MARK A. AWABDY

Immigrants and Innovative Law

Forschungen
zum Alten Testament 2. Reihe
67

Mohr Siebeck

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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 ישׁרון רכב שׁמים בעזרך ובגאותו שׁחקים

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).

Table of Contents

Preface V
Abbreviations XI

Chapter 1: Introduction 1

1.1. Investigative Methods on the גר in the Old Testament 5

1.1.1. Lexico-Syntagmatic Approach 5
1.1.2. Sociological Approach 6
1.1.3. Sociohistorical Referential Approach 7
1.1.4. Theological and Related Approaches 9

1.2. This Study's Aim and Structure 11

Chapter 2: Studies on the גר in Deuteronomy 15

2.1. Historical and Social Provenance 15

2.1.1. Seventh Century Israelites 15
2.1.2. Seventh Century Judahites 18
2.1.3. Derivative and Divergent Views 20
2.1.4. Eighth or Ninth Century Israel 23

2.2. Delineating Compositional Strata 25

2.2.1. A Generous Redactor 25
2.2.2. Three Strata: Pre-D, Pre-exilic D and Post-exilic D 26
2.2.3. Two Strata: Deuteronomic Reforms and Exilic/
Post-exilic Cultus 28

2.3. Ancient Near Eastern Comparisons 30

2.3.1. Formulating the Deuteronomic Triad 30
2.3.2. Motivations for Social Action: Near Eastern or Distinctly
Israelite? 31

2.4. Prospect for this Study 35

Chapter 3: Establishing and Analyzing the גר Texts 39

3.1. Foreign Complexity and Synchronic Boundaries 39

3.1.1. Deut 1:16-17 40
3.1.2. Deut 5:13-15 43
3.1.3. Deut 10:17-19 49
3.1.4. Deut 14:21 57
3.1.5. Deut 14:28-29 60
3.1.6. Deut 16:10-14 62
3.1.7. Deut 23:2-9 66
3.1.7.1. Introductory Issues 66
3.1.7.2. What is קהל יהוה in 23:2-9? 69
3.1.7.3. Who Are the Non-Israelites in 23:4-9? 75
3.1.8. Deut 24:14-22 83
3.1.9. Deut 26:10-13 89
3.1.10. Deut 27:19 92
3.1.11. Deut 28:43-44 94
3.1.12. Deut 29:8-12 96
3.1.13. Deut 31:10-13 101

3.2. Deuteronomy's גר: Continuity and Pluriformity 106

3.2.1. Exploring Thematic Subdivisions 106
3.2.2. Investigating the Possibility of Historical Referents 108
3.2.3. Detecting Ethnicity: Israelite, Judahite, or Non-Israelite/ Judahite 110

3.3. Conclusions: Rhetoric of a New Status 117

Chapter 4: Immigrant-in-Egypt and Slave-in-Egypt Formulae: Demarcations, Import, and Origins 127

4.1. Introducing the Formulae 127

4.2. גר-Egypt and עבד-Egypt: Evidence of a Semantic Distinction 130

4.2.1. גור Activity in Gen 45-Exod 1:5 and עבד Activity in Exod 1:9-12:51 130
4.2.2. Israel-in-Egypt Texts in D 133
4.2.3. Historical Précis: Gen 15:13 and Deut 26:5-6 135

4.3. Jacob's Sojourn as Israel's גור Experience ……..... 136

4.4. Semantic Distinction within D …….……..... 142

4.4.1. גר in Egypt ……..... 144
4.4.2. עבד in Egypt …….……..... 148

4.5. Positing the Origins of D's גר-Egypt and עבד-Egypt Formulae 153

4.6. Revisiting the überlieferungsgeschichtliche Problem: Interfacing a Growing Consensus with D's גר-Egypt and עבד-Egypt Traditions…….. 157

4.7. Conclusions ……..……..... 162

Chapter 5: The גר and Torah: D's Interpretation of the Covenant Code and Distinction from H ……..……..... 165

5.1. Deuteronomy and Inner-Biblical Interpretation: Methodological Developments ……..... 165

5.1.1. Deuteronomy's Laws: Reconstructive versus Relative Dating……..165
5.1.2. D, H and Exodus 20-23: Debates on Inner-Biblical Textuality ……..... 169
5.1.3. Inner-Biblical Exegesis and D's גר Laws ……...…..... 174
5.1.4. Indicators of the Direction of Literary Influence ……..... 177
5.1.5. The Independence of H's גר Laws from D's …..……..... 179

5.2. D's Revision of Exodus 20-23's גר Regulations and Contrasts with H ……..... 184

5.2.1. A Vicarious Redemption ……..……..... 184
5.2.1.1. The גר and Sabbath (Exod 20:8-11; Deut 5:12-15) ……. 198
5.2.1.2. The גר and Festive Meals (Exod 12:21-27; 23:14-19; Deut 16:1-17) ……..... 205
5.2.2. An Accomodating *Tôrâ* ……..... 207
5.2.2.1. The גר and Tithes and Sacrifices (Exod 20:24; Deut 12:11-19; 14:22-29) …….…..... 220
5.2.2.2. The גר and Carcass Consumption (Lev 17:15; Deut 14:21) ……..... 224

5.3. Conclusions ……..……..... 227

Chapter 6: Social and Religious Integration ……..... 227

6.1. Social Integration: The Ancient Near East and the גר in the Deuteronomic Code ……..... 228

6.1.1. Non-Indigenous Residents in a Selection of Ancient Near Eastern Laws ……..... 228
6.1.1.1. Anatolia ……..... 231
6.1.1.2. Mesopotamia ……..... 232
6.1.1.3. Ugarit ……..... 234
6.1.1.4. Egypt ……..... 236
6.1.2. Defining the גר's Social Integration in the Deuteronomic Code ……..... 237

6.2. Religious Integration: The גר in Deuteronomy's Prologue and Epilogue ……..... 241

6.3. Israel's Election and Deuteronomy's גר ……..... 245

6.4. Conclusions ……..... 249

Chapter 7: Conclusion ……..... 251

Index ……..... 275

Abbreviations

G	Old Greek (a majority of Septuagint mss)
G^{A}	Codex Alexandrinus
G^{Amb}	Codex Ambrosianus
G^{C}	Codex Coisliniarus
G^{B}	Codex Vaticanus
G^{S}	Codex Sinaiticus
G^{L}	Lucianic Recension
G^{848}	Old Greek fragment, Rahlf's 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 גר does not.[2] "Foreigner" is better reserved for בן־נכר ("נֵכָר," *HALOT* 2:700; and substantive adjective נכרי), a class that is often delineated from the גר class; and to call a גר a foreigner would be a misnomer in some biblical texts where גר (singular and plural) designates an Israelite immigrant from the Northern Kingdom, and the plural form גרים 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 גר 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 גר. "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

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[1] Possibly גר was originally a triconsonantal noun of the *qatil* pattern, rather than a biconsonantal of the *qil* pattern. F. Eduard König (*Historisch-kritisches Lehrgebaüde 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 גר from the *qaṭil* 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* > **gir* > *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* "גר " 1:201; RSV; KJV; ESV; JPS [1917]; JPS [1985] "resident stranger."

[5] Although cf. זר 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

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[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" ("*agrt*," *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: "gr^1," *DNWSI* 2:232; "גֵּר," *HALOT* 1:201. The meanings "proselyte" and "giver of hospitality" are attested, but more frequently are: "client, follower a) of a man" (*CIS* ii 4035^4, 4218^5, J $12^{4, 5, 6}$) and "client, follower b) of a god" (*CIS* ii 3972^4; cf. KAI 37A 16, B 10?): "gr^1," *DNWSI* 2:232. Some interpret the above cited texts as forms of gr^2, a seperate homonymonic 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* ("גֵּר" 1:201) regards the verb as a denominative probably due to the verb's absence in Old Aramaic inscriptions ("*gûr*," *TDOT* 2:441). This hollow, verbal root *gūr* > *gûr* (*HALOT* "גור I" 1:184) in West Semitic may have been a loan word from Akk. *gurru* 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 ptcp. *gārû*, '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 differents. Approches Pluridisciplinaires: actes du Colloque pluridisciplinaire tenu a l'occasion du 75e anniversaire du College* (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

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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 demeures-tu?": [Jn 1,38]: la maison depuis le monde biblique: en hommage au professeur Guy Couturier a` 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 הגוי(ם) "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 גר's meaning 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.

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[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, origin[28]; 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

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[22] Alfred Bertholet, *Die Stellung der Israeliten und der Juden zu den Fremden* (Frieburg/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: Povl 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 "גֵּר," *HALOT* 1:201: "a man who (alone or with his family) leaves village and tribe because of war 2S 4_3 Is 16_4, famine Ru 1_1, 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-

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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-Israelite[35] – 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 Judaism[39] 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

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[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 judäischen 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 persichen Provinz Juda als auch in der Diaspora lebt, ist sie nicht auf das judäische 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* (Frieburg/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

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[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 Deuteronomic 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.

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[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).

1.2. This Study's Aim and Structure

The purpose of this study is to provide a more nuanced and exhaustive understanding of the noun גר in the book of Deuteronomy (D). D contains the largest number of גר references in the HB (22, followed closely by Leviticus' 21 references), including the distinctive גר-orphan-widow occurrences, which have engendered several essays and monograph chapters.[52] As we will see in the next chapter on the history of research, certain interpretive factors need to be revisited, and in some cases, investigated for the first time. The chapter contents summarized below reveal my intention to employ the gamut of methods highlighted in this introduction.

Chapter 2 "Studies on the גר in Deuteronomy" presents a *Forschungsgeschichte*, organized around three foci that recur in the secondary literature: historical and social provenance; delineating compositional strata; and ancient Near Eastern comparisons. The chapter concludes with a survey of scholarship's deficiencies that this study attempts to remedy.

Chapter 3 "Establishing and Analyzing the גר Texts" systematically examines each גר text in D by: 1) establishing the most plausible manuscript reading(s); and 2) presenting key interpretive constraints, including lexical and grammatical features, semantic relations (paradigmatic and syntagmatic), usage of terms in D, and the conceptual flow of each text within its direct context.[53] Since this is a study of the *noun* גר, that is, the גר class of persons in the book of D, this chapter will not analyze D's use of the verbal cognate גור, which is never used in D with the noun גר.[54] The texts examined will include those that use the noun גר in the singular and plural, and Deut 23:2-9, which this study will argue has direct bearing on גר interpretation. From these examinations of D's texts, the study will critique attempts to subdivide D's גר texts by theme or different historical referents, and then will make a case for the גר's ethnicity in the book. The chapter concludes with the rhetoric of D's representation of the גר in the legal core in distinction from the גר in the prologue and epilogue.

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[52] See §1.1.1 n. 20.

[53] Paradigmatic relations, that is synonyms, antonyms and hyponyms in D, include the: 'orphan' (אלמנה), 'widow' (יתום), 'Levite' (לוי), 'foreigner' (נכרי), 'sojourner' (תושב), 'Hebrew' (עברי), 'countryman' (אח; Leviticus' term is 'native' [אזרח]), 'stranger' (זר), 'nation' (גוי), gentilic nouns (chs. 2, 7, 23, et al.), among other classification nouns.

[54] גור "to sojourn" has as its subject: the Levite (18:6) and Israel's ancestors in Egypt (26:5); the latter text will be discussed in chapter 3. גור II, an unrelated root, means "to be afraid" (1:17; 18:22; 32:27), and גור III, a second unrelated root, means lion's "cub" (33:22).

Chapter 4 "Immigrant-in-Egypt and Slave-in-Egypt Formulae: Demarcations, Import and Origins" introduces these formulae and presents evidence that indicates a semantic distinction between them.[55] The chapter's penultimate section posits literary origins for these formulae. The chapter closes by demonstrating how the formulae relate to the theory of distinct accounts of Israel's origins in Genesis and the so-called Moses story.[56]

Chapter 5 "The גר and Torah: D's Interpretation of the Covenant Code and Distinction from H" explores the phenomena of D's inner-biblical interpretation of גר laws in Exodus 20-23 and independence from גר laws in the H corpus. The chapter opens with the methodological advancements in the field of inner-biblical analysis in the book of D. A case is made that relative dating is superior to reconstructive dating of D's laws. This is followed by a summary of debates on the inner-biblical relationship between D, the holiness laws (H), and the Covenant Code (CC). The study then defines terms and indicators for the direction of literary influence with implications for the (non)relationship between D's and H's גר legislation. The second and major section of the chapter argues that D's revision of the CC and distinction from H enables the גר to encounter YHWH's redemption of Israel. Finally, D's expectations on the גר regarding tithes and sacrifices and carcass eating are different than expectations placed on Israelites. This stands in contrast to H's equalization of the גר and native Israelite.

Chapter 6 "Social and Religious Integration" proffers a discussion on the extent to which D's laws endeavor to integrate the גר into the Israelite community. With respect to *social* integration, the chapter offers comparative material from ancient Near Eastern law regarding treatment of non-indigenous residents, and then compares and contrasts that material with the גר laws of the Deuteronomic Code (DC). As for the גר's *religious* integration, research on Deuteronomy 23, and D's prologue and epilogue are

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[55] The chapter develops and critiques the work of several scholars, especially Ramírez Kidd, *Alterity*, 86-98.

[56] Thomas Römer (*Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition* [OBO 99; Fribourg: Editions Universitaires and Göttingen: Vandenhoeck & Ruprecht, 1990), Albert de Pury ("Le cycle de Jacob comme légende autonome des origines d'Israël," in *Congress Volume Leuven 1989* [ed. by J. A. Emerton; VTSup 43; Leiden: Brill, 1991), 78–96) and others have argued that there are no pre-P connections between Genesis and Exodus. Developing the work of these studies, Konrad Schmid (*Erzväter und Exodus: Untersuchungen zur doppelten Begründung der Ursprünge Israels innerhalb der Geschichtsbücher des Alten Testaments* [WMANT 81; Neukirchen-Vluyn: Neukirchener, 1999) demarcates Genesis from Exodus: Genesis presents an autochthonous view of Israel's origins, whereas Exodus an allochthonous view. Independent of Schmid, Jan Christian Gertz (*Tradition und Redaktion in der Exoduserzählung: Untersuchungen zur Endredaktion des Pentateuch* [FRLANT 186; Göttingen: Vandenhoek & Ruprecht], 2000) arrives at a similar conclusion.

apropos. The study ends by considering Israel's election as YHWH's covenant people and its concomitant responsibility to the גר who resided within its settlements.

Chapter 7 "Conclusion" identifies how this study has attempted to remedy some of the deficiencies in scholarship, summarizes the results of this study, and suggests areas for further research.

Chapter 2

Studies on the גר in Deuteronomy

2.1. Historical and Social Provenance

2.1.1. Seventh Century Israelites

Conventionally, scholars have viewed the גר in Deuteronomy (D) as a non-Israelite living in Israel with partial citizenship.[1] More specifically, D's גר was a member of the indigenous population of Palestine conquered by the Hebrews; hence, the translation "resident alien."[2] So the relationship between Israel and the גר was thought to be analogous to that of the conquering Amorites (*awīlum* in Hammurapi's Code) and conquered Babylonians (*muškēnum*) in the Old Babylonian Empire.[3] Otto Bächli believed D's גר included foreigners *and* Israelites,[4] but it was Leonhart Rost who first identified D's גרים as Israelite refugees (*Flüchtlinge*) who celebrated Hezekiah's Passover in Jerusalem.[5] Diether Kellermann arrives at a similar view independently by identifying D's גר with the Northern Kingdom refugees who fled to Judah after Samaria fell in 721 BCE.[6] For instance, the Northern Israelites participated in Hezekiah's Passover in Jerusalem: "The whole assembly of Judah, and the priests and the Levites, and the whole

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[1] Alfred Bertholet, *Die Stellung der Israeliten und der Juden zu den Fremden* (Frieburg/Leipzig: J. C. B. Mohr, 1896); Gerhard von Rad, *Das Gottesvolk im Deuteronomium* (BWANT 47; Stuttgart: W. Kohlhammer, 1929), 45; Pierre Buis and Jacques Leclercq, *Le Deutéronome* (La Sacra Bibbia; Paris: Librairie Lecoffre, 1963), 179.

[2] James Theophile Meek, "The Translation of Gêr in the Hexateuch and Its Bearing on the Documentary Hypothesis," *JBL* 49 (1930): 172-80.

[3] Meek, "Gêr," 173.

[4] Otto Bächli (*Israel und die Völker: Eine Studie zum Deuteronomium* [ATANT 41; Zürich: Zwingli Verlag, 1962], 128) suggests "daß er sowohl israelitischer Volksgenosse als auch Fremder sein kann."

[5] Leonhard Rost, "Zur Vorgeschichte der Kultusreform des Josia," *VT* 19 (1969): 113-120; followed by Gottfreid Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart: W. Kohlhammer, 1971), 288 n. 132.

[6] D. Kellerman, "*gûr*," *TWAT* 5:979-91, particularly pp. 985-86 (translated in 1975 in *TDOT* 2:439-49, particularly p. 445); followed by Peter Schmidt, "De Vreemdeling in Israël," *Coll* 23 (1993): 227-40; Matty Cohen, "Le 'ger' biblique et son statut socio-religieux," *RHR* 207 (1990): 131-58. José E. Ramírez Kidd (*Alterity and Identity in Israel: The* גר *in the Old Testament* [BZAW 283; Berlin/New York: Walter de Gruyter, 1999], 5 n. 26) inaccurately credits this view to Magen Broshi, who describes Jerusalem's population and architectural expansion in the late eighth through seventh centuries (n. 8 below), but does not associate D's גר with this expansion.

assembly that came out of Israel, and the immigrants who came out of the land of Israel, and who lived in Judah (הגרים הבאים מארץ ישׂראל והיושׁבים ביהודה), rejoiced (2 Chr 30:25)."[7] Substantiating his view, even if unintentionally, archaeologists have argued Jerusalem and Judah expanded at that time to accommodate a dramatic population increase,[8] and other biblical texts identify Israelite tribespersons as גרים in Judah.[9] Thus remarks Italian scholar, Innocenzo Cardellini, גרים were to the Judeans "brothers in the faith" and therefore worthy of humanitarian care:

> Bisogna tener presente però che nel sec. VII a.C. israeliti osservanti della fede jahwista, provenienti dal nord, distrutto alla fine del sec. VIII a.C. dalle armate assire, si sono riversati nel sud del paese ed è probabile che queste disposizioni umanitarie siano profondamente nobili proprio perché alcuni fra questi *gerim* non erano altro che fratelli di fede provenienti dal distrutto regno del nord.[10]

Judeans, however, may not have been so eager to serve their northern brothers. After all, in this reading D commands Judeans to be generous to Israelite refugees, who until recently had been wealthier, more powerful, bitter eneies.[11]

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[7] Kellerman ("*gûr*," 985-86) also cites 2 Chr 15:9; but see 2 Chr. 11:13ff. Against Kellerman (and Rost), this text might simply mean non-Israelite גרים who were living in Israel and who traveled with Israel to Judah for Hezekiah's Passover.

[8] Magen Broshi, "The Expansion of Jerusalem in the reigns of Hezekiah and Manasseh," *IEJ* 24 (1974): 21-26; ibid., "La Population de l'ancienne Jérusalem," *RB* 82 (1975): 5-14; Nahman Avigad, *Discovering Jerusalem* (Nashville: Nelson, 1983), 26-31; Andrew G. Vaughn, *Theology, History, and Archaeology in the Chronicler's Account of Hezekiah* (SBLABS 4; Atlanta: Scholars, 1999), 19-80; Israel Finkelstein, "The Two Kingdoms: Israel and Judah" and Amihai Mazar, "The Divided Monarchy: Comments on Some Archaeological Issues" in *The Quest for the Historical Israel: Debating Archaeology and the History of Early Israel* (ABS 17; Atlanta: Society of Biblical Literature, 2007), 148, 154, 155, 157, 163, 167. Against this view, see Nadav Na'aman, "Sojourners and Levites in the Kingdom of Judah in the Seventh Century BCE," *ZABR* 14 (2008): 237-79; and his prior essay, "When and How Did Jerusalem Become a Great City? The Rise of Jerusalem as Judah's Premier City in the 8th-7th Centuries BCE," *BASOR* 347 (2007): 21-56; see also discussion below.

[9] Yu Suee Yan ("The Alien in Deuteronomy," *BT* 60 (2009): 114) recounts these texts: "In Judg 19.16, an Ephraimite who settled at Gibeah among the Benjamites is called a *ger* (de Vaux 1961, 74). Second Chronicles 15.9 describes the inhabitants from Ephraim, Manasseh, and Simeon who migrated to Judah during the reign of Asa as *gerim*. In addition, *gerim* from Israel who lived in Judah participated in Hezekiah's Passover festival."

[10] Innocenzo Cardellini, "Stranieri ed 'emigrati-residenti' in una sintesi di teologia storico-biblica," *RivB* 40 (1992): 178; *contra* Gianni Barbiero (*L'asino del nemico* [AnBib 128; Rome: Pontifical Biblical Institute, 1991], 201).

[11] Marianne Bertrand ("L'étranger dans les lois bibliques" in *L'Étranger dans la Bible et ses lectures* [ed. Jean Riaud; Paris: Cerf, 2007], 78-80) comments: "Juda peut se mon-

Matty Cohen affirms that the authors of D have Israelite refugees in view (*à la* Rost and Kellermann), but they do *not* show these refugees any generosity.[12] He argues that the law codes of D and P are contemporaneous (*à la* Moshe Weinfeld) and concludes: "Les vérifications prolongées et méthodiques auxquelles nous nous sommes livré nous ont permis de retrouver cette définition du *ger* non seulement dans le code sacerdotal mais également dans le Deutéronome."[13] Since D and P share the same historical גר referent, each one's distinctive formulation of the carcass (נבלה) law (Deut 14:21; Lev 17:15-16), for example, highlights each one's unique ideology: P has adopted an *integrationist* attitude toward גרים, whereas D, a *segregationist* attitude.[14] However, isolating one text, Deut 14:21, as evidence that D's ideology toward the גר is best characterized as segregationist sits uncomfortably among the DC's recurring benevolence toward the גר.[15] Frank Crüsemann stresses this humanitarianism by analyzing DC's inner-biblical legal revision of the CC (Exod 20:19-23:33) (cp. Bernard Levinson).[16] For Crüsemann, those responsible for these legal reformulations were the עם הארץ "people of the land" during Josiah's reign in the late seventh century.[17] Such an authorship would explain why Deut 14:22-29 and 26:12-15 required no one to give tithes from their produce, livestock, oil, and wine, to a monarchical institution, but only to the deity, YHWH. The עם הארץ subclass was motivated by a philanthropic agenda to enhance the quality of life for the underprivileged.

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trer généreux avec des gens venant d'un pays qui a été plus riche, plus puissant que lui, avec lequel les rapports ont été souvent conflictuels, voire haineux, mais un pays qui n'existe plus maintenant, vaincu, humilié et ruiné." Similarly, Matty Cohen ("Le 'ger,'" 156-57) stresses these גרים were subject to Judean domination and ostracism, as evidenced by Deut 14:21.

[12] Cohen, "Le 'ger,'" 131-58; *contra* Vogels ("L'immigrant," 233): "L'auteur ne peut maintenir cette théorie qu'en affirmant, contrairement à ce qui est généralement accepté, que P et D proviennent tous les deux de la période pré-exilique."

[13] Cohen, "Le 'ger,'" 156.

[14] Cohen, "Le 'ger,'" 152, 156-58.

[15] I argue this view in §5.2.2.2.

[16] Frank Crüsemann, *Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gesetz* (München: Chr. Kaiser, 1992), 248-73. He contends that Deut 14:22-29 and 26:12-15 expands the older language of 12:15-19 (offering and allocating tithes); Deut 16:9-15 revises Exod 23:14-17 (cultic feasts); Deut 24:17-18 develops Exod 22:21-24 and 23:9 (legal protection); and Deut 24:19-22 reworks Exod 23:10-11 (gleanings). Compare his inner-biblical analysis to that of Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1997); see §5.1.2.

[17] Crüsemann, *Tora*, 248-51.

Crüsemann is not alone in his stress on sociological dynamics. Peter Schmidt suggests the Northern Kingdom refugees (גרים) were more like migrant workers who assimilated themselves into Judean culture; thus, in D the גר was employed as a day- laborer (*dagloner*).[18] Ludger Schwienhorst-Schönberger identifies several social transitions that occurred in seventh century Judah.[19] He argues that earlier Israelite laws that protected the גר from economic exploitation were based on kinship, but in D the laws were a religious response to the influx of Northern Kingdom refugees (גרים): "Es entwickelt ein *soziales Reformprogramm*, das al seine Art institutionalisierte Armenfürsorge verstanden werden kann."[20] Eckart Otto also noted the development of social differentiation,[21] but it was Christoph Bultmann who argued more expansively that D's גר legislation was the product of differentiated social classes within seventh century Judah.[22]

2.1.2. Seventh Century Judahites

Bultmann set out to discover "ob die Bezeichnung *ger* (גר) im Alten Testament einen Fremden meint, der nichtisraelitischer Herkunft ist…,"[23] and concluded that in D the גר is of Israelite descent, but in the Priestly writings, non-Israelite descent.[24] D's גר was therefore not a foreigner or an immigrant (*contra* Rost and Kellermann), but was a Judahite who lived outside his clan and did not own land.[25] Thus the גר defined by his socio-economic dependent status, in contrast to the economically independent "foreigner" (נכרי) who was usually a trader or merchant: "Nach seiner sozialen Lage ist der ger eine Gestalt, die über keine Mittel zur Erzielung und Sicherung ihres Lebensunterhalts verfügt, während der nåkrî eine öko-

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[18] Schmidt, "Vreemdeling," 229-31, 233.

