

# **REFUGE AND INTEGRATION FROM THE PERSPECTIVE OF THE TORAH. CONSIDERATIONS FROM AN ANCIENT PERSPECTIVE ON THE MODERN PHENOMENON OF IMMIGRATION**

**Luciana FRIEDMANN<sup>1</sup>**

**ABSTRACT.** Over the millennia, people have been forced, countless times, to leave their homeland and settle in other lands. As in the 21st century, the possible reasons were the same - the economic, political situation, discrimination, the difficulty of integrating or, simply, the fact that leaving was the only way out. The Jewish diaspora has known many stages, some recorded in the Bible - Torah - Old Testament. Others, such as the expulsion of the Jews from the Iberian Peninsula, led to the peregrinations of the Jews in various corners of the world. The present work aimed to put into the perspective of ancient Jewish religious writings the way in which the idea of refuge is treated today.

The migration phenomenon is considered by some to be characteristic of the modern era, being regulated by national and international legislation. The way in which Judaism treated this subject - cities of refuge, moral obligation towards the one who asks for help, "Dina de malkuta dina" - the law according to which the law of the residence prevails over the religious law - represents an interesting model to follow, but also similar in certain aspects, with the current legislation.

The present work aimed to highlight some good practices, less known, which facilitated the integration in various societies in certain situations.

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<sup>1</sup> PhD, West University of Timisoara, e-mail: luciana.friedmann@e-uvt.ro



I researched the way in which the treatment of refugees changed over time, considering, however, that Judaism continued to be faithful, until today, to some religious principles that, in fact, regulate basic interpersonal relations.

**Keywords:** Refugees, Torah, faith, Galut, exile, captivity, migration, Temple, Pikuah Nefesh, cities of refuge, Shabbat, wandering, Law of Return, allogene, “Dina de Malkuta dina”, Jerusalem.

## Introduction

Throughout their unique history - in which archaeological evidence, Jewish theology as the precursor of all monotheistic religions and myth have always met - the Jews have developed some social rules that have guided them through the millennia. Linked by the nature of the covenant with Avraham to the Promised Land, Israel, the space to which they return arduously and quietly under the leadership of an original leader, Moshe (Moses), they managed to survive under numerous occupations and in various corners of the world, where the Galut<sup>2</sup> (Diaspora) wore them.

The word Galut has a triple meaning - “exile”, “diaspora” and “captivity” - representing through a single lexical element all the facets of the Jewish pilgrimage.

Looking carefully at Jewish history, we can have a clearer understanding of the phenomenon of population migration today. The laws of living in the Diaspora, which the Jews put into practice, also serve as a model of best practices for dark or at least difficult times.

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<sup>2</sup> In Hebrew, Galut literally means exile. Galut or the classic Golus refers to the exile of the Jewish people from the Land of Israel.

With the modern migration phenomenon, we often observe a “clutch” between the local population and newcomers. The native population, with no differences compared to antiquity, feels threatened its traditional values, personal security, income, and the immigrants live the drama of the ostracized, isolated, deprived of the chance of real integration. Multi-national (see UN, European Union) and national legislations have regulated the rights of refugees, but often the legal basis and practice enter into a conflict, which is difficult to manage. Immigrant status does not implicitly mean that human rights will be violated, that the foreigner will be subjected to attacks or xenophobic manifestations, but the immigrant status is, in itself, a vulnerable one. On the other hand, the growth of the nationalist phenomenon in periods of economic decline leads to the polarization of societies and to the sharpening of the phenomenon of rejection of the “allogen” in many societies.

## **Exile and diaspora**

The first Hebrew exile was the Assyrian one, initially implemented by Tiglath Pileser III, in 733 BCE. The next exile was the Babylonian, when a large part of the population of Judea was deported to the Neo-Babylonian Empire, under the leadership of Nebuchadnezzar, in 597 BCE. and 586 BCE. The Hanukkah holiday, celebrated in December by Jews all over the world, commemorates the success of the Jews in freeing themselves from the domination of the Greco-Syrian Empire, during the 2nd century BCE. After three years of war, in which some Jews adopted the civilization of the Greek conquerors, the Great Temple was resacralized and the Maccabean fighters recaptured the place of worship.

