

MARK A. AWABDY

Immigrants and Innovative Law

*Forschungen
zum Alten Testament 2. Reihe*

67

Mohr Siebeck

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2. Reihe

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67



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Immigrants and Innovative Law

Deuteronomy's Theological and Social Vision
for the גר

Mohr Siebeck

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Preface

This book is a revision of my doctoral dissertation submitted to the faculty of Asbury Theological Seminary in April 2012. The seedbed for this project was cultivated in 2007, when my masters' program advisor, Dr. David Livermore, insisted that I read Christopher J. H. Wright's *The Mission of God*. I was intrigued by the possibility that not merely the New Testament, but the Old evinced God's mission in his world. In a *Forschungsüberblick*, Siegbert Riecker poses the question "Mission im Alten Testament?" but responses to this question vary considerably because they depend on how one defines mission and where in the Hebrew Scriptures one looks for it.

The book of Deuteronomy is well known for repeated commands to Israel to annihilate the inhabitants of Canaan and to abhor their practices (chs. 7, 12, 13, 17, etc.). Yet, equally characteristic of this book are the recurring directives to provide for and protect the גר "immigrant," orphan and widow, and ch. 10 culminates with this remarkable statement: "He [YHWH] both does justice for the orphan and widow, and loves the immigrant. Therefore you must love the immigrant, for you were immigrants in the land of Egypt" (10:18-19). These and other deuteronomic גר texts, I will argue, signal a nuanced expression of God's mission through Israel to certain non-Israelites and non-Judahites residing in Israel's land. It is my own conviction that God has authorized these texts and that human authors composed and shaped them according to theological convictions and societal influences by using ancient Near Eastern literary and redactional conventions. In this study, then, I listen for divine speech through the humanness of text, both by tracking its synchronic and diachronic dimensions, wherever they lead, and by conceding to its limits, wherever they stop.

I express deep gratitude to Dr. Bill Arnold, who supervised my dissertation. He compels me by his example and erudition to be a faithful exegete of Scripture and embodies the kind of pastor-teacher to which I aspire. He guided and critically reviewed my research, and countless times he spoke life-giving words that strengthened my soul when I needed it most. I thank Drs. Lawson Stone, John Cook, and John Oswalt for sharing with me their minds, friendship and comments on this manuscript that have sharpened my argumentation. I appreciate Drs. Fredrick Long and Michael Matlock for affirming me in my work.

I am very grateful to the editors of Mohr Siebeck for accepting this monograph for publication. My correspondence with Dr. Henning Zebritzki and Susanne Mang has been delightful. I especially thank Dr. Mark Smith for his scrupulous and insightful feedback which has improved this book's quality. I also thank Rebecca Williams, Andrew Heyd, and Jim Wilson for their editing work on earlier drafts of the publication. I thank my friends and family, especially my precious sons, Weston, Ty and Jakob, for reminding me what matters in life. My deepest appreciation belongs to my beautiful wife, Leslie. You show me every day what it means to obey the Shema. I thank God for every insight in this study. All deficiencies belong to me alone.

אין כאל ישרון רכב שמים בעזרך ובגאותו שחקים

There is no one like God, O Yeshurun, who rides through the sky to help you, through the clouds in his majesty (Deut 33:26).

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Abbreviations

G	Old Greek (a majority of Septuagint mss)
G ^A	Codex Alexandrinus
G ^{Amb}	Codex Ambrosianus
G ^C	Codex Coislanius
G ^B	Codex Vaticanus
G ^S	Codex Sinaiticus
G ^L	Lucianic Recension
G ⁸⁴⁸	Old Greek fragment, Rahlfs no. 848 (first century BCE)
MT ^L	Leningrad Codex of the Masoretic Text
Q	Qumran
Smr	Samaritan Pentateuch
S	Syriac
T	Targums (major Targums)
T ^J	Targum Jonathan
T ^N	Targum Neofiti
T ^O	Targum Onkelos
T ^{PJ}	Targum Pseudo-Jonathan
V	Latin Vulgate

Chapter 1

Introduction

The noun גֵּר (*gēr*) in the Old Testament (OT) has attracted considerable attention in the past two decades.¹ Most popular English translations are inadequate, and others require qualification. “(Resident) alien,” along with its cognates “to alienate” and “alienation,” has a negative connotation that גֵּר does not.² “Foreigner” is better reserved for בְּנֵי־נָכַר (“נָכַר,” *HALOT* 2:700; and substantive adjective גֵּר), a class that is often delineated from the גֵּר class; and to call a גֵּר a foreigner would be a misnomer in some biblical texts where גֵּר (singular and plural) designates an Israelite immigrant from the Northern Kingdom, and the plural form גֵּרִים regularly refers to the Israelites’ status in Egypt.³ “Stranger” has its own term (“זָר,” *HALOT* 1:279); likewise, “sojourner” or “dweller” (“תּוֹשָׁב,” *HALOT* 4:1712).⁴ These classes typically do not have a conferred legal status.⁵ Not every גֵּר is a “refugee,” but this term does fit certain contexts.⁶ “Expatriate” (Latin *expatriātus*: *ex* “out of” + ablative *patriā* “country,” “fatherland”) is too broad and again inaccurate for a Northern Kingdom Israelite גֵּר. “Non-indigenous resident” is accurate, and I have used it elsewhere,⁷ but it is neither concise, nor memorable. Some would suggest “client” for etymological reasons. Although there is no compelling

