיהָ זֹבֵב טִמְאַתָּהּ כִּי־מִי נִדְתָּהּ תִּהְיֶה טִמְאָהּ הוּא: (כו) כָּל־הַמִּשְׁכָּב אֲשֶׁר־תִּשְׁכַּב עָלָיו כָּל־יָמֵי זִבָּהּ כַּמִּשְׁכָּב נִדְתָּהּ יִהְיֶה־לָּהּ וְכָל־הַכְּלִי אֲשֶׁר תִּשָּׁב עָלָיו טִמָּא יִהְיֶה כְּטִמְאַת נִדְתָּהּ: (כז) וְכָל־הַנִּגָּע בָּהֶם יִטְמָא וְיִכָּבֵס בְּגָדָיו וְרֹחֶץ בַּמַּיִם וְיִטְמָא עַד־הָעֶרֶב: (כח) וְאִם־טָהְרָה מִזִּבָּהּ וְסָפְרָה לָּהּ שִׁבְעַת יָמִים וְאַחֲרֵי תִטָּהֵר:

Deuteronomy 23:2-5

(2) No one whose testes are crushed or whose member is cut off shall be admitted into the congregation of Adonai. (3) No one misbegotten shall be admitted into the congregation of Adonai; none of his descendants, even in the tenth generation, shall be admitted into the congregation of Adonai. (4) No Ammonite or Moabite shall be admitted into the congregation of Adonai; none of their descendants, even in the tenth generation, shall ever be admitted into the congregation of Adonai, (5) because they did not meet you with food and water on your journey after you left Egypt, and because they hired Balaam son of Beor, from Pethor of Aram-naharaim, to curse you.—

דברים כ"ג:ב-ה'

(ב) לֹא-יָבֹא פְצוּעֵ-דָּכָא וּכְרוּת שְׁפָכָה בְּקֹהֶל יְהוָה:
(ג) (ס) לֹא-יָבֹא מִמְזֵר בְּקֹהֶל יְהוָה גַּם דָּוָר עֲשִׂירִי
לֹא-יָבֹא לוֹ בְּקֹהֶל יְהוָה: (ד) (ס) לֹא-יָבֹא עֲמוּנִי
וּמוֹאבִי בְּקֹהֶל יְהוָה גַּם דָּוָר עֲשִׂירִי לֹא-יָבֹא לָהֶם
בְּקֹהֶל יְהוָה עַד-עוֹלָם: (ה) עַל-דִּבְרֵי אִשָּׁר
לֹא-קִדְּמוּ אֶתְכֶם בִּלְחֶם וּבִמִּים בַּדֶּרֶךְ בְּצֵאתְכֶם
מִמִּצְרָיִם וְאִשָּׁר שָׂכַר עָלֶיךָ אֶת-בִּלְעָם בֶּן-בְּעֹוֹר
מִפְתּוֹר אֲרָם נְהָרַיִם לְקַלְלֶךָ:

"Gag Rule for Gentiles" May 5, 2010 The New York Jewish Week

<http://jewishweek.timesofisrael.com/gag-rule-for-gentiles/>

A few months ago, I attended a Federation of Jewish Men's Clubs workshop for the Conservative movement's Jewish Theological Seminary students, where the Federation's executive director, Rabbi Charles Simon, noted that the restrictions many synagogues debate about where non-Jews can stand or if they can touch the Torah are "minhag," or tradition, rather than Jewish law. "It's about perception, culture, how do you create a sacred space," he said. "It's not necessarily a halachic issue. How you handle this is up to you, but don't get stuck thinking that Jewish law prohibits things it does not actually prohibit."

Good Touch, Bad Touch: Ritual Impurification as a means of Othering

Another way in which Nehemiah “others” the leaders of the “remnants” is by condemning the manner in which they manage ritual purity and cultic responsibilities. Nehemiah creates an image of these leaders as having polluted and defiled the cult and the land. The intentions of this “othering” could be a reflection of a genuine concern for the purity of the land, its people and its cult. At the same time, it is a manner in which Nehemiah is able to undermine the individuals who essentially are his competition.

Texts 1 & 2

These two texts demonstrate how Nehemiah condemned the actions of the existing cultic leadership in Jerusalem upon his arrival. In the first text, Nehemiah denounces Tobiah, a native priest, for the manner in which he had been managing the ritual objects in the House of God. In the second text, Nehemiah denounces the Judean nobles who have been desecrating the Sabbath. From Nehemiah’s perspective, these individuals are creating havoc and violating ritual observances. However, these denouncements also function to “other” the existing leadership and position Nehemiah as the rightful seat of authority.

Discussion Questions:

1. In these two passages, how does Nehemiah use access to ritual cult and practices to exert his authority?
2. In what ways does this function to “other”? Who is he “othering” and why?

Texts 3 & 4

These texts from the Torah illustrate other examples in which the concern for maintaining ritual purity also function to “other” groups of individuals. Text #3 “others” women by separating them from the larger society during their menstrual cycles. Text #4 from Deuteronomy is even more explicit in its “othering” of men whose testes have been crushed. These individuals are not permitted into “the Congregation of Adonai” and excludes their descendants from inclusion into the congregation as well. The purpose of including these texts is to demonstrate that Nehemiah’s position towards the perpetrators of ritual impurity is not unique within the *Tanakh*.

Discussion Questions:

1. Who do the ritual laws in Leviticus 15 and Deuteronomy 25 affect?
2. What sociological ramifications do you think this had?

Text 5

This final text brings the question of ritual impurity to contemporary Judaism. While the ‘impurity’ of a non-Jew touching the torah is not the same as the ritual impurity described in Nehemiah, Leviticus and Deuteronomy, it does raise the same

issues of creating boundaries and protecting what is sacred. The issues raised in this article will be explored further in the following section about responsa.

Discussion Questions

1. What is your reaction to the excerpt from the article below?
2. In what ways do we still prohibit individuals from "desecrating" our holy objects/spaces? Why?

Kosher Wine: A Symbol for Relating to “The Other”

Introduction

The rabbis of the *Mishnah* and the *Talmud* related to the non-Jews in their midst in a much different manner than the relations described in most biblical texts. The rabbis lived in places controlled by foreign powers. They lacked the ability to choose whether or not they would interact with the non-Jews living around them. They were also subjected to the laws of the foreign powers who governed over them. They lacked control over much of their lives and circumstances. As such, they could not outlaw interactions with non-Jews. But they could exert some control over their surroundings and legislate how their own Jewish society would function. With this in mind, the rabbis of the *Mishnah* and the *Talmud* went to great lengths to regulate interactions with non-Jews. They expressed the concern that interacting with non-Jews would lead to upsetting God through the violating of commandments. They were especially sensitive to anything that could be connected to idolatry, no matter how convoluted the connection, as will be shown in this text study. This text study uses the rabbinic laws around wine as an embodiment of rabbinic attitudes toward non-Jews.

Why wine? The rabbis regulate interactions between Jews and non-Jews through many different modes. Even the section of *Talmud* which focuses on wine also introduces rules around vinegar, animal hides and earthenware. The entire system of *kashrut* also serves to maintain a boundary between Jews and non-Jews. Yet wine makes for the ideal area of focus as a lens through which we can interpret

the rabbis overarching attitudes. The laws around wine are much simpler than the laws around *kashrut*. Moreover, wine is still an important part of Jewish ceremonies and celebrations today. There are many Jews who will only drink wines with a *hechsher*. There are others who will *not* drink wine with a *hechsher*. And there are many people who have no idea what makes a wine *kosher*. This text study will enlighten those who do not know what makes wine *kosher*, and empower them to decide what type of wine reflects their own values.

