

EDITOR'S NOTE

OF PITY AND THE IMMIGRANT

Late in his life, the father of the Jewish people, when the urgent need to buy a family burial plot forced him to resort to diplomacy, told the elders of Hebron that he was a *ger ve-toshav* (a stranger and an inhabitant) among them. For R. Soloveitchik this phrase defines the perennial situation of the Jew in the world, the experience of common responsibility shared with the rest of humanity together with that of a singular religious destiny. And when the Protestant theologian Stanley Hauerwas wanted to remind his readers that Christians too are not at home in secular culture he entitled one of his books *Resident Alien*.

Let's go back to the original scene, when the phrase was part of a negotiation with the local Hittites, not yet shorthand for a theological principle. Why was Abraham telling them he was a stranger and why then did he call himself an inhabitant? According to the Netsiv Abraham had to justify his request. They did not owe him the courtesy. He explains that he had not prepared a burial ground because he was a stranger. At the same time the word *toshav* indicated to the people of Hebron that he was committed to dwelling among them. The permanence of Abraham the *toshav*, according to Netsiv, is established through the fact that earlier in his life Abraham had lived in Hebron for twenty five years and now he planned to make his home there. Thus the combination *ger ve-toshav* contained both a plea for sympathy in need and an assurance of his ongoing relationship to Hebron based on past connection and future intention.

I once pointed out that Netsiv's analysis made Abraham's situation at this moment akin to that of an immigrant making his case to the established populace. He asks their cooperation because of his difficulties and he feels the need to demonstrate his belonging to the place where he has come. This observation was loudly interrupted and I was accused of making our forefather into a "Mexican wetback." It availed me nothing to argue that Abraham had not been smuggled over a supposed border but, quite to the contrary, presented explicit argumentation in support of his request, or that following Abraham's application he was addressed by the natives as an aristocrat (*Nesi Elokim*) among them.

It hardly need be said that as resident aliens we Jews are not helped by such undiplomatic language. But I don't want to complain now about an embarrassing outburst or lament the eagerness with which the

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politically correct classes derive unholy delight from such utterances by Orthodox Jews. I want to understand better what is behind the vehemence of the gentleman's reaction. Is it about Jewish identity or American politics or is it the buried residue of some unarticulated trauma? Sometimes there is deeper truth in a passionate error than in a perfunctory truism. That deeper truth I seek.

Let's begin with the political resonance. As some latter-day Daniel come to judgment might ask of this dispute, which of us is the progressive here and which the conservative? The simple response is that the Netsiv and I can be identified with conservative thinking on present day immigration. How so?

Any argument about "open borders" is either a reason for restricting immigration or for allowing it. 'Why can't people live wherever they want to?' So asks the liberal. To which the response might be that the residents already in place have a right of free association, and are no more required to welcome new immigration to their country than they are obligated to domicile strangers in their homes. More strongly, one might insist on the importance of sustaining a particular culture, which would be violated if the solidarity of the inhabitants were diluted by an uncontrolled influx of individuals unable or unwilling to be part of that community. The liberal, in turn, may hold that economic egalitarianism mandates that natives have no right to stop individuals who wish to better their lots by joining the more prosperous. Or liberals who have little or no use for the particular culture upheld by conservatives would see no reason (quite the contrary!) for preserving it against those who by intention or accident are liable to bring about its destruction. The range of arguments on these primary matters is further complicated by secondary practical considerations. Typical conservatives, for example, acknowledge the benefit a culture accrues from its immigrant population and not a few liberal philosophers permit restrictions on open immigration because they fear that unregulated shifts of population will cause economic harm to the societies of origin of the immigrants or to the places they go to. For these reasons the philosophical and empirical subject of "open borders" has become enormously complicated.¹

Our present discussion sidesteps crisis circumstances, unfortunately not exceptional in our times, that upset ordinary calculations. Unchecked entry of hostile immigrants could pose direct danger to the host country, as would be the case today if Israel allowed unsupervised Arab immigration

¹ For an overview with up to date bibliography, see <http://plato.stanford.edu/entries/immigration/>.

or the threat of revolutionary violence in the West amidst the chaos that followed World War I. Decent conservatives, conversely, cannot fail to be profoundly moved by the humanitarian plight of refugees knocking on their doors, not to improve their economic wellbeing but to salvage their lives and their minimal human dignity. We Jews must remember the extermination of our people in Europe and appreciate the urgency that led conscientious American Jews to fight for their fellow Jews even at the cost of subverting American law. Libby Garland's recent *After They Closed the Gates: Jewish Illegal Immigration to the United States, 1921-1965* documents this period.