¹ Possibly גֵּר was originally a triconsonantal noun of the *qatil* pattern, rather than a biconsonantal of the *qil* pattern. F. Eduard König (*Historisch-kritisches Lehrgebäude der hebräischen Sprache* [vol. 2; Leipzig: J. C. Hinrichs, 1895], 82-83), followed by Jan Joosten (*People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17-26* [Leiden: Brill, 1996], 54) identifies גֵּר from the *qatil* form (BH vowel lengthening > *qāṭēl* with strong roots; i.e., *yābēš* “dry”). The loss of the middle glide is at least as simple to explain as its appearance as an original *gr* root. Then the primitive short /i/ (Joüon §88) lengthened to /ē/ in a closed, tonic syllable: **gawir* > **gīr* > *gēr* (Phoenician *gr*; Tiberian גֵּר; LXX proper name Γηρσαμ “Gērsam,” Exod 2:22). For *qil* see Joüon §88.

² JPS [1985]; NIV.

³ TNIV; NLT; at times, NET “resident foreigner.”

⁴ “Stranger” in *HALOT* “גֵּר” 1:201; RSV; KJV; ESV; JPS [1917]; JPS [1985] “resident stranger.”

⁵ Although cf. זָר as simply a layperson in P/H.

⁶ See “גֵּר,” *HALOT* 1:201.

⁷ Mark A. Awabdy, “YHWH Exegetes Torah: How Ezek 44:7-9 Bars Foreigners from the Sanctuary,” *JBL* 131 (2012): 685-703.

evidence that גר derives from the Semitic verb 'gr "to hire, rent,"⁸ גר does relate, maybe even etymologically, to Phoenician's gr "client."⁹ Others support the translation "client" or similarly in Dutch, *dagloner*, on contextual grounds.¹⁰ However, this classification is only appropriate for select passages (see §3.1.2; but against *dagloner* in Deut 24:14 see 3.1.8), and it fails to convey the semantic component of non-indigenous origins. Some proffer "guest" or "protégé" by the Arabic cognate جار (*jār*).¹¹ William Robertson Smith traces both Hebrew גר and Arabic جار back to the ancient Semitic convention of guest-friendship.¹² Although גר sometimes connotes one who should be treated as a guest (see §4.3), Smith's etymological reconstruction must yield to synchronic analysis of other texts that do not evince this connotation.¹³

Since there are a fair number of basic Semitic biconsonantal roots, we cannot determine the etymology of גר definitively. The term גר may be a West Semitic base noun (cp. Phoenician's gr "client"), but did it precede a denominative גור "to dwell as an alien and dependent" or derive from a deverbal גור (cp. *plausibly* Ugaritic's *gwr* > *gr*)?¹⁴ Although גר and גור are

⁸ Akkadian "to rent, hire" ("*agāru*" CAD 1:146-48) and "hire, rent, wages" ("*igru*" CAD 7:44-5); Ugaritic "mistress" < "she who hires" or "hired woman" ("*agri*," DULAT 1:27); Arabic "to rent" *ağara* (E. Lane, *Arabic-English Lexicon* 1:23).

⁹ In Northwest Semitic, the root *gr*₁ occurs in Phoenician, Nabatean, Palmyrenean, Jewish Aramaic, and Hebrew: "gr¹," DNWSI 2:232; "גַּר," HALOT 1:201. The meanings "proselyte" and "giver of hospitality" are attested, but more frequently are: "client, follower a) of a man" (CIS ii 4035⁴, 4218⁵, J 12⁴.⁵.⁶) and "client, follower b) of a god" (CIS ii 3972⁴; cf. KAI 37A 16, B 10?): "gr¹," DNWSI 2:232. Some interpret the above cited texts as forms of gr², a separate homonymic root, meaning: "young animal," "young boy," "young male prostitute," or "lion" or "lion-man."

¹⁰ Lawrence E. Stager, "Archaeology, Ecology, and Social History: Background Themes to the Song of Deborah," *Congress Volume Jerusalem 1986* [ed. J. A. Emerton; Leiden: Brill, 1988], 229-31; Schmidt, "De Vreemdeling in Israël," *Coll* 23 (1993): 227-40.