Setting and Audience

We designed this text study to be taught to young adult and adult participants. We believe it could be utilized in a variety of settings - a synagogue adult ed course, Hillel, non-profit professional study group, etc. This text study is best used in a series of study sessions on the place of “the other” in Jewish text. We envision learners will be familiar with broad Jewish ideas and terms such as the *Mishnah*, the *Talmud*, *Ashkenazi*, *Sephardi* etc. Ideally, they will have studied Jewish texts before, even in a cursory way.

While this text study presents the rabbis as having a skeptical view of non-Jews, other Jewish texts present a positive outlook on relations with non-Jews, depending on political, religious, and social circumstances. For this reason, it is important to contextualize the texts in the study as they pertain to a certain time period and location in Jewish history.

We recommend not using this exact text study for a younger group. It contains a significant number of texts and deals with a sensitive topic. We would not want learners, especially young ones, to leave the study session under the impression that they should treat the non-Jewish people in their lives with contempt or skepticism.

We hope students come away with a greater understanding of a rabbinic perspective toward non-Jews as exemplified by the laws around wine. We also hope students come away with the sense that our ancient Jewish texts are relevant to their lives today.

Learning Goals:

- Students will gain a greater understanding of rabbinic attitudes toward non-Jews
- Students will learn what makes a wine *kosher*
- Students will be empowered to make their own informed decisions about buying *kosher* wine
- Students will struggle with the question of how to relate to and understand Jewish texts that come into conflict with contemporary values and ideals

Kosher Wine: A Symbol for Relating to The Other

Source Sheet by Avi Fine and Alexis Erdheim

Mishnah Avodah Zarah 2:3

(3) These are the items of non-Jews which are prohibited, and their prohibition is on deriving any benefit from them at all: wine, the vinegar of non-Jews which began as wine, Hadrianic earthenware, and hides that were pierced at the heart.

משנה עבודה זרה ב'ג'

(ג) אלו דברים של גוים אסורין ואסורן אסור הנאה, היין, והחמץ של גוים שהיה מתחלתו יין, וחרס הדריני, ועורות לבובין.

Avodah Zarah 29b:10

From where do we learn that wine [was used as a libation for idol worship is prohibited]? Rabbah bar Avahu said: The verse states "the fat of whose offerings they would eat, they would drink the wine of their libations." Just as an offering is prohibited for benefit so too wine [used as a libation] is prohibited for benefit.

עבודה זרה כ"ט ב:ל"ו-ל"ח

גמ' יין מנלן אמר רבה בר אבוא אמר קרא (דברים לב, לח) אשר חלב זבחימו יאכלו ישתו יין נסיכם מה זבח אסור בהנאה אף יין נמי אסור בהנאה

Deuteronomy 32:32-38

(32) Ah! The vine for them is from Sodom, From the vineyards of Gomorrah; The grapes for them are poison, A bitter growth their clusters. (33) Their wine is the venom of asps, The pitiless poison of vipers. (34) Lo, I have it all put away, Sealed up in My storehouses, (35) To be My vengeance and recompense, At the time that their foot falters. Yea, their day of disaster is near, And destiny rushes upon them. (36) For Adonai will vindicate His people And take revenge for His servants, When He sees that their might is gone, And

דברים ל"ב:ל"ב-ל"ח

(לב) כִּי־מִגֶּפֶן סֹדֶם גִּפְנֵם וּמִשְׁדֵּמֹת עֲמֹרָה עֲנִבֵי־רוֹשׁ אֲשַׁכְּלֹת מִרְרֹת לָמוֹ: (לג) חֲמַת תַּנִּינִים יִיגֵם וְרֹאשׁ פִּתְגָּם אֶכְזֹר: (לד) הֲלֹא־הוּא כָּמֹס עֲמָדֵי חֵתִם בְּאוֹצְרוֹתָי: (לה) לִי נֶקֶם וְשָׁלֹם לַעַת תִּמְוֹט רִגְלָם כִּי קָרוֹב יוֹם אִידָם וְחֹשׁ עֲתִידֹת לָמוֹ: (לו) כִּי־יֵדִין יְהוָה עַמּוֹ וְעַל־עֲבָדָיו יִתְּנֶהֱם כִּי יֵרָאֶה כִּי־אֶזְלַת יָד וְאַפֶּס עֲצוֹר וְעֲזוֹב: (לז) וְאָמַר אִי אֶלְהִימוּ צוֹר חֲסִיו בּוֹ: (לח) אֲשֶׁר חִלָּב זִבְחֵימוּ יֹאכְלוּ יִשְׁתּוּ יִין נְסִיכָם יִקְוּמוּ וְיַעֲזְרֶכֶם יְהוָה עֲלֵיכֶם סִתְּרָה:

neither bond nor free is left. (37) He will say: Where are their gods, The rock in whom they sought refuge, (38) **Who ate the fat of their offerings And drank their libation wine?** Let them rise up to your help, And let them be a shield unto you!

Avodah Zarah 30b - 31a

Rabbi Assi said in the name of Rabbi Yochanan who said it on behalf of Rabbi Judah ben Beteira: There are three kinds of wine: Wine poured for idolatrous purposes (יין נסך), from which it is forbidden to derive any benefit, and of which a quantity of the size of an olive causes grave defilement; Ordinary wine [of non-Jews] (סתם יינם), from which it is likewise forbidden to derive any benefit whatsoever, and a quarter [of a log ~ .125 liter] of which renders drinks [or edibles] unclean; Wine [of an Israelite] (יין) that had been deposited with an idolater, which must not be drunk, but the benefit of it is permitted.

Avodah Zarah 29b:15

Rabbi Ile'a says: We learned that cooked wine belonging to gentiles that was originally uncooked wine is prohibited. The Gemara again asks: Isn't this **obvious?** Just **because** the wine **was cooked**, should its **prohibition lapse?** **Rav Ashi said: This**

עבודה זרה ל' ב - ל"א א

א"ר אסי א"ר יוחנן משום ר' יהודה בן בתירא שלשה יינות הן יין נסך אסור בהנאה ומטמא טומאה חמורה בכזית סתם יינם אסור בהנאה ומטמא טומאת משקין ברביעית המפקיד יינו אצל עובד כוכבים אסור בשתיה ומותר בהנאה.

עבודה זרה כ"ט ב:ט"ז

אמר רבי אילעא שנינו יין מבושל של עובדי כוכבים שהיה מתחלתו יין אסור פשיטא משום דאיבשיל פקע ליה איסורא אמר רב אשי הא אתא לאשמועין יין מבושל שלנו ביד עובדי כוכבים אין צריך חותם בתוך חותם אי משום אינסוכי לא מנסכי ואי משום

comes to teach us that our cooked wine that is **in a gentile's possession does not require a seal within a seal** for it to remain permitted for consumption. Rather, one seal is sufficient. Rav Ashi elaborates: **If** the concern is **due to idolatrous libation**, gentiles do **not offer libations** of cooked wine.

Avodah Zarah 30a:5

The Gemara relates another incident: **Shmuel and Ablet**, a gentile scholar, **were sitting** together, **and others brought cooked wine before them**. Ablet **withdrew his hand** to avoid rendering the wine prohibited to Shmuel. Seeing this, **Shmuel said to Ablet** that the Sages **said: Cooked wine is not subject to** the prohibition of **wine** used for **a libation**, and therefore you need not withdraw your hand on my account.

עבודה זרה ל' א:ה'

שמואל ואבלט הוו יתבי אייתו לקמיהו חמרא מבשלא משכיה לידיה א"ל שמואל הרי אמרו יין מבושל אין בו משום יין נסך

Shulchan Arukh, Yoreh De'ah 124:24

Gloss [of Rabbi Moses Isserles]: ... In our time, when non-Jews are not idol worshipers, any of their contact [with non-boiled Jewish wine] is considered unintentional, and therefore if [a non-Jew] touches wine indirectly, even if he knows it is wine and intends to touch it, it is permitted [for Jews] even to drink it ... But one should not publicize this fact to the unlearned.

