

Accepting the Non-Jew

Yom Kippur 2019

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The handful here who showed up at 8:30am on the two mornings of Rosh Hashanah may recall that I read the mishnah from tractate Sanhedrin 4:5 that our prayerbook selects for Rosh Hashanah morning. Since I dare say most of you were not here, I am going to read it again now. This should not be understood as a disincentive to show up on time. Just that I want to begin my remarks with that particular mishnah, because it is so important, and I feel bad that you may have missed it. The context of the mishnah is a speech that the judge is supposed to give to the witnesses in a capital case. Since false testimony in a capital trial can lead to wrongful execution, the judge is to impress upon the witnesses the value of human life. From this leads a sermon on the value of each and every life, and from that context we learn, (as translated in our Mahzor, *Lev Shalem*):

The Bible relates that God created Adam, a single human being, as the ancestor of all humanity. This teaches us that to destroy a single life is to destroy a whole world, even as to save a single life is to save a whole world. That all people have a common ancestor should make for peace, since no one can say to anyone else: "My ancestor was greater than your ancestor." That humanity began with a single human being is an answer to the heretics who could claim the existence of more than one Creator. That humanity began with a single human being proclaims forever the greatness of the Holy One. For humans stamp many coins with one die and they all look alike, but the Holy One stamped every human being with the die of Adam, yet no person is like any other. Therefore, every human being must declare, "It is for my sake that the world was created."

The mishnah gives four explanations for why humanity stems from a common ancestor. The first explanation is the one belonging to the original speech of the judge to the witnesses in a capital case, that they should not take lightly the life of the accused because to take even a single human life is to destroy a whole world, because all of humanity derives from a single human life. The mishnah then goes on to extend the sermonic commentary on why we derive from a common ancestor. The second explanation is to establish peace, so that no person should think that he or she is superior to anyone else. The third

explanation is to establish monotheism, that stemming from a single human ancestor implies a single divine creator of that ancestor. The fourth explanation is to praise God's greatness as that divine creator, that unlike a human king who mints coins with an identical image of the sovereign, God mints humanity with the divine image, and yet every person is unique. As we are each created in the image of the one God, we can each say, "the world was created for my sake."

I have always loved this mishnah for its universalistic message that none of us is of any greater stock than anyone else because we all stem from a common ancestor. I have always read this mishnah as an argument against racism. There is no difference between the worth of one human being over another, for we are all, each of us, created in God's image. The four explanations complement each other. The argument builds one block upon the next, reaching the conclusion that each and every human being is of divine value.

It is a beautiful mishnah, unless one reads it from another book, where instead of saying "to save a single life is to save a whole world" you might find "to save a Jewish life is to save a whole world." The addition of the word "Jewish"—מישראל in Hebrew—is found in most later manuscripts of the Talmud. It kind of ruins the universalistic message. The Israeli scholar Ephraim Urbach argued, however, that that word is a later addition, and that the original version is how our prayerbook has it, without the qualification that the statement only refers to the value of Jewish lives. And yet the very existence of two textual traditions reveals an uncomfortable tension in Jewish thought and tradition.

We like to celebrate Judaism's universalist perspective. We offered the world a theology of a single god representing a universal ethical standard. But there are others from within the Jewish tradition who proclaim a triumphalism that denies the value of other human beings, of non-Jews. That is, I contend, a dangerous perspective and one that must be rejected. That is exactly what the great Conservative/Masorti rabbi Reuven Hammer did in his last writing and teaching before he died this

summer. Reuven Hammer was an American *oleh* to Israel, a past president of the Rabbinical Assembly, and a prolific writer. Many of the comments in the margins of our prayerbook are taken from his writings. He was also a kind and compassionate man and a wonderful rabbi and teacher. I was blessed to have known him and learned from him. I have taken a number of my comments over these holidays from his book *Entering the High Holy Days*, to mark his memory. These comments here are inspired from the last great writing of Reuven Hammer, a responsum for our Movement's Committee on Jewish Law and Standards entitled, "The Status of Non-Jews in Jewish Law and Lore Today." The paper was unanimously adopted by the committee in 2016.

Reuven was inspired to write that paper, which he went on to teach and talk about with great passion, in response to alarming developments from within the ultra-Orthodox right wing in Israel that has begun to openly profess a theology and politics of Jewish racism. Reuven Hammer, you see, was the foremost champion of the Conservative/Masorti Movement's legal efforts on behalf of the conversion of spouses of Jews in Israel. He fought a long struggle against the prejudicial attitudes of an Orthodox religious establishment that is biased not only against alternative forms of Judaism, but also against individuals not born Jewish. In this paper he responds to two recent ultra-Orthodox publications where non-Jews are depicted as being of a lesser species than Jews and in which the killing of Arabs, even young children, is deemed permissible and even commanded. The most extreme of these publications carries with it the approval of a prominent Habad rabbi of considerable influence in the Israeli religious-right, who in his preface to the volume states that Israel must conquer the entire land and subjugate all non-Jews who live there, that the Jewish people existed before creation, before the Torah, and even before the thought of creating the world, and that non-Jews are essentially inferior to Jews. The book, based upon passages in the Tanya, a foundational text of Habad Hasidism, and the Zohar, argues that a non-Jewish soul is inferior to a Jewish soul, and that Arabs, and even Arab children, may be murdered because they will come to kill us if we do not kill them first. Let me be clear, these views do not represent Orthodox