¹¹ Roland de Vaux, *Ancient Israel* (New York: McGraw, 1961), 74; without reference to *jār*, König suggests "Wanderer, Gast" (*hebräischen Sprache*, 83). In modern Arabic, جار means "neighbor."

¹² William Robertson Smith, *Lectures on the Religion of the Semites* (Edinburgh: Adam and Charles Black, 1889), 75-77.

¹³ James Barr (*The Semantics of Biblical Language* [Oxford: Oxford University Press, 1961], 116) has taught Hebrew Bible readers to interpret a word synchronically, unless a given text demonstrably intends for its readers to appreciate a word's etymological sense. See also §6.1 for the distinction between ANE hospitality and the OT's treatment of the גר.

¹⁴ The primitiveness of the verb over the noun is difficult to determine given the antiquity and widespread use of the term, and given that it is an agentive noun (a גר is one who does גור). HALOT ("גַּר" 1:201) regards the verb as a denominative probably due to the verb's absence in Old Aramaic inscriptions ("*gūr*," TDOT 2:441). This hollow, verbal root *gūr* > *gūr* (HALOT "גור" I 1:184) in West Semitic may have been a loan word from Akk. *guru* meaning "to settle" ("גור," NIDOTTE 1:836-39) or "to allot" (CAD 5:140). Ugaritic cognate verb *gwr*

related, they are not precisely interchangeable in the Hebrew Scriptures.¹⁵ The verb expresses the activity of residing outside the boundaries of one's original territory; this includes both the *emigration* of Israelites outside Israel and the *migrations* of the patriarchs, גר and Levite within Israel.¹⁶

“to lodge, take refuge, be protected” (N-stem prefix), “to settle” (reduplicated, verbal biconsonantal stem) and deverbal noun *gr* “protected; guest, foreigner” are both attested: “*gwr*,” *DULAT* 1:305; “*gr*,” *DULAT* 1:306 (see §6.1.1). See also Johannes Cornelis de Moor, *An Anthology of Religious Texts from Ugarit* (Leiden: Brill, 1987); John C. L. Gibson, *Canaanite Myths and Legends* (2d ed.; Edinburgh: T. & T. Clark, 2004). K. R. Veenhof’s comments (“An Aramaic Curse with a Sumero-Akkadian Prototype,” *BO* 20 [1963]: 144) on the Aramaic curse of Sefire II C shows the difficulty of discerning whether ‘*gr*’ (lines 1.8, 9) derives from *gûr* “to reside” or ‘*gr*’ “to hire, rent.” Are גור II “to attack” (*HALOT* “גור II” 1:184; cf. Akk. *gerû* “to be hostile”: *CAD*, “*gerû*,” 5:61-62) and גור III (*HALOT* “גור III” 1:184-85) “to be afraid” independent homonymic roots, or do they each specialize the meaning of the same root? Diether Kellerman (“*gûr*,” *TDOT* 2:439-40) believes the latter is possible: “If in antiquity, ‘to be foreign’ and ‘to be hostile’ can be simply two different observations about the same person, one must admit the possibility that Akk. *gerû*, ‘to be hostile’ (occurring esp. as the ptc. *gârû*, ‘enemy, opponent’), can be regarded as the etymon of Heb. *gwr*.”

¹⁵ The noun is used 92 times (see n. 20 below), and the verb גור (“to dwell...”) 83 times: Gen 12:10; 19:9; 20:1; 21:23, 34; 26:3; 32:5; 35:27; 47:4; Exod 3:22; 6:4; 12:48, 49; Lev 16:29; 17:8, 10, 12, 13; 18:26; 19:33, 34; 20:2; 25:6, 45; Num 9:14; 15:14, 16, 26, 29; 19:10; Deut 18:6; 26:5; Josh 20:9; Judg 5:17; 17:7, 9; 19:1, 16; 2 Sam 4:3; 1 Kgs 17:20; 2 Kgs 8:1, 2; Isa 5:17; 11:6; 16:4; 23:7; 33:14; 52:4; Jer 30:23; 35:7; 42:15, 17, 22; 43:2, 5; 44:8, 12, 14, 28; 49:18, 33; 50:40; Ezek 14:7; 47:22, 23; Hos 7:14; Ps 5:5; 15:1; 61:5; 105:12, 23; 120:5; Job 19:15; 28:4; Ruth 1:1; Lam 4:15; Ezra 1:4; 1 Chr 16:19; 2 Chr 15:9. On the most basic level, the verb and noun are not interchangeable in each context due to different subjects and locations of residence, as Matty Cohen (“Le ‘ger’ biblique et son statut socio-religieux,” *RHR* 207 [1990]: 136) notes: “Les passages textuels suivants sont à même de corroborer que le verbe *gur* ne s’applique pas exclusivement aux étrangers mais aux Israélites sur leur sol: Dt 18, 6...Juges 17,7...19,1...” Similarly, Paul-Eugène Dion identifies the distinction between the גר *residing* in Israel (i.e., Deut 5:14; 29:10; 31:12), and the Israelites *residing* as גרים in Egypt (i.e., Deut 10:19): “Israël et l’Étranger dans le Deutéronome” in *L’Altérité. Vivre ensemble différents. Approches Pluridisciplinaires: actes du Colloque pluridisciplinaire tenu à l’occasion du 75e anniversaire du Collège* (Montreal/Paris: Cerf, 1986), 223.