Abraham, who is an immigrant but not a desperate refugee, does not simply walk up and say: I'm in the market for real estate; you must give me this burial cave in Hebron. He does not presume that the natives are obliged to give him a positive answer. He expects to justify his need for special treatment and he assures the Hittites of his ties to the Hebron community. This places Abraham in the conservative camp.

Does that make my critic a liberal on immigration insofar as he does not see any need for Abraham to justify his desire to buy a field in Hebron? His reference to the "Mexican wetback" implies the opposite. He cannot abide the notion of Abraham as an immigrant like other immigrants. But why, when Abraham defines himself as a stranger? Apparently my critic made an instinctive distinction between being a stranger and being an immigrant.

II

"I pity the poor immigrant," is the title and incipit of a Bob Dylan song. The song has much to say about the immigrant's unattractive qualities. The poor immigrant "uses all his power to do evil but in the end is always left so alone. That man who with his fingers cheats and who lies with every breath... passionately hates his life and likewise, fears his death... who tramples through the mud, who fills his mouth with laughing and who builds his town with blood." And there's a lot more of the same.

Unmitigated hostility towards the immigrant sounds incredible in the mouth of a troubadour adored by the left and does not fit well with the rest of the album *John Wesley Harding*, in which it was recorded, in the mid-60's, when American immigration law was liberalized without vocal opposition. If academics studied Dylan as they have their way with the Bible we would be authoritatively taught to attribute it to Deutero-Dylan – a racist, reactionary, fill-in-the epithet, living in the anti-immigrant

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21st century, who adopted the master's style to convey a perverted message. More reverential approaches have yielded allegorical interpretations of the song; like most allegorists they seem to express the outlook of the interpreter more than anything else. Though I am stymied by the many obscure allusions, I would contend that the plain meaning of Dylan's scripture is never completely disposable. By which I mean that something in our common way of thinking does not like the immigrant, does not respect him but pities him, and that Dylan taps into that sentiment and confronts us with it.

Could Dylan have written an equally effective song called "I Pity the Poor Stranger" or "I Pity the Poor Foreigner"? Why not? From a statistical point of view, a person who is a stranger is no less likely than the immigrant to cheat with his fingers and lie with every breath, to passionately hate his life and build his town with blood. In fact, many people are suspicious of strangers and warn their children against associating with them. It is less common to hear of children admonished to watch out for immigrants. Fear of the foreigner rates a precise English term—xenophobia. If the Greco-Latin word for fear of immigrants has made it into the psychiatric textbooks or the lexicons of abuse employed by enlightened folk to express their condemnation of those who fail to meet their standards of refinement and tolerance, I have yet to hear of it. Technically, the immigrant would seem to be no more than one type of stranger or foreigner. What makes him different, more contemptible and hence more pitiable? Again, why would people proud to think of our patriarch Abraham as a stranger gag at thinking of him as an immigrant?

Over a century ago, the pioneering sociologist Georg Simmel, in his famous essay "The Stranger," defined the stranger, as distinguished from a foreign visitor or tourist, as the person who is here today and here tomorrow. The immigrant, let me suggest, is one who is here today and will be here tomorrow if allowed to stay. The stranger is not by definition dependent on us: he may be planning to leave tomorrow. Hence there is even an element of coolness to the stranger in Simmel's social phenomenology. The immigrant, by contrast, always has a look of haunted supplication about him. We imagine him, shoulders always sloped; his eyes entreating; in need of our forbearance. His hat is perpetually in his hand; and when his free hand reaches out, it is to grasp at our lapel or at our money, or at the opportunity he spies. Whether or not you accept this insight as a valid interpretation of Dylan, according to which the song's hostility towards the immigrant is a projection of our contempt rather than an objective characterization of the immigrant, I propose it as an analysis of the unease which the immigrant, or the imagination of the

immigrant, often provokes. It is a distaste that is better described as pity than as hatred. We can live with being hated; we may sometimes even glory in being hated; we cannot tolerate being pitied. We can accept Abraham's status as a stranger or an alien; we can even celebrate his noble distance from the populace around him. We are unbearably pained to think of him as a potential object of pity.