[19] Ludger Schwienhorst-Schönberger, "'…den Fremde seid ihr gewesen im Land Ägypten.' Zur sozialen und rechtlichen Stellung von Fremden und Ausländern im Alten Israel," *BLit* 63 (1990): 108-17.

[20] Schwienhorst-Schönberger, "den Fremde," 112.

[21] Eckart Otto, *Theologische Ethik des Alten Testaments* (Theologische Wissenschaft 3/2; Stuttgart: W. Kohlhammer, 1994.

[22] 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).

[23] Bultmann, *Der Fremde*, 9.

[24] Bultmann, *Der Fremde*, 216.

[25] Bultmann, *Der Fremde*, 30-55; likewise, Eckart Otto, *Gottes Recht als Menschenrecht: Rechts- und literaturhistorische Studien zum Deuteronomium* (BZAR 2; Wiesbaden: Harrassowitz, 2002), 242.

nomisch selbständige Existenz hat."[26] The transition in Palestine in the early seventh century from a tribal- or clan-based society to an exclusively village-oriented society intensified the plight of the גר, orphan, and widow.[27] This transition perpetuated a new class of landless, temporary workers, גרים, who were employed by and reliant on landowning farmers for their sustenance. These social substrata were not a uniquely urban phenomenon, not limited to the capital of Jerusalem, "sondern gilt für den gesamten judäischen Bereich."[28] גרים were not, however, separated ritually from Judah's free, independent class of persons. גרים could participate in the Sabbath and harvest festivals, yet YHWH religion, which supported land ownership, excluded them from certain religious "home" obligations.

Philipp Enger concurs with Bultmann that the גר was a local, landless resident, but asserts that the גר was economically *in*dependent, albeit disadvantaged, and disconnected from agrarian life and society at large.[29] Enger, like Bultmann, sees the perpetuation of the class of *personae miserae* as the result of failed kinship solidarity, but attributes this failure not to a transition from tribal to village culture, but to seventh century Judah's massive expansion in size ("rein quantitativ eine deutliche Ausweitung").[30] Like Enger, Nadav Na'aman appreciates Bultmann's contribution, but Na'aman discounts the putative influx of Northern Kingdom refugees into Judah at the close of the eighth century (*à la* Broshi, Rost, Kellermann, et al.):

> … I rejected the supposition that the increase in the population of Jerusalem or other cities in the kingdom of Judah at the end of the 8th century was due to the arrival of thousands (or even tens of thousands) of refugees from Mount Ephraim following the Assyri-

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[26] Bultmann, *Der Fremde*, 102. Without reference to Bultmann, Mary Douglas ("The Stranger in the Bible," *Archives Européennes de Sociologie* 35 [1994]: 284-85) also contends that in D in contrast to the נכרי, the גר is not a foreigner; yet D still does not present the גר as a fully entitled member of Israelite society (which Douglas does not distinguish from Judahite society).

[27] Bultmann, *Der Fremde*, 214.

[28] Bultmann, *Der Fremde*, 214.

[29] "Er ist am Ort seines Aufenthalts landbesitz- und verwandtschaftslos, aber wirtschaftlich selbständig und selbstverantwortlich. Er verfügt kaum über sozial relevante Kontakte oder Beziehungen, so daß er in juristischen Prozessen strukturell benachteiligt ist. Seinen Lebensunterhalt bestreitet er durch kurzzeitige, unverbindliche und unsichere Lohnverhältnisse, die unter der Gefahr von Ausbeutung und Lohnbetrug stehen. Er ist dem agrarischen Arbeitsprozeß und Lebensrhythmus entzogen und dadurch sozial isoliert. Seiner sozialen, wirtschaftlichen und rechtlichen Marginalisierung entspricht eine religiös-rituelle Minderverpflichtung": Philipp A. Enger, *Die Adoptivkinder Abrahams. Eine exegetische Spurensuche zur Vorgeschichte des Proselytentums* (BEATAJ 53; Frankfurt: Peter Lang, 2006), 277.

[30] Enger, *Adoptivkinder*, 249, 255.

an conquest and annexation in 720BCE. The supposition has no support either in the texts or in the archaeological evidence, and is based on an interpretation – erroneous, in my opinion – of archaeological findings in various sites around the kingdom of Judah. I also questioned the willingness of Israelite subjects to permanently abandon their land, their families and properties, to live as refugees in the neighbouring country. I hung a big question-mark over the assumption that the kingdom of Judah would accept masses of refugees in flight from the kingdom of Israel, thus risking a clash with the Assyrian empire and undermine its own domestic stability… Even a limited number of refugees could upset the internal order in the kingdom, requiring strict supervision of their movements and actions, while a mass immigration could easily bring down the host kingdom. Finally, I emphasized that Israel and Judah had very different systems of government, economy, administration, society and culture, and questioned whether Hezekiah would have agreed to open the gates of his kingdom to masses of refugees from Israel, especially in the perilous aftermath of Israel's annexation by Assyria. While it is not impossible that a limited number of refugees arrived in Judah from Israel, but [*sic*] some no doubt returned to Israel once the internal state of affairs stabilized there, and only a small number, mainly, of course, from the poorer strata who had not left behind them lands and properties, remained in Judah and gradually integrated in their new home.[31]

Instead, the increased concern for גרים in D was a response to Sennacherib's devastating, 701BCE Judean campaign whereby he displaced scores of Judahites, forcing them to take refuge in neighboring towns.[32] Ernst Axel Knauf follows Na'aman's proposal that Deuteronomy's גר represented the displaced Judahite, but Knauf believes D's laws, including the גר, reflect the adversity of post-586 (neo-Babylonian) Judah, rather than post-701 Judah.[33]

2.1.3. Derivative and Divergent Views

Several scholars derive their positions from Kellermann's and Bultmann's stances. Italian scholar Ambrogio Spreafico concurs with Bultmann insofar as the term גר is not an ethnic category; yet in D, it could have still included "non-israeliti divenuti tali a causa di migrazioni interne, come è possibile ritrovare persone delle stesse tribù israelitiche, che per motivi socio-economici si sono spostati dal luogo di origine. Tra questi ultimi si pos-

[31] Here Na'aman ("Sojourners," 237-79) is reviewing his earlier article "Rise of Jerusalem," 21-56.

[32] Na'aman, "Sojourners," 237-79.

[33] Ernst Azel Knauf ("Observations on Judah's Social and Economic History and the Dating of the Laws in Deuteronomy," *JHS* 9 [2009]: 2-8) surmises that although Deuteronomy 5-28 was shaped by the influence of neo-Assyrian law and worldview, the laws of Deuteronomy 12-26 reflect the demonetarized (depression era) of the neo-Babylonian Provence of Judah. Following 586, common law from the region of Benjamin remained in use and the Covenant Code was employed by scribes, but no laws, including Deuteronomy's, were codified until the Persian authorization.

sono includere anche I rifugiati del regno del nord."[34] Similarly, Walter Vogels argues D's גרים were Northern Kingdom and international immigrants.[35] Kenton Sparks believes D's גרים were individuals from at least three origins: "Some were foreigners displaced by Assyrian imperialism, some were refugees from the Northern Kingdom, and some were probably of the indigenous, nonsedentary variety."[36] He categorizes the various "sojourners" with respect to membership in the Israelite community:

Category	*Relation to Community*
Landed Israelite (אזרח)	In
Unlanded Israelite (גר / אחים)	In
Non-Israelite on social periphery (גר)	In
Non-Israelite in geographical proximity (גר)	Out
Foreigner (נכרי)	Out

D's גרים would have included: an Israelite who did not own land – a Northern Kingdom refugee – but who experienced membership status; a non-Israelite on the social margins, but who had membership status; or a non-Israelite in geographical proximity to the community, but without membership status.[37]

Some researchers, however, diverge from Kellermann's and Bultmann's theories altogether and are persuaded that D's laws presume that the גר was

[34] Ambrogio Spreafico, "Lo straniero e la difesa delle categorie più deboli come simbolo di giustizia e di civiltà nell'opera deuteronomico-deuteronomistica." *RStB* 8 (1996): 119; M. H. O. Kloppers ("Die rol en funksie van die vreemdeling (ger) in Deuteronomium" *Fax Theologica* [1986]: 40) concludes in his Afrikaans article that the גר in D does not have an ethnic designation, not least because: "Israel word self as vreemdeling getipeer en dit geld ook die Leviete."

[35] Walter Vogels, "L'immigrant dans la maison d'Israël" in *"Où demeures-tu?": (Jn 1,38): la maison depuis le monde biblique: en hommage au professeur Guy Couturier a` l'occasion de ses soixante-cinq ans* (ed. Jean-Claude Petit; Saint-Laurent, Québec: Fides, 1994), 233.

[36] Kenton L. Sparks, *Ethnicity and Identity in Ancient Israel: Prolegomena to the Study of Ethnic Sentiments and their Expression in the Hebrew Bible* (Winona Lake, Ind.: Eisenbrauns, 1998), 240. Sparks provides no direct support for "foreigners displaced by Assyrian imperialism," but for "refugees from the Northern Kingdom" and "indigenous, nonsedentary variety" he explains and endorses Kellermann and Bultmann, respectively.

[37] Sparks, *Ethnicity and Identity*, 240-41.

neither an Israelite, nor a Judahite.[38] Christiana van Houten concludes from her study of DC's גר laws that "aliens are consistently characterized as people who are needy and who are non-Israelites. They are defined according to their socioeconomic status and ethnic identity."[39] The גרים in D's epilogue enter covenant with YHWH and refer to a specific non-Israelite group: the Gibeonites who entered covenant with Israel and YHWH (Joshua 9).[40] Likewise, Markus Zehnder deduces from D that both גר and נכרי stand in contrast to the ethno-political and religious designations עם (ישׂראל) "people" and ישׂראל "Israel."[41] He contends with Jacob Milgrom that two Ugaritic and one Nuzi construction are analogous to D's גרך אשׁר בשׁעריך "your immigrant who is in your gates": one, *gr ḥmyt . ugrt* "Fremder an den Mauern Ugarits"; *amēli ša bābiš unu* "(die Leute von Ugarit / Karkemisch zusammen mit) den Männern, die innerhalb ihrer Tore leben"; and *ša bābi* "those of the gate."[42] Since these comparative texts refer to ethnic strangers, it is probable that D's גר also designates an ethnic stranger and not an Israelite member of a socially lower class (*contra* Bultmann).[43] More importantly, Zehnder systematically examines each גר text in D and finds various indicators that the גר has ethnically foreign origins.[44] Siegbert Riecker similarly concludes that the גר in D and throughout Pentateuchal law must have non-Israelite origins: "Trotz aller anders gearteten Überlegungen lässt sich nun feststellen, dass mit dem גֵּר *Fremden* in den Gesetzestexten der Tora ausschließlich ein Nichtisraelit bezeichnet wird,

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[38] Andrew D. H. Mayes, "Deuteronomy 29, Joshua 9, and the Place of the Gibeonites in Israel," in *Das Deuteronomium. Entstehung, Gestalt und Botschaft* (ed. Norbert Lohfink; BETL 68; Leuven: University Press, 1985), 321-325; Paul-Eugène Dion, "Israël et l'Étranger dans le Deutéronome" in *L'Altérité. Vivre ensemble differents. Approches Pluridisciplinaires: actes du Colloque pluridisciplinaire tenu a l'occasion du 75e anniversaire du College* (Montreal/Paris: Cerf, 1986), 222-23; Christiana van Houten, *The Alien in Israelite Law* (JSOTSup 107; Sheffield: JSOT, 1991), 107-8; C. Begg, "Foreigner," *ABD* 2:829-30.

[39] van Houten, *Alien*, 108.

[40] van Houten, *Alien*, 102-8.

[41] Markus Zehnder, *Umgang mit Fremden in Israel und Assyrien: Ein Beitrag zur Anthropologie des »Fremden« im Licht antiker Quellen* (BWANT 168; Stuttgart: W. Kohlhammer, 2005), 357.

[42] Zehnder (*Fremden*, 356-57 n. 3) follows Jacob Milgrom (*Leviticus* [3 vols; AB; New York: Doubleday, 2000], 2:1494), who cites: *KTU* 1.40:18, 35ff.; RS 18.115; 6.13.22.29; and Ernest R. Lacheman, *Family Law Documents* (vol. 8 of *Excavations at Nuzi*; HSS 19; Cambridge, Mass.: Harvard University Press, 1962), 79.

[43] Zehnder, *Fremden*, 356-57.

[44] Zehnder, *Fremden*, 355-69.

der sich in Israel niederlässt. So können wir schließlich zu der Frage übergehen, inwiefern die Gebote über Fremde diesen Segen bringen können."[45]

2.1.4. Eighth or Ninth Century Israel

Like Schwienhorst-Schönberger and Crüsemann, Hans Eberhard von Waldow focuses on the reinterpretation of ancient laws for a new socio-historical setting, but that setting for von Waldow was eighth century Israel.[46] He maintains that the Israelite state administration worsened the condition of the underprivileged in ancient Israel.[47] Within the administration, those who left their "natural kinship group," the גר, widow and orphan, were particularly vulnerable. The גר figure, von Waldow suggests, was one who was not protected by a host because he was a non-relative who had taken permanent refuge in another clan. "Due to this insecurity, and maybe also due to the fact that everybody could easily become a stranger, the nomadic clan-ethos had developed a special rule protecting the stranger: 'you shall not oppress a stranger.'"[48] Northern priestly circles "counter-reacted" to the monarchy's systemic abuse by reformulating older laws within the Book of Covenant, the Holiness Code, and especially the Deuteronomic Code. So as to "better meet the needs of a new time," these priestly circles revised older laws by allocating tithes for consumption (Deut 14:22ff.; 26:12), inviting the poor to festal meals and providing the same with harvest leftovers (16:14; 24:19-22).[49]

With von Waldow, Bruce Malchow concurs that the monarchy is to be faulted for exacerbating the plight of Israel's vulnerable subclasses.[50] For Malchow, Solomon's formation of the state brought heavy taxation, forced labor, urbanization, and the emergence of an aristocracy and a lower class. "Thus, Solomon had introduced the same social structure into Israel that had evoked the Near Eastern statements about justice…"[51] By the eighth century, the chasm between the classes was vast. In Samaria, archaeology has uncovered the opulent houses of the wealthy, embellished with imported ivory, along with the shanties of the poor, which suggests class divi-

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[45] Siegbert Riecker, *Ein Priestervolk für alle Völker: Der Segensauftrag Israels für alle Nationen in der Tora und den Vorderen Propheten* (SBB 59; Stuttgart: Verlag Katholisches Bibelwerk GmbH, 2007), 309.

[46] Hans Eberhard von Waldow, "Social Responsibility and Social Structure in Early Israel," *CBQ* 32 (1970): 182-204, esp. 197 n. 48.

[47] von Waldow, "Social Responsibility," 195-97.

[48] von Waldow, "Social Responsibility," 186.

[49] von Waldow, "Social Responsibility," 197-99.

[50] Bruce V. Malchow, *Social Justice in the Hebrew Bible* (Collegeville, Minn.: Liturgical, 1996), 8-17, 20-29.

[51] Malchow, *Social Justice*, 12.

sions and the likelihood that the poor were maltreated. Building on the CC, Hebrew prophets, and others concerned with social justice, Deuteronomy 12-26 confronted those who were oppressing the lower classes, first in Shechem in the Northern Kingdom, and then after 722 B.C.E., in Jerusalem.[52]

Harold V. Bennett claims that Deut 14:22-29, 16:9-12, 13-15; 24:17-18, 19-22, and 26:12-15 actually worsened the plight of the Northern Kingdom's socially weak but useful *personae miserae*.[53] The Omrides (Ahab, Jezebel, etc.) placed excessive financial burdens on local peasant farmers, the vast majority of the population of the Northern Kingdom, extracting their goods to fund state construction projects. The Omrides also supplanted the YHWH-alone cult in the North and required the peasant farmers to present their offerings at sites where polytheism, Baalism, or henotheism were prevalent. Local peasantry, overburdened by the Omrides, could not also support cultic personnel in the YHWH-alone cult (Elijah, Elisha, Jehu, etc.) whose livelihood was also dependent on peasant farmers' resources. But if the Omrides had military force to ensure peasantry's endowments, the YHWH-alone cult had ideology: they created DC's גר-orphan-widow laws to require peasant farmers to bring goods to a centralized distribution location. "By centralizing the appropriation of these items, they positioned themselves to oversee the allocation of commodities and to guarantee an influx of grain, wine, and meat into their personal coffers, while using charity toward a category of socially weak, vulnerable persons as a pretext."[54] Bennet conjectures that YHWH-alone cult officials, by fabricating and codifying injunctions from YHWH (DC), justified their establishment of a public assistance program that redirected peasant farmers' resources and loyalty away from the Omrides back to the YHWH-alone functionaries.

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[52] Malchow, *Social Justice*, 20-29, esp. 21-22.

[53] Harold V. Bennett, *Injustice Made Legal: Deuteronomic Law and the Plight of Widows, Strangers, and orphans in Ancient Israel* (Grand Rapids/Cambridge, U.K.: Eerdmans, 2002). Bennet holds to a tenth century *terminus a quo* for the BC which is reworked by the (subsequent) DC, which has a seventh century *terminus ad quem*. Literary and theological connections with E and Hosea persuade him of DC's northern origins. Various features of an escalating central administration in the North as implied in the DC, 1 Sam 8:10-21, the Elijah-Elisha narratives, and Jehu story suggest to him DC's context is the Omride dynasty.

[54] Bennett, *Injustice*, 171.

2.2. Delineating Compositional Strata

2.2.1. A Generous Redactor

Van Houten identifies the גר in the DC as an ethnic non-Israelite included in cultic, justice or charity concerns,[55] whereas the גר in the epilogue (29:9-10; 31:12) is among the hierarchy of Israel's members permitted to participate in a covenant ceremony, which reflect the ceremonies of Joshua 8:30-35 of which the גר is also a participant.[56] She assigns a collection of stylistically related גר laws to a single redactor who manifests the same spirit of generosity in both cultic and charity-justice laws.[57] This redactional layer is marked by the formulaic motive clauses "remember that you were a slave in the land of Egypt" (זכרת כי־עבד היית בארץ מצרים)[58] and "that YHWH your God may bless you in all you do" (למען יברכך יהוה אלהיך בכל־מעשה).[59] The גר is often portrayed as disenfranchised, precluded from owning land, like the Levite with whom the גר is occasionally paired. Therefore, D's legislation that protected the גר was directed toward

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[55] van Houten, *Alien*, 80-82. The DC's גר laws are a product of Israel's divided monarchy traditions, both from the north and south: "The migration south of many Levites during the reign of Jeroboam (1 Kgs 12.31; 2 Chron. 11.13, 14), and their new location in and allegiance to Judah would explain the existence of both northern and southern traditions in the book. Nicholson argues for another historical occasion for the movement from north to south, namely, the fall of the northern kingdom. The date of composition of the bulk of the law book is then put in the reign of Manasseh. This is also possible. The evidence is ambiguous enough that it cannot be precisely dated. However, it is possible to locate the law book as part of a reform movement which included both northern and southern tradition, and came to play a strategic role in the reign of Josiah" (p. 77).

[56] van Houten, *Alien*, 106.

[57] Cultic laws are Deut 5:14; 14:21, 29; 16:11, 14; whereas 26:11, 12, 13 are later supplements to 14:22, 29. The charity and justice laws are Deut 24:14, 17, 19, 20-21. Van Houten (*Alien*, 77-78) offers two important premises, among others, that support her single, generous redactor theory: first, "In these laws the mention of the alien, orphan and widow, always in that order, is a typical feature (Deut. 24.19, 20, 21). This list of three dependent members of society is also found in many of the cultic laws (Deut. 14.29; 16.11, 14; 26.12). There also they are always mentioned together, and always in the same order, suggesting that the laws were formulated by the same hand." Second, "the inclusion of the Levite, widow and orphan in Deut. 16.11, 14 and its omission in Deut. 5.14 is due on the one hand to Deut. 5.14's dependence on Exodus 20, and on the other hand, to the spirit of generosity which was an essential aspect of the celebration of the Feasts of Weeks and Booths, according to the author of Deut. 16.11, 14."

[58] Deut 5:15; 16:12; 24:18, 22; see van Houten, *Alien*, 78.

[59] Deut 14:29; 16:15; 24:19.

wealthy landowners who needed to remember their former status as slaves and sojourners, always dependent on YHWH's provision.

> The care taken by the author in legislating feasts which were characterized by joy and generosity necessitated the inclusion of the alien, as well as other marginal groups. In what could be seen as a contradiction, the Israelites were promised prosperity if they were to be generous to those who were landless. The redactor was seeking to instill the virtue of generosity by reminding the Israelites of God's gracious treatment in the past, and his anticipated generosity in the future.[60]

Like van Houten, others have emphasized the humanitarian predilection that compelled D's authors to draft regulations on behalf of the socioeconomically and legally disenfranchised.[61]

She also develops Andrew Mayes' proposal that the deuteronomist in Joshua 9 casts the Gibeonites as גרים (*à la* Deut 29:10) and not Canaanites or foreigners.[62] Both the גרים in Deuteronomy 29 and the Gibeonites in Joshua 9 are:

> …related to the Israelites by means of a suzerainty treaty which places them in the inferior position of a vassal. They are obliged to observe the law of Moses because it is the law of the land in which they are residing. As permanent residents they are bound to know that law, and to pay homage to the God who stands behind it.[63]

Such exclusivity is also seen in the laws regulating Pesach (16:1-8) and in carcass consumption (14:21).[64] Thus, the generosity of God and native Israelites toward the גר never implies that the גר was or could become a member of Israel's covenant community.

2.2.2. Three Strata: Pre-D, Pre-exilic D and Post-exilic D

Paul-Eugène Dion argues D's גר conceptuality is marked by three redactional layers, each with its own ideology toward non-Israelite persons.[65] He first establishes that the deuteronomic (Dtr) school relied upon older texts that assumed the גר was a non-Israelite immigrant. No less than the זר "stranger" and נכרי "foreigner," the גר was distinguished from the Israelite "brother" (אח) (1:16; 24:14). A גר was connected to another Israelite (1:16 "his immigrant"), or more fundamentally to Israel (5:14; 29:10; 31:12). Its deverbal etymology (גור), one who "remains" in Israel, and Israel's resi-

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[60] van Houten, *Alien*, 107.

[61] Peter C. Cragie, *The Book of Deuteronomy* (NICOT; Grand Rapids: Eerdmans, 1976), 233-34, 310-11; Léon Epsztein, *Social Justice in the Ancient Near East and the People of the Bible* (trans. John Bowden; London: SCM, 1986), 113-18.

[62] Mayes, "Deuteronomy 29," 321-22; van Houten, *Alien*, 102-6.

[63] van Houten, *Alien*, 102-6.

[64] van Houten, *Alien*, 107.

[65] Dion, "l'Étranger," 211-33.

dence as גרים in another country, Egypt, further confirm that the גר "est donc un immigrant; il habite hors de la population locale, qui ne le reconnaît pas vraiment comme l'un des siens."[66] This was the conceptuality of the pre-Dtr material, largely chs. 12-26, that the Dtr school assumed. The first literary stratum, pre-Dtr, contains: 1) a clearly detectible framework of a humanitarian concern, including the גר; 2) the antecedents of exterminating Canaan's inhabitants (ch. 7); 3) the foundational elements of covenant with YHWH.

The second stratum, a pre-exilic Dtr redaction during Assyrian domination, aimed to humble Israel and stress its unique destiny. This compelled the Dtr school to produce, from pre-Dtr's concept of covenant with YHWH, the doctrine of Israel's election, which emphasizes Israel's divine service and elevation over other nations.[67] Pre-exilic Dtr's most visible contribution revolves around the conquest of the holy war. It is curious that this editorial layer, reflecting an exacerbated nationalism, introduces the גר into the full covenant assembly with a better social position than before (29:10; 31:12) in contrast to earlier texts, such as 14:21. Dion explains these texts as a change in status of the גר at the time of Josiah: "Peut-être cette promotion cherchait-elle, en ce temps de crise, à gagner cet element de la population pour mieux unifier toutes les forces disponibles; on pourrait peut-être comparer cette initiative à l'émancipation des esclaves hébreux Durant le siege de Jérusalem par les Babyloniens."[68] With the slow demise of Neo-Assyrian hegemony, the deuteronomists could now shift the blame away from Israel to the corrupt heritage of the ancient inhabitants of the land (i.e., chs. 7, 20). Naturally the third stratum, a Dtr redaction after 587, focuses more than ever on removing from Israel the influence of foreign cults.

Dtr's attitude toward the גר did not appear too narrow or cruel compared to that of the other nations of the Near East. In its effort to promote fraternity among its people, the deuteronomic school extended more charitable practices that sought to make less bitter the fate of immigrants who were begging for their subsistence in Israelite territory.[69] Yet, this beneficence toward the גר (who for Dion was a non-Israelite immigrant) was in tension with Dtr's pro-YHWH and pro-Israel preoccupation. The theme of election leads to YHWH's unexplainable love for the patriarchs (4:37; 10:15) but also to the notion that the same YHWH created all nations. The question

[66] Dion, "l'Étranger," 223; for others who hold to the non-Israelite ethnicity of D's גר, see §3.2.3.

[67] Dion, "l'Étranger," 229; cf. Jer 34:8.

[68] Dion, "l'Étranger," 230.