¹⁶ José E. Ramírez Kidd (*Alterity and Identity in Israel: The גר in the Old Testament* (BZAW 283; Berlin; New York: Walter de Gruyter, 1999), 20-26) distinguishes the *emigrant* character of the verb גור from the *immigrant* character of the noun גר. Instead, the data indicate the *emigrant* and *migratory* character of the verb גור and *immigrant* character of the noun גר. Regarding the verb, first, the גר persona, according to the priestly conception, is one who does גור *within* Israel’s borders (Exod 12:48, 49; Lev 16:29; 17:8, 10, 12, 13; 18:26; 19:33, 34; 20:2; Num 9:14; 15:14, 15, 16, 26, 29; 19:10; 20:9; Ezek 17:7; 47:22, 23). Second, the Levite resides (גור) at various sites *within* Israel (Deut 18:6; Judg 17:7, 8, 9; 19:1). Third, other Israelites resided (גור) outside their home, but *within* Israel (Judg 19:16; 2 Sam 4:3; 1 Kgs 17:20; probably Judg 5:17); or specifically on Mt. Zion or YHWH’s sanctuary (Ps 5:5; 15:1; 61:5). Fourth, Egyptian women reside (גור) in houses in their own country (3:22). As for the noun, Israelites are called גרים (and singu-

Whereas the noun predominantly “designates the *legal status* granted to those (strangers and foreigners) who came to sojourn and were ruled by the internal regulations of an Israelite community. It expressed rather the idea of *immigration*” (italics mine).¹⁷ Consequently, in many biblical texts “immigrant” (Latin *immigrans*, present participle of *immigrare* “to go into”) is an appropriate translation for גר insofar as it conveys an allochthonous resident in the land of Israel or Judah who was subject to voiced and unvoiced societal boundaries (including, but not limited to, an official *lex terrae*).¹⁸ Two caveats apply to our use of “immigrant” as a translation. First, this word’s modern ethno-political connotations must not be superimposed onto גר in the OT.¹⁹ Second, unlike the term “immigrant” in English and other modern languages, the OT is not explicitly interested in the

lar גר) in Egypt (Exod 22:20; 23:9; Lev 19:34; Deut 10:19; 23:8; similarly Gen 15:13), and גר denotes Moses’ status as one living in Midian (Exod 2:22; 18:3; see §4.2.1.). The bifurcation, instead, is between the *activity* (verb) of residing allochthonously and the *social or legal status* (noun) of one who resides allochthonously.

¹⁷ Ramírez Kidd, *Alterity*, 24.

¹⁸ Walter Vogels (“L’immigrant dans la maison d’Israël” in “Où demeurez-vous?": [*Jn 1,38*]: la maison depuis le monde biblique: en hommage au professeur Guy Couturier à l’occasion de ses soixante-cinq ans [ed. Jean-Claude Petit; Saint-Laurent, Québec: Fides, 1994], 233-34) adheres to this definition as common to every use of the noun: “La datation des quatre traditions et la théorie documentaire elle-même sont actuellement remises en question, mais ce qui est au dessus de toute discussion c’est que גר se réfère toujours à l’étranger qui a pris résidence. La meilleure traduction reste donc ‘immigrant.’” Frank Anthony Spina (“Israelites as *gerîm*, ‘Sojourners,’ in Social and Historical Context” in *The Word of the Lord Shall Go Forth: Essays in Honor of David Noel Freedman in Celebration of His Sixtieth Birthday* [ed. Carol L. Meyers and Michael Patrick O’Connor; Winona Lake, Ind.: Eisenbrauns, 1983], 321-35, especially 323) prefers immigrant, chiefly because it implies the phenomena of social conflicts that gave rise to a massive exodus of people.