A Jewish diaspora existed several centuries before the fall of the Second Great Temple in Jerusalem. Before the first half of the first century of

the current era, in addition to the numerous Jewish communities in Judea, Syria and Babylon<sup>3</sup>, there were also some in the Roman provinces of Egypt, Crete and Cyrene.

Between the years 66 a.e. and 70 BCE Intense liberation struggles were fought in the Romanian Province of Judea, which culminated, however, in the destruction of the Second Temple on a fateful day for the Jews, that of Tisha B' Av (the 9th day of the month of Av<sup>4</sup>) . In 132 CE, Bar Kohba<sup>5</sup> led a revolt against the Roman emperor Hadrian to save Jerusalem, renamed by the occupiers as Aelia Capitolina, a revolt that was defeated on the same day of Tisha B' Av. As a consequence, Jews were forbidden access to Jerusalem and, from this time, we can consider the great Jewish diaspora until 1948, when they returned by right, by decision of the United Nations, to Israel.

It is said that “a handful” of Jews (probably several thousand) always remained in the land of present-day Israel. The vast majority started, however, on a pilgrimage among persecution and slaughter, but also with periods of cultural flourishing and peaceful living, throughout the world.

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<sup>3</sup> **Babylon** (from the Semitic Bab ilani - Gate of the Gods) is one of the most important cities of the ancient world, the capital of the Babylonian Empire.<sup>[1]</sup> Important economic, political and cultural center in the II-I millennia BC. Capital of the state with the same name, it flourished under Hammurabi and Nebuchadnezzar II.

<sup>4</sup> **Av** (אָב, Standard Hebrew: **Av**, Tiberian Hebrew: 'Āḇ; from the Akkadian language: *abu*) is the eleventh month of the ecclesiastical year and the fifth month of the civil year in the Hebrew calendar. The name is of Babylonian origin and appeared in the Talmud around the 3rd century. This is the only month whose name does not appear in the Bible. It is a 30-day summer month.

<sup>5</sup> Shimon Bar Kohba or Simon Ben Kosiba (in Aramaic and Hebrew שמעון בר כוכבא) was a Jewish leader, known especially for the Revolt of Bar Kohba, an insurgent movement from the year 132, the culminating point in the Wars of the Jews against the occupation of the Roman Empire. The revolt being temporarily victorious, he laid the foundations of a new independent Jewish state entity, which he led with the title of Nāšī' (leader: נָשִׂי'). The state of the Israeli rebels was short-lived, because in 135 it was reconquered by the Romans.

Numerous researchers from different eras have dedicated thousands of pages to how the Jewish tribes spread throughout the world. The myth of the lost and found tribes<sup>6</sup>, for example, persists even today, and the Ethiopian, Chinese, Indian Jews are clear proof that the Jewish religion has come very far and managed to survive in the strangest and most unfavorable conditions.

During the Middle Ages, due to migration, Jews split into two groups that still define Jewish identity today. Ashkenazis from northern and eastern Europe and Sephardim from the Iberian Peninsula, North Africa and the Middle East. These two branches share numerous events that took place somewhat symmetrically, such as the expulsion from England (1290), the expulsion from Spain (1492), the expulsion from the Arab countries (1948-1973).

Those with Spanish origins, the Sephardic Jews, have managed to keep their Ladino language, the specific way of chanting the prayers, the characteristic decorations of the places of worship, the traditions different from the Ashkenazi ones.

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<sup>6</sup> The tribes are the traditional divisions of the ancient Jewish people (Gen. 29:32-35, 30:1-20). According to the Bible, the twelve tribes of Israel are the descendants of Jacob's sons, generically called "Israel" after the name Jacob received from God. In the Bible and the Koran, Jacob-Israel was the third patriarch of the Jewish people with whom God made a covenant, and the ancestor of the tribes of Israel, which were named after his descendants. The children mentioned in Genesis are Reuben (Genesis 29:32), Simeon (Genesis 29:33), Levi (Genesis 29:34), Judah (Genesis 29:35), Dan (Genesis 30:5), Naphtali (Genesis 30: 7), Gad (Genesis 30:10), Asher (Genesis 30:12), Issachar (Genesis 30:17), Zebulun (Genesis 30:19), Joseph (Genesis 30:23) and Benjamin (Genesis 35:18) . In addition to these, Jacob adopted two children of Joseph, Ephraim and Manasseh and had at least one daughter, Dina.