[69] Dion, "l'Étranger," 233.

therefore lingers: "Combien de temps l'insistance unilateral du Deutéronome sur les privileges d'Israël allait-elle pouvoir échapper à l'influence d'une comprehension bien mûrie de l'unité des humains dans l'oeuvre et dans les desseins d'un meme Créateur?"[70]

2.2.3. Two Strata: Deuteronomic Reforms and Exilic/Post-exilic Cultus

José Ramírez Kidd posits two distinct socio-historical referents in D:[71] an exilic or post-exilic referent is indicated by the *individual* גר in legal and cultic texts,[72] and a pre-exilic referent is indicated by the *triad* גר-orphan[יתום]-widow[אלמנה], usually dealing with food provisions.[73] The pre-exilic גר referent is linked to Josiah's deuteronomic reforms, and so its origins are explainable by Rost's and Kellermann's theories.[74] The following chart delineates the references accordingly:

Triad גר references	*Individual גר references*
Mainly in DC (9 of 11 references)[75]	Mainly in the introduction and appendixes to the DC[76]
Oriented around eating measures (8 of 11 references),[77] perhaps forming an inclusio in the DC (14:29; 26:12-13)	Oriented around legal and cultic matters[78]
Eating measures (triad references) linked to deuteronomic reforms, and therefore, earlier than cultic and legal measures	Mainly exilic and post-exilic references
Use the Egypt-עבד formula (i.e., "Remember you were a slave in the land of	Use the Egypt-גר formula (i.e., "for you were גרים in the land of Egypt" 10:19), a

[70] Dion, "l'Étranger," 233; similarly, Jacques Guillet, "L'étranger dans la tradition biblique," *Christus* 38 (1991): 173.

[71] Ramírez Kidd, *Alterity*, 35-6.

[72] Deut 1:16; 5:14; 10:19; 14:21; 23:8; 24:14; 26:11; 28:43; 29:10; 31:12.

[73] Deut 10:18; 14:29; 16:11-14; 24:17, 19, 20, 21; 26:12, 13; 27:19.

[74] "The reasons behind the eating measures on behalf of the triad 'גר-orphan-widow' are to be sought in the effort to counteract the growing poverty of the population due to the process of urbanization, and to the emergence of large numbers of immigrants in Israelite society during the VIII century BC": Ramírez Kidd, *Alterity*, 45.

[75] Deut 14:29; 16:11, 14; 24:17, 19, 20, 21; 26:12, 13. The two exceptions are Deut 10:18 and 27:19; the former breaks the triad formula, and the latter Ramírez Kidd (*Alterity*, 35) calls "a late reference based on the pre-exilic triad."

[76] Deut 1:16; 5:14; 10:19; 28:43; 29:10; 31:12.

[77] Deut 14:29; 16:11, 14; 24:19, 20, 21; 26:12, 13.

[78] Deut 1:16; 14:21; 29:10; 31:12.

Egypt" 24:22), a motivational clause introduced by זכר, corresponding to the older strata of D	motivational clause introduced by כי and used only with גר injunctions[79]
Collective subject of the *personae miserae* (גר-orphan-widow), a "social category of helpless and marginalized people"[80]	Self-standing גר as subject

One might regard Enger's study as nuancing Kidd's categorization of Deuteronomy 16 as deuteronomic and antecedent to *cultic* and legal measures.

Die Beschränkung der Festteilnehmer auf männliche Vollbürger einer bestimmen Region, wie sie sich in den älteren Festkalendern findet (Exod 34:23; 23:17; vlg. Deut 16:16), ist aufgehoben … Die Durchbrechung der Klassengrenzen im Rahmen der kultischen Freude bleibt aber nicht nur auf die Großfamilien beschränkt, sondern wird auf die gesamte dörfliche Gemeinschaft ausgedehnt. Die örtlichen sozialen Randgestalten, der landbesitzlose und nach der Kultzentralisation ein kommensarme Levit sowie der *gēr*, die Waise und die Witwe, werden in die großfamiliäre Festgemeinschaft integriert, indem der einzelne Adressat dafür in die Verantwortung genommen wird."[81]

Thus chapter 16 suggests to Enger that the deuteronomic reforms concentrated the cultic festivals at the Jerusalem central sanctuary, created the pilgrimage feast, and constituted one general community with neither family history, nor regional or social barriers. Bernard Levinson observes that 16:11, 14 addresses the festival calendar to "each citizen who is commanded to observe it."[82] No public official, not even the king, administrates these feasts.[83]

[79] Ex 22:20; 23:9(Heb.); Lev 19:34; Deut 10:19 ; see §3.1.7.3 for Deut 23:8.

[80] Ramírez Kidd, *Alterity*, 47.

[81] Enger, *Adoptivkinder*, 274.

[82] Levinson, *Deuteronomy*, 95.

[83] See also Peter Altmann, *Festive Meals in Ancient Israel: Deuteronomy's Identity Politics in Their Ancient Near Eastern Context* (BZAW 424; Berlin/Boston: De Gruyter, 2011), 198-212.

2.3. Ancient Near Eastern Comparisons

2.3.1. Formulating the Deuteronomic Triad

In 1972, Moshe Weinfeld cataloged גר יתום ואלמנה among D's rhetoric and paraenetic phraseology (see Jer 7:6; 22:3).[84] Mayes claimed that D augmented the orphan-widow dyad, found in Hammurapi's code, with the גר figure.[85] In 1984, Thomas Krapf traced the tradition history of this גר-orphan-widow triad in four stages.[86] One, protecting orphans and widows was a theologically grounded social concern in second millennium Egyptian and Mesopotamian texts. Two, protecting the גר became a specifically Israelite concern substantiated "Als heilsgeschichtliches Thema," as evidenced in one of Israel's earliest legal traditions, the Book of the Covenant (BC; Exod 20-23).[87] An inchoate form of the triad occurs in Exod 22:20-21: (1) גר (2) אלמנה "widow" (3) יתום "orphan." Three, D inverts BC's order of members two and three to formulate its own distinctive triad: (1) גר (2) יתום "orphan" (3) אלמנה "widow." The reader's first encounter with the triad in D is יתום and אלמנה, then the גר (10:18-19); after this the גר–orphan-widow becomes typical of the so-called deuteronomic code (chs. 12-26) and Shechemite decalogue (specifically 27:19). Four, the גר–orphan-widow formula occurs in deuteronomistic texts (i.e., Jer 7:1-15), and in later texts, prosaic and poetic, that evince Dtr's influence.[88]

Ramírez Kidd likewise avers that D has expanded the traditional Near Eastern orphan-widow dyad to the גר-orphan-widow triad.[89] Although the triad stresses not its individual members, but the *personae miserae* class as a collective subject, D's inclusion of the גר is innovatory and worthy of

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[84] Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Oxford University Press, 1972; repr., Winona Lake, Ind.: Eisenbrauns, 1992), 356.

[85] Mayes, *Deuteronomy*, 210-11.

[86] Thomas Krapf, "Traditionsgeschichtliches zum deuteronomischen Fremdling-Waise-Witwe-Gebot," *VT* 34 (1984): 87-91.

[87] Krapf, "Traditionsgeschichtliches," 90.

[88] "Dagegen fällt bei den übrigen prophetischen Texten auf, daß die deuteronomische Diktion nicht zufällig fehlt: 1) Bei Mal. iii 5 innerhalb eines deuteronomisch beeinflußten, jedoch *metrisch komponierten* Textes. — 2) Bei Ez. xxii 7 innerhalb eines zwar prosaisch verfaßten, aber *keinesfalls postdeuteronomischen* Textes — der einzige seiner Art im Alten Testament. — 3) Bei Sach. vii 10 innerhalb eines *stark sekundär beeinflußten* Prosatextes. Schließlich begegnen Fremdlinge, Waisen und Witwen unabhängig von der deuteronomischen Formel in zwei metrisch verfaßten Texten der nachexilischen Zeit: Ps. cxiv 6, cxlvi 9": Krapf, "Traditionsgeschichtliches," 89-90.

[89] Ramírez Kidd, *Alterity*, 36-40.

contemplation.[90] This inclusion, maintains Ramírez Kidd, is due to Israel's relative openness to outsiders in contrast to neighboring societies. Egypt, for example, held responsible its hierarchs for the welfare of those under them, but as a closed society "the principles of solidarity applied primarily to its members. This may explain why, although the protection of the weak was a common policy in the legal and wisdom tradition of the ancient Near Eastern societies, the stranger was very seldom mentioned among them."[91] This is ostensibly at odds with van Houten, who asserts that the Israelite community denied the גר full religious status, and in another way, at odds with T. R. Hobbs, who contends that Israel did not show hospitality to the גר because the גר was no stranger, but already a covenant member.[92]

2.3.2. Motivations for Social Action: Near Eastern or Distinctly Israelite?

Deuteronomy 10:17-19, it has been said, reflects YHWH's royal responsibilities to defend the *personae miserae*, a class of persons "who did not enjoy the status of full citizenship,"[93] or who had "no rights of their own in a lawcourt,"[94] or simply were "open to economic and judicial oppression."[95] J. G. McConville says Deut 10:17-18 exhibits "a king exercising just and merciful rule."[96] Regarding Deut 24:17-22, Jeffrey Tigay states that ancient Near Eastern wisdom literature and texts recording royal activities commonly mention the king's obligation to protect and provide for the welfare of the fatherless and orphans, but as we have seen above, "con-

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[90] Ramírez Kidd (*Alterity*, 39) states, "It must be noted that among the characters mentioned together with the pair 'widow-orphan,' the stranger is not mentioned. This absence is not extraordinary." He also provides a sampling of the alternatives from various texts. In Egypt the typical dyad is the widow-fatherless, which is augmented at times with one or more of the following: poor, humble one, citizen, fearful one, one-who-has-nothing, prisoner, sick one, and stranger. In Mesopotamia the recurring dyad is the orphan-widow and is augmented in certain texts with the: weak, widower, abused, deprived, man of one shekel, poorest, refugee, weak. In Ugarit the dyad is the orphan-widow and includes in some instances the poor and oppressed.

[91] Ramírez Kidd (*Alterity*, 39) notes that Amen-em-opet of New Kingdom dynasty XVIII refers to the "widow, the stranger and the poor" (*ANET*, 424).

[92] T. R. Hobbs, "Hospitality in the First Testament and the 'Teleological Fallacy,'" *JSOT* 95 (2001): 20-24.

[93] Mark E. Biddle, *Deuteronomy* (Smyth and Helwys Bible Commentary; Macon, Ga.: Smyth and Helwys, 2003), 182.

[94] J. G. McConville, *Deuteronomy* (Apollos Old Testament Commentary 5; Leicester: Apollos; Downers Grove, Ill.: InterVarsity, 2002), 201.

[95] Andrew D. H. Mayes, *Deuteronomy* (NCB; London : Oliphants, 1979), 210-11.

[96] McConville, *Deuteronomy*, 201.

cern for the alien [גר] is not nearly so common outside the Bible."[97] This ideal kingly responsibility is perhaps best known from the prologue to the Hammurapi's law code from the second millennium, but also from several biblical psalms that confer this responsibility on Israel's human king (e.g., Ps 72:1-4, 12-14; 146:7-10). Mayes calls attention to the epilogue to Hammurapi's code:[98] "In my bosom I carried the peoples of the land … I have sheltered them in my strength. In order that the strong might not oppress the weak, that justice might be dealt to orphan (and) to widow … I wrote my precious words on my stela … to give justice to the oppressed" (*ANET*, 178). There are important similarities and differences between D and Hammurapi's code,[99] not to mention many other Near Eastern *personae miserae* texts.[100]

Does D, then, align with the worldview of its neighbors in this regard? F. Charles Fensham answers affirmatively. He argues that texts from Mesopotamia, Egypt, and Ugarit all share the ideal of protecting susceptible subpopulations. Near Eastern practices of aiding those without socioeconomic assistance and protecting them legally compelled D's authors to formulate legislation to designate limited provisions for widows, orphans, strangers and other disadvantaged subclasses in ancient Israel.[101] The proven virtue and success of great Mesopotamian kings, like Ur-Nammu and Hammurapi, was contingent upon their protection for these vulnerable

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[97] Jeffrey Tigay, *Deuteronomy* (JPS Torah Commentary; Philadelphia: JPS, 1996), 228.

[98] Mayes, *Deuteronomy*, 210-11.

[99] Deut 10:17-18 (similarly 24:17-22) diverges from Hammurapi's prologue and epilogue in at least four respects. One, Yhwh, not a human king (see limited role of the human king in 17:14-20), is the impartial executor of justice on behalf of the גר-orphan-widow. Humans were by no means exempt from providing justice in the HB, as not only kings, but also judges and sages were required to do (Exod 23:6; Prov 22:22): Richard D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox Press, 2002), 292. Two, the responsibilities of Hammurapi's code are slightly different in D: Yhwh executes impartial justice; the law courts were to *enforce* Yahweh's justice (1:16-17; 16:19; see Exod. 23:3, 6-8), and every Israelite citizen was to *exhibit* justice in the community (hence, the recurring 2mp imperatives): McConville, *Deuteronomy*, 201. Three, D expands Hammurapi's orphan-widow dyad. Four, typical of D, as of Hammurapi, are imperatives to do justice to – or conversely, to not oppress – the *personae miserae*. In Deut 10:19 (also Lev 19:18, 34), however, the command is not merely to not oppress the גר (see Exod 22:20; 23:9), but expressly "you shall love" (ואהבתם as volitional *weqatal*) the גר: "This is unusual not only because the beneficiaries of this love are non-Israelites, but because elsewhere Deuteronomy commands love for Yahweh, but not for other humans" (Richard D. Nelson, *Deuteronomy*, 137).

[100] See §6.1. For an introduction to these texts, consult Ramírez Kidd, *Alterity*, 36-40.

[101] F. Charles Fensham, "Widow, Orphan, and the Poor in Ancient Near Eastern Legal and Wisdom Literature," *JNES* 21 (1962): 129-39.

persons in society. Harriet Havice concludes similarly from a more exhaustive survey of ancient Near Eastern materials, including the Old Testament texts, that superiors, such as rulers, officials, kings, and deities, were responsible to demonstrate beneficence toward, and conversely to not oppress, inferior classes.[102]

On the contrary, Anna Norrback argues that D does not reflect the *human* hierarchical societies of its neighbors, but emphasizes brotherhood and is shaped as a "national constitution, which uses the ancient Near Eastern treaty pattern and its terminology."[103] The pattern is the people's loyalty to YHWH, the great suzerain king, and YHWH's beneficence toward the people (e.g., land grant and productivity), and particularly toward the *personae miserae*: "Deuteronomy also presents YHWH as the ideal superior who is the redeemer of the fatherless and the widow and who loves the alien. It is in his interest to protect them. The Israelites are expected to include them as a part of the nation."[104] Peter Craigie reasons that D reflects the second, not first, millennium form of the Near Eastern treaty, which means that the גר laws emerged from Israel's historical experience prior to entering Canaan:

> The Exodus from Egypt had liberated the Hebrews from their former vassaldom and resident and resident alien status; the Sinai Covenant had introduced them to a new relationship, that of being vassals to God alone and to no earthly power. But, as they had learned from their experience of bondage in Egypt, God loved resident aliens (cf. 10:18), and thus their covenant with God had built into it the expression of concern for aliens, arising out of past experience.[105]

On the contrary, Norbert Lohfink argues D does *not* reflect ancient Near Eastern thinking, as found in other law codes or even in the OT's CC and HC.[106] A number of Mesopotamian kings boast in the prologues and epilogues of their law codes that they fulfilled the will of the gods in establishing justice and social reform. Hammurapi's self-veneration is the most developed and includes a scene of an "oppressed man" who is invited to jour-

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[102] Harriet K. Havice, "The Concern for the Widow and the Fatherless in the Ancient Near East: A Case Study in Old Testament Ethics" (Ph.D. diss., Yale University, 1978).

[103] Anna Norrback, *The Fatherless and the Widow in the Deuteronomic Covenant* (Åbo, Finland: Åbo Akademis Förlag, 2001.

[104] Norrback, *Fatherless*, 252.

[105] Peter C. Craigie, *The Book of Deuteronomy* (NICOT; Grand Rapids: Eerdmans, 1976), 24-27, 59. Persuading him that D reflects the second millennium form are the presence of the historical prologue, divine witnesses between the stipulations and curses, the balance of blessings and curses, and the more consistent sequence to the components of the second millennium treaties.

[106] Norbert Lohfink, "Poverty in the Laws of the Ancient Near East and of the Bible," *TS* 52 (1991): 34-50.

ney to the Esagila temple, read Hammurapi's stele that will "make the case clear to him," and then he can "set his mind at ease." However, if an "oppressed man" happened to read all 282 paragraphs of the law code proper, he would find nothing about the "oppressed" or "poor." Beyond just the lack of these terms, there is "no social legislation in the code of Hammurabi. Nor is such to be found in the laws of Ur-Nammu, nor in the laws of Lipit-Ishtar, nor in any other law collection of Mesopotamia."[107] Mesopotamian law codes in this regard stand in stark opposition to biblical law codes, especially D. Enrique Nardoni provides a nuance to Lohfink's argument: although Hammurapi, for example, makes no mention of the widow or orphan in its code, the motivation of protecting the weak is found throughout the law code in "articles referring to the small farmer, the salaries of manual workers and day laborers, and the fixing of interest rates."[108]

Lohfink next analyzes the central function of the *personae miserae*, especially the גר figure, within the structure and theology of CC. Biblical texts prior to D, most prominently the CC, use various terms that "had been mixed up without any clear distinction," but in D are now reduced and separated into two groups: one, אביון and עני, both terms continue to be used for the poor; two, the גר-orphan-widow triad, which is never combined with group one.[109] Lohfink once believed that the deuteronomic laws, formulated in Josiah's time, were preoccupied with concern for the poor, but then he realized the words for "poor" in D (group one) occur not once in any of the *personae miserae* triad passages. His new conclusion is that D's laws do not add new groups – the גר, orphan, and widow – to the poor class, but restructure society in order to support groups that do not have the capacity to live off the land. D does not envision the elimination of the class of גרים, orphans, and widows. Rather, along with the Exodus narrative, D creates "a world in which one can be a stranger, an orphan, or a widow without being poor."[110] The problem was that no one could believe this vision, not even the

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[107] Lohfink, "Poverty," 37.

[108] Enrique Nardoni, *Rise Up, O Judge: A Study of Justice in the Biblical World* (trans. Seán Charles Martin; Peabody, Mass.: Hendrickson, 2004), 9.

[109] Lohfink, "Poverty," 43.

[110] Lohfink, "Poverty," 44. So also Peter T. Vogt, "Social Justice and the Vision of Deuteronomy," *JETS* 51 (2008): 35-44, esp. 38-9. Lohfink believes, further, that the biblical laws (CC, D, H) are comparable to Egyptian *wisdom* literature and prayers. James L. Crenshaw notes a problem with Lohfink's claims: if Deuteronomy restructures society to provide for classes that were unable to survive off the land, such an "attempt to reorganize society fits badly into ancient wisdom, which endeavored to sustain the status quo. Even such radical sages as the authors of Job and Qoheleth did not propose a new social order, despite the injustice they witnessed": *Urgent Advice and Probing Questions: Collected Writings on Old Testament Wisdom* (Macon, Ga.: Mercer University Press, 1996), 418 n. 4.

HC authors, whose own legislation should be understood as a retrogression to a pre-D understanding of Israelite poverty. The reason for this is that while the year of debt release offered a radical vision (Leviticus 25), the HC appears to accept that during the lengthy period between jubilees there would always be impoverished Israelites and, we should add, גרים.

2.4. Prospect for this Study

This survey of research exposes not only the divergent approaches to interpreting the גר in D, but that these approaches have yielded many conclusions that are mutually incompatible. Furthermore, authors have either not set out to examine comprehensively the גר in D,[111] for which they cannot be faulted, or they have ignored hermeneutically germane factors as a result of methodological hegemony due to preferences or presuppositions. The present author does not presume this study will remedy all such deficiencies. I do, however, present five gaps or conflicts in the scholarship and preview the contributions that this study attempts to make in subsequent chapters.

1. One byproduct of historical reconstruction theories is the tendency to apply them without adequate synchronic analysis. Synchrony and diachrony should be viewed as twins; when one gains ascendency, the other must voice its response. However, diachronic proposals must not be allowed to violate the contours of the text, and therefore, a synchronic analysis of D's גר texts is rudimentary. Consequently, this study examines syntagmatic elements and other contextual limiting factors to constrain the boundaries of interpretation and diachronic hypotheses.

2. Another byproduct of current reconstructions of the origins of D's גר is a tendency to downplay the narratival and geographical setting of D's laws. This study recognizes the possibility that D's גר laws contain narratival elements from earlier Tetrateuch lexemes. This is exemplified in a discussion of D's גר-Egypt and עבד-Egypt formulae in light of Genesis and Exodus. This discussion will also expose heretofore unexplored connections with a growing consensus of the Pentateuch's *Überlieferungsgeschichte*.

[111] No scholar has written a monograph solely on the גר in D.

3. The predominant position, that the seventh century is the *terminus post quem* of D's provenance, governs most proposals for the socio-historical referents for D's גר. Yet, plausible arguments have also been marshaled for tenth, ninth and eighth century Northern origins. The origins and transmission history of D's laws are more complex than גר researchers have admitted. Moreover, theories have neglected the limits of the data, most notably, D never identifies the גר with his country (or territory) of origin or the circumstances that prompted his immigration (Deuteronomy 23 does this only by implication). That is, D's גר texts do not manifest repeated, *consistent* clues that would allow us to ascertain the underlying history. In response, this study demonstrates the benefits of a relative dating approach that does not make unverifiable claims for D's גר referents and historical settings.

4. This study follows those cited above who argue the Deuteronomic Code (DC) reformulated the Covenant Code (CC) (and also Exodus' Decalogue) and older subsets of laws from ancient Israelite society. This chapter also expands the work of those who argue for the CC as a pre-deuteronomic composition that D transformed exegetically,[112] against the inverse view.[113] Regarding the H materials (Lev 17-26, et al.), this study furthers the work of scholars who conclude that D is independent from H,[114] against the alternative proposal that H depended on CC and DC laws and rewrote them for its ideological purposes.[115] The contribution of this study will be to explore how D's גר laws inner-biblically culminate and revise antecedent Decalogue and CC laws, but also how D's גר laws overlap or diverge conceptually with H's genetically independent גר laws.

5. The secondary literature does not adequately explain D's theological and sociological vision to integrate the גר into Israelite communities. Does D innovatively augment the Near Eastern orphan-widow dyad with the גר because Israelite society was relatively open to outsiders, whereas Egyptian society, for example, was closed due to hierarchical and Egypto-centrism?[116] We have already noted in the introduction that

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[112] Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1997).

[113] John Van Seters, *A Law Book for the Diaspora*: *Revision in the Study of the Covenant Code* (Oxford: Oxford University Press, 2002).

[114] Weinfeld, *Deuteronomic School*, 179-89.

[115] Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy & the Holiness Legislation* (FAT 52; Tübingen: Mohr Siebeck, 2007).

[116] Ramírez Kidd, *Alterity*, 39.

the גר was not an outsider in the way that "foreigners," "strangers," "sojourners," or the "nations" were, since he was normally subject to Israelite law and might have had the opportunity to enter the YHWH cult.[117] According to D's legislation, did the Israelite community *deny* the גר full religious status, or did Israel not show hospitality to the גר because the גר was not a stranger, but a full covenant member?[118] That is, was Israel an open, partially open, or said conversely, partially closed society? If the גר was not indigenous to Israel or Judah, it is significant that Israel integrated the גר into various social sectors, even if this integration was only codified in law and never actualized in history. Because scholars have not sufficiently defined the nature and rationale for this integration, this study will reexamine the integration of the גר in light of D's theology, sociology, and YHWH's election of Israel.

[117] Hobbs, "Hospitality," 20-24.
[118] Hobbs, "Hospitality," 20-24.

Chapter 3

Establishing and Analyzing the גר Texts

3.1. Foreign Complexity and Synchronic Boundaries

Deuteronomy is multiplex in its exposé of non-Israelite individuals, groups, and nations. For instance, the book includes perhaps the most austere proscription of foreign marriage found in the Bible (7:1-6; cp. Ezra 10:10-14) and explicitly prohibits an Israelite king from multiplying any such wives (17:15-17; cf. 1 Kings 11), but the book also allows marriage between male Israelites and female war captives (21:10-14). The composition castigates Egypt and its inhumanity (see §4.2.2), but will not allow Israelites to abhor an Egyptian "for you were an immigrant in his land" (23:8; §3.1.7; §4.4.1). Additionally, the ethnic and religious origins of the נכרי "foreigner" in the book remain ambiguous (see §3.1.7.3). The nations of Canaan whom YHWH commanded Israel to obliterate were wicked, but Israel was barely an improvement – obstinate, unrighteous, and nearly eradicated by YHWH several times (9:1-9). It is no surprise, then, that the complexity of Israel's contacts with non-Israelites is also apparent in the 20 appearances of the גר "immigrant" persona throughout D, in the prologue, law code, and epilogue.

