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"Taking Responsibility for Torah"

GERIM AND STRANGERS

By Rabbi Aryeh Klapper

Vayikra 19:18 commands us to love our *re'im* as we love ourselves. Our *re'im* presumably are obligated to love us back in the same way. We can therefore assimilate this obligation to theories of ethics that are grounded in reciprocity.

Here are four kinds of reciprocity:

I will do for you

- 1) what you have done for me in the past
- 2) what you will do for me in the future
- 3) what you would do for me if our positions were reversed
- 4) what you should do for me if our positions were reversed

The first kind can be justified empirically, although my information about your past actions will never be complete or perfect. This approach raises the question of whether my obligation persists if to the best of my information you have not behaved lovingly toward me in the past.

The middle two kinds require me to make claims about your character. Since ethics regulates interactions with people of whom I have no specific knowledge, these theories require the general assumption that you and I are alike in the relevant ways, or at least that most human beings other than me are alike.

The philosopher Immanuel Levinas denies this assumption, and therefore refuses to ground ethics in those kinds of reciprocity. He instead grounds ethics in human uniqueness – if we were identical, each of us might have no obligation to preserve the other, since the other has no unique value and/or makes no unique contribution to the world. I suggest that Levinas therefore cannot see the obligation as reciprocal in the sense that it depends on the *reia's* past, future, or constructed fulfillment of the same obligation toward me.

The fourth position can be justified by an assumption that relationships of obligation must be symmetrical. This may be compatible with Levinas - I don't know whether he is open to the possibility that we are differently unique in ways that make asymmetrical relationships of obligation possible. The case of children may regardless be sufficient to undermine the assumption of symmetry.

If asymmetrical obligation is possible, then there may be people I am obligated to love as myself who are not similarly obligated toward me. It may be difficult to construct such cases

within the term *reia*, which may itself imply a reciprocal relationship – it is not for example possible to be someone's neighbor if they are not yours.

However, from a halakhic standpoint, a *reia* is often defined as *re'akha bemitzvot*, which refers to shared behavior (=observance of halakhah) rather than shared obligation. I think it is reasonable to argue that Jews who fails to observe some or all of the rest of halakhah are not thereby exempted from loving observant Jews as they love themselves. If this is correct, then the obligation to love your *reia* as yourself can be asymmetrical in practice. However, a good lamdan/philosopher might argue that that the obligation is in force both ways and merely overridden in one direction.

The theoretical possibility of asymmetry may nonetheless be useful in explaining the superficially identical obligation in 19:33-34.

If a *ger* resides among you in your land

you must not afflict him.

Like the *eizrach* (=citizen?) among you he must be, the *ger* that resides with you;

you must love him like yourself

because you were *gerim* in the land of Mitzrayim

I am Hashem your G-d.

One can understand "*you must love him like yourself*" as extending the status of *reia* to *gerim*, in which case the *ger* would presumably have a reciprocal obligation. But one can also understand the verse as creating a separate obligation that exists toward *gerim* but is not reciprocal, that is to say, that *gerim* are not obligated to love non-*gerim* in the same way that they are loved. A specific implication might be that the obligation to love *gerim* as you (the non-*ger*) love yourself is not dependent on the *ger* maintaining the status of *reia* *bemitzvot*. This position is taken explicitly by Netziv:

"Like the *Ezrach* among you" –

The Torah explicitly made verbal torment of a *ger* an independent commandment rather than including it in the prohibition regarding citizens below in 25:17:

You must not oppress any man his amit (=fellow?)

because regarding a *ger* the prohibition is stricter in this detail, that regarding a born Jew the Torah writes *amito*, which implies with him in Torah and mitzvot, meaning that this does not apply to a person who is categorized as a *rasha*,

as Nimukei Yosef wrote at the end of Chapter Hazahav.