יורה דעה קכ"ד:כ"ד

הגה: ... ובזמן הזה דהגויים לאו עובדי עבודה זרה הם, כל מגען מקרי שלא בכונה, ולכן אם נגע ביין על ידי דבר אחר, אף על פי שיודע שהוא יין וכוונתו לגע בו, מתיר אפילו בשתיה ... ואין לפרסם הדבר בפני עם הארץ.

Wine: Our Symbol of Joy by Terje Z. Lande and Oren Postrel in *The Sacred Table* edited by Mary Zamore page 338

"An additional reason for these arcane laws was to dissuade social contact with non-Jews, as it was believed that drinking wine together would lead to intermarriage. Strangely enough, the laws of *kashrut* do not prohibit Jews from sharing their kosher wine with non-Jews, nor do the laws apply to liquor or other fermented drinks."

Not Jewish Enough: Israeli Winery Drops Ethiopian Workers From Production Line by Jonathan Lis and Aaron Rabinowitz, *Ha'aretz*, June 26, 2018

“The Barkan Winery’s decision to reassign several employees of Ethiopian origin to different jobs sparked calls on Tuesday by politicians and social media commentators to boycott the company. According to a report by the Kan public broadcasting company, the workers were moved to other jobs at Barkan after an ultra-Orthodox, or Haredi, kashrut supervision organization raised questions over whether the employees were indeed Jewish...Badatz Eda Haredit responded: “Due to [our] commitment to wine lovers who keep kosher, the Badatz is extremely careful in [overseeing] the wine production process carried out by those whose Jewishness is in doubt.” In this case, Badatz added, it decided to take a collective step “so as not to harm one or another employee, and therefore asked to transfer three workers to another department in the plant, thereby avoiding personal harm to the employees.”

Text #1: Mishnah Avodah Zarah

The *Mishnah* teaches that Jews are prohibited from receiving benefit from a number of possessions of non-Jews, including wine, vinegar that used to be wine and more.

Discussion questions

- (1) What do the items in the list have in common?
- (2) Why do you think it is a problem for Jews to derive benefit from them?

This text study follows the case of the wine, though other arguments can be found for the other items. Wine is of particular importance, for, as Psalm 104 says, wine gladdens the hearts of people. Wine is a symbol of joy in Judaism. It is also an integral part of celebrations and Jewish rituals. It is a key ingredient in the celebration of *Shabbat*, weddings and holidays. Because of its ritual importance, the rabbis of the *Talmud* are very serious about the laws surrounding it. Additionally, *halakhah* (Jewish legal tradition) requires that Jews sanctify *Shabbat* through the act of saying *kiddush* over wine.

Text #2: Avodah Zarah 29b

This text from Talmud Bavli Avodah Zarah attempts to find a *d'oraita* (from Torah) reason for the prohibition against Jews using wine (personally or for financial benefit) that was designated for idol worship. A text from the Torah provides a means of legitimizing the law. The text that the rabbis cite is from Deuteronomy 32:32-38.

Describing Israel's enemies, it states, "the fat of whose offerings they would eat, they would drink the wine of their libations." Rabbah bar Avahu claims that this text proves that just as a fat offering is prohibited for benefit by Jews, so too is wine used for idol worship.

Discussion questions:

- (1) Do you agree that this text proves that wine used for idol worship should be forbidden? Why or why not?
- (2) Is there a difference between consuming wine and deriving benefit from it? How so?

Text #3: Deuteronomy 32:32-38

We chose to include the proof text from Deuteronomy that was cited in *Avodah Zarah* 29b to analyze more closely the context of that *pasuk*, or verse, and judge whether it is being used by the *Talmud* in an appropriate or convincing fashion. This text is from *Ha'azinu*, Moses' final song of warning to the Israelites to maintain the covenant with God. Rabbah Bar Avahu uses the text to suggest that the Israelites are forbidden to profit from wine used for idolatrous purposes. Interestingly, however, the text seems to be referring to the gods of the enemies of Israel, not to Israel. The text never explicitly states that the Israelites are forbidden from profiting from idolatrous wine.

Discussion questions:

- (1) In the *pasuk* that Rabbah bar Avahu cites, “the fat of whose offerings they would eat, they would drink the wine of their libations,” who is the subject? Who is “they” in this text?
- (2) How does clarifying the subject change our understanding of Rabbah bar Avahu’s citation? Do we still find his argument convincing?

Text #4: Avodah Zarah 30b - 31a

This text from Avodah Zarah outlines the three types of prohibited wine; *yayin nesech* (wine poured for the purpose of idolatrous worship), *stam yanum* (wine that may have been poured for idolatrous purposes but was not seen firsthand) and *yayinu* which is wine of a Jewish person that is left in the possession of a gentile. As the type of wine becomes less overtly associated with idolatry, the greater the quantity that a Jewish person is allowed to derive benefit from. We chose to include this text because it highlights that the issue is less about the non-Jewish individuals themselves and more about the accidental or purposeful contamination of the wines for idolatrous purposes.

Discussion questions:

- (1) What are the three types of wine delineated in this text? What do you notice about the amount of wine permitted for each? Why do you think the law is designated in this manner?

(2) Does this text change your understanding of the laws of kashrut for wine? Why or why not?

Text #5: Avodah Zarah 29b

This discussion in the *Talmud* provides a good example of a *Talmudic* argument.

First, we have a basic statement in the name of a rabbi. Rabi Ile'a reminds us that cooked wine that was originally uncooked in the possession of a non-Jew is not permitted. This makes sense, as cooking the wine after it was touched by a non-Jew would not change its prohibited status given to it when touched by a non-Jew.

Though this is important to specify because it could be that the rabbis thought cooking wine removed the status given to it by the non-Jew. This learning is applied to the situation of a non-Jew holding onto Jewish wine. Finally, the *Talmud* provides the underlying principle- wanting to prevent the problem of wine being used for idolatrous purposes.

Discussion question:

The rabbis' primary concern here seems to be not wanting to use wine that idolaters were planning to use as part of their idolatry. What do you think about the rabbis engaging in such a lengthy discussion of how to ensure they are not benefitting from idolatrous wine?

Text #6: Avodah Zarah 30a

This *aggadah* (non-legal aspects of rabbinic literature) provides a look into what (might) have been the real-life applications of the *halakhot* (legal rulings) surrounding wine that we have been examining. It is also interesting to note that this text shows us an instance, whether fictional or real, of a rabbi spending time with and consuming wine with a non-Jewish scholar. Additionally, the non-Jewish scholar seems to be familiar with the laws of kashrut and demonstrates a concern that the rabbi not violate them. Lastly, this *aggadah* functions primarily to demonstrate that the act of *mevushal* (literally meaning “cooked”) renders wine touched by a non-Jew as kosher.

Discussion questions

- (1) What strikes you as interesting about this vignette? Does anything surprise you?
- (2) Does this text change your perspective on kosher wine? Why or why not?
- (3) What is the main purpose of this *aggadah*? What is this example supposed to demonstrate?

Text #7: Shulchan Aruch

This text comes from a 16th Century law code which has become one of the most authoritative Jewish law codes. The particular selection is from a gloss (that is, a supplementation) to the code written by Moses Isserles. While Joseph Caro, who wrote the code was *Sephardic*, Isserles was *Ashkenazic*. Isserles’ commentary

explains *Ashkenazic* customs as they differ from the *Sephardic* ones delineated in the *Shulchan Aruch*.

Discussion questions

(1) Isserles introduces a major exception to the rule of non-Jews handling wine.