The purpose of this chapter is to appreciate this complexity by allowing analysis of textual variants and synchronic elements to constrain our interpretation of D's גר texts. In chapters 4 and 5, as we shall see, diachronic analysis must also influence our reading of these texts and at times modify synchronic conclusions. The synchronic features surveyed include the implied speaker and audience, structure or form, lexical data, usage of terms, and syntagmatic and paradigmatic elements. This chapter analyzes all passages that mention the גר figure in D, which happen to occur only in the singular, nominal form. Deuteronomy 23:2-9 is the one exception that this chapter will treat; although it lacks the גר persona, it has significant ramifications for גר interpretation. The chapter will mention the motive clause "for you [Israelites] were immigrants [גרים] in Egypt" (10:19; see 23:8), but we will study this clause in greater detail in chapter 4. Furthermore, the verbal cognate גור "to sojourn" never occurs in D with the noun גר, yet in chapter 4 we will survey one apropos occurrence of the verb, when Israel's

ancestors are presented as agents of גור activity in Egypt (26:5; see §4.2.3).[1]

The intent of this chapter is not to offer exhaustive commentary on each passage, but highlight the ways D presents and conceptualizes the גר. My analysis of each גר passage will open by presenting the immediate context in the MT followed by my translation. Although MT is normally preferable – only once do I prefer a substantial, alternate reading (24:14; §3.1.8) – I include text-critical observations for each גר text because they proffer some of the earliest interpretations, which typically reinforce my own conclusions. The chapter closes by analyzing proposals to subdivide D's גר texts by theme or by historical referent, and then evaluates clues for detecting the ethnicity of D's גר. The conclusions drawn from these analyses attempt to preserve the tension of continuity and divergence in D's portrait of the גר, which contributes to the rhetorical dynamic created by this paraenetic book.

3.1.1. Deut 1:16-17

ואצוה את־שפטיכם בעת ההוא לאמר שמע בין־אחיכם ושפטתם צדק בין־איש ובין־אחיו ובין גרו
לא־תכירו פנים במשפט כקטן כגדל תשמעון לא תגורו מפני־איש כי המשפט לאלהים הוא והדבר
אשר יקשה מכם תקרבון אלי ושמעתיו[2]

16 Then I charged your judges at that time: "Hear [disputes] between your fellow countrymen; judge equitably between a man and his fellow countryman or his immigrant. 17 Do not show partiality in judgment; hear both small and great alike. Do not fear people, for judgment belongs to God. And the case that is too hard for you, bring to me, and I will hear it."

Moses begins to elucidate התורה הזאת "this *tôrâ*" (1:5), and readers might expect "this *tôrâ*" to be Moses' subsequent exposition of legal materials, but instead he recapitulates with extreme selectivity Israel's history in dischronologized sequence (cp. Deut 1:6 to Exod 18:5; 19:1; Num 10:10). In this manner, Deut 1:9-18 condenses the accounts of Num 11:11-17, 24b-30 and Exod 18:13-27,[3] yet still makes room to include heretofore unmentioned elements, such as the גר. 1:16a-cβ's structure is unambiguous:

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[1] Only the Levite and Israel's ancestors are the subjects of גור (18:6 and 26:5, respectively). Separate and irrelevant homonymic roots in D are גור II "to be afraid" (1:17; 18:22; 32:27) and גור III "cub" (33:22).

[2] 1:16 is a stable text insofar as the word גר and exegetically significant and proximate words and phrases are free of textual variants.

[3] Reinhard Achenbach is correct to note the strongest parallel in Exod 18:16a, which Deut 1:16 probably revises – כי־יהיה להם דבר בא אלי ושפטתי בין איש ובין רעהו "when they have a dispute, it comes before me, and I adjudicate between a man and his neighbor": "*gêr – nåkhrî – tôshav – zâr*: Legal and Sacral Distinctions regarding Foreigners in the Pentateuch," in *The Foreigner and the Law: Perspectives from the Hebrew Bible and the*

a ואצוה
את־שׁפטיכם
בעת ההוא
לאמר
bα שׁמע
bβ בין־אחיכם
cα ושׁפטתם
cβ צדק
cγ בין־איׁש ובין־אחיו ובין גרו

The *weqatal* form frequently expresses procedural directives, making it successive with the infinitive absolute used as an imperative: "Hear (שׁמע) [disputes] between your fellow countrymen and you should then judge (ושׁפטתם) equitably between a man and his fellow countryman or his immigrant."[4] This succession suggests that the colons b and c are in a synthetic parallel relationship since: one, the verbs carry the same deontic volitional force (see n. 4); two, they are modified by בין prepositional phrases; three, in v. 17 verbal forms of שׁמע are not semantically delineated from משׁפט (nominal form of שׁפט in v. 16). Synthetic parallelism suggests שׁמע "hear" is restated as שׁפטתם "judge equitably,"[5] and בין־אחיכם "between your countrymen" is restated as בין־איׁש ובין־אחיו ובין גרו "between a man and his countryman and his immigrant." So אחיכם "your countrymen" included the Israelite *and* his גר; hence the two other occurrences of the plural noun with plural enclitic pronoun: אחיכם בני־ישׂראל "your brothers, the Israelites" (3:18) *and* אחיכם בני־עשׂו "your brothers, the sons of Esau" (2:4; similarly 2:8; 23:8).

The syntax within colon v. 16c is less clear, but we can reduce the interpretive options to two. First, the threefold בין construction denotes the interval between (A) איׁש *on the one hand*, and (B^1) אחיו and/or (B^2) גרו *on the other*[6]:

cα ושׁפטתם

Ancient Near East (BZAR 16; ed. R. Achenbach, R. Albertz, and J. Wöhrle; Wiesbaden: Harrassowitz, 2011), 34; similarly Richard D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox, 2002), 20.

[4] John A. Cook shows that in instructional discourse, as we have in Deut 1:16-17, the *weqatal* is introduced by a deontic imperative (here infinitive absolute with imperative force) and expresses a basic, deontic meaning: "The Semantics of Verbal Pragmatics: Clarifying the Roles of *Wayyqtol* and *Weqatal* in Biblical Hebrew Prose," *JSS* 49 (2004): 247-73, esp. 267-69.

[5] Cf. "צֶדֶק" (*HALOT* 2:1004-5) is an adverbial accusative of manner: "judge them *equitably*" (hence v. 17) or perhaps "accurately."

[6] Bill T. Arnold and John H. Choi, *A Guide to Biblical Hebrew Syntax* (Cambridge: Cambridge University Press, 2003), 107.

cβ	צדק
cγ	בין־איש
cδ	ובין־אחיו ובין גרו

In other words, adjudicate between (A) a man (איש) and (B^1) his fellow countryman (אחיו). Or possibly, adjudicate between (A) a man (איש) and (B^2) the גר of his fellow countryman (גרו). This is supported by the few other occurrences of a threefold בין construction, such as 2 Kgs 11:17: "Then Jehoiada made a covenant between YHWH [on the one hand] and the king and the people [on the other]…"[7] The second option regards the second conjunction of v. 16cδ as alternative and both enclitic pronouns (ו) as referring to איש (v. 16cγ). Thus, appointed judges were to judge between (A) a man (איש) and (B) his fellow countryman (אחיו) or between (A) a man (איש) and (C) that man's גר.[8] In the first option ($A\text{-}B^1B^2$), even if a man's problem was solely with a גר, that גר was tried as a unit with a countryman. In the second option (A-B and A-C), a man's conflict and trial could be either against his fellow countryman (A-B) or against his own גר (A-C).

Regardless of how one understands the triple בין construction, the imperfective verbs of verse 17 (general or permanent prohibitions and jussive commands) should be read in the context of verse 16.[9] The idiomatic commands "You must not regard faces in judgment; you shall hear small and great alike" and "do not be afraid of the faces of a person, for judgment belongs to God" protect against impartial adjudicating that disadvantages either a countryman or גר, the two parties listed at the end of v. 16. Eckart Otto argues convincingly that the reception history moves from Exod 23:6, 8 (CC) to Deut 16:18, 19 (DC) to Deut 1:15-17 (prologue), which manifests an increasing universalization of the principle of legal equality that is substantiated by the explicit protection of the socially vulnerable.[10] We may nuance this further by noting that גרו "his immigrant" (1:16) – a גר attached in some way to a person of the majority population – was likely not subject to the same degree of vulnerability as the *personae miserae* גר, orphan, and widow typical of the DC (cf. 10:17-18; and 27:19

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[7] *DCH* 2:146-49; Arnold and Choi, *Hebrew Syntax*, 107.

[8] TNIV; NET. Ambiguous are JPS Tanakh, NASB, ESV, NLT and NRS.

[9] Arnold and Choi, *Hebrew Syntax*, 61-62, 137-38.

[10] Eckart Otto, *Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien* (BZAW 284; Berlin/New York: Walter de Gruyter, 1999), 238-49; contra A. D. H. Mayes, who argues that deuteronomic law is probably not in view in 1:16-17, but Israel's judicial order and administration: "Deuteronomy 4 and the Literary Criticism of Deuteronomy" in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy* (Winona Lake, Ind.: Eisenbrauns, 1993), 205 n. 36; repr. from *JBL* 100 (1981).

which reflects the DC). This is why in 24:14 a countryman (אח) and his גר are protected from extortion, but they are qualified as "poor and needy" (§3.1.8), a qualifying hendiadys not applied to the אח and גר in 1:16-17.[11]

In what way, then, is the *singular* countryman related to a גר, as marked by the enclitic גרו, "*his* immigrant?" Paul-Eugène Dion explains: "Il faut remarquer les possessives dans ces texts: un *gēr* d'Untel ou d'Untel. Plus fondamentalement, cette personne est le *gēr* d'Israël..."[12] More clarity is needed, but we must look for it beyond the limited data of 1:16-17. From this text we can draw a few conclusions. First, the גר is distinguished from either the *singular* Israelite addressee or countryman, and in this respect: "Pas plus que la *zār* ["stranger"] et le *nokrî* ["foreigner"] le *gēr* n'est un «frère»."[13] Second, in ostensible tension to the first point the parallelism between v. 16a and 16b may present גרו as a constituent of the *plural* אחיכם "your countrymen" class (1:16bβ). Third, with respect to judicial affairs, the Israelite and גר were to be treated as equals (likewise 24:14).[14]

3.1.2. Deut 5:13-15

שמור את־יום השבת לקדשו כאשר צוך יהוה אלהיך
ששת ימים תעבד ועשית כל־מלאכתך
ויום השביעי שבת ליהוה אלהיך לא תעשה כל־מלאכה אתה ובנך־ובתך ועבדך־ואמתך ושורך וחמרך
וכל־בהמתך וגרך אשר בשעריך למען ינוח עבדך ואמתך כמוך
וזכרת כי־עבד היית בארץ מצרים ויצאך יהוה אלהיך משם ביד חזקה ובזרע נטויה על־כן צוך יהוה
אלהיך לעשות את־יום השבת

[12] Observe the Sabbath day to keep it holy just as YHWH your God commanded you. [13] Six days you must labor and do all your business, [14] but the seventh day is a Sabbath to YHWH your God. [On it] you must not do any business, you or your son or your daughter, or your male servant or your female servant, or your ox or your donkey or any of your cattle, or your immigrant who is within your gates, so that your male servant and your female servant may rest as well as you.[15] Remember that you were a slave in the land of Egypt, and YHWH your God brought you out of there by a mighty hand and by an outstretched arm. Therefore YHWH your God commanded you to observe the Sabbath day.

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[11] Similar idioms are used of YHWH'S judgment in 10:17-18 (§3.1.3), which implies a degree of vulnerability of the *personae miserae* not evident in 1:16-17. Cf. Otto's analysis (*Das Deuteronomium*, 238-49) of the genetic relationship of Deut 10:17-18; 16:18, 19; 27:25; 1 Sam 8:3.

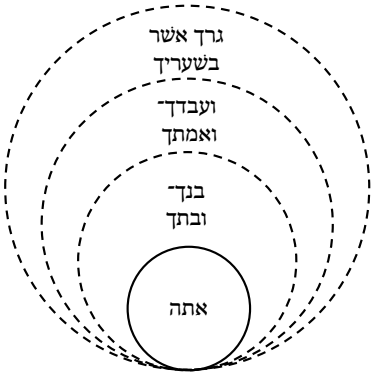
[12] Paul-Eugène Dion, "Israël et l'Étranger dans le Deutéronome" in *L'Altérité. Vivre ensemble differents. Approches Pluridisciplinaires: actes du Colloque pluridisciplinaire tenu a l'occasion du 75e anniversaire du College* (Montreal/Paris: Cerf, 1986), 223.

[13] Dion, "l'Étranger," 222.

[14] Peter T. Vogt, *Deuteronomic Theology and the Significance of Torah: A Reappraisal* (Winona Lake, Ind.: Eisenbrauns, 2006), 104.

In v. 14 MT's reading וְגֵרְךָ "or your immigrant[sg.]" is preferable to 4Q41 (גריך) and ancient translations.[15] In MT the גר is not distinguished from other Sabbath observers on syntactical grounds; alternative *waws* are prefixed on every member: "*or* any of your cattle *or* your immigrant." One may argue "or *your* immigrant" (וגרך), as MT reads, suggests the גר was under the care of, was employed by, or served a *paterfamilias* (אתה), the recipient of the Sabbath commands.[16] What exactly was the relationship, as presented in this passage, between the גר and an extended Israelite household, a *bêt-'āb*, and its governing *paterfamilias*?

First, the enumerated order is significant of those generally or permanently prohibited (לא + imperfect) from working on the Sabbath day.



[15] MT is supported by the identical syntax of Exod 20:10, arguably D's source text (וגרך אשר בשעריך), Samaritan Pentateuch (Smr: וגרך), and Targum Onkelos (T^{O}: וגיורך). T^{PJ} and T^{N} include the conjunction with MT, but probably to facilitate syntax they use a 2m *plural* enclitic pronoun (T^{PJ}/ T^{N} וגייריכון / וגיורכון). 4Q41 reads גריך"your immigrants." The absence of the conjunction may be a harmonization with 14:21, and more importantly, asyndeton neither fits the pattern of conjunction use in the rest of the verse, nor agrees with Exod 20:10. The plural construct noun in 4Q41 (גרי) does not follow D's pattern of a singular noun with the enclitic pronoun (24:14, 29:10, 31:12), and so might be a number adjustment to the plural "gates" (שערי): "your immigrants who are in your gates." G (καὶ ὁ προσήλυτος), V (*et peregrines*) and S (ܐܓܪܝܟ [variant ܐܓܪܝܗ is explained by confusing ܟ and the internal form of ܡ]), do not have the possessive pronoun. Likely these either removed the first pronoun in the clause, regarding it as redundant ("*your* גר who resides in *your* midst"), or the definite article for G functions as a possessive pronoun (see Daniel B. Wallace, *Greek Grammar Beyond the Basics: An Exegetical Syntax of the New Testament* [Grand Rapids: Zondervan, 1996]), 215-16.). Less plausibly, G removed the relative pronoun because a גר, unlike a slave, did not belong to the Jewish community. When V and S agree with G against MT, as is the case here, V and S are likely genetically dependent on G. For all the reasons above, MT is to be preferred.

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

The solid-line circle around אתה "you" represents the prohibition's addressee and probably his wife, which we may infer from D's equality for women elsewhere (7:3; 13:6; 15:12-17; 22:22).[17] We may follow Frank Crüsemann, who identifies who is not addressed directly, that is, not included in אתה "you" here and especially in the DC: slaves (15:12ff.), immigrants, orphans and widows, sons and daughters, Levites and priests (18:1ff.), the king and officials (16:18; 17:14ff.).[18] By process of elimination, we infer that D's addressees are free, landowning, male citizens and their wives, whom we shall call *patresfamilias*.[19] The perforated concentric circles do not represent hyponymy-hypernymy. Instead, they portray that each class is distanced incrementally from, and bound by the enclitic pronoun (ך) to, the *paterfamilias* addressee (אתה): 1) the biological children whom you fathered; 2) the male and female servants whom you possess; 3) the livestock that you possess; 4) your גר who is within your gates. The גר here stands alone, possibly warranting the label גר *individuum* (cp. to גר conjoined with Levite, orphan, widow).[20] Georg Braulik seeks to clarify the relationship of the גר to the Israelite household: "Der Fremde beschließt die Reihe. Er ist ja eine Arbeitskraft, die außerhalb des Hauses steht. Allerdings besitzt er durch seine Mitarbeit dann doch einen gewissen Familienanschluß – er ist»dein« Fremder. Das unterscheidet ihn von den übrigen Sozialfällen, dem Leviten, der Waise und der Witwe, die in dieser Liste fehlen."[21] Philip King and Lawrence Stager maintain:

> Besides the parents and unmarried children, the *bêt-'āb* might include several generations of family members, depending on who is claimed as the paterfamilias, along with his wife or wives, sons and their wives, grandsons and their wives, the unmarried sons and daughters, slaves, servants, *gērîm*, aunts, uncles, widows, orphans, and Levites who might be members of the household. The *gērîm* were included in the "protective" net-

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[17] Moshe Weinfeld (*Deuteronomy and the Deuteronomic School* [Oxford: Oxford University Press, 1972; repr., Winona Lake, Ind.: Eisenbrauns, 1992], 291) makes this case that אתה in 16:11, 14 includes one's wife; likewise, Anthony Phillips, "The Decalogue: Ancient Israel's Criminal Law," in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy* (Winona Lake, Ind.: Eisenbrauns, 1993), 231; repr. from *JJS* 34 (1983): 1-20; Frank Crüsemann, *Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gesetz* (München: Chr. Kaiser, 1992), 291-94.

[18] Crüsemann, *Tora*, 256-59.

[19] This audience is less clear in the CC and Decalogue, but still probable. Cf. Crüsemann (*Bewahrung der Freiheit. Das Thema des Dekalogs in sozialgeschichtlicher Perspektive* [KlT 78; München: Christian Kaiser, 1983], 28-29).

[20] See José E. Ramírez Kidd, *Alterity and Identity in Israel: The גר in the Old Testament* (BZAW 283; Berlin; New York: Walter de Gruyter, 1999), 40-42.

[21] Georg Braulik, *Studien zur Theologie des Deuteronomiums* (SBAB 2; Stuttgart: Katholisches Bibelwerk, 1988), 310.

work, even though not within the gentilic unit. A *gēr*, who was outside the protective unit, often became a "client" or "servant" of the patron who protected him.[22]

This insightful explanation requires greater precision for D. In the DC, with the exception of 24:17, the גר is presented as one who is outside the protective network of the *bêt-'āb*, but not obviously in a client relationship to a patron (10:18-19 [reflecting DC, see §3.3]; 14:21, 29; 16:11, 17; 24:17, 19-21; 26:11-13, 19; 27:19; 28:43). We should add that beyond a patron's obligation to protect his *bêt-'āb* גר or client גר, the DC orders patrons to show compassion toward the גר who is neither a client, nor a *bêt-'āb* constituent, simply because he is a *personae miserae* member residing "within your gates/midst."[23] Were the גר in 5:14 a member of a *bêt-'āb* multi-family compound, we might have expected him instead to follow biological children and slaves in the list, but precede livestock.[24] Deut 26:13 also evidences a non-*bêt-'āb* גר: the *paterfamilias* announces he removed a tithe of produce *from his household* (מן־הבית) and gave it to the Levite, גר, orphan, and widow (see §3.1.9). The ultimate position of the גר in the list of 5:14 probably does not subordinate his social status to that of slaves and beasts; were social inferiority of primary concern, we would expect other vulnerable subgroups, like the Levite, orphan, widow. Instead, the גר's presence in the list suggests socio-religious integration, but his location after *bêt-'āb* members positions him outside the Israelite household unit.

The restrictive relative clause אשר בשעריך "who is within your gates" also locates the גר beyond the confines of the Israelite *bêt-'āb* compound.[25] Were the גר a *bêt-'āb* member, we would have expected בביתך "(who is) in your house(hold)."[26] Similarly, one's brother (אחיך) and one's neighbor

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[22] Philip J. King and Lawrence E. Stager, *Life in Biblical Israel* (Louisville/London: Westminster John Knox, 2001), 40. For more on the *bêt-'āb*, see Lawrence E. Stager, "The Archaeology of the Family in Ancient Israel," *BASOR* 260 (1985): 1-35; and 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).

[23] The argument of Ross H. Cole ("The Sabbath and the Alien," *AUSS* 38 [2000]: 223-29), that Sabbath participants (Exod 23:12; Deut 5:12) would have included uncircumcised גרים, can neither be corroborated, nor refuted; there is a dearth of textual support (Exod 12:48-49 refers to Passover, not Sabbath).

[24] The form גרך "your immigrant" is always in the final position in lists in the Hebrew Bible (Exod 20:10; Deut 5:14; 29:10; 31:12; with less significance, see also 1:16 [גרו] and 24:14).

[25] A limiting clause would mean only those immigrants *who are in your gates* are to abstain from work on the Sabbath. "In your gates" (אשר בשעריך) is a conventional substantival nominative clause that does not mark a subset of the immigrant class, but qualifies the class' nature (14:21; maybe 14:29; 24:14; 31:12).

[26] Those mentioned explicitly as members of ביתך "your household" in D include: children (6:7; 11:19); sons, daughters, male servants, female servants (12:7, 12, 18; see

(רעך) were also located outside one's *bêt-'āb* compound; but the reason for this was that they, unlike the גר, owned and led their own *bêt-'āb* compounds (22:2; 24:10). Moreover, the pronoun "within *your* gates" (בשעריך), referring to the *paterfamilias* (אתה), suggests the גר was present in Israel's town gates, not his own; he was geographically allochthonous. The plural object "within your *gates*" indicates there were גרים present in multiple Israelite settlements. Since there were multiple גרים, it is significant that here and throughout D the noun גר, when not referring to Israelites in Egypt, is singular, emphasizing not a class of *abstracta*, but a personal member of the community.

The שער "gate" was the city's center of business, trade, and legal transactions,[27] but this is somewhat irrelevant for the גר since אשר בשעריך does not mean "who is among/at/between/by your gates,"[28] but "who is within your gates," that is, who lives within your towns.[29] What is relevant here is that gates and fortified walls protected the גר, along with local Israelite or Judahite residents, from external attacks.[30] Also relevant is that "gates are symbolic of many conceptual boundaries: between the realms of the profane and the sacred, between Israelite society and outsiders, between earth

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§5.2.2.1); wives (20:7; 21:12, 13; 24:1, 2, 3, 5); Hebrew slaves (15:16); daughters (22:21).

[27] King and Stager, *Life*, 234; for extensive treatments on ancient Israelite gates and their functions, consult Ze'ev Herzog, *The City Gate in the Land of Israel and Her Neighbors* (Tel Aviv: Tel Aviv University, 1976); ibid., *Das Stadttor in Israel und in den Nachbarländern* (Mainz: Verlag Philipp von Zabern, 1986); Tina Haettner Blomquist, *Gates and Gods: Cults in the City Gates of Iron Age Palestine – An Investigation of the Archaeological and Biblical Sources* (ConBOT 46; Stockholm: Almqviest and Wiksell, 1999); and Daniel Allan Frese, "The Civic Forum in Ancient Israel: The Form, Function, and Symbolism of City Gates" (Ph.D. diss., University of California, San Diego, 2012).

[28] Less frequently in D בשעריך means "you shall write them *on your gates*" (6:9; 11:20).

[29] NRSV; JPS Tanak [1985]; ESV; NIV; TNIV. Although this relative clause does not mark the גר as one involved in local law and business, it might connote that the גר was to be legally protected by those who did adjudicate at the gates; see Thomas Krapf, "Traditionsgeschichtliches zum deuteronomischen Fremdling-Waise-Witwe-Gebot," *VT* 34 (1984): 88. See §2.1.3 n. 42 (Zehnder, *Fremden*, 356-57 n. 3) for analogous Ugaritic and Nuzi constructions "stranger on the walls of Ugarit"; "the men who live within its gates" and "those of the gate."

[30] The gate needed to be well-fortified since it was the weakest element of a city's defense system: King and Stager, *Life*, 234. Insofar as D reflects life in Iron age Canaan, "your gates" is best understood as *city* or *town* gates connected to fortified walls (Deut 28:52). Multi-house *bêt-'āb* compounds had enclosure walls, often with openings, but not gates proper (see King and Stager, *Life*, 11, 18). The priestly literature, but never D, mentions the gate to the courtyard around the sanctuary (Exod 27:16; 35:17; 38:15, 18, 31; 39:40; 40:8, 33; Num 4:26).

and heaven, between life and death."[31] Therefore, the גר's habitat inside or within (ב) the city gate, not outside the city (מחוץ לעיר),[32] intimates that the גר was a non-threatening presence who *belonged*, to some degree, to Israelite society. The telic clause of the Sabbath command refers only to male and female slaves (למען ינוח עבדך ואמתך כמוך), but they evidently represented all dependents listed (see chapter 4 for contrast with Exodus' Decalogue).[33] The גר in this text, then, while not a member of a *bêt-'āb*, needed rest from his work, suggesting he functioned as a client or indentured servant to a *paterfamilias*. So the enclitic גרך "*your* immigrant" marks not possession, nor even the responsibility of the entire community to care for the גר, but an employee relationship to a patron.[34] This correlates semantically with the Phoenician cognate noun *gr* "client,"[35] and notice in later Nabatean inscriptions *gr* + an enclitic pronoun "and all their clients" (*wgr*[*y*]*hm klh*); "and his client" (*wgrh*).[36] Although the גר is distinguished here and elsewhere from male and female slaves, perhaps a non-*bêt-'āb* גר conjoined himself to a patron or landowner through a process similar to that of a runaway slave to a new master (23:16-17).[37]

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[31] Frese, "City Gates," 369.

[32] I.e., Gen 19:16; 2 Chr 33:15.

[33] Christiana van Houten, *The Alien in Israelite Law* (JSOTSup 107; Sheffield: JSOT, 1991), 92; Cole, "Sabbath," 227.

[34] Cf. Nelson, *Deuteronomy*, 83.