## A moral guide or Life is sacred

I presented this arduous route through history to succinctly show the basis of the coexistence practiced by the Jews in relation to the majority/conqueror/occupier, but also to each country of exile.

We must highlight an obvious fact from the beginning, namely that these methods, although full of loyalty and self-sacrifice, had no chance of saving or protecting the Jews entirely. They represented and represent a moral guide, argued through one of the basic principles of Judaism, that life is holy. To save a man means to know the whole of humanity, states the Talmud, and the laws of "Pikuah Nefesh"<sup>7</sup> tell us that any commandment, the Shabbat<sup>8</sup> for example, can be broken to save a life.

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<sup>7</sup> *Pikuach nefesh is the principle in Jewish law according to which the preservation of human life prevails over virtually every other religious rule. When a particular person's life is in danger, almost every mitzvah lo ta'aseh in the Torah becomes inapplicable.*

<sup>8</sup> Sometimes also considered as the Sign of God is the weekly day of rest instituted by the Jewish religion, which falls on the seventh day of the week, Saturday. The words Saturday and Sabbath in Romanian, like the corresponding term in many other languages, come from the Hebrew word Shabat. In Jewish tradition, the Sabbath begins on Friday evening, some time after sunset. [1] These last hours of Friday evening are called Leil Shabat (Shabbat night). Shabbat ends shortly after the appearance of three stars in the sky on Saturday evening, followed by the hours of Motzaey Shabat (Sabbath Exit). The commandment to keep the Sabbath is one of the central commandments of the Torah - the Law or Teaching of Moses) - and one of the prescriptions of the Decalogue, and it consists of abstaining from various works during the Sabbath. The days of the week in the Hebrew calendar are named according to their numerical order: the first day (Sunday), the second day (Monday), ... the sixth day (Friday), and the word Shabbat is the only exception to this rule, meaning in Hebrew "he rested".[2]

On Shabbat, observant Orthodox Jews abstain from any activity that is considered work by the Halacha religious code.

Observant **Conservative** Jews follow Halacha's prohibitions on Shabbat with somewhat less strictness, and those called **Reform** or **Liberal** give priority to the ethical significance of Shabbat and can individually decide how to abstain from activities.

## The return

The Law of Return (hok ha-shvut) was passed on July 5, 1950 and gives the right to all those who have a Jewish grandparent and their partners to settle in Israel. The law, amended in 1970, extended the right to make aliyah<sup>9</sup> to certain non-Jews, converts, for example, or to the extended family of one who had already emigrated.

In the Jewish Law very few recur so often and consistently as the following statement: "When a stranger dwells in your land, do not treat him with malice. The foreigner among you must be to you as one of your inhabitants, you must love him as you, for you too were strangers in the land of Egypt. I am the Lord your God" (Leviticus 19:33-34).

In the Torah<sup>10</sup>, in various forms, this concern for the stranger is repeated 36 times.

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<sup>9</sup> Aliyah is the immigration of Jews from the Diaspora to the Land of Israel (Eretz Israel in Hebrew). It is also known as Shivat Tzion (Return to Zion) or Re-Gathering from the Diaspora (Kibutz galuyot) and has as its historical prototype the return of the Jews from the Babylonian exile in the second half of the 6th century BCE. It is also defined as "the act of going up" – that is, going to Jerusalem. "Making Aliya", by moving to the Land of Israel, considered the hearth of ancient Judaism and the Jewish people, is one of the basic principles of Zionism. The opposite action, emigration from Israel, is referred to today in Hebrew as yerida ("descent").<sup>[1]</sup> The Law of Return of the State of Israel gives Jews and their descendants automatic rights to Israeli residency and citizenship.