III

It is not only Abraham who was an immigrant or sojourner in the land. His descendants went down to Egypt, where they were sojourners and eventually slaves. The great political philosopher Michael Walzer, in his *Exodus and Revolution*, observed that no other nation but the Jews preserved and was inspired by the memory of having been born into freedom from the bowels of alien oppression. The many laws in the Torah calling upon us to consider the plight of the stranger or the disadvantaged among us because we remember our history in Egypt testify, in Walzer's opinion, to a singular willingness to confront and be inspired by the humiliations of the national past.

Some years ago I modified Walzer's thesis. Based on the evidence of the Torah it was not at all natural for Israel to remember and to be shaped by the Egyptian bondage. What we have in the Torah is not the natural excellence of the Jewish people shining out from its period of bondage but rather the result of a long educational transformation initiated by the patient and stern deity who chose Israel for His portion and made His home with Israel in the wilderness. That is why, to take one salient claim from my paper, the explanation "for you were a slave in the land of Egypt," which motivates many commandments in Deuteronomy, does not appear in the earlier books of the Torah. Instead, in Exodus 22-23, where Egypt is invoked as a motive for obeying the law, it is always the fact that the Jews were sojourners (*gerim*) in Egypt, never that they were slaves. For the Jew who has just emerged from bondage, and who has not yet acquired a philosophy of freedom, the memory of slavery is too humiliating to be the source of positive inspiration.²

² See S. Carmy, "We Were Slaves to Pharaoh in Egypt: Literary-Theological Notes on Slavery and Empathy" (*Hebraic Political Studies* 4:4, Fall 2009), accessible at <https://cardozo.yu.edu/sites/default/files/Shalom%20Carmy%2C%20We%20Were%20Slaves%20in%20Egypt%20Literary-Theological%20Notes%20on%20Slavery%20and%20Empathy.pdf>. My article traces the theme throughout the Torah. To that discussion add *Hizkuni*, Deuteronomy 5:15.

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We Jews have the difficult though not impossible task of identifying with our history as slaves. It may be equally difficult to identify with our history as immigrants, in the sense we have discussed here. To relive the experience of the aristocratic Abraham, or of our immediate ancestors, lacking the rights that would enable us to live as we should, forced to earn the good will of the natives with no assurance that our overtures will be accepted, can be deeply humiliating. Jewish interpreters, beginning with the pseudepigraphic Jubilees and including Ramban and R. Yona of Gerona, counted Abraham's encounter with the Hittites as the final one of the ten ordeals by which he was tested. Though they stress the contrast between the divine promise of the land and the effort needed to acquire the burial cave, we should not dismiss the humbling gestures integral to the negotiation.

As we noted above there are many policy considerations that may justify limitations on unregulated immigration. Regardless, it seems callous to withhold simple human sympathy from those who have endured and continue to endure the immigrant experience. My critic's angry outburst about "Mexican wetbacks" seems gratuitously out of line and invites harsh recrimination precisely because extending such sympathy seems so easy. The sheer painlessness of saying the expected word of fellow feeling is one reason that comfortable *bien-pensant* folk nowadays are so quick to judge outsiders for casual politically incorrect remarks and shake their heads in righteous condemnation.

Yet, when I think of my critic's impolite, unguarded outcry, there is a moral reality in his rude, raw, artless but instinctively appalled resistance to my invoking the word "immigrant" with reference to our patriarch Abraham. The horror he exhibits at the thought demonstrates eloquently that he understands viscerally, in a way that those who look down on him often do not, what it means in the real world to suffer the diminution, the hostility, prejudice and pity of being an immigrant. Paradoxically, it is he and his outrage, and not the routine obligatory mantras of neutral "telescopic" benevolence (to borrow a phrase from Charles Dickens), that pushed me to explore more carefully how we feel about the stranger and "the immigrant" and why.

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