[35] See "gr[1]," *DNWSI* 2:232 for other Northwest Semitic inscriptions in which *gr* likely denotes: "client, follower a) of a man" (*CIS* ii 4035[4], 2.4218[5], J 12[4, 5, 6]) and "client, follower b) of a god" (*CIS* ii 3972[4]; cf. KAI 37A 16, B 10?). The meaning "client" is possibly also attested in the Moabite dialect in lines 16-17 of the Mesha' inscription "males and male clients, and females and female clients" (*gbrn wgrn wgbrt wgrt*) (so Kellerman ["*gûr*," *TDOT* 2:439-40]), but this text could instead be translated "native men, *foreign men*, native women, *for*[*eign*] *women*" (italics mine): Kent P. Jackson and J. Andrew Dearman, "The Text of the Mesha' Inscription," in *Studies in the Mesha Inscription and Moab* (SBLABS 2; ed. Andrew Dearman; Atlanta: Scholars, 1989), 98; and our translation confidence decreases further because it is a broken text: *g[b]rn w[g]rn wgbrt w[gr]t* (Kent P. Jackson, "The Language of the Mesha' Inscription," *Mesha'*, 94).

[36] *CIS* ii 209 and *CIS* ii 4035, respectively: see Kellerman, "*gûr*," *TDOT* 2:441.

[37] Dion ("l'Étranger," 223) supposes: "En fait, le seul passage du Deutéronome que semble nous dévoiler comment se recrutaient les *gērîm* est 23, 16-17, un texte sur le bon accueil reserve aux esclaves en fuite," but to be clear "il n'est pas range parmi les esclaves..." I would add the following data to support Dion's supposition. Deut 23:16-17 reads: "You must not return to his master a slave who has escaped from his master to you. He must dwell with you, in your midst [בקרבך], in the place that he shall choose in one of your gates [שעריך], where it pleases him. You must not oppress him [תוֹנֶנוּ]." The lexemes בקרבך and שעריך draw a link with the גר and D's other *personae miserae*, and the lexeme ינה "to oppress" is used with the גר outside D (Exod 20:22; Lev 19:33; in D the semantic relatives occur: עשק "to oppress" [24:14]; נטה "pervert" + משפט "justice"

3.1.3. Deut 10:17-19

כי יהוה אלהיכם הוא אלהי האלהים ואדני האדנים[38] האל הגדל הגבר[39] והנורא אשר לא־ישׂא
פנים ולא יקח שׂחד
עשׂה משׁפט יתום[40] ואלמנה ואהב גר[41] לתת לו לחם ושׂמלה[42]

[24:17; 27:19]). Yet in 23:16-17 עבד is not a metonym for גר: one, the גר is listed separately from the עבד and אמת (Deut 5:14; 16:11, 14); two, nowhere else in D is a גר in relationship to a master (אדני); three, the expression עמך ישׁב "dwell with you" (23:17) never describes the גר in the OT (the lexeme ישׁב occurs with גר only outside D, but never with עמך).

[38] T^O and T^J translate their *Vorlage* מָרֵי מַלכִין "master of kings (provincial rulers)," which is not likely a separate *Vorlage* to proto-MT, but a contextualization of this phrase for a later audience.

[39] MT, *without* a ו on הגבר "(the) mighty," is supported by the best G mss (ἰσχυρὸς in G^S, G^B, et al.) and T (גִיבָרָא). The conjunction is present in Smr, some G mss (καὶ ἰσχυρὸς in G^A, G^L), V and S. There is no exegetical significance to one's preferred reading since the "phrasal *waw*" – joining all listed items together under a common semantic field – may be found on each item in a series *or* on the last item (with the same effect): Bruce K. Waltke and M. O'Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake, Ind.: Eisenbrauns, 1990), 648.

[40] In 10:18 Smr, V, S and T support MT, whose first colon does not include the גר, *against* G: "who does justice for the immigrant, orphan and widow, and who loves the immigrant…" (ποιῶν κρίσιν *προσηλύτῳ καὶ* ὀρφανῷ καὶ χήρᾳ καὶ ἀγαπᾷ τὸν προσήλυτον). 4Q138, 4Q150, XQ1 read similarly, yet without the subsequent conjunction. MT may have omitted גר (and the conjunction) by haplography, or to eliminate the redundancy of listing the גר twice. However, MT is the *lectio difficilior* since it is the only occurrence of the orphan-widow dyad in D without the גר in the signal position. Thus, G and the Q mss are probably assimilating to the conventional triad (maybe specifically to 27:19: McCarthy, *Deuteronomy*, 34, 80). MT's divergence from D's conventional triad does not reflect a scribal error, but was either an intentional modification (unlikely) or not genetically dependent on D's triad formula which included *waw*'s and definite articles on all constituents: והגר והיתום והאלמנה (14:29; 16:11, 14). Since MT is the preferable reading, the orphan and widow are the express beneficiaries of YHWH's justice (elsewhere the גר is a beneficiary of justice legislation: 24:14, 17, 19, 20-21), but the גר is singled out here as the object of YHWH's love.

[41] Since 10:18-19 introduces D's conventional גר-orphan-widow triad in an inchoate form, fitting is this text-critical précis by Carmel McCarthy (ed., *Biblia Hebraica Quinta: Deuteronomy* [Stuttgart: Deutsche Bibelgesellschaft, 2007], 80): "In Deuteronomy mention of the orphan and the widow does not occur without reference also to the resident alien (גר). This trio is listed eleven times (10:18; 14:29; 16:11, 14; 24:17, 19, 20, 21; 26:12, 13; 27:19) in the book, and a further seven times elsewhere (Jer 7:6; 22:3; Ezek 22:7; Zech 7:10; Mal 3:5; Pss 94:6; 146:9). Apart from 10:18, the sequence lists the alien first, followed by the orphan and the widow, in varying syntactical relationships, the most consistent of which in M are: (i) והגר והיתום והאלמנה (14:29; 16:11, 14); (ii) לגר ליתום ולאלמנה (24:19, 20, 21; 26:12, 13 [this last case carries a cj. for ולגר]). In the case of (i), the versions agree with M in featuring a cj. [conjunction] for each member of the trio. In the case of (ii) Smr follows M throughout (except at 26:13, where it does not fea-

ואהבתם את־הגר כי־גרים הייתם בארץ מצרים

[17] For YHWH, your God, he is the God of gods, and the Lord of lords, the great, mighty, and awesome God who neither shows partiality, nor takes a bribe. [18] He both executes justice for the orphan and widow, and he loves the immigrant by giving him food and clothing. [19] So you must love the immigrant for you were immigrants in the land of Egypt.

Verses 14-19 are poetic,[43] and their significance for understanding the גר in vv. 18-19 demands a more detailed and extensive syntagmatic analysis. Some argue that the כי clause in v. 18 is the opening statement in a series that culminates with the command (volitional *weqatal*) in v.19: "Because YHWH, your God, is God of gods…and loves the *gēr*… *so* you must love the *gēr*."[44] However, the most natural reading is that the כי clause provides motivation for obeying the preceding command of v.16: "Circumcise your hearts…*because* YHWH, your God, he is God of gods…"[45] The nominative is suspended (*casus pendens*), "*Because* YHWH your God…," and resumed for emphasis with the pronoun of the null-copula: "…he [הוא] is God of gods…" "YHWH, your God" (יהוה אלהיכם) names Israel's deity, and the null-copula predicates his name with his *status*: "He is the God of gods and Lord of lords (אלהי האלהים ואדני האדנים)." Arguably, the determinateness of "God" (אלהי) derives from the last member of the construct chain "(the) gods" (האלהים), not because "God" (אלהי) is a proper noun. The stress is on Israel's deity, YHWH, as supreme god over the Near Eastern pantheon. The second superlative construction אדני האדנים "Lord of lords" occurs only one other time in the OT: Psalm 136. Interestingly, Ps 136:2-3 contains the same synthetic parallelism in the same order as that of Deut 10:17: אלהי האלהים "God of gods" // אדני האדנים "Lord of lords." In the psalm, these predications to YHWH, with his enduring loyalty (חסד), motivate

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ture a cj. before לגר). G however, features a cj. before the orphan throughout, while V only does so at 24:19 and 26:12. Although there is some variation in M and the versions on the presence or absence of a cj. for the alien (as the first member), they all agree in according a cj. to the widow as the final member of the trio."

[42] MT reads וְשִׂמְלָה "and an outer garment" ("שִׂמְלָה," *HALOT* 3:1337-8), which is supported by Smr, 4Q128, 4Q138, and the proximity of this word which occurs in 8:4, שׂמלתך "your clothing." XQ1 instead reads שׂלמה "clothing" ("שִׂלְמָה," *HALOT* 3:1332), perhaps an assimilation to more common usage (see Deut 29:4), or an accidental מ ל metathesis. Since either word may be translated "clothing" or "garment," one cannot determine the *Vorlagen* of G, V, S, and T. There is no exegetical significance to one's preferred reading.

[43] Peter C. Craigie, *The Book of Deuteronomy* (NICOT; Grand Rapids: Eerdmans, 1976), 204; Duane L. Christensen, *Deuteronomy 1:1-21:9* (WBC 6B; Dallas: Word Books, 1991), 206.

[44] Waltke and O'Connor, *IBHS*, 536.

[45] See Arnold and Choi, *Hebrew Syntax*, 149-50.

thanksgiving (ידה); in D they motivate heart circumcision and overcome recalcitrance (v.16).

A second predicate nominative in v. 17 asyndetically follows the first: "YHWH, your God, he is: [1] the God of gods and Lord of lords, [2] the great, mighty, and awesome God." This triad of attributives (two adjectives, one N-stem) that modify "God" (האל) occurs only here and in Neh 9:32: "You are our God, the great, mighty, and awesome God" (עתה אלהינו האל הגדול הגבור והנורא).[46] For D, YHWH had revealed his "greatness" (גדל) most often by bringing Israel out of Egypt; and YHWH's voice on Mt. Sinai was "great" (גדול) (3:24; 5:24; 9:26; 11:2). In 7:21, Israel was not to not dread (ערץ) Canaan's inhabitants because YHWH in their midst is a "great and *dreadful* God" (אל גדול ונורא; 7:21). In 7:21 and here in 10:17, ירא in the N-stem predicates YHWH as one "to be dreaded, feared, terrible."[47] The rare idiom "who does not lift faces" (לא־ישׂא פנים)[48] is related to the passive "lifted faces" (נשׂוא פנים), meaning one who is "esteemed,"[49] and probably refers to raising one's visage to regard a person of reputable status. The subsequent ו is probably a correlative conjunction since the two copulae are syntactically identical (negated prefix conjugation→transitive verb→object): "who *neither* shows partiality, *nor* takes a bribe." The term שׂחד elsewhere indicates a gift given without ulterior motives, but here it is "gift intended to secure favor," a bribe.[50] Both verbs "he neither lifts…nor takes" (לא־ישׂא…לא יקח) have a habitual non-perfective force.[51] YHWH has not shown partiality or accepted a bribe in the past, nor will he in the future.[52] YHWH is not coerced by a human's social status or resources, but is predisposed toward those who lack status and resources (v. 18).[53]

Like the previous correlatives, "He neither shows partiality, nor takes a bribe," the parallel syntax within v. 18 (G-stem transitive partici-

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[46] Nehemiah differs only in its *plene* orthography: הגדול and הגבור (cp. D: הגדל, הגבר). Jer 32:18 modifies "God" (האל) with "great and mighty" (הגדול הגבור), whereas Dan 9:4-5 and Neh 1:5 modify "God" (האל) with "great and awesome" (הגדול והנורא). Jeremiah 32, Daniel 9, Nehemiah 1 and 9 add the creedal language of Deut 5:9-10 (or Exod 20:5-6): "who keeps covenant and does loyal love…"

[47] "ירא," *HALOT* 1:432-33.

[48] Normally one finds "regard [נכר] a face" or "raise his face [נשׂא פניו]."

[49] "נשׂא," *HALOT* 1:723-27.

[50] "שׂחַד," *HALOT* 2:1457.

[51] "Es herrscht ein gewisser hymnischer Partizipialstil": Braulik, *Studien zur Theologie*, 270.

[52] Waltke and O'Connor (*IBHS*, 506) explain, "the habitual non-perfective represents the internal temporal phases of the general situation as occurring over and over again, including the time present to the act of speaking."

[53] Cf. Otto's reception historical analysis of similar constructions in Deut 16:18, 19; 27:25; 1 Sam 8:3: *Das Deuteronomium*, 238-49.

ple→object) is probably also correlative: "He *both* executes justice for the orphan and widow, *and* loves the immigrant… (עשׂה משׁפט יתום ואלמנה ואהב גר)." Eight times in D, Moses implores Israel to observe (עשׂה) YHWH's ordinances (משׁפטים, often with "statutes" [חקים]).[54] In regard to difficult legal matters, the Israelites were to "do according to the verdict" (על־המשׁפט…תעשׂה) that the Levitical priest declares (17:11). Moses blessed the tribe of Gad, saying, "He observed the righteous (laws) of YHWH, and his ordinances with Israel" (צדקת יהוה עשׂה ומשׁפטיו עם־ישׂראל). The unifying notion of all categories of משׁפט, as exemplified by these uses in D, is *order*.[55] In 10:18, YHWH aligns himself with the order he has established for treatment of all people, mainline and marginal alike. In Hammurapi's code, the king ensures "that justice might be done for the orphan (and) the widow." Here Akkadian's "orphan" *ekūtam* (from *ekūtu*) might be better translated "homeless girl,"[56] whereas the OT's non-cognate "orphan" (יתום) refers most often to a fatherless boy or girl.[57] In the ancient Near East, a child without the protection and provision of a *paterfamilias* was detached and often stigmatized.[58] The "widow" (אלמנה) in the OT denotes a "wife whose husband is dead."[59] She was one who, like the orphan, was by misfortune severed from a *paterfamilias*, predisposed to maltreatment and poverty.[60] The construction משׁפט יתום ואלמנה may be an objective genitive: in a culture in which familial solidarity was one's livelihood,

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[54] Deut 5:1, 31; 6:1; 7:11, 12; 11:32; 12:1; 26:16 (2x).

[55] "מִשְׁפָּט," *HALOT* 2:1457.

[56] *CAD*, "*ekūtu*," 4:72-74.

[57] "יָתוֹם," *HALOT* 1:451. Johan Renkema, who admits he makes an *argumentum e silentio*, commits the exegetical fallacy of illegitimate totality transfer by imposing "fatherless *and* motherless" onto the definition of יתום when in fact, motherlessness is not apparent in most texts: "Does Hebrew *ytwm* Really Mean 'Fatherless,'" *VT* 45 [1995]: 119-22; ibid., *Lamentations* [Leuven: Peeters, 1998], 593-95. Instead, Marcus Sigismund correctly observes, "Here [Lam 5:3] the stress of the term [יתום/*yātôm*] lies precisely on the aspect of fatherlessness, regardless of the fact that *y*^{e}*ṯômîm* can also be orphans who have neither mothers nor fathers. The specification of *yāṯôm* as 'fatherless' is also attested in other OT passages. While no one today would deny that a mother's loss or absence is a matter of serious concern, the Hebrew points to the fact that in OT Judaism greater importance was attached to fatherlessness than mortherlessness. Therefore, being an orphan was in almost all cases tantamount to being fatherless": "'Without father, without mother, without genealogy': fatherlessness in the Old and New Testaments," *Growing Up Fatherless in Antiquity* (ed. Sabine R. Hübner and David M. Ratzan; Cambridge: Cambridge University Press, 2009), 86-7.

[58] King and Stager, *Life*, 53.

[59] "אַלְמָנָה," *HALOT* 1:58.

[60] King and Stager, *Life*, 53.

YHWH fulfills his established order for the fatherless child and husbandless wife.[61]

In addition, an objective genitive aligns with the subject→object syntax of the second clause in the correlative: "(1) He *both* executes justice for the orphan and widow, (2) *and* loves the immigrant [גר]…." Both "he executes" (עשה) and "he loves" (אהב) are G-stem 3ms predicate participles with "YHWH, your God" (v.17) as their implied subject. They are substitutes for the prefix conjugation and indicate characteristic behavior of the actor: YHWH is characterized by executing justice for the orphan and widow, and loving the גר.[62] What makes this occurance of אהב "love" extraordinary is that in all of the other instances in D when YHWH is the agent of אהב, *Israel* is the object (4:37; 7:8, 13; 10:15; 23:6). The (G-stem) infinitive construct phrase clarifies the verbal action "he loves the immigrant *by giving him food and clothing*" (לתת לו לחם ושמלה).[63] The antecedent of the indirect object "(to) him" (לו; *lamed* + 3ms proclitic pronoun) is the גר. Here only he, and not the orphan and widow, benefits from YHWH's gift of food and clothing. The noun לחם may mean "bread" or "grain for bread, food, nourishment,"[64] specifically referring in D to grain from the fields of Canaan used to produce bread. In 8:3 Moses recounts to Israel how YHWH had let them grow hungry so that he might feed them and teach them that "mankind does not live by bread alone, but by everything that proceeds from the mouth of YHWH" (8:3). Even so, YHWH recognizes Israel's need for physical sustenance, and in Canaan they would "eat food without scarcity" (8:9, תאכל־בה לחם לא־תחסר). In spite of Canaan's fecundity, the Levite and גר owned no real estate and were thereby distanced from the cyclical harvests of subsistence agriculture. By unspecified means, YHWH himself provided the גר with food (cf. Psa 145:15-16). YHWH's second gift was clothing. If we follow MT (see n. 42), the term שמלה may specify the article of clothing as "an outer garment."[65] In 8:4 YHWH equipped the Israelites in the wilderness with resilient clothing and feet: "Your clothing [שמלתך] did not wear out, nor did your feet swell these forty years." Since YHWH loves both Israel and the גר, did he likewise provide for the גר resilient clothing and feet? What we can say with confidence is that "food and

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[61] We might expect a quasi dative of advantage, but here there is no ל (see Arnold and Choi, *Hebrew Syntax*, 9-10, 112).

[62] Waltke and O'Connor, *IBHS*, 626.

[63] Arnold and Choi, *Hebrew Syntax*, 72.

[64] "לֶחֶם," *HALOT* 1:526-27.

[65] "שִׂמְלָה," *HALOT* 3:1337-8.

clothing" is not restricitve, but a merism that envisions the totality of YHWH's provision, as Lothar Perlitt avows, "Wenn Jahwe dem Fremdling לֶחֶם וְשִׂמְלָה sichert (10, 18), dann ist gewiß nicht gemeint, daß jener das Brot trocken herunterwürge."[66]

In 10:19 the *weqatal* form ואהבתם "So you must love the immigrant" has a volitional force that is logically consequent to the participle "YHWH loves the immigrant…" (v.18).[67] The principle is *imitatio dei*: YHWH's גר-love logically compels Israel's גר-love.[68] It is remarkable both that sovereign YHWH would condescend to love the גר, and that YHWH would enjoin Israel to love someone outside himself; elsewhere in D Israel was enjoined to direct its love (אהב) only toward YHWH (5:10; 6:5; 7:9; 10:12; 11:1, 13, 22; 13:4; 19:9; 30:6, 16, 20).[69] YHWH's love here may also specify *how* Israel was to love: by providing the גר with "food and clothing" (לחם ושׂמלה; v. 18). Several casuistic laws in the DC identify ways the Israelites were to emulate YHWH in meeting the גר's physical and socio-religious needs (i.e., 14:29; 24:19-21; 26:11-13; 24:14, 17; 27:19). Along with YHWH's love, Israel's collective memory also compelled גר-love. The dependent causal כי clause substantiates obedience to the *weqatal*: "So you must love the immigrant *because* you were immigrants in the land of Egypt" (v. 19). Conventionally, interpreters have regarded both גר-Egypt and עבד-Egypt formulae as invoking empathy for underprivileged individuals.[70] Instead, the גר-Egypt formula evokes a kindness recriprocal to that which Egyptians showed Jacob's family (see §4.4.1).[71] While גר-Egypt and עבד-Egypt formulae should be distinguished, if he was not shown kind-

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[66] Lothar Perlitt, "'Ein einzig Volk von Brüdern': Zur deuteronomischen Herkunft der biblischen Bezeichnung 'Bruder,'" in *Deuteronomium-Studien* (FAT 8; Tübingen: Mohr Siebeck, 1994), 50-73 (89 n. 43); repr. from *Kirche: Festschrift für Günther Bornkamm zum 75. Geburtstag* (Tübingen: J. C. B. Mohr, 1980), 27-52.

[67] Waltke and O'Connor, *IBHS*, 536; Arnold and Choi, *Hebrew Syntax*, 88.

[68] Waltke and O'Connor (*IBHS*, 536) suggest the *weqatal* volition was logically consequent to both YHWH's גר-love in v.18 *and* his supremacy in v.17. Against this view, the כי statement regarding YHWH's supremacy (v.17) is too far removed to be the first *syntactical* foundation for Israel's גר-love. Rather, the command to love the immigrant depends on the immediately preceding proposition that YHWH loves the גר (v.18). YHWH supremacy (v. 17), nevertheless, makes his love for the גר all the more remarkable and Israel's response, more reasonable.

[69] Deuteronomy 15:16; 21:15, 16 are the other references to Israelite love. These casuistic laws offer no imperatives or expectations to love, but assume that love was a basic tendency of certain human relationships (slave to master; husband to one of his wives; father to one of his sons).

[70] Georg Braulik, *The Theology of Deuteronomy: Collected Essays of Georg Braulik, O.S.B.* (trans. Ulrika Lindblad; N. Richland Hills, Tex.: BIBAL, 1994), 144.

[71] Ramírez Kidd, *Alterity*, 86-98.

ness, the גר might devolve into a עבד "slave," as Braulik intimates: "Sie gibt dem Fremden, was er zum Leben braucht, und bewahrt ihn damit vor wirtschaftlichen Zwängen, die nur zu leicht in Sklaverei endeten."[72]

In 1963, William Moran published the seminal thesis that love in D is a technical term restricted to loyalty to YHWH, as that of a vassal to his sovereign king expressed in the Near Eastern international treaties.[73] While not denying this important observation, Bill Arnold argues cogently against most scholarship since Moran that has denied or downplayed the affective dimension of D's love.[74] Two of Arnold's contributions we can apply more specifically to YHWH's love in Deut 10:17-19. First, he develops the argument of Jacqueline Lapsley that אהב "love" in D is political *and* emotive (see Deut 7:7-8), and the argument of J. A. Thompson that אהב, as in the David and Jonathan narratives of 1 Samuel, is first a natural term that conveys human affections between parents and children, friends, husbands and wives.[75] This is, indeed, true of Deut 10:18-19, for even though YHWH's love for the גר has regal overtones (see §2.3.2),[76] any alleged indication of a treaty relationship between YHWH and the גר is eclipsed by the metaphor of YHWH as a loving father to those without a protective patriarch. Insofar as it was the responsibility of the *paterfamilias* to protect his extended household in judicial matters and provide food and clothing for the members of his household,[77] YHWH functions in 10:18-19 as a *surrogate paterfamilias* for the orphan, widow and גר.

Second, Arnold contends that the lexical fields of love (אהב) and fear (ירא) interplay in D's prologue as an antinomy such that "'love' is restricted in order to prevent an affection devoid of reverence. Conversely, 'fear' is restricted to prevent a terror devoid of delight. The two lexemes complement each other in Deut 5-11 deliberately to define the covenant relationship between YHWH and Israel, and thereby create a covenant ethic for ancient Israel."[78] This understanding of the love-fear antinomy, we

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[72] Braulik, *Studien zur Theologie*, 316.

[73] William L. Moran, "The Ancient Near Eastern Background of the Love of God in Deuteronomy," *CBQ* 25 (1963): 77-87.

[74] Bill T. Arnold, "The Love-Fear Antinomy in Deuteronomy 5-11," *VT* 61 (2011): 551-69.

[75] Arnold, "Love-Fear," 560; Jacqueline E. Lapsley, "Feeling Our Way: Love for God in Deuteronomy," *CBQ* 65 (2003): 350-69; J. A. Thompson, "The Significance of the Verb *love* in the David-Jonathan Narratives in 1 Samuel," *VT* 24 (1974): 334-38. Notice, further, that אהב conveys a natural human affection in Deut 15:16; 21:15, 16 (cp. to Genesis in which all 14 occurrences of אהב are parental).

[76] Braulik, *Studien zur Theologie*, 272.

[77] King and Stager, *Life*, 36-40.

[78] Arnold, "Love-Fear," 551.

must add, is perhaps nowhere as lucid as in Deuteronomy 10. The narratival flow of Deut 10:17-19 begins in ch. 9 by recalling Israel's golden calf rebellion. In the face of Israel's recalcitrance, YHWH is relentless in reestablishing his covenant with the Israelites (10:1-11) and reconfirming his land grant to them. This divine grace leads into two sets of commands to fear and love YHWH, which frame our passage (10:12-13 and 10:20-11:1). Lest Israel be tempted to relegate its relationship with YHWH to exclusive loyalty without natural human affection, the entire argument builds to YHWH's natural and affective love for the גר that Israel must emulate.