¹⁹ James K. Hoffmeier (*The Immigration Crisis: Immigrants, Aliens, and the Bible* [Wheaton, Ill: Crossway Books], 2009) offers a pertinent study, and he rightly exhorts: “we must recognize the vast differences that exist between the cultural, economic, and social milieu of ancient Israel three thousand years ago and present western culture” (p. 25). Nonetheless, he concludes “The *ger* in the Bible, I maintain, corresponds to a legal alien” (p. 156), but does not clarify the differences between the two. Three primary differences are as follows. One, the U.S. legal system is not interchangeable with ancient Israel’s theocracy. Two, immigrants in the U.S. are classified as legal (documented) or illegal (undocumented), but a גר was by definition “legal” (allowed to live in Israel or Judah), although he was subject to certain expectations (Hoffmeier’s proposal cannot be maintained that the נכרי correlates to a contemporary, illegal immigrant). Three, the modern term “immigrant” typically connotes permanent, or at least, indefinite residence, whereas the גר may reside as an allochthonous resident in Israel or Judah temporarily or permanently. In sum, the גר resided within the community of Israel, the covenant people of YHWH, which may have greater implications for treatment of non-indigenous persons residing within a majority Jewish or Christian context, than immigrants living within the borders of a modern, political country.

birth language and culture of the גר, nor the *length of time* that a גר chooses to live in Israel or Judah (see an exception in Deut 23:9). With these caveats in mind, “immigrant” will be used in this study’s translations of biblical texts; גר will be used everywhere else.

1.1. Investigative Methods on the גר in the Old Testament

1.1.1. Lexico-Syntagmatic Approach

The available data on the גר (pl. גרים) are biblical texts, predominantly legal materials in Exodus through Deuteronomy (D).²⁰ Consequently, most researchers begin by analyzing lexical, syntactical and contextual aspects of the term in each of its more or less circumscribed corpora. Consider, for example, how a basic paradigmatic analysis (synonyms and antonyms) in Leviticus constrains one’s interpretation of גר in this book. The גר class in Leviticus is, with other non-priestly Israelites, hyponomously included in the זר “unauthorized” (10:1) or “lay person” class (22:10; “lay person” meaning one unauthorized as a priest). The גר is also distinct from the בן-נכר “foreigner” (22:25) and תושב “dweller,” and possibly contradistinct, along with the Israelites, from הגויים “the nation(s)” (chs. 18-20).²¹ The Holiness Code (HC; Leviticus 17-26) frequently pairs גר with its counterpart, אזרח “native” Israelite. Germane are the constituent members of אחיכם כל-בית ישראל “your brothers, all the house of Israel” (10:6) and בני ישראל “Israelites.” Did these include or preclude the גר? Other identities in Leviticus, not to mention those outside the book, that share גר’s broad semantic domain and nuance include: נפשקנין “person as property” (22:11); שפחה “slave-girl” (19:20); עבד “(male) slave” (25:42); שכיר “day-laborer” (22:10). Lexico-syntagmatic analysis is foundational to those who examine inner-biblical exegesis or allusion, the phenomena of how the lemmas of a text interplay with lemmas from an external text, sometimes called an intertext. Few, however, have explored in any depth inner-biblical revision in the גר texts of the Pentateuch.

²⁰ Gen 15:13; 23:4; Exod 2:22; 12:19, 48, 49; 18:3; 20:10; 22:20[2x]; 23:9[3x], 12; Lev 16:29; 17:8, 10, 12, 13, 15; 18:26; 19:10, 33, 34[2x]; 20:2; 22:18; 23:22; 24:16, 22; 25:23, 35, 47[3x]; Num 9:14[2x]; 15:14, 15[2x], 26, 29, 30; 19:10; 35:15; Deut 1:16; 5:14; 10:18, 19[2x]; 14:21, 29; 16:11, 14; 23:8; 24:14, 17, 19, 20, 21; 26:11, 12, 13; 27:19; 28:43; 29:10; 31:12; Josh 8:33, 35; 20:9; 2 Sam 1:13; 1 Chr 22:2; 29:15; 2 Chr 2:16; 30:25; Job 31:32; Ps 39:13; 94:6; 119:19; 146:9; Isa 14:1; 27:9; Jer 7:6; 14:8; 22:3; Ezek 14:7; 22:7, 29; 47:22, 23; Zech 7:10; Mal 3:5.

²¹ Joosten (*People and Land*, 74) states the תושב in HC cannot be synonymous with גר since the former “does not define rights, but objectively describes a social condition.”