<sup>10</sup> The term **Torah** (Hebrew: תּוֹרָה, trans. "Education", "Learning" or "Law") can have a number of meanings. This term usually designates the first five books of Moses (which constitute the *Pentateuch*) of the 24 books of the Tanakh, and is usually annotated with rabbinical commentaries (*perushim*). This term can also mean the continuation of the stories from the Book of Genesis to the end of the tanakh (*Malachi*), and it can also refer to the totality of Jewish religious texts, derived either from biblical texts or, later, from rabbinic writings.<sup>[1]</sup> A common factor in all these definitions is that the Torah describes the genesis of the Jewish people: their calling by God, accounts of their trials and tribulations, and their covenant with God, which involves following a way of life that adheres to a defined set of religious morals and obligations and of civil laws (*halakha*).

At the confluence of the two eras, in the Hebrew world there were two schools of thought, two great rabbinic houses, that of Hillel<sup>11</sup> and that of Shammai<sup>12</sup>. The resolution of various halachic<sup>13</sup> themes, the application of the commandments of the Torah, was often defined by the disputes between the two sages, but also between their followers. In the Talmud it is mentioned that a young man wants to know how the essence of Judaism could be understood, standing on one leg. Hillel's answer has remained over the millennia because he summarizes entire tomes, lectures, explanations "What you don't like, don't do to your fellow man", Rabbi Hillel states simply, and no one could deny that the fate of our world would be profound different, if this were the basic principle of human relations.

Although very distant in time, for the Jews Israel was never a foreign country. It was present in daily prayers, even though the state form was non-existent until 1948, being the realm to which the Jews had no doubt they would return at some point. The Holocaust, which meant the killing of six

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<sup>11</sup> Religious leader and scholar associated with the development of the Mishnah and Talmud and founder of the House of Hillel, the School of Tannaim. He is popularly known as the author of two sayings: "If I am not for myself, who will be for me? And being only for me, what am I? And if not now, when?" and the ethical expression of reciprocity, or the "golden rule": "What you do not like, do not do to your fellow man." This is the entire Torah.

<sup>12</sup> Shammai (died 30 AD) was a contemporary of Hillel and, like him, a major figure in the Mishnah. Shammai and Hillel are the most famous pair of sages in Talmudic history. They constantly disagree on Halacha and hardly ever mention one without the other (notable exception: Pirke Avot).

<sup>13</sup> Halachá in Sephardic and modern Hebrew pronunciation, transliterated Halócho according to the traditional Ashkenazi pronunciation - is a corpus of Jewish religious laws, including biblical law (law) (613 commandments), Talmudic and Rabbinic law, as well as traditions and customs pertaining to Judaism. Classical Judaism makes no distinction in its laws between religious and non-religious life. Therefore, Halaha is not only a guide to religious practices and beliefs, but touches many aspects of everyday life. The term Halahá is often translated as "Jewish Law". The word is derived from the Hebrew verb "halah" = "to walk".



million Jews, i.e. a third of the total number of Jews in the world at that time (including 1,500,000 children), was a painful experience that they went through before they could settle down new on the land of the ancestors.

### **Spaces of refuge and laws to protect life**

Jewish law, going back to biblical times, established “cities of refuge” for those who were exiled. (Deuteronomy 19:3) These spaces had to be very clearly marked and delimited. They referred mainly and in the first instance to those who committed accidental, unintentional crimes. The cities of refuge isolated them, but saved their lives from the anger of the relatives of the murdered. Over time, the meaning of these cities, difficult to imagine nowadays, became more extensive.

Another basic principle, important for the refugee status, refers to the fact that, including at the risk of his own death, a person cannot turn in/denounce a refugee unless he has committed a proven crime.

Throughout the last millennium, between XII and c. In the 19th century, many Jewish communities practiced a policy called Herem Haishub, which caused controversy within them as well. That policy limited the migration of foreigners, including Jews, depending on the economic absorption power of the newcomers. This resembled the immigration policies in place in modern times in many states. However, the refugees did not fall under the scope of this law, they could settle in the localities as much as was necessary to save their lives. They could also perform economic activities, but only to the extent of ensuring subsistence.