10:12-13 Fear and love YHWH, your God; keep YHWH's commands and statutes

v.14 *YHWH is Sovereign*: YHWH, your God [יהוה אלהיך], owns the heavens and earth
v.15 *YHWH loves*: YHWH loved [אהב] Israel's ancestors and Israel, too
v.16 *Command*: Circumcise your heart [*weqatal*], stiffen your neck no more
v.17 *YHWH is Sovereign*: YHWH, your God [יהוה אלהיכם], is supreme, yet impartial
v.18 *YHWH loves*: YHWH loves [אהב] the גר
v.19 *Command*: You must love [*weqatal*] the גר

10:20-11:1 Fear and love YHWH, your God; keep YHWH's statutes and commands

Notice, moreover, how recurrence within the fear-love inclusio advances the theological argument. Even though YHWH owns the universe (v. 14), he elected and loved Israel's ancestors and Israel also (v. 15). In response, the Israelites must "circumcise the foreskin" (מלתם את ערלת) of their hearts to obey YHWH's will (v. 16).[79] If YHWH, who owns the world, set his affections on Israel (and not because of Israel's righteousness [9:6]), how could the Israelites remain recalcitrant toward him? The logic recurs in vv. 17-19 in parallel symmetry. Even though YHWH is the supreme deity (v. 17), he is impartial and not bribable (v. 17), he both defends the orphan and widow, and loves the גר (v.18; see Psa 146:9). If supreme YHWH condescends to benefit the disenfranchised, only arrogance would prevent an Israelite from doing the same. Deuteronomy 10:14-19, then, is a panegyric to YHWH that crescendos with YHWH's affective and tangible גר-love and the injunction to imitate him.[80]

[79] Gerhard Von Rad (*Deuteronomy* [OTL; Philadelphia: Westminster, 1966], 84) notes the significance of circumcision in Jer 4:4 as an act of dedication and cleansing.

[80] Peter Craigie (*The Book of Deuteronomy* [NICOT; Grand Rapids: Eerdmans, 1976], 296-97) notes that Psa 8:3-4 similarly contrasts God as creator and owner of the world who nevertheless noticed, even crowned, humanity.

3.1.4. Deut 14:21

לא תאכלו כל־נבלה לגר אשר־בשעריך תתננה ואכלה או מכר לנכרי כי עם קדוש אתה ליהוה אלהיך
לא־תבשל גדי בחלב אמו

You must not eat any carcass. You may give it to the immigrant who is within your gates, so that he may eat it, or sell it to a foreigner, for you are a holy people to YHWH your God. You must not boil a kid in its mother's milk.

MT's reading לֹא (also G^B, V, Smr, and T) without a prefixed conjunction is preferable to S (ܘܠܐ) that maintains continuity with S's conjunctions on the preceding sentences (14:8-20).[81] The lack of conjunction in 14:21 in MT, "You must not eat anything which dies. [You may give it] to the immigrant… (לא תאכלו כל־נבלה לגר)" militates against reading this prohibition as the negative counterpart of 14:20, "You may eat any clean bird" (כל־עוף טהור תאכלו) (see command in 14:11 with counterpart prohibition in 14:12). Even so, the theme of appropriate consumption interconnects these volitives with those throughout the chapter (14:3-20, 26-29).[82] The addressees of ch. 14's commands are identified in 14:1-2:

בנים אתם ליהוה אלהיכם לא תתגדדו ולא־תשימו קרחה בין עיניכם למת
כי עם קדוש אתה ליהוה אלהיך ובך בחר יהוה להיות לו לעם סגלה מכל העמים אשר על־פני האדמה

[1] You are children of YHWH your God. You must not cut yourselves, nor make any baldness on your foreheads, [2] for you are a holy people belonging to YHWH your God, and YHWH chose you to be for himself a treasured possession out of all the peoples on the face of the earth.

The expression in vv. 1-2 recurs identically in v. 21: כי עם קדוש אתה ליהוה אלהיך "for you are a people holy to YHWH your God."[83] This causal כי clause substantiates both the general prohibition of carcass consumption (v. 21a) and the volitives to give and sell a carcass to a גר and נכרי "foreigner," respectively (v. 21b-d). The גר and נכרי are distinguished here on

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[81] One would need to argue for a separate *Vorlage* than MT to retrovert S as ולא, rather than viewing S as adding a conjunction to enhance fluidity. McCarthy (*Deuteronomy*, 46) writes that G also includes a conjunction in 14:21a, but more accurately, G^A and the majority of G mss do (και), while G^B does not: Alan E. Brooke and Norman McLean, eds. *The Old Testament in Greek: According to the text of Codex Vaticanus, supplemented from other uncial manuscripts, with a critical apparatus containing the variants of the chief ancient authorities for the text of the Septuagint. Vol. 1: The Octateuch* (Cambridge: Cambridge University Press, 1917), 602.

[82] The volitives of vv. 21e-22 (עשר תעשר את כל־תבואת זרעך…לא־תבשל גדי בחלב אמו) also lack the conjunction and like vv. 20-21 should be read as distinct commands.

[83] For this elliptical recurrence and other occurences of this formula, cf. Eckart Otto, *Das Deuteronomium im Pentateuch und im Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens* (FAT 30; Tübingen: Mohr Siebeck, 2000), 256-58.

residential and economic grounds: the גר resides "within your gates" and needs assistance, but the נכרי apparently does not. Christiana Van Houten remarks:

> Whereas the Israelites are instructed to be charitable to the alien [גר], they are allowed to sell meat to the foreigner [נכרי]. The difference between the alien and foreigner that emerges here is an economic one. The alien needs economic support; the foreigner has means and is expected to pay for what he gets. Both are the same, however, in that the food laws do not apply to them.[84]

The logical end for Alfred Bertholet is that v. 21a distinguishes both נכרי and גר from the holy people of YHWH (v. 21b-d): "Der Ger des Deuteronomiums ist noch nicht der Proselyt, aber er ist daran, sich demselben zu nähren. Er ist zu gewissen aber noch nicht zu allen religiösen Geboten verpflichtet (14_{21})."[85] Derivative from this, Markus Zehnder claims, with others, that: "Die Vermutung liegt nahe, dass das die ethnisch fremde Herkunft des גר impliziert."[86] As an ethnic non-Israelite the גר was neither fully integrated, nor subject to obey most deuteronomic laws: "La majorité des lois ne concernent pas les émigrés, ceux-ci n'ont donc pas pour tout, les mêmes possibilités ou obligation que l'Israélite, ainsi en Deut 14:21 que nous avons déjà citées plus haut. L'intégration est donc imparfaite."[87]

A rereading of the passage might indicate the contrary is instead true.[88] First, later in ch. 14, addressees (אתה) are distinguished from other individuals who must have been members of YHWH's holy people: the Levite (לוי), orphan (יתום), and widow (אלמנה) (vv. 27, 29). The גר is positioned after the Levite and before the orphan; but the foreigner (נכרי) is not listed among these tithe beneficiaries, either because he was economically independent, or because he was not a member of YHWH's chosen people (see Deut 16:11, 14; 29:9-11). The implication of vv. 27, 29 is that the implied author directs his speech to majority constituents of YHWH's holy people to provide for selected minorities (Levite, גר, orphan, widow) who were nonetheless constituents of YHWH's people. Such an interpretation of the גר in 14:21, however, does not adequately explain the motivational clause

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[84] Van Houten, *Alien*, 81.

[85] Alfred Bertholet, *Die Stellung der Israeliten und der Juden zu den Fremden* (Frieburg/Leipzig: J. C. B. Mohr, 1896), 103; so also Weinfeld, *Deuteronomic School*, 226-32.

[86] Markus Zehnder, *Umgang mit Fremden in Israel und Assyrien: Ein Beitrag zur Anthropologie des »Fremden« im Licht antiker Quellen* (BZWANT 168; Stuttgart: W. Kohlhammer, 2005), 358.

[87] Marianne Bertrand, "L'étranger dans les lois bibliques" in *L'Étranger dans la Bible et ses lectures* (ed. Jean Riaud. Paris: Cerf, 2007), 64; so also Zehnder, *Fremden*, 358-59; Weinfeld, *Deuteronomic School*, 226-32; see §5.2.2.2.

[88] Rob Barrett, *Disloyalty and Destruction: Religion and Politics in Deuteronomy and the Modern World* (New York/London: T & T Clark, 2009), 211 n. 32.

"for you are a holy people to YHWH your God" which, when read naturally, demarcates YHWH's people who were prohibited from eating the נבלה from the גר and נכרי who were allowed to eat it.[89]

Even though the גר (and נכרי) in this text is regarded as a non-member of God's holy people, Israel has a responsibility toward the גר. Instead of translating the imperfect תתננה permissively, "you *may* give it to the immigrant,"[90] more fitting is a strong injunction followed by a consequential *weqatal*: "You *must* give it to the immigrant who is within your gates *so that* he may eat it" (לגר אשר־בשעריך תתננה ואכלה).[91] A strong injunction has the advantage of: one, maintaining the same force as the injunctions and prohibitions of vv. 20 (תאכלו), 21a (לא תאכלו), 21 (לא־תבשל), 22 (תעשר); two, correlating conceptually with the strong injunction in 14:29 to leave one's triennial produce tithe בשעריך "within your gates" for the Levite, גר, orphan, and widow (cf. here גר אשר־בשעריך); three, explaining why לגר אשר־בשעריך "to the immigrant who is in your gates" is fronted in the word order; and, most importantly, four, aligning with D's other strong injunctions to provide food for the גר.[92] Yet, to command one to give the carcass to the גר eliminates the option of selling it to the foreigner. Thus, to translate או as separating the two main clauses is not possible: "you *must* give it to the immigrant so that he may eat it, or you *may* sell it to the foreigner" (italics mine). Instead, "or sell it to the foreigner" (או מכר לנכרי) would be a prerogative that D intends for the underprivileged גר, not the landowning Israelite: the גר may eat the carcass or *he* may sell it to a foreigner. Thus, או separates the sentence's subordinate, not main, clauses: "You must give it to the immigrant who is within your gates, so that he may eat it or sell it to a foreigner" (see §5.2.2.2).[93] A strong injunction and consequential *weqatal* in v. 21b-c ("You *must* give it to the immigrant…*so*

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[89] Weinfeld, *Deuteronomic School*, 226-32; Rainer Albertz, "From Aliens to Proselytes: Non-Priestly and Priestly Legislation Concerning Strangers," 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), 55; see my analysis in §5.2.2.2.

[90] ESV, NAS, NLT, NRS, TNIV.

[91] JPS Tanakh; see Waltke and O'Connor, *IBHS*, 509-10.

[92] Command to give tithes (26:12-15); YHWH loves the immigrant by giving him food and clothing and commands Israel to emulate his immigrant-love (10:17-19); command to compensate fairly (24:14); commands to leave produce for gleaning (24:19, 20, 21).

[93] The coordinator או may separate main clauses or separate subordinate clauses: Waltke and O'Connor, *IBHS*, 654-55.

that he may eat it or sell it") indicates that 14:21 has a socio-economic objective in addition to its socio-religious concerns.[94]

3.1.5. Deut 14:28-29

מקצה שלש שנים תוציא את־כל־מעשר תבואתך בשנה ההוא והנחת בשעריך
ובא הלוי כי אין־לו חלק ונחלה עמך והגר והיתום והאלמנה אשר בשעריך ואכלו ושבעו למען יברכך
יהוה אלהיך בכל־מעשה ידך אשר תעשה[95]

[28] At the end of three years you must bring out the entire tithe of your produce in that year, and you must leave [it] within your gates. [29] So that the Levite, because he has no portion or inheritance among you, and the immigrant, the orphan and the widow who are within your gates, will come and eat and be satisfied, so that YHWH your God may bless you in all the work of your hand which you do.

The *weqatal* command to leave (H-stem נוח) one's *triennial* produce tithe "within your gates" (בשעריך; v. 28) is unexpected since vv. 22-27 emphatically mandates that one's *annual* produce tithe be eaten at the centralized location "before YHWH your God in the place that he will choose to make his name dwell there" (לפני יהוה אלהיך במקום אשר־יבחר לשכן שמו שם) (see centralization in vv. 23, 24, 25, 26). The triennial tithe deposit בשעריך "within your gates" is only sensible in light of the reality that the *personae miserae* were themselves located בשעריך "within your gates" (v. 29; see §3.1.2.). This validates reading the three *weqatal* forms in v. 29 consequentially: deposit the triennial tithe within your gates "*so that* the Levite, because he has no portion or inheritance among you, and the immigrant, the orphan and the widow who are within your gates, *might come and eat and be satisfied* (ובא...ואכלו ושבעו)." The imagery of satisfying consumption is characteristic in D of Canaan's fecundity: YHWH grants Israel a land that had been yielding a harvest that satiated its inhabitants long before Israel arrives.[96]

Israel's *patresfamilias* were responsible for giving and transporting their annual tithe to the central location (vv. 22-27) and giving and depositing their triennial tithe in their cities' gates (v. 28). As for eating these tithes, notice the pattern of (1) parties, (2) social purposes, (3) locales, and (4) theological purposes. In the annual tithe ritual (vv. 22-27):

(1) The *paterfamilias* and his household (אתה וביתך), with the Levite (v. 27), were
(2) to eat and rejoice (consequential *weqatals* ואכלת...ושמחת) (v. 26)
(3) in "the presence of YHWH your God" (לפני יהוה אלהיך) (vv. 23, 26)
(4) "so that you may learn to fear YHWH your God always"

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[94] For the implications of this text in comparison with the carcass law of Lev 17:15, see §5.2.2.2 below.

[95] There are no relevant textual variants in 14:29.

[96] Deut 6:11; 8:10-12; 11:15; (26:12, a second tithe law); 31:20.

(למען תלמד ליראה את־יהוה אלהיך כל־הימים) (v. 23)

In the triennial tithe ritual (vv. 28-29):

(1) the Levite, גר, orphan, and widow who are within your gates[97] (v. 29), were
(2) to come, eat and be satisfied (consequential *weqatals* ובא...ואכלו ושבעו) (v. 29)
(3) within the city gate where the tithes were deposited (vv. 28-29).
(4) "so that YHWH your God may bless you in all the work of your hand which you do" (למען יברכך יהוה אלהיך בכל־מעשה) (v. 29)

Comparing these elements illuminates discrepancies. Since the גר, orphan, and widow did not eat the annual tithe with a *paterfamilias* and his household (אתה וביתך; v. 26), it is reasonable to infer that these *personae miserae* were, in this case, not members of an Israelite *bêt-'āb*.[98] The גר and orphan had no indigenous and biological father, respectively, while the widow, no husband; and in D they appear to have had no extended familial protection. The Levite, however, was included: "But as for the Levite who is within your gates, you must not neglect him, for he has no portion or inheritance among you [כי אין לו חלק ונחלה עמך]" (14:27). He was not allotted land inheritance in Canaan because YHWH was his inheritance.[99] So while most Levites were probably considered a minority subtype of *paterfamilias* (Num 1:47-49ff.), they owned no land, so they neither harvested crops, nor husbanded livestock. The present form of the pentateuchal narrative explains that they were commissioned by YHWH to serve with Aaron's sons at the tent of meeting; and they were compensated for their service by sacral taxes, provisions from the tithes and sacrifices of those who owned land (Num 18:21-32; Deut 18:1-4; 26:12-13).[100] Why is the Levite included in the annual tithe, but not the גר, orphan, and widow? "An ex-

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[97] In G the clause grammatically agrees only with "the widow" (...ὁ ὀρφανὸς καὶ ἡ χήρα ἡ ἐν ταῖς πόλεσίν σου), but may still modify all three or four preceding identities; see n. 108 for a similar phenomenon in 16:11.

[98] The constituents of a *bêt-'āb* would vary "depending on who is claimed as the paterfamilias." Thus, widows and orphans may have been claimed by a paterfamilias, or on the contrary – as we find here in 14:28-29 – they "served as personifications of a misfortunate state because they had no family to protect them" (King and Stager, *Life*, 40, 53).

[99] Num 18:20-23; Deut 10:8-9; 12:12; 14:29; 18:1, 2; Josh 13:14.

[100] YHWH in the Numbers narrative designates *every* tithe as an inheritance (Num 18:21), but D is the first to draft legislation for a triennial tithe and therefore must substantiate the Levite's consumption of both annual and triennial tithes (see §5.2.2.1). Consequently D includes for both tithes the causal כי clause "*because* he has no portion or inheritance among you" (כי אין לו חלק ונחלה עמך). Verse 27 modifies הלוי "the Levite" with the restrictive substantival clause "who is in your gates" (אשר־בשעריך), which suggests that in v. 29 he is among those "who are in your gates" (אשר בשעריך), along with the immigrant, orphan, and widow.

plicit reference to local Levites," postulates Richard Nelson, "may seek to cushion the negative economic effect of centralization on this group, in that the former use of the tithe to support the local sanctuary had been eliminated (see 12:12)."[101]

Distinct are the purposes of the annual and triennial tithes. On a yearly basis every *paterfamilias* and his household needed to come into YHWH's centralized presence to eat the tithe from their harvest (grain, wine, oil) and firstborn livestock (from herd and flock). Satisfaction and delight characterized this meal. Its purpose was to engender fear of YHWH (v. 23), that is, to indelibly and tangibly impress on the *bêt-'āb* members that YHWH their God was the source of their fertility and satiation. On a triennial basis, the *paterfamilias* was reminded that removing a portion of produce that could have supported his own *bêt-'āb* and giving it away to landless individuals – Levite, גר, orphan, and widow – incites YHWH's blessing of enduring productivity (v. 29).

3.1.6. Deut 16:10-14

ועשׂית חג שׁבעות ליהוה אלהיך מסת נדבת ידך אשׁר תתן כאשׁר יברכך יהוה אלהיך
ושׂמחת לפני יהוה אלהיך אתה ובנך ובתך ועבדך ואמתך והלוי אשׁר בשׁעריך[102] והגר והיתום
והאלמנה אשׁר בקרבך במקום אשׁר יבחר יהוה אלהיך לשׁכן שׁמו שׁם
וזכרת כי־עבד היית במצרים ושׁמרת ועשׂית את־החקים האלה
חג הסכת תעשׂה לך שׁבעת ימים באספך מגרנך ומיקבך
ושׂמחת בחגך אתה ובנך ובתך ועבדך ואמתך והלוי והגר והיתום והאלמנה אשׁר בשׁעריך

[10] Then you shall celebrate the feast of Shavuot to YHWH your God with a tribute of a freewill offering from your hand, which you must give as YHWH your God blesses you; [11] and you must rejoice before YHWH your God, you and your son and your daughter and your male and female servants and the Levite who is within your gates, and the immi-

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[101] Nelson, *Deuteronomy*, 186.

[102] In v. 11 the reconstructed, original form of 4Q30* reads בקרבך [...] לוי אשר בשערכ[ה] "[and the] Levite who was in your gate [...] in your midst": Eugene Ulrich, ed., *The Biblical Qumran Scrolls: Transcriptions and Textual Variants* (VTSup 134; Leiden/Boston: Brill, 2010), 213. A scribe altered 4Q30* (drawing a line through it and writing above it) to read: בקרבדלוי והאלמנה אשׁר והיתום והגר[ה] "[and the] Levite, the immigrant, the orphan, the widow who is in your midst" (with G^B, T^N). MT, with Smr, G, T, S, V, reads: והלוי אשׁר בשׁעריך והגר והיתום והאלמנה אשׁר בקרבך "and the Levite who is in your gates, and the immigrant, orphan, and widow who are in your midst." The secondary form of 4Q30 is more than likely a harmonization with the first part of 16:14 (והלוי אשׁר בשׁעריך והגר והיתום והאלמנה). The original, reconstructed form of 4Q30* is the *lectio difficilior* since it contains בשערכ[ם] (against MT בשׁעריך) in the midst of a string of 2m *singular* enclitic pronouns, and since בשערכ[ם] never occurs in D (but בשׁעריך occurs frequently). Should the *lectio difficilior* 4Q30* (G^B; T^N) be preferred to MT with its strong supporting external evidence? MT, after all, may have harmonized with בשׁעריך in v. 14. One cannot answer this categorically, and the exegetical significance of 4Q30* is elusive.

grant and the orphan and the widow who are in your midst, in the place where YHWH your God chooses to establish his name. [12] You must remember that you were a slave in Egypt, and you must be careful to observe these statutes. [13] You must celebrate the feast of Sukkoth seven days after you have gathered in [the produce] from your threshing floor and your winepress; [14] and you must rejoice in your feast, you and your son and your daughter and your male and female servants and the Levite, immigrant, orphan and widow who are within your gates.

Preceding this passage, 16:1-8 details Pesach regulations, which are discussed in a later chapter (§5.2.1.2). Significant here is that the emphasis on a centralized Pesach continues in the form of centralized Feasts of Shavuot and Sukkoth (16:2, 5, 6, 7, 11, 15, 16).[103] A subscription of the three feasts underscores that males were primary gift-bearing devotees:

שׁלוֹשׁ פעמים בשׁנה יראה כל־זכורך את־פני יהוה אלהיך במקום אשׁר יבחר בחג המצות ובחג
השׁבעות ובחג הסכות ולא יראה את־פני יהוה ריקם
איש כמתנת ידו כברכת יהוה אלהיך אשׁר נתן־לך

[16] Three times a year all your males must appear before YHWH your God at the place that he will choose: at the feast of Unleavened Bread, at the feast of Shavuot, and at the feast of Sukkoth. They must not appear before YHWH empty-handed. [17] Every man must give as he is able, according to the blessing of YHWH your God that he has given you.

The celebrants are listed in identical order in the feasts of Shavuot and Sukkoth (vv. 11, 16):

אתה
ובנך
ובתך
ועבדך
ואמתך
והלוי אשׁר בשׁעריך
והגר והיתום והאלמנה אשׁר בקרבך/בשׁעריך

The addressee is the 2ms subject, implied [שׁמחת] and expressed [אתה] (vv. 11, 16), and would have likely included one's wife (see 5:14; n. 17 above). All celebrants are interrelated by the recurring proclitic conjunctive ו,[104] and secondary celebrants are syntactically related to the addressee. As argued above for the Sabbath celebrants (see §3.1.2), the implied

[103] For centralization phraseology in D, consult: Weinfeld, *Deuteronomic School*, 324-26.

[104] Arnold and Choi, *Hebrew Syntax*, 146.

author distinguishes between those within the *paterfamilias*' *bêt-'āb*, here marked solely by ך – "*your* son, *your* daughter, *your* male servant, *your* female servant" – and those outside the *bêt-'āb*, marked by restrictive relative clauses with the enclitic ך: "the Levite who is within *your* gates, and the immigrant, orphan, and widow who are in *your* midst/gates." The original form was likely v. 11, the feast of Shavuot, where the author qualifies both the Levite "who is within your gates" (אשר בשעריך) and qualifies the גר, orphan, and widow "who are in your midst" (אשר בקרבך). Verse 14 reduces the two nominal clauses to one: "the Levite, the immigrant, orphan, and widow *who are within your gates*" (והלוי והגר והיתום והאלמנה אשר בשעריך).

In v. 11 the prepositional phrase in MT בְּקִרְבֶּךָ "in your [sg.] midst" is supported by Smr (בקרבך); 4QDeut^{c} (בקרבך); S (ܒܓܘܟ); and T^{O} (דבינך "who is between you [sg.]").[105] Against this reading, G, V, and Targum Pseudo-Jonathan (T^{PJ}) all contain a *plural* "you" (retroverted בקרבכם), but MT should be slightly preferred.[106] The significance of MT is difficult to determine since D's final form vacillates between singular and plural 2nd

[105] Regarding בקרבך in 4QDeut^{c}, Ulrich (*Qumran*, 213) flags the ב and ך in this fragment as possible and probable letters, respectively; קרב are certain letters.

[106] The enclitic pronoun is plural in the following witnesses: G (ἡ ἐν ὑμῖν); V (*vobiscum*); and T^{PJ} (דיביניכון). T^{PJ} betrays a free translation independent of V and G since it employs 2nd plural pronouns throughout the verse. T^{PJ} betrays free translation and may not be a separate *Vorlage* to MT. V appears to be dependent on G since they both shift mid-verse from singular pronoun usage to plural. Since this shift is not easily explained by unintentional error or translation liberty, G, V, and T^{PJ} represent the *lectio difficilior*. Perhaps more importantly, this prepositional phrase occurs elsewhere in D. In MT the 2m plural, enclitic pronoun occurs only once (בקרבכם; 1:42), but with a singular pronoun, 11 times (בקרבך; 6:15; 7:21; 13:2, 12, 15; 17:2; 19:20; 23:17; 26:11; 28:43). MT (with Smr, 4Q30, S, T^{O}) may have assimilated to the typical singular pronoun (especially, 23:17; 26:11; 28:43). However, MT may be original, and G's reading a translational preference since elsewhere when MT reads singular (בקרבך), G reads at times singular (ἐν σοί: Deut 6:15; 7:21; 13:2; 17:2; 26:11; 28:43) and other times plural (ἐν ὑμῖν; 13:12, 15; 19:20; 23:17)! Thus, G may have assimilated to the plural form employed in 13:12, 15; 19:20; 23:17. Furthermore, the clause in G (with V and T^{PJ}), ἡ ἐν ὑμῖν ἐν τῷ τόπῳ, may be retroverted: בקרבכם במקום. In Assyrian script *kaph*, *mem*, and *bet* are confusable letters (Emanuel Tov, *Textual Criticism of the Hebrew Bible* [2d ed.; Minneapolis: Fortress, 2001], 245). Pre-Persian square script and some Persian square scripts do not distinguish between non-final and final *kaphs*, and since both relevant words end in *mem*, the scribe of MT may have skipped over the first word's final *mem* (haplography). Conversely, the G translator may have inserted a final *mem* by association with the similar-looking consonants (like dittography) and the *mem* in the second word. Based on the cumulative data, MT is preferable.

person, personal pronouns for historically debatable reasons.[107] The emphasis here, as is found elsewhere (23:17; 26:11; 28:43), may be on the audience as individual constituent members of the community (rather community as a collective whole) accountable to care for the "immigrant, the orphan, and the widow who is/are in your [sg.] midst" (אשר בקרבך). Likely the indefinite relative particle אשר refers back not only to the widow, but to all three members of the triad (cf. 26:11; 28:43).[108]

The addressee was to present a freewill offering, as he was able, at the central sanctuary and rejoice (vv. 10, 16-17), but the other listed celebrants were solely to rejoice (שׂמח; vv. 11, 14). "The festal pilgrimages and their joyful pilgrimages," Moshe Weinfeld notices, "seem to be designed almost only for the benefit of the poor (16:11 and 14)."[109] The celebrants included the Levite, immigrant, widow and orphan, ostensibly conjoined as a *tetrad* (see §3.1.9 on 26:12, 13). The עבד-Egypt formula is used to motivate obedience to החקים האלה "these statutes," namely, the prescriptions for the feast of Shavuot (vv. 9-11). Israel's recollection of their status as forced laborers in Egypt magnifies their joy in YHWH and his present blessing on their crops (see §4.4.2).