What is different in the 16th century compared to the 2nd-7th Centuries when the *Mishnah* and *Talmud* were compiled?

(2) Why would a law code include something that undermines the existing laws?

(3) Why not publicize this exception to the unlearned?

(4) Do you think this reflects a change in the religious practices of non-Jews and/or a major change in attitudes toward non-Jews?

Text #8: Excerpt from Ha'aretz Article

This article from June 2018 highlights how issues around kosher wine have serious repercussions today. In 2018, the Barkan Winery found itself faced with sharp criticism after the company, in order to quell concerns that they were not Jewish, re-assigned several Ethiopian Jewish workers to jobs that did not directly interact with the grapes or wine. The Sephardi chief rabbi of Israel responded to the move with harsh criticism. We chose to include this text to demonstrate how kosher wine remains a flashpoint for issues surrounding Jewish authenticity and legitimacy. It also raises issues of who holds the authority to designate who counts as Jewish and who does not.

Discussion questions

- (1) Why did Barkan re-assign Ethiopian workers? How does this relate to issues of kosher wine?
- (2) Would your opinion on this issue be different if the Ethiopians actually were not Jewish? Why?

Text #9 Sacred Table

This excerpt comes from a chapter about kosher wine in the book *The Sacred Table*. The book describes various Jewish foodways and the ethics which surround them. The article offers a contemporary and liberal Jewish perspective on kosher wine.

Discussion questions

- (1) The quote suggests that beyond concerns of idolatry, the restrictions on wine served to prevent intermarriage. Given the texts above and the lack of prohibitions around liquor, does that argument compel you?
- (2) How can you make these rules relevant for your life?

Conclusion

Throughout our text immersion, we have encountered many different anxieties regarding how the Israelites/Jewish people are to relate to and interact with the other. In certain instances, the concern is intermarriage and the pollution of the bloodline, and in other cases pollution of the land. The primary concern throughout Jewish texts on kosher wine seems to be ritual purity and ensuring that Jews are not

unintentionally participating in idolatrous behavior. This anxiety in a contemporary context might appear absurd. At the same time, however, the concern is understandable. For example, most Jewish individuals would be uncomfortable at the idea of consuming wine that had been consecrated for the Christian ritual of communion. On Shabbat when we consume wine we say the words of *kiddush* in order to consecrate it to God. It is literally *hekdes*, something that has been set aside for Adonai. What makes wine so challenging is that it is not always being used for ritual purposes - either for Jews or for the “idolaters.” Sometimes it is just a drink, and at other times it represents the covenant of the Jewish people with God.

In this text study about the laws of kosher wine, something that most Jewish people rarely think about, we hope to highlight a problem that is as ancient as it is contemporary. Kosher wine raises the question of how we as Jewish people relate to others. This text study highlights that tension between embracing the other - sitting down and sharing a drink, just as Shmuel and Ablet did - and maintaining our boundaries and values. This is the question that as Jews, and in this moment at American Jews, we are constantly struggling with and re-negotiating. How do we embrace the other while maintaining our uniqueness and integrity?

Concluding Questions

- (1) In what ways does Kosher wine “other” certain groups of people?
- (2) How do we understand kosher wine today? Is it still necessary? Why or why not?

(3) As Reform Jews who are not obligated to follow halakhah, how do we relate to these laws? Are they worth upholding, ignoring or overturning? Why?

The Role of Non-Jews in the American Synagogue through the Lens of 20th and 21st Century Reform and Conservative Responsa

Seeking abundant opportunities and a safer life, Jews immigrated to America and soon established an American brand of Judaism. While America afforded many opportunities, those opportunities greatly affected the character of Jewish life. Liberal Jews found themselves intricately involved with their non-Jewish neighbors and co-workers. Reform and Conservative rabbis soon were required to deal with the consequences of upholding prohibitions against marriage between Jews and non-Jews, as well as delineating the limits for the participation of non-Jews in the synagogue. Through the 20th and into the 21st century, increasingly more non-Jews became a part of the wider Jewish community, forcing rabbis and synagogues to continue to evaluate the role of the non-Jew in their midst. Over time, Reform and Conservative rabbis in their respective responsa committees sought to establish clear boundaries between Jews and non-Jews while meeting the reality of non-Jewish involvement in synagogue life. Investigating both Reform and Conservative responsa allows us to examine how two movements responded to the same shifts in the Jewish community and American culture, each adapting to the changing landscape through increased inclusion.

We divided these responsa according to the *halachic*, that is legal, principles of *l'hatchilah* and *b'di'eved*. *L'hatchilah* pertains to ruling on an act before it is done, whereas *b'di'eved* deals with an act after it is committed. For the purposes of this

analysis, we understood responsa about the permissibility of intermarriage as the *l'hatchilah* issue, while those questions dealing with the roles of non-Jewish members of the community, given that they are already members, fall in the *b'di'eved* category. We begin with *l'hatchilah* responsa, where we note a development in the language used even as the official positions do not change. Looking at *b'di'eved* responsa from the 1960/70's, 1980/90's and the 2000's, the types of questions asked and answers given reflect major changes in the American Jewish world. In each time period we will begin with a discussion of the Reform responsa and then move to the Conservatives ones, if relevant. We consider this analysis to be a valuable lens through which to assess how Jews deal with "the other," as relationships unfold in the modern world.

A Reform responsum⁶² from 1916 sets up the issue we will be discussing and the issue for *poskim* (rabbis with authority to make binding legal decisions) for over a hundred years after it. A congregation's bylaws state that members who "contract a forbidden marriage forfeit their membership" and that no person married to a non-Jew can be a member. A question is raised as to whether the congregation should change its bylaws. The responsum's author argues that the law should stand, arguing that,

Forbidden marriages have disastrous results, especially in regard to the offspring, while, on the other hand, the second sentence simply aims at preventing mixed marriages in the congregation, but does not imply that they entail forfeiture of membership when concluded before the affiliation to the congregation. Self-preservation dictates the retention of the bylaw.

⁶² K. Kohler and Jacob Z. Lauterbach, "Forfeiture of Congregational Membership by Intermarriage," *American Reform Responsa* 49. Vol. XXVI (1916), 133-134.

This responsum introduces key topics in this area. First of all, the very fact that the question is being raised demonstrates a new issue is arising in the American Reform milieu. The question of the place of non-Jews in the synagogue will continue to be a central issue for Reform synagogues and the responsa committee. Secondly, the phraseology used to describe an interfaith marriage, in this case “forbidden marriage,” betrays contemporaneous attitudes toward interfaith marriage. By using this phrase, this responsum takes a strong position against the permissibility of the marriage. Thirdly, the congregation’s bylaws dictate that marriage to a non-Jew is grounds to forfeiture of membership. Membership continues to be an important boundary for the non-Jew in the synagogue, though where the boundary is drawn changes over time.

Turning to the answer, a few more points are worth noting. Though he does not explicitly mention it, the author fears that intermarriages might lead to less Jewish households and Jews not raised as Jews. He justifies taking a strong position on interfaith marriage in order to “preserve” Judaism and Jews. Most importantly, we see the author encountering the central tension and distinction we draw in this paper. He wants to prevent intermarriage while at the same time not alienate the intermarried couples, or at least, the Jewish partner. The author takes a position that later generations of *poskim* continue to struggle with.

L'hatchilah

One of the profound strengths and challenges of Reform responsa is that they do not delineate what a rabbi must do. Rather, they make suggestions, sometimes more forcefully than at other moments. In other words, while the Reform authorities may strongly discourage rabbis from officiating at interfaith weddings, they do not, on principle, legislate that opinion. As one responsum notes, “The Central Conference of American Rabbis recognizes that historically its members have held and continue to hold divergent interpretations of Jewish tradition.”⁶³ This distinction changes the way that a *l'hatchilah* opinion and a *b'di'eved* opinion play out in the Reform movement as opposed to in the Conservative movement. The question of whether Reform rabbis may conduct mixed marriages emerges multiple times throughout the 20th century in responsa as well as in resolutions. By contrast, the Conservative movement thus far has only dealt with *b'di'eved* issues surrounding interfaith marriage because the movement does have the authority to expel rabbis who conduct interfaith weddings.