Judaism. Most Orthodox Jews would be as repelled by these ideas as we are. But Reuven Hammer sought to expose the racism that exists within the extremist right wing in Israel, and confront its religious argumentation. He warns us against ignoring such views, dismissing them because we do not take their import seriously, or because we do not want to take their import seriously. These extreme views from the ultra-Orthodox world are based on certain minority opinions preserved in the Talmud that assert that the laws of murder do not apply when killing non-Jews. The ancient rabbi Shimon bar Yohai is quoted as saying that even the most-worthy of the non-Jews should be slain (Avodah Zarah 26b) and as offering a dangerous and disturbing reading of a passage in the Bible that allows him to conclude that the word *Adam*, or human, applies to Jews but not to non-Jews (Yevamot 61a; Baba Metzia 114b). Lest we dismiss these teachings as archaic and inconsequential, surveys in Israel have shown that racist views of non-Jews are more common proportionally among religious than among secular Israelis. A culture of rabbinic rulings against renting apartments to Arabs and questioning the right of non-Jews to live in Israel has led to recent rulings condoning violence. To be clear, Jewish religious teachings do not govern civil and criminal law in Israel, but they do influence opinion and can inspire bad actors. It is easy to complain of alarming fatwas from the Arab world against Jews. We need to know that we have our own such extremists, and we need to call them out.

Looking at the history of Jewish attitudes to non-Jews, there are certainly some laws that are discriminatory and prejudicial. We have heard, for example, that the laws of the Sabbath are suspended when a life is at stake. The original version of that law was when a Jewish life was at stake. But even in the Mishnah the normative position was to save the non-Jewish life as well because of what was called “the ways of peace,” that is, to avoid non-Jewish reprisals against the Jews. In the Middle Ages, the great Provençal rabbi Mordecai Meiri went even further at the beginning of the fourteenth century in declaring that all statements that are prejudicial against non-Jews in the Talmud apply only to the pagans of antiquity, not to the God-fearing non-Jews whom we live among today. The Meiri’s ruling, which goes

beyond the pragmatic apologetics of certain rabbis of the Mishnah, completely dismisses the prejudice of the rabbinic tradition. His broad and brave statement is completely rejected by the rabbis representing the prejudicial racism of the Israeli ultra-Orthodox right, who claim that in a time of war and conflict the peaceful perspective of the Meiri does not apply. We must disagree with them, and proclaim and celebrate the Meiri.

Reuven Hammer, in his official responsum on this topic, makes an important distinction between what he calls differential and discriminatory laws. A differential law is one that maintains Jewish difference and identity, like keeping kosher, keeping the Sabbath, and other observances that identify us as a religious community. Such ritual distinctions, Reuven argues, are acceptable, but non-ritual laws that treat Jews and non-Jews differently, such as rights under civil law and penalties under criminal law, even if only theoretical, are objectionable and dangerous and must be rejected.

Intermarriage raises a complication. Reuven Hammer understands the laws against intermarriage as ritual and differential though not discriminatory. And yet some of you may remember a sermon I gave here a few years ago when I argued that our Movement's strong stance against intermarriage was a terrible mistake and at partial fault for some of the decline in our denomination's numbers. I did not say that I would be able to celebrate an intermarriage as a rabbi, nor would I expect a Catholic priest, for that matter, to do the same. But I did say that intermarried couples need to be welcomed and honored in our community for their decision to identify as members of our family. I remain proud of my first decision as rabbi of Temple Israel in permitting and welcoming the non-Jewish parent of a bar or bat mitzvah to stand by the Torah with his or her spouse as their child appears before the Torah. One thing I have wrestled with, though, is the question of burial. Our movement's Committee on Jewish Law and Standards has approved an opinion that permits the non-Jewish spouse of a Jew to be buried in a Jewish cemetery as long as he or she did not practice another religion. I understand the reasoning and intent of that argument, but what bothers me is the continued negative appraisal of other religions. Of course, we are

happy when a non-Jew chooses to accept the covenant of Israel and become Jewish. But if he or she decides instead to practice a sincere Christianity or Islam or any other religion, why can we not accept and honor that? Why do we prefer the agnostic over the good Christian? The Meiri six hundred years ago was able to appreciate the religious worth of a believer in another faith tradition. We should affirm the Meiri's teaching, and oppose the voices of racism that come out of the extremist right. The audacity of Reuven Hammer's teaching is that the prejudice against non-Jews is rooted in ancient prejudices that questioned their humanity and equality as children of God on the same level as we see ourselves. Such teachings are repugnant. Rather than ignore them, we need to single them out.