The language used to motivate observance to the feast of Sukkoth is YHWH's *forthcoming* blessings on Israel's agrarian efforts, resulting again in Israel's joy (v. 15). The גר joins the landowner, Levite, orphan, and widow in meditating on Israel's past suffering and YHWH's present and imminent bounty. The גר's subjective religious attitude, however, is not in view here or elsewhere in D, only his objective inclusion in God's people, as von Rad has noticed: "Es muß betont werden, daß im Dt. jeglicher Hinweis auf die subjective religiöse Einstellung des גֵּר als einer Bedingung der Eingliederung fehlt. Was das Dt. allein mit großer Emphase fordert, ist deren objective Einbeziehung in das Gottesvolk."[110] This inclusivity in 16:10, 14 envisions the גר as a full and equal member in the cultic harvest celebrations of, what Braulik calls, YHWH's family: "Sie sind zu den Höhepunkten des Bauernjahres, wenn sich ganz Israel zu den Erntefesten im Heiligtum von Jerusalem versammelt, eben-

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[107] G. Minette de Tillesse, "Sections 'tu' et sections 'vous' dans le Deutéronome," *VT* 12 (1962): 29-87; E. W. Nicholson, *Deuteronomy and Tradition: Literary and Historical Problems in the Book of Deuteronomy* (Philadelphia: Fortress, 1967), 18-26.

[108] Does the attributive prepositional phrase in G (ἡ ἐν ὑμῖν) modify ἡ χήρα "the widow," since the first two members, the גר and the orphan, are masculine (ὁ προσήλυτος καὶ ὁ ὀρφανὸς)? Alternatively, the article ἡ in the attributive phrase (ἡ ἐν ὑμῖν) was attracted to the gender of ἡ χήρα, but modifies all three triad members.

[109] Weinfeld, *Deuteronomic School*, 290.

[110] Gerhard von Rad, *Das Gottesvolk im Deuteronomium* (BWANT 47; Stuttgart: W. Kohlhammer, 1929), 46.

falls als volle und gleichberechtigte Glieder der »Familie Jahwes« einzuladen."[111] Even if this is true, the integration of the גר at these celebratory feasts should be viewed as a byproduct of the DC's humanitarianism, rather than as the גר's entrance into covenant with YHWH, as we encounter him in the epilogue ceremonies (29:8-12; 31:10-13).

3.1.7. Deut 23:2-9

לא־יבא פצוע־דכא וכרות שפכה בקהל יהוה
לא־יבא ממזר בקהל יהוה גם דור עשירי לא־יבא לו בקהל יהוה
לא־יבא עמוני ומואבי בקהל יהוה גם דור עשירי לא־יבא להם בקהל יהוה עד־עולם
על־דבר אשר לא־קדמו אתכם בלחם ובמים בדרך בצאתכם ממצרים ואשר שכר עליך את־בלעם בן־בעור מפתור ארם נהרים לקללך
ולא־אבה יהוה אלהיך לשמע אל־בלעם ויהפך יהוה אלהיך לך את־הקללה לברכה כי אהבך יהוה אלהיך
לא־תדרש שלמם וטבתם כל־ימיך לעולם
לא־תתעב אדמי כי אחיך הוא לא־תתעב מצרי כי־גר היית בארצו
בנים אשר־יולדו להם דור שלישי יבא להם בקהל יהוה[112]

[2] No one with crushed or severed genitals may enter the assembly of YHWH. [3] No one born of an illicit union may enter the assembly of YHWH. Even to the tenth generation, none related to him may enter the assembly of YHWH. [4] No Ammonite or Moabite may enter the assembly of YHWH. Even to the tenth generation, none of them may ever enter the assembly of YHWH, [5] because they did not meet you with food and with water on the way, when you came out of Egypt, and because they hired against you Balaam the son of Beor from Pethor of Mesopotamia, to curse you. [6] But YHWH your God was not willing to listen to Balaam; but YHWH your God turned the curse into a blessing for you, because YHWH your God loved you. [7] You shall not seek their peace or their prosperity all your days forever. [8] You must not abhor an Edomite, for he is your brother. You must not abhor an Egyptian, because you were an immigrant in his land. [9] Children born to them of the third generation may enter the assembly of YHWH.

3.1.7.1. Introductory Issues

A גר figure residing in Israel is not mentioned in this pericope, only Israel as a גר in Egypt (v. 8). However, defining קהל יהוה "the assembly of YHWH" and the non-Israelites in 23:2-9 arguably opens an essential window into the socio-ethnic currents surrounding the גר in D. Like the amplified discussion of 10:17-19, an extended discussion of 23:2-9 is in order.

In the unit, three ethnicities are prohibited generally from entering (לא־יבא), and one class permitted, or invited, to enter (יבא להם) into "the assembly of Yahweh" (קהל יהוה). Those precluded are men with crushed or severed genitals (v. 2), people born from an illegitimate sexual union (v. 3), and the first through tenth generation Ammonite and Moabite (A-M

[111] Braulik, *Studien zum Deuteronomium*, 82-3.
[112] For the primary text critical issue in this passage, see n. 115 below.

when used collectively) (vv. 4-7). The A-M are excluded because of their adversarial, historical treatment of Israel on the way to Canaan.[113] Conversely, the third generation Edomite and Egyptian (E-E when used collectively) are permitted to enter קהל יהוה; the Edomite was permitted because he is Israel's relative, the Egyptian, because Israel resided as a גר in his land.

A. D. H. Mayes believes the unit is comprised of laws from disparate origins.[114] According to Heb. versification, he designates vv. 3b, 4b, and 9 as later additions, vv. 5b-7 as the hand of the "deuteronomic legislator," and v. 5a as later than Deuteronomy 2. Verse 3b and 4b – "even to the tenth generation, none of his descendants may enter the assembly of YHWH" – may indeed be intensifiers added later.[115] However, v. 8 by itself is disjunctive (with vv. 2, 3a, 4a), and needs v. 9 to complete it. Verses 5b-7 may be from a "deuteronomic legislator" since deuteronomic themes of cursing, YHWH's love for Israel, and disdain for the disapproved nations are present. However, nothing in verses 5b-7 is incompatible with the 23:2-9 unit, and therefore, it is simpler to regard the entire pericope as a unified composition (with the plausible exception of the intensifiers of verses 3b and 4b). Verse 5a may be later than Deuteronomy 2, following Mayes. In v. 5a the rationale for excluding the A-M is their treatment of Israel on its Transjordanian migration: "because they did not meet you with food and water on the way when you came out of Egypt, and because they hired against you Balaam, son of Beor, from Pethor of Mesopota-

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[113] J. G. McConville (*Deuteronomy* [AOTC 5; Leicester: Apollos; Downers Grove: InterVarsity, 2002], 348) observes that Deut 23:4-9 "may relate to the Abrahamic formula by which nations are blessed or cursed according to their attitude to Abraham's descendents (Gen 12:3)."

[114] Mayes, *Deuteronomy*, 314. Otto (*Das Deuteronomium*, 232) identifies a core tradition of prohibitives that exclude persons from the assembly of YHWH (23:2, 3a, 4a, 8 [9]) and to this core was added the deuteronomic elements of vv. 3b, 4b, 5-7: 232.

[115] G contains the minus in v. 3b, against MT's plus: גם דור עשירי לא־יבא לו בקהל יהוה. The Q fragments of ch. 23 provide no assistance here (Ulrich, *Qumran*, 221). Origin's recension translates v. 3b with an asterisk to match MT. Hempel (*BHS*, 326) proposes all three statements, vv. 3b, 4b, 9, should perhaps be deleted. John Weavers (*Notes on the Greek Text of Deuteronomy* [SBLSCS 39; Atlanta: Scholars, 1995], 364) is more likely correct that the "LXX's parent text was defective due to homoioteleuton." Homoioteleuton here is supported by the fact that G does translate the second and third augmenting statements: ἕως δεκάτης γενεᾶς οὐκ εἰσελεύσεται εἰς ἐκκλησίαν κυρίου καὶ ἕως εἰς τὸν αἰῶνα (v. 4b); υἱοὶ ἐὰν γενηθῶσιν αὐτοῖς γενεὰ τρίτη εἰσελεύσονται εἰς ἐκκλησίαν κυρίου (v. 9). Alternatively, G's *Vorlage* may have been distinct from proto-MT, suggesting the possibility of a redactional history; that is, the expression "Even to the tenth generation, none related to him may enter the assembly of YHWH" (v. 3a), and those like it in vv. 4b, 9, may be later additions to this קהל יהוה law collection (*à la* Mayes).

mia."[116] In contrast, Deut 2:29 states that the "sons of Esau" and the Moabites *did* supply food and water for Israel on its Transjordanian journey, and in 2:9, 19 YHWH commands: "Do not harass Moab and do not provoke them for war" (אל־תצר את־מואב ואל־תתגר בם מלחמה) and "The sons of Ammon, do not harass them or provoke them" (בני עמון אל־תצרם ואל־תתגר בם). Even if 23:5a – or more likely all of 23:2-9 – was a later addition, Deuteronomy 2 and 23 are yet compatible: Israel could obey the prohibition of seeking Ammon's and Moab's peace and prosperity (23:7) by bypassing their land (2:9, 19) and barring them from entering קהל יהוה (23:4).

In sum, aside from intensifying phrases in verses 3b and 4b, which may be supplementary, Mayes unnecessarily fragments the 23:2-9 unit. Instead, we should observe the dual purpose of the text, as Eckart Otto notes, to permit a selective admission into קהל יהוה, but also to protect DtrH's notion of Israel's holiness as found first in D's dietary and war legislation (14:1-21; 20:1-20; 21:10-14; 23:10-15).[117] Otto believes the community law of Deut 23:2-9 marks the work of late postexilic Scriptural authors carrying on the tradition of the prophetic corpus.[118] However, Ramírez Kidd offers a possible reason to regard this text, at least 23:8, as exilic: contrary to deuteronomic convention (Israel = central, גר = peripheral),

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[116] Most interpreters believe the rationale for excluding Amonites and Moabites from קהל יהוה is rooted in their antagonistic interactions with the Israelites when they traveled from Egypt to Canaan (Deut 23:5-6; 2:9; 2:26-37 [esp. 2:28-29]; Numbers 22-24 [esp. 23:5-10]). Most notably, Ammon (absent from Deut 2:29) was inhospitable toward Israel, and Moab hired Balaam to prophesy against Israel. Subsequent to Israel's Transjordanian journey, tensions between Israel and A-M continued (Jud 3:12-13; 10:7-8; Isa 15-16; Jer 48; Ezek 25:8-11; Amos 2:1-2; Jer 49; Ezek 25:2-10; Amos 1:13; Zeph 2:8-9; 2 Sam 8, 10; 2 Kgs 3). Ian Cairns (*Word and Presence: A Commentary on the Book of Deuteronomy* [ITC; Grand Rapids: Eerdmans; Edinburg: Handsel, 1992], 202) argues that the rationale for exclusion was also religious, that is, Ammonite (and likely Moabite) fertility rites became a snare to Israel (see Jud 10:6) and Moabite worship resembled Canaanite (Moabite *Chemosh*, 'sun,' like Canaanite *Ashtar*, 'morning star'). Craigie (*Deuteronomy*, 297) posits the rational that the A-M "were believed to be descendents of the incestuous relationships between Lot and his two daughters (Gen. 19:30-38). This point may suggest a link between the prohibition in these verses and that contained in v.3." Craigie (*Deuteronomy*, 298) also observes that "Israelites were also forbidden to negotiate political treaties with Ammon and Moab. The language employed in v. 7 (*peace, friendship*) reflects directly the terminology of Near Eastern political treaties."

[117] Otto, *Das Deuteronomium*, 230-32.

[118] Otto, *Deuteronomium im Pentateuch*, 232 n. 314. Similarly, Achenbach ("*gêr*," 35) postulates: "From these instances we get the impression that, as a result of the exilic experiences of Israel, the attitude concerning the status of the *gerîm* has changed during the early postexilic period, because Israel had to remember its own status as *gêr* during the exile and afterwards, as it was unable to achieve any political sovereignty again."

here and in 10:18-19, the גר is central to the community and the Israelites are peripheral (in a foreign land) (see §4.5). Whatever the transmission history of Deut 23:2-9, this unit achieves a broader canonical purpose, as I will argue below (see §3.3).[119]

3.1.7.2. What is קהל יהוה in 23:2-9?

This study attempts to answer two questions: What is קהל יהוה in 23:2-9? and Who are the non-Israelites in 23:4-9? Scholars have offered four definitions of קהל יהוה in 23:2-9, each spawning derivatives: one, the entire Israelite community[120]; two, all male, full citizens in the army, as well those in the cultic and political congregation;[121] three, full members of the worshipping community;[122] and

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[119] Ramírez Kidd (*Alterity*, 87) notes the proposals for a pre-exilic provenance for 23:2-9: "No agreement exists, however, concerning its possible date. Suggestions have included the era of Solomon, the period of Hezekiah and Manasseh, the seventh century and the last years of Zedekiah."

[120] "קהל" (*HALOT* 2:1079-80): the contingent of Israel, namely, "the עַם equivalent to קְהַל יהוה Yahweh's contingent." Calum M. Carmichael (*The Laws of Deuteronomy* [Ithaca and London: Cornell University Press, 1974], 171) roots this view of קהל יהוה in the Genesis 49 tradition when Jacob commands his sons to gather into an "ideal brotherhood." Walter Brueggemann (*Deuteronomy* [AOTC 5; Nashville: Abington, 2001], 227) believes the phrase reflects the deuteronomic motif of the holy, covenant community devoted entirely to YHWH. Thus, "The emergence of ethnic consciousness in the list [Deut 23:4-9] indicates the unsettled way in which the 'Holy People of YHWH' is variously understood covenantally (theologically) and ethnically." Similarly "membership in the congregation," and "assembly, that is, the covenant community," is suggested by Manley and Millar, respectively: G. T. Manley, *The Book of the Law: Studies in the Date of Deuteronomy* (Grand Rapids: William B. Eerdmans, 1957), 110-112, 166; J. Gary Millar, *Now Choose Life: Theology and Ethics in Deuteronomy* (Grand Rapids/Cambridge: William B. Eerdmans, 1998), 137-138, 152.

[121] "Unter dem qehel jahweh ist die Gesamtheit der männlichen Vollbürger im Heeresaufgebot sowie in der kultischen und politischen Versammlung zu verstehen": Kurt Galling, "Das Gemeindegesetz in Deuteronomium 23" in *Festschrift Alfred Bertholet* (ed. Walter Baumgartner, et al.; Tübingen: J.C.B. Mohr [Paul Siebeck], 1950), 178. Derived from Galling's definition are: "The fully enfranchised male citizens not only in cultic gatherings in the narrow sense, but also in the military levy" (A. D. H. Mayes, *Deuteronomy* [NCB; London : Oliphants, 1979], 315); "The cultic levy (the Norse *Thing*) of the free men, whether for purposes of war or for the annual feasts, that is to say, for events at which the sacral union of the tribes appeared in full array," and the particular levy, קהל יהוה, only included YHWH worshippers who enjoyed full participation in the cultic community's practices (Gerhard von Rad, *Deuteronomy* [OTL; Philadelphia: Westminster, 1966], 146); "fully enfranchised male citizens who are eligible for cultic participation and also for military service" (van Houten, *Alien*, 99); "der kultischen JHWH-Versammlung" (Otto, *Das Deuteronomium*, 232).

four, the sanctuary of YHWH.[123] The first three definitions I critique and modify by virtue of my own proposal below, and the last definition, YHWH's sanctuary, is unjustifiably restrictive.[124]

The phrase קהל יהוה is found in D only in ch. 23, but here it occurs six times in eight verses (23:2, 3[2x], 4[2x], 9). Even though the construct chain קהל יהוה serves as a *Leitwort* throughout 23:2-9, its recurrences do not clarify its meaning since it is a *terminus technicus* with a dearth of con-

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[122] Christopher Wright (*Deuteronomy* [NIBCOT 4; Peabody, Mass.: Hendrickson, 1996], 247) defines קהל יהוה as the "assembly of those who belong fully to the covenant community and gather for worship, for the reading of the law, or for festivals." This community "is not quite coextensive with the whole nation, which includes various people who are not full members of the worshipping community." Likewise Gary Hall (*Deuteronomy* [Joplin, Mo.: College, 2000], 343) writes "the assembly [of Yhwh] was not synonymous with the whole nation of Israel but referred specifically to those people who were full-fledged members of the covenant community… The assembly referred to here is likely the community of Israel gathered in worship at festivals and other special occasions, or a similar assembly gathered to make public decisions. This law is not addressing the issue of who may be a member of the nation, but the issue of who may enter the community as it was gathered to worship the holy God." Craigie (*Deuteronomy*, 296-97) also delineates the entire Israelite nation from קהל יהוה, or what he calls 'true' Israel. The former included "resident aliens and others who, though a part of the community, were nevertheless not full members of it," whereas the latter "shared in the worship of the Lord." McConville (*Deuteronomy*, 347) says קהל יהוה anticipates "the assembly at worship in the land."

[123] Saul M. Olyan, "Stigmatizing Associations: The Alien, Things Alien, and Practices Associated with Aliens in Biblical Classification Schemas," 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), 18 n. 3.

[124] Olyan ("Stigmatizing Associations," 18 n. 3) claims that, "The 'assembly of Yhwh' (קהל יהוה) is likely a reference to the sanctuary, as the earliest interpreters of this text suggest (e.g., Lam 1:10; Isa 56:1-8; Neh 13:1-3)." First, it is not clear that Isa 56:1-8 interprets the קהל יהוה unit of Deut 23:2-9, or vice versa. Second, Lam 1:10 does appear to be genetically related to Deut 23:2-9, but it is an "unwarranted restriction of the semantic field" to conclude that because Lam 1:10 has the restricted meaning "sanctuary" (קהל לך "your assembly" in synonymous parallelism with מקדשה "her sanctuary") so also must Deut 23:2-9. Rather, other biblical usage and the context in D suggest Deut 23:2-9 cannot be restricted to the "sanctuary" (see 3.1.7.2). For this exegetical fallacy, see D. A. Carson, *Exegetical Fallacies* (2d ed.; Grand Rapids: Baker, 1996), 57-60. The case is similar for Neh 13:1-3. H. G. M. Williamson contends that Deut 23:2-9's law for קהל יהוה, meaning something like "the people gathered for worship" (or "sacral gatherings"), was applied in Nehemiah 13 to the specific instance of foreigners in the temple: *Ezra, Nehemiah* (WBC 16; Waco, Tex.: Word, 1985), 385-86. Thus, "sanctuary" in Neh 13:1-3 is a particular application, but not the only application, of Deut 23:2-9 (see §3.1.7.3 below for other applications of Deut 23:2-9 in Ezra 4:1-3, 7:12, 25-26 and the book of Ruth).

textual indicators.[125] For instance, although we can confidently assert that קהל most often means 'contingent' or 'assembly' and is definite (since יהוה is definite), what is the meaning of the genitive construction?[126] The best options are descriptive, possession, source, and subjective, as explained respectively: the assembly *characterized by* YHWH, *possessed by* YHWH (YHWH's assembly), *dependent on/derived from* YHWH, or those whom YHWH assembles. One path beyond the impasse of comprehending קהל יהוה might be literary placement. The קהל יהוה unit is situated between laws concerning marital and sexual ethics (22:13-23:1) and personal hygiene in Israel's army camp (23:10-15).[127] Some regard this larger unit, 22:13-23:19, as an explication of the Decalogue's sixth word, "You shall not commit adultery" (ו[לא תנאף] in Deut 5:18; Ex 20:14), in which case 23:2-9 delineates the *unadulterated* assembly of YHWH,[128] but this understanding cannot be validated.[129]

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[125] Robert Alter (*The Art of Biblical Narrative* [New York: Basic Books, 1981], 92) defines *Leitwort* – which is not limited to the narrative genre – as "a word or word-root that recurs significantly in a text, in a continuum of texts, or in a configuration of texts," and through its recurrences one ideally apprehends the meaning of the text more lucidly or profoundly.

[126] A קהל has various expressed purposes (i.e., battle, summons to court, feasts, worship), constituents (i.e., Israel, non-Israelite enemies, post-exilic cultic community, returning exiles, crowds, the dead), places (i.e., in the wilderness), and times (i.e., specified date).

[127] McConville (*Deuteronomy*, 348) believes קהל יהוה (23:2-9) has military connotations because of the subsequent laws of personal hygiene in Israel's army camp (23:10-15). Against this view, the setting of 23:2-9 is קהל יהוה (v. 2, 3, 4, 9), but that of vv. 9-14 is מחנה "army camp" (vv. 10, 11[2x], 12, 13, 15).

[128] Stephen A. Kaufman, "The Structure of the Deuteronomic Law," *Maarav* 1 (1979): 105-58; Georg Braulik ("Die Abfolge der Gesetze in Deuteronomium 12-26 und der Decalog," in *Das Deuteronomium. Entstehung, Gestalt und Botschaft* (ed. Norbert Lohfink; BETL 68; Leuven: University Press, 1985), 252-72; Dennis Olson, *Deuteronomy and the Death of Moses: A Theological Reading* (Minneapolis: Fortress, 1994), 99-107. Mark E. Biddle (*Deuteronomy* [Smyth & Helwys Bible Commentary; Macon, Ga.: Smyth & Helwys, 2003], 342) summarizes: "Not only is adultery improper, but "thou shalt not adulterate at all." Significantly, this viewpoint finds expression in a number of themes that link this otherwise disparate collection of laws. Cloth and various articles of clothing, instruments of modesty, figure prominently. Issues pertaining to sex and gender are central. The concern for order, which is tantamount to holiness, underlies each and every legal case. The explication deals with three spheres in which 'adulteration' must be avoided: in nature (22:9-12), in human sexual relations (22:13-30 [Heb 22:13-23:1]), and within the cultic community (23:1-18 [Heb 23:2-19])."

[129] This is plausible since the preceding laws relate to preserving life (22:1-8), that is, the fifth word, and the following laws relate to respecting others' property (23:25), that is, the seventh word. This rubric cannot be applied rigidly; for example, how to treat an escaped slave (23:15-16) cannot be regarded as an application of the prohibition of adul-

This study will proceed with a concise syntactical analysis, followed by an investigation of usage outside D and alignment within D. Each time the phrase occurs in ch. 23, it follows the formula "X [sg.] must not enter the assembly of YHWH" (לא־יבא...בקהל יהוה) (v. 2, 3, 4). The pattern deviates in 23:9 with the Edomites and Egyptians (23:8-9): "Children born to them of the third generation may enter the assembly of YHWH" (בנים אשר־יולדו להם דור שלישי יבא להם בקהל יהוה). The spatial sense of the preposition ב designates the goal of the movement of the verb בוא: "enter in/into the assembly of YHWH."[130] Moreover, the negative particle לא with the imperfect יבא commands a general or permanent prohibition (vv. 2, 3, 4), whereas יבא in v. 9 carries the jussive nuance of permission, or even invitation.[131] The formula *in toto* expresses a contingent into which individuals are prohibited generally from entering (vv. 2-4) or are permitted or invited to enter (v. 9). Thus, the composition of the קהל יהוה fluctuated socio-ethnically depending on the profiles of those subsequently admitted or excluded.

Outside D, קהל יהוה occurs in Micah 2:5, Num 16:3, 20:4, and 1 Ch 28:8.[132] Micah 2:5 reads, "Therefore no one will cast a lot cord for you in the assembly of YHWH" (לכן לא־יהיה לך משליך חבל בגורל בקהל יהוה).[133] The book of Micah has been shaped by alternating oracles of judgment (1:2-2:11…3:1-12…6:1-7:7) followed by oracles of salvation (…2:12-13…4:1-

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tery. One might say the קהל יהוה unit is preoccupied with maintaining an assembly 'unadulterated' by men with crushed or severed genitals, illegitimate children, Amonites, Moabites, and first and second generation Edomites and Egyptians. Yet, to stretch the semantic domain from physical and spiritual *adultery* to *adulterated* clothing, nature, community, etc., is an unlikely extension of the Decalogue's sixth word.

[130] Waltke and O'Connor, *IBHS*, 196.

[131] Arnold and Choi, *Hebrew Syntax*, 63-64, 137.