Since the CCAR adopted its first formal resolution against interfaith marriage in 1909, the Reform movement has officially maintained the same *l'hatchilah* positionality. The 1909 statement explains, “The Central Conference of American Rabbis declares that mixed marriages are contrary to the tradition of the Jewish religion and should, therefore, be discouraged by the American rabbinate.” Over subsequent decades, this position was not only maintained but strengthened and

⁶³ Walter Jacob, Eugene J. Lipman, W. Gunther Plaut, Harry A. Roth, Rav A. Soloff, Bernard Zlotowitz “Reform Judaism and Mixed Marriage,” *American Reform Responsa* 445-465, Vol. XC, 1980, 86-102 <https://www.ccarnet.org/ccar-responsa/arr-445-465/>.

elaborated on. In 1947, this resolution was reaffirmed. At the CCAR Convention in 1973, a resolution was passed that explicitly declared the CCAR's opposition to officiation at interfaith weddings by Reform clergy, a position that was implied in earlier *teshuvot* and resolutions but not stated outright. The 1973 resolution, though clearly taking a *l'hatchilah* stance against interfaith marriage, was forced to take a *b'di'evad* approach to the question because some of its members were in fact officiating interfaith marriages. They suggested that rabbis who officiated in mixed marriages should, "assist fully in educating children of such mixed marriage as Jews...provide the opportunity for conversion of the non-Jewish spouse....and encourage a creative and consistent cultivation of involvements in the Jewish community and synagogue."

The question was again raised in a 1980 responsum; "May a Reform rabbi officiate at a marriage between a Jew and a non-Jew? What is the attitude of Reform Judaism generally to such a marriage?" This lengthy responsum answers the question quickly, citing the 1909, 1947 and 1973 resolutions. Interestingly, this responsum continues with a thorough examination of "the long struggle against intermarriage" from the Biblical period through modern times. Instead of specifically exploring *halakhah* or the justifications for opposing intermarriage, the author of this responsa chose to examine the instances of intermarriage and how it was opposed throughout Jewish history. In other words, in response to a *she'alah* that is about a *l'hatchilah* issue, the author responded with a *b'di'evad* answer. It is interesting that the justification is that Jewish authorities have largely opposed interfaith marriage

despite the fact that Jews were intermarrying. Perhaps this response is informed by the straightforward and univocal nature of the *halakhah*. Within the boundaries of the *halakhic* system there is no way to perform an interfaith marriage. The only aspect that is considered is the status of children of unions that are not valid marriages. The historical overview provided in this responsum highlights that civil marriage, and thus the possibility of an interfaith marriage, does not arise until Emancipation and the emergence of the secular nation-state.

Just two years later in 1982 the same question was posed yet again. The fact that the question was raised again so soon, and that the committee chose to respond to it, perhaps reveals a serious anxiety around the previous answer and the fact that interfaith marriage persisted. Despite the position of the 1982 responsum, rabbis continued to officiate at interfaith weddings or congregants continued to pressure rabbis to officiate at interfaith weddings. The rabbis sending in these *she'elot* most likely were seeking support from the CCAR to assuage the pressure of congregants demands for interfaith officiation. This responsum asserts that, following the argumentation of the 1980 responsum, there is no *halakhic* argument. The author then goes on to enumerate a list of reasons why a rabbi should not officiate at an interfaith marriage, some of which resonate with *halakhah* and others which resonate more with sociological interests.

Halakhically, a rabbi is considered a “*m’sader kiddushin*” meaning that they have the legal capacity to perform marriages not only in the eyes of the law of the secular government but also in the eyes of the Jewish law. While a rabbi may

officiate an interfaith marriage according to civil law, they may not according to Jewish law. Specifically, the non-Jewish spouse cannot say, “according to the laws of Moses and Israel” since they do not follow the laws of Moses and Israel. The author also argues that this would not be a Jewish marriage because it would not be recognized by other Jews beyond the Reform movement.

The second set of reasons focuses more on the relational and sociological impact of intermarriage on the couple as well as the Jewish community. In terms of the couple, the author of this responsum suggests that a marriage that is interfaith is not as strong as one that is intra-faith. It will cause division between the couple, confusion for the children and instability in the broader family life, the author argues. The author utilizes language diverting blame or responsibility away from the rabbi and towards the couple. For example, he states that a rabbi’s refusal to do an interfaith wedding is not a rejection of the couple but, the couple’s rejection of Judaism and the rabbi. This responsum goes so far as to say that parents and grandparents who are angry with the non-compliant rabbi should be blaming their child and not the rabbi. This language and tone shifts dramatically over the next three decades when issues of blame and responsibility make way for a language of autonomy and choice. In reference to the impact on the community, the author argues that interfaith marriage creates division in the Jewish community, discourages conversion and sends the message to others in the community that interfaith marriage is not problematic.

Overall, the *l'hatchilah* response in both the Reform and Conservative movements have remained consistent since they were first formally asked. However, the position of the leadership of the movements and what occurs in real life are starkly different. The Conservative movement differs from the Reform movement in that the vast majority of Conservative rabbis today will still not officiate an interfaith marriage because they believe it is not *halakhic*, not simply because the Rabbinical Assembly forbids it. In the Reform movement, by contrast, the majority of rabbis now officiate at interfaith weddings. However, the increase in instances of Conservative rabbis attending interfaith weddings, as participants not as officiants, suggests that attitudes are changing within the Conservative rabbinical community to some extent. Both movements encounter complicated *b'di'eved* questions about how to incorporate interfaith couples into communities while also maintaining certain boundaries. How those boundaries are drawn or torn down have changed over time as the numbers of interfaith families involved in Jewish synagogue life has increased over the past century.

B'di'eved

1960s and 1970s

Though raised much earlier, in the late 1970s, a question⁶⁴ was asked in the Reform movement as to what extent non-Jews may participate in a Jewish public service. The question itself reveals that non-Jews were already involved in synagogue life and rabbis were not sure how to draw the boundary between what a

⁶⁴Walter Jacob, Leonard S. Kravitz, Eugene Lipman, Harry A. Roth, Rav A. Soloff,, W. Gunther Plaut, Bernard Zlotowitz. "Participation of Non- Jews in a Jewish Public Service" *American Reform Responsa* 21-24 (1979) <https://www.ccarnet.org/ccar-responsa/arr-21-24/>.

Jew could do and what a non-Jew could do. In answering the question the responsa committee begins by distinguishing non-Jewish Christians and Muslims from other non-Jews. A number of Jewish sources point to the classification of Christians and Muslims as monotheists and the inclusion of monotheists in Jewish activities. Hiyya bar Abba stated in the Talmud that gentiles outside of the land of Israel are not to be seen as idolaters, but as people practicing their ancestors' customs.⁶⁵ Classifying fellow monotheists as non-idolaters is a key distinction with significant implications.

The responsum continues, noting that Jewish sources are not clear on whether Christians are idolaters or whether non-Jews can be involved in Torah study.⁶⁶ Maimonides viewed Christians and Muslims as akin to *B'nai Noach*. Through their own monotheistic worship, they were helping to prepare for the messianic era.⁶⁷ The authors transition to discussing worship specifically. They note the many cases in which non-Jews were involved in Jewish worship.⁶⁸ They also note the contemporary precedent for including non-Jews in worship, including praying for the rulers of the country, converts reciting names of non-Jewish relatives for *kaddish*, interfaith prayer services, inviting non-Jewish clergy to worship services and non-Jewish parents in *B'nai Mitzvah* ceremonies.