1.1.2. Sociological Approach

Defining the social position of the גר has been, and should continue to be, a field of inquiry. The first technical study on the subject, in the late nineteenth century, concluded גר meant one who left his society and entered a dependent status within a new society.²² Over the next 80 years, scholars remained largely indebted to this definition, but tailored it to emphasize two sociological subcomponents. The first is *protected residence*. The גר is a “landless client” or a “protected or dependent foreigner, settled for a time in Israel”²³ or is one from “another tribe or district who, coming to sojourn in a place where he was not strengthened by the presence of his own kin, put himself under the protection of a clan or powerful chief.”²⁴ Or like the Arabic *jār*, the גר is a foreigner residing temporarily or permanently “in the midst of another community, where he is accepted and enjoys certain rights.”²⁵ Another has argued the גר became a member of the 50 or more persons in an extended Israelite household (בית אב),²⁶ or worked for the patriarch of the household as a “landless client.”²⁷ The second subcomponent that scholars have emphasized is *unaffiliated alterity*. The גר was a partially incorporated sojourner of foreign, mainly Canaanite, origin²⁸; or more generally, a foreigner with “no familial or tribal affiliation with those among whom he or she is traveling.”²⁹ A recent definition also expresses a גר’s condition of unaffiliated, even restrictive, alterity as “a person of a different geographical or cultural group than the dominant cultural group and whose right of landed property, marriage, and participation in jurisdiction, cult, and war has been restricted.”³⁰ Or, similarly, because the גר was

²² Alfred Bertholet, *Die Stellung der Israeliten und der Juden zu den Fremden* (Friburg/Leipzig: J. C. B. Mohr, 1896), 328-34. Closely following Bertholet is Bruce V. Malchow, *Social Justice in the Hebrew Bible* (Collegeville, Minn.: Liturgical, 1996), 8-17, 20-29.

²³ S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (ICC; Edinburgh: T & T Clark, 1902), 126, 165.

²⁴ William Robertson Smith, *The Religion of the Semites* (London: Black, 1927), 75.

²⁵ Roland de Vaux, *Ancient Israel* (New York: McGraw, 1961), 74.

²⁶ Norman K. Gottwald, *The Tribes of Yahweh* (Maryknoll, NY: Orbis, 1979), 285.

²⁷ J. David Schloen, *The House of the Father as Fact and Symbol: Patrimonialism in Ugarit and the Ancient Near East* (Winona Lake, Ind.: Eisenbrauns, 2001), 150; so also Stager, “Social History,” 229-31.

²⁸ Johannes Pedersen, *Israel: Its Life and Culture* (2 vols.; London: Humphrey Milford; Copenhagen: Povel Branner, 1926-1940).

²⁹ J. Spencer, “Sojourner,” *ABD* 4:103-4.

³⁰ M. Matlock and B. Arnold, “Stranger,” *NIDB* 5:384-85. This is a modification of “גר,” *HALOT* 1:201: “a man who (alone or with his family) leaves village and tribe because of war 2S 4₃ Is 16₄, famine Ru 1₁, epidemic, blood guilt etc. and seeks shelter and

a *non-relative* who had taken permanent refuge in another clan he was “not protected by the sense of duty of the host.”³¹ This nuance, which still stresses unaffiliated alterity, opens the possibility that the גר, specifically as reflected in Israelite law, is “not a foreigner nor a fully enfranchised member of the tribe of Israel.”³² The sociological approach could answer the following question if one were able to reconstruct a text’s historical and social background: What was the גר’s actual status and experience, rather than his idealized or legal status envisaged in biblical law, within a given Israelite or Judean community?

As a subcategory of the sociological approach, comparison and contrast of the גר in the OT with *homologous* Near Eastern literature – proximate in time, geography and spheres of cultural contact, such as language – is a fruitful avenue, pursued by some, for identifying cross-cultural influence or merely a shared cultural heritage.³³ Comparison and contrast with *analogous* literature – not genetically or genealogically connected – may reveal a similar or distinct sociology to that of other unrelated cultures (e.g., D’s גר with Alexandria’s προσήλυτος), but does not typically reveal influences on the OT’s conceptuality of the גר.

1.1.3. Sociohistorical Referential Approach

In 1930, James Theophile Meek made the case for three primary גר referents corresponding to the historical contexts of the OT’s source documents: גר in JE referred to a non-Israelite *immigrant* with partial tribal membership; in the Book of the Covenant (BC) and D, a *resident alien*, that is, a member of the indigenous population of Palestine conquered by the Hebrews; in H and P, a naturalized alien, that is, a *proselyte* to Judaism.³⁴ Today, many are convinced that D’s גר refers to a post-722 Northern Kingdom Israelite immigrant to Judah (see §2.1.1), and HC’s גר, a postex-

residence at another place, where his right of landed property, marriage and taking part in jurisdiction, cult and war has been curtailed.”

³¹ Hans Eberhard von Waldow, “Social Responsibility and Social Structure in Early Israel,” *CBQ* 32 (1970): 186.

³² Mary Douglas, “The Stranger in the Bible,” *Archives Européennes de Sociologie* 35 (1994): 284.

³³ Jack M. Sasson (“About ‘Mari and the Bible,’” *RA* 92 [1998]: 97-123) insightfully applies the biological categories, homology and analogy, to comparative study of the Bible and other cultures.

