**THOUGHTS ON THE PARASHAH**

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Parshat Beshalach – פרשת בשלח

February 11, 2017 – ט"ו שבט תשע"ז

This essay is sponsored by Richard Hochman in memory of his father, Abraham Albert Hochman.

**Welcoming an Amalekite**

After Israel’s victorious initial battle against Amalek at Rephidim, Moses built an altar and declared, “The Lord will be at war with Amalek throughout the ages (Exodus 17:16).”  Rabbi Elazar ha-Moda’i, the recognized master of Midrash Agaddah, offered a plainly homiletic exposition of the verse:  In his anger over the dastardly behavior of the Amalekite marauders, God said that converts to Judaism would be accepted from all nations of the world, but potential Amalekite converts would be rejected by Israel (Mekhilta d’Rashbi 17).   [A different recension attributes the statement to Rabbi Ila’i.  In this version, God takes a solemn oath to accept proselytes from all national backgrounds except for those from Amalek (Tanhuma Ki Tezte 11).]

The Midrash finds a Scriptural basis for the Amalekite-exclusion policy in the episode of the young man who approached David’s camp after King Saul’s death.  David questioned his ethnic identity.  He responded, “I am the son of an Amalekite stranger (II Samuel 1:13).”  David quickly ordered one of his men to kill the man.  Justifying his use of lethal force, David said to the bloodied corpse, “Thy blood be upon thy head, for thy hath testified against thee (1:16).”  His admission of Amalekite ancestry effectively marked him for death because Amalekites always retain their ethnic identity and cannot officially join the community of Israel as resident aliens.

Was the notion of Amalekite-exclusion merely a homiletic flourish, or was it intended (and did it ever function) as halakhic policy?  The evidence suggests that it was never a recognized legal norm.

The Midrash blatantly misreads the opening scene of II Samuel.  David did not order the execution of the young man simply because he was an Amalekite.   Rather, what happened was that the young man admitted to having killed Saul at the latter’s express request.  Saul fell on his sword in an attempted suicide; the Amalekite mercifully put the king out of his misery with a final fatal blow.  David rejected the legitimacy of that act.  He berated the confessed killer, “How wast thou not afraid to put forth thy hand to destroy the LORD'S anointed (1:14)?”  David’s remark that the man had forfeited his life through his own testimony concludes with the words, “saying: I have slain the LORD'S anointed (1:16).”  It was the admission of regicide, not that of foreign ancestry, that cost the Amalekite his life.

The Pentateuch does set forth a list of nations whose citizens cannot “enter into the assembly of the Lord.”  Ammonites and Moabites are excluded because, respectively, they failed to greet the Israelites with bread and water as the Israelites sojourned in the desert following the Exodus, and they hired Balaam curse to Israel (Deuteronomy 23:5).  Edomites and Egyptians are excluded for unstated reasons, though it is not difficult to fathom why the law would discriminate against long-hated rivals (the former) and enslavers (the latter).  Yet, the ban on Edomites and Egyptians expires in the third generation since, despite the existence of ill will, the Edomites are still family and the Egyptians welcomed the Israelites in a time of crisis (23:8-9).  According to the sages, none of these four national groups is excluded from converting to Judaism.  The Scriptural ban only prohibits such converts from marrying genealogically pure native Israelites.

Amalek is noticeably missing from the roster of banned nations.  Regardless of how one interprets “enter into the assembly of the Lord”   -- whether it relates to permissibility of religious conversion, matrimony, or the rights of citizenship -- no Pentateuchal source restricts an Amalekite’s entry.

The Talmud cites a Baraita asserting that descendants of Haman studied Torah in Bene-Berak (Sanhedrin 96b).  The Megillah identifies Haman as an Agagite (Esther 3:1).  Agag was the last Amalekite king (I Samuel 15:8).  In light of the prohibition on teaching Torah to heathens, it must be assumed that the students in question at the Bene-Berak academy mentioned in the Baraita were either converts or descendants of converts.  The Baraita, and its less restrictive approach to proselytism, would thus appear to be in conflict with the Amalekite-exclusion principle stated in the Mekhilta.

One can infer from multiple rulings in Maimonides’ code that he rejected the notion of Amalekite exclusion.  While acknowledging the differences between more gruesome obligatory wars against the seven Canaanite nations and Amalek, and more tame optional wars against other foes, he rules that even the Amalekites have the possibility of survival if they accept Israel suzerainty and adhere to the Noahide Laws (Hilkhot Melakhim 6:4).  He further ruled that only converts from the four nations mentioned in Deuteronomy 23 are restricted by limitations concerning matrimonial eligibility (Hilkhot Isurei Bi’ah 12:17).  It would seem that, according to Maimonides, an Amalekite could remove himself entirely from the eternal struggle between his nation and Israel by becoming a subservient and moral gentile, subsequently accepting the full yoke of Mosaic Law and adopting an Israelite identity, and thereafter marrying into the native Israelite congregation.

Several Acharonim dealt with the abstract question of the permissibility of Amalekite converts (see Tzitz Eliezer 13:71 for a full discussion of all views).  They tried to reconcile the seeming conflict between the Mekhilta and the Talmud.  One solution was that the Jewish status of Amalekite proselytes is recognized only *post factum*, but that *ab initio* such people are inappropriate candidates for conversion.  Rabbi Haim Joseph David Azulai wrote that no reconciliation of texts is necessary.  His solution was simple:  The halakhah does not accord with the Mekhilta; there is no policy of Amalekite exclusion (Ein Zokher 3:1).