They conclude noting the Reform Movement has done a lot of work to be inclusive and has given non-Jews larger roles than ever before. They state that

⁶⁵ BT Chullin 13b

⁶⁶ See the discussion in the responsum and BT Bava Kamma 38a

⁶⁷ Yad, Hil. Melachim II, Moreh Nevuchim I.71

⁶⁸ I Kings 8:41ff; BT Menachot 73b; Seder Chemed, Ma-arechet Chatan Vechala, no. 13

Christians, Muslims and other *B'nai Noach* can participate in specific ways, including:

(1) through anything which does not require specific statement from them, i.e., by standing and silently witnessing whatever is taking place (e.g., as a member of a wedding party or as a pallbearer); (2) through the recitation of special prayers added to the service at non-liturgical community wide services, commemorations, and celebrations (Thanksgiving, etc.); (3) through the recitation of prayers for special family occasions (Bar/Bat Mitzvah of children raised as Jews, at a wedding or funeral, etc.). All such prayers and statements should reflect the mood of the service and be non-Christological in nature.

By the late 1970's, non-Jews were involved in the Jewish community in much greater numbers than in 1916. The authors' endeavor in answering the question is to create a space for non-Jews to have some level of participation. In 1916, the responsum dismissed any actions by the synagogue that might encourage intermarriage. By the late 1970's, Reform *poskim* faced a new reality of many non-Jews in their synagogues and needed to delineate boundaries between them and the Jewish members. The authors of the responsum above cited texts which reflect a more positive attitude toward the involvement of non-Jews. Beyond citing Jewish texts, they also cited communal practice as a precedent for their decision making. Without a plethora of texts, they needed to find other examples that allow them to permit non-Jews to be involved. And yet their answer still holds a strong line between what non-Jews can do and what Jews can do in a service. They prohibit non-Jews from reciting Jewish liturgy. The *poskim* draw a distinct boundary between non-Jews and Jews in their responsum.

In the 1960's, the Conservative movement began to address what it means to have intermarried families integrated into synagogue communities. The title of a 1963 responsum addressing this issue perfectly captures the *b'di'eved* approach. It is entitled "The Jew Who Has Intermarried." In other words, the question is not whether the individual is allowed to marry a non-Jew, but rather now that this member is married to a non-Jew, how do we find space for this family in our community? The tension lies in how to be compassionate, welcoming and nurturing of a Jewish family while also maintaining the standards that the Jewish tradition demands. The text states explicitly that,

We believe it is our duty to save a Jew, individually, for our people, by dealing with him with compassion and understanding, rather than with hostility or indifference. We ought to accept him in the congregation of our people and exert every effort to make his entire family feel that they would be welcome in *kehal Hashem*. By doing this we will be following the best dictates of our religious conscience as well as serving the highest interests of the Jewish people⁶⁹

This reflects a desire to find a clear and distinct place for non-Jewish spouses in the congregation while also maintaining clear boundaries such as prohibiting membership or leadership roles for the non-Jewish spouse. The language of this text also maintains the boundary in order to encourage conversion of the non-Jewish spouse so that the boundary will no longer be necessary.

⁶⁹ Max J. Routtenberg, "The Jew Who Has Intermarried," Proceedings of the Rabbinical Assembly, Vol. XXVIII (1964), p. 248

1980's and 1990's

A question⁷⁰ similar to the one in the late 1970's was raised in the 1990's. The question centered on the traditional and Reform positions on the participation of non-Jews in synagogue services. The authors of the responsum begin by discussing relevant background information. They note demographic shifts, namely the increase in the rate of intermarriage. They assume that intermarried couples, if they choose to join a synagogue, will likely join a Reform one. In contrast to the 1916 responsum, they state that the family is the unit of membership and allow ambiguity around the membership status of the non-Jewish partner. They also note that the non-Jewish partner has an, "emotional, physical and financial stake in the congregation." Taking a wider view, the authors remark that lately they have been asked many questions on the subject and that they see a, "worrisome tendency toward increasing syncretism." Therefore, while non-Jews are without question allowed to attend services and worship God, the authors see a need to maintain boundaries between Jews and non-Jews.

The authors indicate that traditional sources do not have much to say. This is likely because this is a new development in Jewish history. Previously non-Jews did not desire to pray with Jews. What little the traditional sources say pertains to leading and saying blessings for others. The *Mishnah* states "One who is not obligated in a matter cannot enable others to fulfill their obligation."⁷¹ Therefore a gentile, who is not obligated to pray, cannot fulfill the obligation for a Jew. After

⁷⁰ W. Gunther Plaut, Mark Washofsky "Gentile Participation in Synagogue Ritual." *Teshuvot For the 1990's*, No.5754.5 55-76, (1994), <https://www.ccarnet.org/ccar-responsa/tfn-no-5754-5-55-76/>.

⁷¹ Rosh Hashanah 3:8

looking at a few more cases, the authors conclude “*Halakhic* tradition considers participation in communal ritual as an outflow of obligation. The absence of obligation disqualifies a [non-]Jew from leading the congregation as a *sheliach tsibbur*.”⁷²

Citing previous Reform responsa, including the responsum from 1979 cited above, the authors establish a Reform precedent for limiting the participation of non-Jews at a service. They apply this limitation to having an *aliyah*, reading from the *Torah* and even *hagbahah* and *gelilah*, due to *mar’it ayin*, the idea that other worshippers would not be able to distinguish between those acts and the particularly Jewish acts of an *aliyah* or reading from the *Torah*.

Finally, they conclude, “we treat the non-Jews in our midst with full sensitivity. They are welcome amongst us; we welcome their support and will help them to fulfill their needs as much as possible within [t]he limits possible.” They continue, “in the view of this Committee, there is a clear and present danger that our movement is dissolving at the edges and is surrendering its singularity to a beckoning culture which champions the syncretistic. Jewish identity is being eroded and is in need of clear guidelines which will define it unmistakably.”⁷³

This responsum demonstrates that non-Jews are integrated into the Jewish community. Even while limiting non-Jewish involvement, consistent with prior responsa, this responsum recognizes that non-Jews are a part of and invested in the Jewish community and deserve to be cared for by the community. At the same time,

⁷² Plaut and Washofsky, “Gentile Participation in Synagogue Ritual.”

⁷³ Ibid.

the responsum voices a fear of relaxing boundaries to the extent that Jews and non-Jews will be indistinguishable.

The Conservative movement also struggled to integrate interfaith families into synagogue life without compromising the values of the Jewish faith, community, and a stricter understanding of Jewish law. The responsa from the 1980's seem largely concerned with the status of the individual and ensuring that they are welcome but also participating in an appropriate and *halakhically* acceptable manner. The concern is less with how their presence might alter the character of the Jewish community. For example, the responsum entitled, "Who is a Jewish Child?" Rabbi Morris Shapiro, penned in 1980, attempts to answer questions surrounding how to handle children of interfaith couples. From the perspective of the Conservative movement, the issue is only concerning a child whose mother is not Jewish. He begins by explaining that the *halakhah* regarding matrilineal descent should be accepted because conversion of these children provides an easy fix to what might otherwise be a complicated situation. Rabbi Shapiro also argues that, "we should do everything in our power to include rather than to exclude."⁷⁴ He frames the issue as a kind of naturalization process in which the child can easily become Jewish and is an unofficial part of the Jewish community, but is not officially a part of the Jewish community and therefore cannot participate fully until *mikvah* and/or *brit milah/hatafat dam brit* is conducted.