³⁴ James Theophile Meek, “The Translation of Gêr in the Hexateuch and Its Bearing on the Documentary Hypothesis,” *JBL* 49 (1930): 172-80. Stuart Krauss (“The Word ‘Ger’ in the Bible and Its Implications,” *JBQ* 34 [2006]: 264-70) argues for two basic referents: גר during the First Temple marks an Israelite stranger or non-Israelite, and in the Second Temple period גר marks a non-Israelite convert or proselyte.

ilic, non-indigenous – maybe ethnically non-Israelite³⁵ – cultic member.³⁶ Pentateuchal laws, therefore, reflect the changing origins and socio-legal positions of the גר:

Die soziale und rechtliche Stellung des Fremden (*gēr*) – so können wir hier zusammenfassend feststellen – hat sich im Lauf der Geschichte Israels gewandelt: vom Schutz vor wirtschaftlicher Ausbeutung in den ältesten Texten des Bundesbuches über ein umfassendes Reformprogramm zur wirtschaftlichen und sozialen Integration im 8. und 7. Jahrhundert, der Zeit des Deuteronomium, bis hin zur völligen Gleichberechtigung in der exilisch-nachexilischen Gemeinde.³⁷

Many believe that the Holiness or Priestly legislation integrates circumcised גרים (Exod 12:48-49), but who exactly were they?³⁸ If they were ethnic non-Israelites, were they proselytes to Judaism³⁹ or economically independent residents living in Yehud alongside Jews in the Persian era?⁴⁰ Rather, might they have been, like D's גרים, Northern Kingdom Israelites who

³⁵ Christoph Bultmann, *Der Fremde in antiken Juda: Eine Untersuchung zum sozialen Typenbegriff >ger< und seinem Bedeutungswandel in der alttestamentlichen Gesetzgebung* (FRLANT 153; Göttingen: Vandenhoeck & Ruprecht, 1992).

³⁶ Bultmann (*Der Fremde*, 216) describes the change of the גר's social status within seventh century Judah to a one *outside* fifth century Israel's religious community who desired to join it: "Mit dem Wechsel des Bezugsrahmens: vom jüdischen lokalen Milieu zum Konzept eines weit ausgreifenden religiösen Zusammenhalts, hängt der wortgeschichtliche Bedeutungswandel zusammen, in dem die Bezeichnung *ger*, wohl kaum vor der zweiten Hälfte des 5. Jahrhunderts, ihren sozialen Sinn verliert und zur Bezeichnung derjenigen Gestalt wird, deren Verhältnis zu Israel eigentlich problematisch ist, des Fremden, der von außerhalb der Religionsgemeinschaft commend ihr zugehörig werden will. Die Fremdheit liegt bei diesem zweiten Strang der Belege für die Bezeichnung *ger* in der Relation zu Israel als der Gesamtgröße, die durch die jahwistische Religion und ihr Sakralrecht definiert ist, und weil dieses Israel sowohl in der persischen Provinz Juda als auch in der Diaspora lebt, ist sie nicht auf das jüdische Territorium und die konkreten sozialen Möglichkeiten des Lebens in ihm bezogen. Der Fremde ist nicht-israelitischer, d.h. nicht-jüdischer Herkunft und wird erst durch die Beschneidung zum *ger* (Ex 12:48)."

³⁷ Ludger Schwienhorst-Schönberger, "...den Fremde seid ihr gewesen im Land Ägypten." Zur sozialen und rechtlichen Stellung von Fremden und Ausländern im Alten Israel," *BL* (1990): 114.

³⁸ Ross H. Cole ("The Sabbath and the Alien," *AUSS* 38 [2000]: 223-29) argues, with John Calvin, that the Sabbath participants enumerated in Exod 23:12 and Deut 5:12 would have included *uncircumcised* גרים. If so, then weekly Sabbath provides an exception to the norm of only permitting circumcised aliens to observe Israel's sacred customs.

³⁹ Alfred Bertholet, *Die Stellung der Israeliten und der Juden zu den Fremden* (Friedburg/Leipzig: J. C. B. Mohr, 1896), 152-78.

⁴⁰ Christophe Nihan, "Resident Aliens and Natives in the Holiness Legislation," in *The Foreigner and the Law: Perspectives from the Hebrew Bible and the Ancient Near East* (BZAR 16; ed. R. Achenbach, R. Albertz, and J. Wöhrle; Wiesbaden: Harrassowitz, 2011), 11-34.

yielded to Judean domination after Samaria fell?⁴¹ Or were they Samaritan hierarchs,⁴² that is, Israelites who stayed in Palestine and joined the exiles who returned;⁴³ or conversely, Judean exiles who returned to Palestine?⁴⁴ Or instead were they diaspora Jews traveling to Jerusalem to celebrate the festivals?⁴⁵ These proposals have varying degrees of plausibility, but to make their more specific sociohistorical claims, they all move beyond the conclusive evidence (see the empirical approach of §5.1; §5.3). One must remember, too, that the differences between the status of the גר in each law corpus may not be the result of different historical conditions or distinct referents or meanings for the term גר, but may simply reflect the theological and ideological differences between one corpus and another.⁴⁶