In the final paragraph of his paper, Reuven Hammer writes:

In view of the fact that the twentieth century was the time when Jews in particular suffered and were murdered in the Shoah as a result of doctrines of racial superiority and racial inferiority, we must be especially careful regarding anything that can lend credence to such beliefs. Furthermore, we have seen that these teachings lend legitimacy to and lead to conduct in which Jews harm non-Jews and their property and even to the shedding of blood. There is no greater Hillul Hashem [a shaming of God's name] than this. It is therefore incumbent upon the leaders of Judaism to eschew any such doctrines and reaffirm the Torah's basic belief in the inherent equality of humankind created in the Divine Image.

We should understand more than anyone else, Reuven teaches us, the danger in questioning someone else's humanity. The Nazis saw us as less than full humans. We know where that led. But it is much harder to recognize such hatreds when they come from within or tradition, or within ourselves.

Part of the process of teshuvah, or repentance and the atonement that we seek on Yom Kippur, is the recognition of the worst aspects and prejudices within ourselves, and turning away from those paths. One thing that I have learned from my studies of German history is that quite ordinary people are capable of succumbing to the worst instincts of hatred and destruction. No one decides to be a mass murderer. But we all know what it is like to hate another person. We know the ugliness that we feel and how we can easily direct that at someone else. We know the base instinct to deny a person the rights of

a person, to say, “he or she does not deserve my recognition or acknowledgement.” We may not always realize it, but rejection of a person is a path that leads to rejection of their humanity, just like the recognition of a person’s worth is the realization of their humanity, of what we call being a “*mensch*.” We often say it is difficult to translate the word “*Mensch*,” but its meaning is clear. It means a human being.

I have spoken before about the challenges of recognizing our common humanity with Germany, after Germany’s dehumanization of us. I would like to announce that I will be leading a group to Germany again this coming May, from May 8th to 15th, to see the famous Oberammergau Passion Play. That play was once applauded by Hitler for its antisemitic representation of the Jews. Today, the play embraces the Jewishness of Jesus and seeks to rectify the dehumanizing antisemitism of the past. We will be joining the Jewish community of Germany in honoring the play’s director for his role in German-Jewish dialogue and friendship. We will spend time with the director and the actors in what promises to be a very special moment of atonement and reconciliation. I will be sending out information on the trip in about a month.

Why do we need to see the goodness in people? It is easier to carry grudges and hatred around, easier to turn our backs on people we are uncomfortable with, rather than accept them as equals. But we do so because it is what God demands of us, because it is the very essence of Yom Kippur.

The wisdom that our tradition imparts to us in Tractate Sanhedrin, at least according to the better universalist reading, is that all human beings are equally created in the image of God because we all descend from one common human ancestor. In a famous speech in 2000 celebrating the mapping of the human genome, President Bill Clinton said:

Increasing knowledge of the human genome must never change the basic belief on which our ethics, our government, our society are founded. All of us are created equal, entitled to equal treatment under the law. After all, I believe one of the great truths to emerge from this triumphant expedition inside the human genome is that in genetic terms, all human beings, regardless of race, are more than 99.5 percent the same. What that means

is that modern science has confirmed what we first learned from ancient faiths: The most important fact of life on this Earth is our common humanity.¹

The most important fact of life on this Earth is our common humanity. Did he know that passage from Mishnah Sanhedrin? In a more recent speech in 2016 President Clinton expanded on this thought:

If you just look at our genome, we are all 99.5 percent the same. That is, look around this room here. Every single, solitary difference you can see that is not age-related: skin color, eye color, body shape, gender, race, you name it, everyone is rooted in one half of 1 percent of your genome. So, the problems of the world today could be summed up as, we spend 99 and a half percent of our time fixating on that half of a percent, and if we spent a little more time fixated on the other 99 and a half percent, we could build a better future together.

To put that in ethical terms, rather than focus on what we don't like about people around us, let's see ourselves in them, and recognize our common humanity.

In a time of growing hatred and prejudice, when whole political platforms in Europe and here at home are built upon hatred of immigrants, where the politics around the never-ending election in Israel focus on the fear of others, we ought to hear the commanding authentic voice of our tradition that teaches us that we are all created in God's image. That we are all entitled to equal treatment and protection, as President Clinton said. And that we are all entitled to forgiveness and love, as Yom Kippur challenges us. Rather than focus on what separates us from others, and God forbid to distort our tradition to teach hatred and violence, we need to appeal to our higher natures. We need to see the mensch, the Adam, in everyone else. If we can do that, we will have achieved true atonement. But it is not always easy, so we should keep fasting.

¹ President Clinton actually said that we are 99.9 per cent the same, but I have corrected that to 99.5 as that is the number he uses in the more recent 2016 speech cited here, below.