⁷⁴ Rabbi Kassel Abelson, "The Non-Jewish Spouse And Children of a Mixed Marriage in the Synagogue," 1982
<https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/20012004/24.pdf>

Two years later, Rabbi Kassel Abelson authored a responsum that was approved by the CJLS entitled “The Non-Jewish Spouse and Children of a Mixed Marriage in the Synagogue” which functioned as a response to and elaboration upon the 1963 responsum in light of the rapid increase of interfaith families in Conservative communities. Abelson lays out clearly that this is an investigation into *b’di’eved* issues. He states, “the question is no longer whether a Jewish spouse may be permitted to belong to a synagogue, but what role the intermarried family and its offspring can and should play in our congregations.”⁷⁵ He addresses whether there should be a special category for non-Jewish spouses, what the membership status of an interfaith family should be, whether a non-Jewish spouse may be a member of an affiliate organization, what role the non-Jewish spouse should play in life-cycle rituals, such as *b’nai mitzvah* ceremonies, *brit mila* and naming ceremonies. In addition, he discusses whether a non-Jew can wear a *tallit*, be buried in a Jewish cemetery, recite *kaddish* in memory of a parent, and the status of a child born of interfaith parents. He uses a variety of sources to demonstrate, overall, that a non-Jewish person is welcome to participate in synagogue life and should be incorporated into the community as much as possible.

However, according to Abelson, non-Jews should not be permitted to take on leadership positions or participate in Jewish rituals that are reserved for the Jewish community or that would be theologically problematic. The position here is one of maximizing inclusivity within the structures of *halakhah*. In a way, because of the

⁷⁵ Ibid.

framework of *halakhah*, delineating how non-Jews should be incorporated into the community is easier than in the Reform movement where the *halakhic* system is not binding, and thus the boundaries are less clear.

In 1989, Rabbi Jerome Epstein authored a responsum entitled “Congratulation to Mixed Marriage Families”. This responsum deals with a non-*halakhic* issue (whether or not to congratulate intermarried couples and their families during moments of *smachot*, that is specific Jewish celebrations). Unlike the 1982 responsum, this responsum does not cite any Jewish texts, since it is not a *halakhic*, but rather a cultural issue. As a result, the decisions focus more on maintaining norms and feel a bit more personal than when one can rely on the *halakhic* framework. The boundaries are less clear. For example, Epstein notes that, “it would not be proper to put notes of congratulations in a synagogue bulletin when an intermarriage took place.”⁷⁶ These actions function as a deterrent to individuals to marry someone who is not Jewish by creating what the authors see as stigmas. Whether these prohibitions functioned as deterrents for the individuals is questionable at best. “The stigma attached to intermarriage is weakened each time the deviation from the norm is tolerated,” Epstein claims.⁷⁷ These restrictions pose more of a challenge on an interpersonal level because they are informed by a value judgment made by the leaders of the Conservative movement rather than *halakhah*.

2000’s

⁷⁶ Rabbi Jerome Epstein, “Congratulations to Mixed Marriage Families” CJLS, 1989.

⁷⁷ Ibid.

A Jewish woman is married to a non-Jew who does not practice any other religion. The Jewish woman wishes to become a rabbi. She wants to know why, as a believing Jew who is committed to Jewish life, she cannot be accepted into the Reform seminary.⁷⁸ This question itself reveals the great shifts in the Reform Jewish world. The 1916 responsum found intermarriage grounds for forfeiture of membership at a synagogue. In 2005, a person who is married to a non-Jew would like to become a rabbi. In less than one hundred years, that is a major shift in attitudes toward interfaith marriage.

The committee answers first by stating it is the seminary's policy and the seminary does not need to consult with the responsa committee. They then remark on the nature of the question itself, saying "There was a time, not so long ago, when a *sh'eilah* such as this would surely not have been raised. Jewish law prohibits mixed marriage, that is, a marriage between a Jew and a non-Jew in which the non-Jewish spouse does not convert to Judaism." Two factors have caused this fundamental shift in Jewish attitudes toward interfaith marriage: the rise in mixed marriages and the community accepting them, and Jewish organizations opening up to mixed marriages in order to "keep them in the fold." In their answer, the *poskim* note those two factors have "created the impression that marriage to a non-Jew is no longer an impediment to full participation in Reform Jewish life." They assert the Reform movement does not condone mixed marriages and upholds the ideal of marriage between two Jews, the building of a Jewish home and the raising of Jewish

⁷⁸ "May A Jew Married to a Non-Jew Become A Rabbi?," NYP No.5761.6, 2001, <https://www.ccarnet.org/ccar-responsa/nyp-no-5761-6/>.

children.⁷⁹ Though ultimately the committee denies the questioner's request, the question itself demonstrates shifting attitudes towards intermarriage.

Another responsum from the 2000's illustrates the shifting landscape. In 2000, the question of can a non-Jewish member of a synagogue observe *shivah* in his home for his non-Jewish parent was asked. This question, once again, reveals the extent to which non-Jews are now a part of the Jewish community. Keenly aware of this, the authors of the responsum begin by establishing this question is about the boundaries that distinguish between Jews and Gentiles, as well as our responsibilities toward the non-Jews in our communities. They delineate two boundaries. First, that of membership. Formal membership is only for Jews and non-Jews should not hold office or vote, as they are only a member by virtue of their spouse. Secondly, they draw a boundary between Jews and non-Jews. Non-Jews may participate in Jewish religious life but there are limits. Jewish rituals are the ways in which Jews define themselves as part of the religious community and therefore are only for Jews.

As it pertains to *shiva*, a number of arguments are brought forth in support and against this person from holding *shiva minyanim*. The arguments in support include that there is no ritual prohibition against him observing Jewish mourning rites, he can already recite *kaddish* at a service and he is a member of the "congregational family." The arguments against are that *dinei avelut* are particular Jewish practices and that arranging a *minyan* for him "confuses the boundary

⁷⁹ They do so by citing Deuteronomy 7:1-4 which explicitly forbids marriage with the 7 Canaanite nations. In the Talmud (BT *Kiddushin* 68b) the rabbis apply the prohibition to all gentiles. They read Deut 7:3 to say there shall be no legal institution of marriage between you and them (the non-Jews)

between Jew and non-Jew; it blurs the distinction between *being* Jewish and *doing* Jewish.” Ultimately, three answers are offered: (1) No service should be held at his home. Instead, he can attend regularly scheduled services. This idea is rejected by most members because it does not care for his needs as a mourner. (2) Arranging regular *shiva minyanim* at his home with services led by a Jew and *Kaddish* said by a Jew and (3) *shiva minyanim* should not use the regular liturgy in order to preserve the boundary between the practice of a Jew and a non-Jew.

The varied answers proposed in the responsum are the greatest sign of change over time in Reform attitudes toward the involvement of non-Jews in Jewish services and rituals. Even while acknowledging the need for clear boundaries between Jews and non-Jews, when it came to caring for an individual in the community, the committee could not decide on the best way to accomplish both of those goals. By providing multiple options, they demonstrate they do not have a conclusive answer. Whereas in previous times, the Reform responsa committee might have drawn clear distinctions, here they are unsure of how to draw the boundary between Jew and non-Jew. One of the solutions they proposed does not even draw a strong distinction between Jews and non-Jews.

In the Conservative movement in the 2000’s, Conservative responsa on interfaith relations began to reflect several viewpoints on issues surrounding non-Jews in the synagogue community. One such example surrounds the question of whether a non-Jew is permitted to open the *aron hakodesh* during *t’fillah*. Similar to the issues faced in the responsum on whether to congratulate an interfaith couple

on their marriage, there is no *halakhic* or textual precedent for this issue. This raises the issue of whether the absence of a prohibition means that it is permitted, or if just because a situation was not fathomed by rabbinic law it does not automatically mean that it is permissible.