1.1.4. Theological and Related Approaches

Interpretive strategies are also needed to expound the theological and religious shape of the germane texts. What are YHWH's disposition and actions toward the גר? Does YHWH metaphorically assume Near Eastern divine or human social roles to compel, by his own example, Israel's obedience to the גר injunctions? A subcategory of theology and religion is missiology, yet this field's popular categories of *centripetal* and *centrifugal* mission must be nuanced when applied to the גר who resided in Israel's

⁴¹ Matty Cohen ("Le 'ger' biblique et son statut socio-religieux," *RHR* 207 [1990]: 148) argues the univocality of the term גר is a common feature in Deuteronomy (pre-exilic) and Chronicles (post-exilic): "Pour notre part, nous estimons, au contraire, que l'univocité de *ger* est un trait commun au Deutéronome et aux Chroniques." Other scholars seem to assume that גר has a singular referent in all the OT's legal corpora: see also, Yehezkel Kaufmann, *The Religion of Israel. From its Beginnings to the Babylonian Exile* (trans. and abridged by M. Greenberg; London: 1961), 206; Jacob Milgrom, "Religious Conversion and the Revolt Model for the Formation of Israel," *JBL* 101 (1982): 169-76; Frank Crüsemann, "Fremdenliebe und Identitätssicherung. Zum Verständnis der »Fremden« Texte im Alten Testament," *Wort und Dienst* 19 (1987): 11-24.

⁴² Christiana van Houten, *The Alien in Israelite Law* (JSOTSup 107; Sheffield: JSOT, 1991), 156; Innocenzo Cardellini, "Stranieri ed 'emigrati-residenti' in una sintesi di teologia storico-biblica," *RivB* 40 (1992): 129-81.

⁴³ J. G. Vink, "The Date and Origin of the Priestly Code in the Old Testament," *The Priestly Code and Seven Other Studies* (ed. P. A. H. de Boer; *OtSt* 15. Leiden: Brill, 1969), 1-144.

⁴⁴ Henri Cazelles, "La Mission d'Esdras," *VT* 4 (1954): 113-40.

⁴⁵ P. Grelot, "La Dernière Étape de la Rédaction Sacerdotale," *VT* 6 (1956): 174-89.

⁴⁶ Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Oxford University Press, 1972; repr. Winona Lake, Ind.: Eisenbrauns, 1992), 230-31; Joosten, *People and Land*, 57-58.

midst.⁴⁷ The governing questions are two. First, could the גר enter into covenant with YHWH? If so, was the גר in certain biblical corpora by definition a protégé of Israel's deity, that is, was the גר once called a נכרי "foreigner," or perhaps a זר "stranger" or תושב "temporary resident," before he entered covenant with YHWH? Second, do some biblical texts envision that the גר could be incorporated meaningfully into the Israelite community?⁴⁸

Even if one answers yes to both, some would contest any missional vision since "texts where captives, slaves, and strangers (*gērim*) are integrated into Israel present us not with mission but with the normal process of assimilation. Mission implies a community's conviction of responsibility toward the rest of humankind."⁴⁹ It is true that Israelites did not show Near Eastern *hospitality* to גרים since they were not strangers.⁵⁰ However, it is also true that the גר must be carefully distinguished from captives, slaves, foreigners, strangers, among other classes, and the codified גר laws suggest a level of humanitarian concern and the intention to protect the גר's cultic prerogatives.⁵¹

This survey indicates the necessity of a multifarious approach to understanding the גר in whichever biblical corpus this figure occurs. An adequate study must navigate between literary, sociological, and theological determinants.

⁴⁷ For this distinction, consult Christopher J. H. Wright, *The Mission of God: Unlocking the Bible's Grand Narrative* (Downers Grove, Ill.: InterVarsity, 2006), 501-05.

⁴⁸ Roger E. Hedlund, *The Mission of the Church in the World: A Biblical Theology* (Grand Rapids: Baker, 1985), 80.

⁴⁹ James Chukwuma Okoye, *Israel and the Nations: A Mission Theology of the Old Testament* (Maryknoll, N.Y.: Orbis, 2006), 5.

⁵⁰ But see §6.1. for my critique of T. R. Hobbs, "Hospitality in the First Testament and the 'Teleological Fallacy,'" *JSOT* 95 (2001): 20-24.

⁵¹ The גר in Exodus may celebrate Passover (12:48-49), in Numbers has the prerogative to sacrifice (15:13-16), and in Deuteronomy celebrates the festivals of Weeks and Booths (16:10-15) and participates in the covenant ceremonies (29:8-12; 31:10-13).

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