**‘Dina de Malkhuta Dina’ - “the law of the place (of the land, civil law) is the law”** that probably represents the most important principle by which the Jews were guided in the Diaspora, but also in Israel, at certain

times. This law, which appears in the Shulhan Aruh 25 times, is similar to how the topic of conflict of interest is dealt with in other legislative norms.

Its essence is that obedience to the civil law of the country where a person is located has the value of a Jewish religious commandment. However, this obligation is valid under the conditions in which the government in that country is one recognized from the Jewish perspective, a non-discriminatory government, which applies the same laws to Jews and non-Jews.

The origin of this law is found in the Letter of Jeremiah to the exiles from Babylon and which stipulates: "Follow the peace of the city where I have exiled you and pray to God for it, because only having peace there, you will have peace." Shalom, peace, is seen as a fundamental desire for life itself throughout the Torah.

The concept of 'Dina de Malkhuta Dina' appears four times in the Babylonian Talmud and represents the meeting point between Jewish religious regulations and civil law.

### **A way of survival, but also of immutable justice**

Throughout the millennia, through the numerous exiles they went through, the Jews had to find a way of survival, but also of regulated, immutable justice, to be able to make decisions based on constant values. According to Maimonides<sup>14</sup>, any government can impose the taxes it wants

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<sup>14</sup> Moses ben Maimon, commonly known as Maimonides (b. 30 March 1135, Córdoba - d. 13 December 1204, Fustat, today Cairo) was a Jewish philosopher, physician and theologian of the Middle Ages, born in Spain (Andalusia) and settled in Egypt. He is also known by the Hebrew name Rabbi Moshe ben Maimon (or acronym: RaMBaM), and in Arabic as Abu Imran Musa ibn 'Ubayd Allah Maimun al Qurtubi al Israili. Maimonides is considered the most important sage of Judaism in the medieval period of history. His main work,

on the lands of its citizens, and they must obey, otherwise they can be confiscated.

The halachic law of inheritance is different from the way inheritance is passed on in most countries, including Israeli civil law. For this reason, those from religious families sometimes make wills that reproduce exactly the way of dividing the inheritance according to the Torah because otherwise they cannot appeal, based on the 'Dina de Malkhuta Dina', to the stipulations in the religious writings.

Jewish religious courts are obliged to respect state law, thus resolving a potential ideological conflict.

The existence of the Jews was greatly facilitated by the existence of this wise law, which decreed that Life and Peace are the essential values of continuity. On the other hand, 'Dina de Malkhuta Dina' assured the governments that even those who faithfully follow the law of religious writings will submit, by the very authority of their faith, to the laws of the state.

## Conclusions

Following the above, we can affirm that the Torah represents a valid source of inspiration for modern law in the field of regulating the rights and obligations of immigrants. Even if - or precisely because - it is a source from antiquity, it refers to interpersonal relations with a spirit of balance that can still serve us today in the way of managing crises.

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*The Guide for the Perplexed* <sup>[3]</sup>, published in Arabic (ca. 1190), in which he proposes an allegorical formula for the interpretation of the holy texts, to cancel the contradictions between the teaching of God revealed in the Torah, the knowledge offered by the natural sciences and philosophy, exerted an influence on religious and philosophical debates in Judaism and Christianity well into the 18th century.

Judaism's respect for life is supreme and saving a life, as the Talmud says, means "saving the entire Universe." Each person represents a personal universe, a conglomerate of hopes, secrets, faith, knowledge, etc.

Another fundamental value of the millennial Jewish experience is Shalom - Peace. Understanding between people is a desirable thing that sometimes requires effort, strategic effort, effort of expression and social interaction. The Torah shows us that it is worth making any sacrifices to achieve this desired. It is no coincidence that Jerusalem, Yerushalaim, means "City of Peace".

The Torah gives clear rights to the convert - who becomes equal, in all respects, to the born Jew - and the immigrant. It is required that the one who chooses to come among the Jewish people should have a behavior of understanding and help, just as the Jews wanted, even if they did not often succeed, to be received among other nations.

**„Dina de Malkhuta Dina”** is the fundamental principle whereby the law of the state, the law of the land, prevails over the religious law. This principle is assumed by the Jews as a religious foundation of loyalty to the countries in which they became immigrants.

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