This is why Mishnah Bava Metzia 58b teaches:

“If the person is a penitent, you must not say to him: ‘recall your earlier deeds’”,

meaning: only if they were penitent;

but regarding a *ger* – even if he is a sinner;

which is why (the same Mishnah teaches):

If the person is descended from *gerim*, you must not say to him: ‘recall the deeds of your ancestors’ (meaning the pre-conversion ancestors),

because a typical *ger* is a *tzadik*, since no one compelled him to convert,

but the typical child of a *ger* is categorized as a *rasha*, since his father converts him against his will, as I wrote regarding Devarim 24:17 and 27:19 –

nonetheless, it is forbidden to afflict him . . .

In his comments to Devarim 24:17 and 27:19, Netziv even constructs special obligations toward *gerim* within the already distinguished classes of orphans and widows, even if they stray from the path of halakhah. 24:17 applies the above to mandate extra caution before disciplining the orphan child of a convert. Similarly, in 27:19:

The category widow here means “widow *ger*”, who converted only for the sake of her husband, and therefore, when she is widowed – turns back from the path of Judaism . . .

Of course, many conversions – including those of married women, and, to the extent possible, children – are done out of reflective religious conviction, and many conversions – not necessarily the same ones, as we will see below – result in down-the-line consistent observance to Orthodox standards. I have been privileged to be part of the process for quite a few.

But my strong impression is that contemporary Orthodox communities often adopt an approach opposite to that of Netziv, and make converts welcome only so long as they are or remain fully observant. Converts have to prove themselves, whereas nonobservant born Jews are eagerly welcomed per se or as potential *kiruv* successes. This can yield a vicious cycle in which difficulty with a specific element of observance generates communal alienation which leads to a broader falling away, or in which a temporary challenge becomes permanent.

When I first served on a conversion *beit din*, I had little or no awareness that it was possible for people to go in and out of observance, let alone of the specific challenges that converts face. I had not listened to a woman tell me – as she waited for her get - how her in-laws refused to visit when she sat shiva for her mother, or how child-rearing and health challenges could make things feel impossibly hard in the moment, especially if

one’s Orthodox community, for whatever reason, had not been fully supportive.

Now, several years removed from twenty-five years of intense involvement with halakhic divorce and conversion, I think or hope that I better understand how the fraying of a deep interpersonal bond almost inevitably weakens commitments made and/or lived together, however sincerely entered into. That is precisely when our communities need to be supportive without being judgmental – and yet often are not. (I have written previously about a way that *batei din* specifically exacerbate the issue – see <https://moderntoraleadership.wordpress.com/2024/05/14/a-repentant-dayyan-explains-how-a-standard-beit-din-process-oppresses-converts/> - and I plan to publish further on that issue very soon.)

Recognizing that relationships of ethical obligation can be asymmetrical also opens the possibility that some halakic obligations toward *gerim* extend beyond converts, meaning to people who will not automatically be bound by the same obligations. The word *ger* in the Torah can be understood as referring to any and all of

a) *geri tzedek* = full converts to Judaism

b) *de jure geri toshav* = nonJews who committed to observance of the Seven Noachide Mitzvot in the presence of a halakhically valid Jewish *beit din*

c) *de facto geri toshav* = nonJews who in practice observe of the Seven Noachide Mitzvot

d) nonlocals/”strangers”

However, I think there is a strong case to be made for the centrality of reciprocity in the realm of political ethics.

Reciprocity does not, or at least does not necessarily, yield pure tit-for-tat politics – remember the four kinds of reciprocity discussed at the opening of this essay. For example, Or HaChayyim to Bereshit 23:4 states that the obligations of *ezrachim* toward a *ger vetoshav* (such as Avraham in Canaan) are the same whether Jews are the *ezrachim* or the *gerim*, and derive from fixed moral principle rather than from history or circumstances. However, it should also prevent us from naively asserting that our obligations toward others are never affected by their present or anticipated behavior toward us. Jews, and Orthodox Jews in particular, urgently need to discuss what sort of politics Jewish ethics should yield as part of the essential task of facing up to the enormous growth of antisemitism as a factor in American politics – and also as part of the essential task of ensuring that our politics embody our ethics.

Shabbat shalom!