On the one hand, Rabbis Heller and Levin acknowledge, it is important to make everyone feel welcome and embraced in the synagogue. On the other hand, it is also necessary to maintain certain boundaries and distinctions. Ultimately, they rule that opening and closing the *aron hakodesh* should be reserved for Jews only based on three main principles. First, having a non-Jew open the ark, “drains the words of affirmation of Torah and covenant of their meaning.”⁸⁰ Secondly, it is a theologically untenable act for the non-Jew. Lastly, there are other less problematic ways of honoring a non-Jewish community member.

What is particularly interesting about this responsum, however, is that Rabbi Elliot Dorff issued a dissenting opinion. He argues that Heller and Levin do not take into account the various relationships between non-Jews and Judaism. It is often the non-Jewish spouse, he argues, who supports the Jewish education and therefore they should be allowed to open the ark since, “they are opening the Jewish tradition to their children.”⁸¹ However, as has been the challenge for the Conservative movement throughout its history, because this is not a *halakhic* question the answer is not clear cut. Rabbi Dorff then argues that if the non-Jewish parent has not been

⁸⁰ Rabbis Joshua Heller and Amy Levin, “The Dissonance of a Non-Jew Opening the Aron Hakodesh/the Holy Ark” *CJLS*, 2016.

⁸¹ Rabbi Elliot Dorff, “Yesh Ve'yesh: There Are Some Cases, and Then There Are Others: A Dissent to the Teshuvah on Non-Jews Opening the Ark by Rabbis Levin and Heller,” *CJLS*, 2016.

involved in the Jewish upbringing of the child they should not be given the honor of opening the ark. In principle, this decision is reasonable. However, how is the rabbi to decide whether the parent has facilitated the child's Jewish education? This seems like a rather personal and subjective judgment to make which could create animosity and anxiety in the community. However, the dissent in favor of inclusion of non-Jews in synagogue rituals reflects how certain members of the Conservative leadership have changed their perspective on the integration of interfaith families into the community. Boundaries that had once been much more clearly defined are becoming more porous as interfaith marriage rates continue to rise and the presence of intermarried couples grows. It is clear that what is happening on the ground in Conservative synagogues is impacting the discussions of the Law Committee.

Both the Reform and Conservative movements sought a distinct boundary between Jews and non-Jews. Yet, they were forced to reckon with a changing American landscape and Jewish community. As the number of Jews marrying non-Jews increased along with the number of non-Jews involved in Jewish life, rabbis had to rethink rules on intermarriage. Over time, we see the boundaries between Jews and non-Jews weakening, despite insistence that some boundary remain. For each movement, *l'hatchilah*, marriage between a Jew and non-Jew remained somewhere between forbidden and not ideal. Yet, as time passed, more and more questions were raised about increased participation of non-Jews in Jewish life and rituals. By the early 2000's, intermarriage had become so prevalent that the Jewish partner of an interfaith couple desired to attend rabbinical school. Faced with

new questions and a changing community, Reform and Conservative *poskim* attempt to carve out a space that leaves meaningful distinctions between Jews and non-Jews while welcoming the non-Jews that are already a part of their communities.

Conclusion

Throughout Jewish history and in today's society, we are constantly navigating how to relate to "the other" and how to relate to the larger society when we are "the other." This project has demonstrated an awareness of how the ever-changing political, cultural, social, religious and economic realities have shaped the conversation throughout our history. Although the texts that we examined in our project center on religious issues, ultimately the challenge at hand is identity formation. Fundamentally, humans, and the groups of which they are members, understand themselves by the way in which they understand and relate to those around them. We hope that through this project we have illuminated what we as a people have struggled with throughout our history.

The *ger* provides a foundation for how Jewish texts and tradition understands "the other." The transition of the Israelites from being themselves the *ger* to being the hegemonic culture, and having to navigate what it means to treat the *ger*, appropriately highlights how the relation to "the other" changes based on our socio-economic and political reality. Laws about the *ger*, the resident alien, provide a positive example for how to relate to "the other." While the resident aliens are not the same as citizens of Israelite society in the Bible, ultimately they are a part of the community. The Torah demands that they be afforded the same basic rights as the Israelites to live healthy and productive lives. While laws like those of Leviticus and Numbers reflect an anxiety about polluting the land, they find ways to welcome and protect the *ger*. Thus, the very call to be a holy people (Leviticus 19) includes the

command to love the *ger* (Leviticus 19:33-34). Thanks to the extensive references in the Torah, the *ger* represents the most developed treatment of “the other.” The laws set out in the Torah incorporate the *ger* as much as possible while maintaining Israelite distinctiveness.

The texts of Ezra-Nehemiah provide a counterexample to the *ger*. In a political reality in which the returning exiles must reclaim their authority and rebuild their ideal society, the text takes on a more exclusionary position towards “the other.” As a post-exilic text, Ezra-Nehemiah reflects a deep concern about “the other,” and a mentality of “circling the wagons” so to speak. Ezra-Nehemiah explicitly bans intermarriage, and builds walls to keep insiders in and outsiders out. It defines who can be in the community and who can lead the community, and looks to the books of the *Torah* for both unifying and separating. Ezra-Nehemiah and the *ger* demarcate the full range of the *Tanakh*’s treatment of “the other” in our midst.

The texts about kosher wine in *Avodah Zarah* pick up on threads from Leviticus on the *ger*, *Avodah Zarah* reveals a commitment to protect the sacred or the holy. But it also reveals an anxiety about interacting with non-Jews on a daily basis for fear of being contaminated or desacralized. However, this anxiety emerges in a context where the Jews are no longer the hegemonic culture, but rather the minority. While the historical reliability of the details of the *Avodah Zarah* texts is unclear, the narrative about Shmuel and Ablet perfectly embodies the tension of *Avodah Zarah*. The rabbis, much like American Jews today, not only lived in a non-Jewish dominant society, but had meaningful relationships with their non-Jewish

neighbors. In the Talmudic context, the rabbis had to navigate what it meant to be in relation with the non-Jews in a non-Jewish hegemonic culture. In many ways, the laws of kosher wine are a coping mechanism to control the sacral elements of daily life in a society in which they otherwise have little control. However, the way that these laws have played out in contemporary society raise many questions about where it is appropriate to draw a boundary between the community and “the other” and at what point it becomes too exclusionary and perhaps even xenophobic.

This thread continues in contemporary responsa regarding interfaith marriage and the appropriate place of the non-Jew within the Jewish community and the synagogue. The issues about “the other” that Ezra-Nehemiah resolve by forbidding intermarriage persist to generate tension. These responsa reflect a *b’dieved* reality that there are non-Jews present and engaged with the Jewish community. Like Leviticus and *Avodah Zarah*, the rabbinic authorities of the contemporary progressive community struggle throughout these responsa to define clearly how to welcome “the other” while also maintaining not only religious integrity but also the boundaries of the identity of the Jewish community.

Every day we encounter “the other,” both within the Jewish community and outside of it. Additionally, as Jews in America, we are also “the other” in a non-Jewish society. Jewish texts and traditions provide a variety of perspectives on how “the other” is to be treated. In every text, the socio-historical reality directly influenced that perspective. However, the one text that we believe offers the most useful perspective is the one that defines why we must be attentive to “the other”:

“for you were *gerim* in the land of Egypt” (see Exodus 22:20; 23:9; Leviticus 19:34; Deuteronomy 10:19). This phrase is repeated throughout the Torah because it is central to who we are and how we understand ourselves, regardless of our position. It reflects the importance of empathy for “the other” in our midst and serves as a reminder that while we may be the majority today, we might be “the other” tomorrow. Ultimately, who we are is reflected in how we treat those who are different from ourselves.

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