I suggest that in Tannaitic times there were two contradictory attitudes toward the acceptance of converts from nations with historically frayed relations with the Jewish people.

On the day when Rabban Gamliel was ousted from his position as head of the academy, Judah the Ammonite Proselyte presented himself to the sages and inquired whether he might enter into the congregation of the Lord.  Rabban Gamliel forbade it; Rabbi Joshua permitted it.  Gamliel cited Deuteronomy 23:4, incredulously wondering how his colleague Joshua could rule against an explicit Torah verse.  Joshua retorted that the Ammonites and Moabites of their generation were not true Ammonites and Moabites because long ago the Assyrian King Sennacherib displaced the world’s population.  For proof of this extravagant claim about a coerced resettlement of millions of people in the late 8th century BCE, Joshua cited Scripture: “By the strength of my hand I have done it, and by my wisdom, for I am prudent; in that I have removed the bounds of the peoples (Isaiah 10:13).”  Gamliel conceded that the Ammonites were dispossessed in antiquity, but he cited Scripture to prove that their dislocation was temporary and that present-day Ammonites are true Ammonites: “But afterward I will bring back the captivity of the children of Ammon, saith the LORD (Jeremiah 49:6).”  Joshua parried and citing the Divine promise: “And I will turn the captivity of My people Israel, and they shall build the waste cities, and inhabit them (Amos 9:14).”  Joshua convincingly argued that just as Israel’s restoration had not yet happened, so too had the Ammonite restoration not yet happened.  Accordingly, Judah the Ammonite Proselyte was not actually an Ammonite and therefore was permitted to enter the congregation (Mishnah Yadayim 4:4).

It seems to me that, in this exchange, Gamliel and Joshua were not especially interested in the historical facts concerning Ammonite migration patterns.  They had no knowledge of that subject independent of, and extrinsic to, the Biblical text.  Appeals to cryptic and vague prophetic predictions about future redemptions of undetermined timing hardly make for a persuasive argument.   The reality is that neither Gamliel nor Joshua had any idea whether, as an historical, factual matter, indigenous Ammonites had moved away from, or had returned to, their national homeland.

What, then, animated the back and forth of their debate?

Rabban Gamliel II of Jamnia was a quasi-Shammaite at the right wing of the Pharisaic intellectual divide.  In the case of Judah the Ammonite, Gamliel acted as a juridical conservative:  Biblical law must stand, absent a compelling reason to claim its inapplicability.  Right-wing Pharisees tended to be parochial, mildly xenophobic, and intensely nationalistic.  Biblical laws banning certain categories of people from entry into the main body of Israel on the basis of their detested national origins would not in the least have troubled the rightists’ moral sensibilities.

In contrast, Rabbi Joshua was his generation’s leading expositor of left-wing Pharisaic Judaism.  He was far more open to adjusting the law than were his Shammaitic colleagues.  His theory that Sennacherib scrambled all of humanity through massive population transfers is based on little more than a loose interpretation of three words in Isaiah.  Yet, that interpretation had the practical effect of abrogating multiple Torah laws.  Suddenly, the discriminatory matrimonial laws adversely affecting converts from Edom, Egypt, Moab, and Ammon became inoperative.  Left-wing Pharisees tended to be urban, cosmopolitan, and egalitarian in their thinking.  The Torah’s discriminatory national origins laws would have troubled Rabbi Joshua.

Joshua’s liberal approach prevailed.  But the decision was not universally known in the immediate aftermath.  A generation later, Benjamin the Egyptian Proselyte came before the academy of Rabbi Akiba.  He notified the rabbis that he had married an Egyptian female convert, and that he intended to marry off his son to a second-generation Egyptian convert, so that his grandchildren might be third-generation Egyptian converts and thus lawfully able to enter into the assembly of God and marry native Jews.  Akiba was happy to be able to tell Benjamin that he had erred in his calculations.  Benjamin’s strategic decisions concerning his own and his son’s marital partners were unnecessary, because in the post-Sennacherib world a Jew may marry a convert descending from any branch of the human family (Tosefta Kiddushin 5:4).  Akiba, who was the greatest exemplar of left-wing Pharisaic Judaism and also himself purportedly descended from converts, had the luxury of being able to cite halakhic precedent in the form of his mentor Joshua’s prior ruling.  That precedent freed Akiba from having to implement unpleasant and onerous Biblical restrictions.

Every society must address the issue of strangers who seek admission and integration yet who hail from enemy nation-states.  The Bible’s stance is quite tough, punishing later generations for the sins or animus of their forebears.  The Mekhilta, with little or no textual justification, extended that harsh approach to Amalek.  It went even further by outlawing marriage and also negating conversions.  Normative halakhah, following Joshua and Akiba, theoretically accepts the eternality *de jure* of the national origins laws, yet simultaneously claims that their (Rabbinic) suspension *de facto* is solely a matter of temporary inapplicability.

In truth, however, those laws have been utterly voided.  It is unimaginable that they could ever be reinstated.  It would run terribly afoul of our moral sense if people who had embraced Judaism, and who posed no security risk, were shunned by the Jewish people because of their ethnic backgrounds.