[132] Gary Hall (*Deuteronomy*, 343) states that the קהל יהוה phrase occurs outside D as "the assembly of the LORD gathered to conduct business (Micah 2:5), crown a king (1 Kgs 12:3), do war (Judg 21:5, 8), adjudicate legal cases (Jer 26:17), or worship (Joel 2:16)." Unfortunately this is a misleading statement since 1 Kgs 12:3, Jer 26:17, and Joel 2:16 are not references to קהל יהוה, but to קהל ישראל and אל־כל־קהל העם and קהל, respectively. In Jdgs 21:5, קהל and יהוה are not in a genitive relationship; translated "Who did not come up in the *assembly* from all the tribes of Israel *to Yahweh*?" (מי אשר לא־עלה בקהל מכל־שבטי ישראל אל־יהוה; LXX shares MT's word order: *τίς ὁ μὴ ἀναβὰς ἐν τῇ ἐκκλησίᾳ ἐκ πασῶν φυλῶν Ισραηλ πρὸς κύριον*). Since it is likely that אל־יהוה modifies לא־עלה, rather than מכל־שבטי ישראל, most English translations smooth out the word order, "Who from all the tribes of Israel has failed to come up to the assembly of YHWH?" (JPS Tanakh; NET; NASB). The problem with Gary Hall's data (1 Kgs 12:3; Jer 26:17; Joel 2:16) is not that these occurrences of קהל definitively do not inform קהל יהוה in Deuteronomy 23, but that their pertinence is unclear.

[133] Since קהל יהוה occurs in Micah 5:2, Kurt Galling believes the phrase within Deuteronomy 23 is pre-deuteronomic: "Das Gemeindegesetz," 178.

5:4…7:8-20).[134] Within the first judgment oracle, 2:5 asserts that no one will assign the guilty party, identified as בית־יעקב "the house of Jacob" in v. 7, land within or among קהל יהוה.[135] Here קהל יהוה signifies a larger consortium of God's people in the future that enjoyed land allotment. 1 Chr 28:8 uses קהל יהוה in David's charge to his son Solomon: "So now, in the sight of all Israel, the assembly of YHWH" (ועתה לעיני כל־ישראל קהל יהוה). First, קהל יהוה is in apposition to leadword כל־ישראל "all Israel." Probably קהל יהוה identifies the bearer of the collective, though personal, name כל־ישראל; all Israel functions in the role of the assembly of YHWH.[136] 1 Chr 28:8 also contains parallelism:

> So now, *in the sight of all Israel, the assembly of YHWH* (לעיני כל־ישראל קהל יהוה), and *in the hearing of our God* (ובאזני אלהינו), observe and seek…

"In the hearing of X" is an idiom for "in the presence of X" (i.e., Deut 31:11). If *synthetic* parallelism is intended, "in the hearing of our God" completes the idea of "in the sight of all Israel, the assembly of YHWH." God's presence marked his people's assembly.

In Num 16:3, Korah, his cohorts (16:1), and 250 "leaders of the congregation, chosen in the assembly, men of renown" (16:2) assail Israel's divinely appointed leaders. They assembled together against Moses and Aaron, saying, "You have gone far enough for all the community are holy, every one of them, and YHWH is in their midst; so why do you exalt yourself *above the assembly of YHWH* [על־קהל יהוה]?" The preposition על functions adversatively in the beginning of the verse ("*against* Moses and *against* Aaron"), but here על functions spatially: the accusers oppose Moses and Aaron not for acting against קהל יהוה (unless the accusers perceived 15:32-36 and 15:37-41 antagonistically), but for lording their authority *over* or *above* קהל יהוה. Thus קהל יהוה is a metonym for the entire community of Israel, every member of which, says the Korah accusers, has

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[134] Brevard S. Childs, *Introduction to the Old Testament as Scripture* (Philadelphia: Fortress, 1979), 431.

[135] Ralph Smith, *Micah-Malachi* (WBC 32; Dallas: Word Books, 1998), 25; against Carmichael (*Laws of Deuteronomy*, 172 n. 25) קהל יהוה in 2:5 is not tantamount to בית־יעקב "the house of Jacob" in 2:7. Instead, rather the implied subject of the verbal construction in 2:5 "*you* will not…" – distinguished from the קהל יהוה – has the same referent as the vocative בית־יעקב "the house of Jacob" (v. 7).

[136] Two other syntagmatic options clarified by Waltke and O'Connor (*IBHS*, 230-32) are as follows. One, the appositive provides "further information about the subclass to which the leadword [as a common noun] belongs," translated "all Israel, and particularly within all Israel, the assembly of Yhwh." Two, the appositive is a name, usually personal, that qualifies its identification, translated "all Israel, namely, the assembly of Yhwh." It is difficult to conceive of "all Israel" as a common noun (option one) and equally hard to see קהל יהוה as a personal name (option two).

an egalitarian status with YHWH's endorsing presence: "all [in] the community are holy, every one of them, and YHWH is in their midst."[137] The genitive construct קהל יהוה in this context means "the assembly that belongs to YHWH" or "the assembly endorsed by (the presence of) YHWH." Moses' rejoinder (16:6-7) and YHWH's response (16:20-21) shows that employing the label קהל יהוה as a metonym for the Israelite community endorsed by YHWH does not give Israel impunity. Like Num 16:5, in 20:1-5 Moses falls on his face, this time with Aaron at the entrance of the Tent of Meeting, and the glory of God appears to them (20:6). Here the complainers use קהל יהוה (20:5) metonymically in place of "the community" (עדה, 20:2) and "the people" (העם, 20:3) and "us" (אנחנו, 20:4-5). In other words, the people identify themselves as קהל יהוה in order to intensify the gravity of Moses' maltreatment of them. Surprisingly, YHWH demonstrates that he values "this assembly" (הקהל הזה; 20:12) by providing water from the rock for them (20:7-8, 11), yet Moses' patience with the people had depleted (20:10-12).

All four uses of קהל יהוה outside D connote the contingent of YHWH's *privileged* people. The privilege in Micah 5:2 was land; in 1 Chr 28:8, God's presence. In both Num 16:3 and 20:4, Aaron, Moses, and YHWH do not deny their accusers' assertion that קהל יהוה was privileged, they only clarify that the privileges did not include egalitarianism or impunity for assailing YHWH's appointed leaders. These uses outside D do not limit קהל יהוה to males, military personnel, or even to a cultic or worship setting (nn. 121-22). This correlates with D's application of the root קהל to the entire Israelite community gathered at Horeb (4:10; 5:22; 9:10; 10:4; 18:16), Moab (31:30), and the central site in Canaan (31:12, 28). The *privilege* of those gathered was *to hear*: the words YHWH spoke to Moses (4:10; 5:22; 9:10; 10:4), YHWH's voice (18:16), the words of this *tôrâ* (31:11-12, 28); the words of Moses' song (31:30).[138] And with this privilege comes the obligation of obedience to the divine word.[139] It appears that this assembly of YHWH (ch. 23) is not coterminous with the DC's cultic festival gatherings at Sukkoth (16:13-14) and Shavuot (16:10-12). Even if it is an *argumentum e silentio* that the root קהל never occurs with these festivals, these festival celebrants do not appear to be fully integrated into the Israelite re-

[137] Korah, Dathan, Abiram, On, and the 250 male leaders of the congregation were not referring to themselves only since they use 3mp (rather than 2mp) pronominal suffixes, but the whole Israelite community: "all [in] the community are holy, every one of *them*, and YHWH is in *their* midst" (כל־העדה כלם קדשים ובתוכם יהוה).

[138] Otto (*Deuteronomium im Pentateuch*, 180-84) believes these texts (excluding 18:16), along with D's Decalogue, are interconnected as the product of the deuteronomistic *Hauptredaktors* of the book of D.

[139] E.g., Deut 4:1-2; 6:1-3; 8:1; 11:1-32; 29:9-14; 31:9-13.

ligious contingent (à la קהל יהוה), but beneficiaries of the DC's YHWH-centered humanitarianism.[140]

3.1.7.3. Who Are the Non-Israelites in 23:4-9?

What is this unit's *Sitz im Leben* and how would D classify the Ammonite (עמוני) and Moabite (מואבי) (vv. 4-7), Edomite (אדמי) and Egyptian (מצרי) (vv. 8-9)? One view is that these non-Israelites were survivors of *ḥerem*, or YHWH war.[141] H. Cazalles identifies the A-M and E-E as גרים who were refugees or captives from Israel's military campaigns (see 20:1-9; 21:10-14).[142] Deuteronomy 23:4-9, therefore, is "une loi interne permettant d'incorporer un non-Israélite au qâhâl de YHWH, l'un à titre de frère, l'autre en raison de l'hospitalité qu'il a témoignée en faveur d'un réfugié, un *ger* [גר]."[143] Certainly *ḥerem* did not annihilate the Canaanites (Deut 21:10-14; Josh 2:1-24; 9; Judges 1), perpetuating Canaan's already heterogeneous population, but the A-M and E-E were bordering peoples, not Israel's enemies in the *ḥerem* wars in the land of Canaan (Deut 2:1-37; 7:1).[144] A second view submitted by Kurt Galling is endorsed by Mayes: "The most likely setting for the laws is border sanctuaries where the acceptance or rejection of these non-Israelites in Israel's cultic life would have been an issue."[145] A-Ms may have been present at the Mizpah sanctuary (see Judg 10:17) and E-Es at the Beersheba sanctuary, but the generic membership regulations of the Israelite community would have originated at a west Jordan sanctuary. The whole collection of laws "may have been

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[140] The *personae miserae* גר, orphan, widow are included in these festivals, but *not* in ch. 12 among Israelite household members required to offer tithes and offerings (see §5.2.2.1).

[141] McConville (*Deuteronomy*, 348) writes: "… the question of admission to the assembly is raised at this point, since Israelites would rub shoulders with non-Israelites during the nation's life in Canaan. (The incompleteness of the *ḥerem*, or 'sentence of destruction,' is recognized by both Deuteronomy and the book of Joshua; see on 7:2-3.) The fact of a mixed population, together with a doctrine of the election of Israel, led to the reflections on qualification for membership of the assembly found here."

[142] "Il en est de même des lois dites humanitaires en cas de guerre: tratement des captives (21:10-14), des villes adverses et de la végétation qui les entoure, exemptions de l'appel au combat (20, 1-9)": Cazelles, "Droit Public," 100-101.

[143] Cazelles, "Droit Public," 100.

[144] Galling ("Das Gemeindegesetz," 180) observes this discrepancy: "Die Einordnung der unterworfenen kanaanäischen Gebiete in der frühen Königszeit bildet keine Analogie und weist auch da beachtliche Modifikationen auf." McConville (*Deuteronomy*, 349), without arguing for different literary strata between Deuteronomy 2 and 23, writes "… in Deut. 2:19, which is interested in the fact that *Israel has no right to the territory of Moab*, which has also been apportioned by Yahweh…." (italics mine).

[145] Galling, "Gemeindegesetz," 180-81; Mayes, *Deuteronomy*, 315.

preserved at Gilgal, Israel's most significant west Jordan border sanctuary, where they would have been used in the ritual by which foreigners would be accepted into the Israelite community."[146] This border sanctuary theory resolves the issue of Israel's neighbors seeking admission into קהל יהוה, but contradicts the evidence that קהל יהוה in D is YHWH's people assembled. Also, if 23:4-9 condones border sanctuaries, it must represent an earlier stratum that the deuteronomists, against their cultic centralization impulse (chs. 12, 16, 17, et al.), included without modification. Such a view is unsubstantiated.

Alternatively, were these non-Israelites גרים? Von Rad, followed by Patrick Miller, suggests that 23:4-9 responds to the question of whether "those who had perhaps lived for generations as aliens in Israel" could become members of קהל יהוה.[147] With respect to the Egyptians, Ramírez Kidd deduces, "Since Egypt is the only country mentioned in Deut 23:2-9 which is not a direct neighbour of Israel, and the law is concerned with individual Egyptians and not with Egypt as a nation, the Egyptians referred to here were probably immigrants."[148] Christoph Bultmann argues those seeking full integration to the community of YHWH' worshippers (קהל יהוה) were not of the גר class, but נכרי "foreigner" class in seventh century Judah.[149] Some נכרים were agricultural leaders, like the Judean landowners with an independent economic existence, who aspired to join קהל יהוה, while other נכרים remained marginal agrarian workers, excluded from the functions and rituals of YHWH's people (see 14:21; 15:3; 23:21). Curious is Bultmann's parenthetical question, leaving elusive the precise stance of the Ammonite and Moabite:

> Nach der vorgeschlagenen Interpretation kann das deuteronomic *qahal*-Gesetz als eine Quelle dafür gelten, daß im 7. Jahrhundert in der judäischen Monarchie Fremde edomitischer und ägyptischer (sowie ammonitischer und moabitischer usw.?) Herkunft lebten und in ihrem sozialen Rang den judäischen Grundbesitzern vergleichbar eine selbständige ökonomische Existenz hatten.[150]

Siegbert Riecker is right to infer that foreigners were to be accepted into קהל יהוה on the conditions that they did not have a bodily condition result-

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[146] Mayes, *Deuteronomy*, 315.

[147] Von Rad, *Deuteronomy*, 146. Patrick D. Miller (*Deuteronomy* [IBC; Louisville: John Knox, 1990], 175) posits similarly that "references to Ammonites, Moabites, Edomites, and Egyptians have in mind in this instance such persons as may be present as sojourners within the community of Israel."

[148] Ramírez Kidd, *Alterity*, 87, see 95.

[149] Christoph Bultmann, *Der Fremde in antiken Juda: Eine Untersuchung zum sozialen Typenbegriff >ger< und seinem Bedeutungswandel in der alttestamentlichen Gesetzgebung* (FRLANT 153; Göttingen: Vandenhoeck and Ruprecht, 1992), 118-19.

[150] Bultmann, *Der Fremde*, 119.

ing in the community's uncleanness (23:2) and that their former community had a disposition of blessing toward Israel (23:4-6; cf. Gen 12:3).[151] Acceptance into YHWH's assembly "kommt einer Anerkennung als Israelit gleich."[152] Thus, Riecker believes that the avoidance of the terms גר "immigrant" and נכרי "foreigner" for designating the one to be accepted shows that the former status is unimportant in this process.[153]

The reason for the elusiveness surrounding the non-Israelites in 23:4-9, I would propose, is that Deut 23:4-9 does not reproduce the culture's socio-religious dynamics, but attempts to reconfigure – and in reconfiguring conceals – those dynamics by means of new laws. In other words, vv. 4-9 does not represent the already normative process of admission into YHWH's assembly, but creates a new prescription for admission. For this reason, D does not clarify who these non-Israelites are, but how Israel should regard them. D has already elucidated Israel's responsibility to destroy Canaan's inhabitants (ch. 7), but in Joshua the Gibeonites are an exception (cf. Deut 7:2; Josh 9:15). Van Houten argues that the Gibeonites of Joshua 9, who were involved in temple service, were the historical referent of Deuteronomy 29's גר and were presented as distinct from the נכרי "foreigner" class since, ". . . the Deuteronomist is concerned that foreigners [נכרי] should not be involved in the sanctuary."[154] Like the deuteronomists' presentation of the Gibeonites as גרים and not נכרים, this study would argue that Deut 23:4-9 bifurcates these non-Israelites into D's "foreigner" (נכרי) class and "immigrant" (גר) class.[155] The dialogue that motivated the drafting of Deut 23:4-9 may have transpired as follows: "We once resided in or migrated through the lands of Egypt, Edom, Ammon, and Moab, but some of them are now in our land. Can they enter the assembly of YHWH's people?" Deuteronomy 23's response: "Treat the resident Ammonite and Moabite as a נכרי, a non-resident outsider, but the resident Edomite and Egyptian as a גר who has met the qualifications for admission." The following correlations validate this proposal:

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[151] Siegbert Riecker, *Ein Priestervolk für alle Völker: Der Segensauftrag Israels für alle Nationen in der Tora und den Vorderen Propheten* (SBB 59; Stuttgart: Verlag Katholisches Bibelwerk GmbH, 2007), 338.

[152] Riecker, *Priestervolk*, 338.

[153] Riecker, *Priestervolk*, 338.

[154] Van Houten, *Alien*, 104.

[155] The term זר may refer in the OT to a non-Israelite (e.g. Ezekiel's usage), but its two occurrences in D do not apply to the A-M and E-E in 23:4-9. זר occurs first in 25:5 in reference to levirate marriage, the widow who has a brother-in-law must not marry a "strange man" (זר), that is, a man from another family, and second in 32:16 in reference to "strange things" (זרים), presumably other gods that make God jealous (32:16).

Ammonite and Moabite	*נכרי "foreigner"*[156]
Excluded from the contingent of YHWH's people (קהל יהוה) (v. 4)	Excluded by implication from D's contingent of YHWH's people (Deut 16:10-14; 27:1-10; 31:10-13), not a member of YHWH's covenant people (29:21-28)[157]
Possessed food and water (v. 5)	Economically stable (Deut 14:21; 15:1-3; 23:21)[158]
Hired Balaam, who according to one tradition led Israel into the Baal of Peor apostasy (Num 25; 31:16)	Initiates DtrH's precautious stance toward foreigners because of their enticement to apostasy (Deut 31:16; 32:12)[159]
לא + imperfect general prohibition: "No Ammonite or Moabite may enter…" (v. 4)	Other לא + imperfect general prohibitions in P and D:[160] "No foreigner at all may eat of it [Passover bread]" (לא־יאכל; Ex 12:43) "You must not set a foreigner over you [as king]" (לא תוכל לתת) (Deut 17:15)

[156] The substantive adjective נכרי (always sg.) in D refers to a foreign person five times (14:21; 15:3; 17:15; 23:21; 29:21), while the noun נכר modifies god(s) two times (31:16; 32:12).

[157] In the scenario that 29:21-28 envisions, the נכרי – in parallelism with כל־הגוים "all the nations" (v. 24) – stands *outside* YHWH's covenant people and questions why YHWH devastates his people's land. Albertz ("Aliens," 55) notes D's "sharp societal borderline between" the גר and נכרי; similarly, Achenbach ("*gêr*," 37) remarks that the "texts in Deut make a clear distinction between both groups."

[158] I have argued earlier in this chapter that 14:21 distinguishes the גר and נכרי on socio-economic, not socio-religious grounds. The גר is not mentioned in 15:1-3 and 23:21 which represent the נכרי as socio-economically independent: every seven years Israelites were to cancel debts from his neighbor and brother, but "from a foreigner [נכרי] you may exact payment," and "You may charge interest to a foreigner [נכרי], but to your fellow Israelite you shall not charge interest."

[159] The following occurrences of the noun נכר in DtrH overlaps semantically with the Akkadian cognate *nakru* which includes, in addition to "foreign" and "strange," the usage "hostile" or "enemy" (*CAD*, "nakru," 11:189-95): "after foreign gods of the land" אחרי אלהי נכר־הארץ (Deut 31:16); "foreign god" אל נכר (32:12); "foreign gods" אלהי נכר (Josh 24:20); "foreign gods" אלהי הנכר (Josh 24:23); "foreign gods" אלהי הנכר (Judg 10:16). 1 Kgs 8:41-43 (2 Chr 6:32-33) and 2 Sam 15:19-20 are exceptional cases. Even so, the נכרי class in D belongs to the so-called non-elect, not the anti-elect whom Israel was to annihilate (see these categories in §6.3).

[160] Such prohibitions exclude or limit the נכרי, but never the גר (Deut 5:14's Sabbath prohibition actually serves to include the גר).

Edomite and Egyptian	*גר "immigrant"*
Permitted to enter the contingent of YHWH's people (קהל יהוה) (v. 9)	Included in the contingent of YHWH's people in D's epilogue, and probably prologue (Deut 1:16-17; 5:13-15; 29:8-12; 31:10-13)
Edomite identified as "your brother" (אחיך) (v. 8)[161]	Identified as "your/his immigrant" (גרך/ו) within the "your brothers (countrymen)" (אחיכם) class (see §3.1.1 on 1:16) (*contra* the נכרי)[162]
Variation of גר-Egypt motivation formula (v. 8)[163]	גר-Egypt motivation formula only used in the OT to command behavior toward the גר (Exod 22:20; 23:9; Lev 19:34; Deut 10:19)[164]

The explicit presence of the גר, but never the נכרי "foreigner," at the covenant and *tôrâ*-reading rituals (29:10; 31:12), may indicate the גר was among the people of YHWH assembled and privileged to hear the divine word and Moses' words (4:10; 5:22; 9:10; 10:4; 18:16; 31:30) (see §3.1.7.2). In the DC, the גר is present in the assembly of the feasts of Sukkoth and Shavuot, but not because he was in covenant with YHWH (§3.3; §5.2.1.2). For deciding cases when a non-Israelite seeking admission to YHWH's assembly is of a different ethnicity than those listed in 23:4-9, Riecker postulates this rubric:[165]

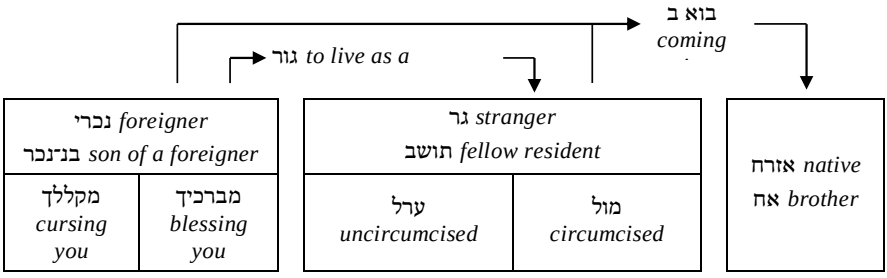
[161] Some date 23:8 as post-exilic on the basis of תעב "abhor, treat as something abominable" (*HALOT* 2:1765-66) in Deut 7:26 (*ḥerem* war), Ezek 16:25 ("high place"), and only exilic and post-exilic texts. "You shall not abhor" may have a cultic nuance, "'to treat as unclean from the point of view of the cult' (see Deut. 7.26)": von Rad, *Deuteronomy,* 146.

[162] The נכרי class is presented in contradistinction to the favored fellow countryman class (את־אחיך in 15:3; ולאחיך in 23:21; מקרב אחיך in 17:15). "In these laws," notes van Houten (*Alien,* 82), "an exclusive notion of peoplehood emerges which has been noted in essays on the theology of Deuteronomy… At the same time, Deuteronomy is often applauded for its humanitarian concern."

[163] "You must not abhor an Egyptian, for you were an immigrant in his land" (כי־גר היית בארצו…).

[164] "For you were immigrants in the land of Egypt" (כי־גרים הייתם בארץ מצרים).

[165] Translation mine without Masoretic pointings.



This is a fascinating synthesis of Pentateuchal laws, but it assumes the interchangeability of D and H, when in fact, there is no evidence that D assumed, reused or revised H's גר laws (see §5.1.5).[166] As this chart indicates, Riecker asserts that the נכרי "foreigner" (*Ausländer*) can be accepted directly without having lived in Israel for a certain length of time.[167] He believes that if the Egyptians showed the Israelites hospitality already in their first generation in Egypt, then it would contradict the principle of blessing if Israel waited to show hospitality to Egyptians until the third generation.[168] The Egyptian who desires to live with Israel is from the first generation on a גר "immigrant."[169] Consequently, accepting *third generation* Edomites and Egyptians relates to something other than the length it would take to become a גר, but Riecker does not offer any alternatives. Craigie deduces, "After the lapse of three generations, there would be no doubt that the Edomites and Egyptians resident in Israel were genuine in their desire to become full members of the worshipping family of God."[170] Following Riecker (*contra* Craigie), one who desired to take up residence in Israel was immediately regarded as a גר, and we should add that this is why the גר, but never the נכרי, is said to reside "within your gates," "in your midst," "in your land," or "in your camp(s)" (see §3.3). Unlike the גר, the נכרי was probably accustomed to disbanding any fictive ties with Israelites, vacillating between towns in Israel, or returning to the homeland of his ethnic relatives. Yet, with Craigie, the lapse of three generations was

[166] D never mentions the issue of the גר's physical circumcision or uncircumcision (as does Exod 12:48-49) and never uses the terms predominant in H: תושב "sojourner," אזרח "native," and classification noun בן־נכר "son of a foreigner" (Gen 17:12, 27; Exod 12:43; Lev 22:25; Ezek 44:9; Isa 56:3; D uses only the substantive adjective נכרי "foreign one" or "foreigner").

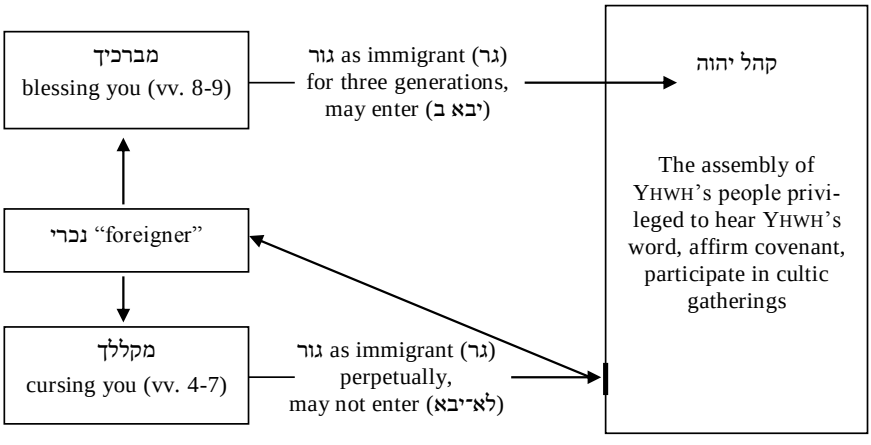
[167] Riecker, *Priestervolk*, 338.

[168] Riecker, *Priestervolk*, 335. This is also implied by Olyan, "Stigmatizing Associations," 18.

[169] In Lev 24:10-23 the incident of the cursing half-Egyptian is referred to as גר, not a נכרי (v. 16): Riecker, *Priestervolk*, 335.

[170] Craigie, *Deuteronomy*, 298.

likely intended to test the non-Israelites' devotion to YHWH, especially, we should add, in light of D's warnings against the enticing religious practices of non-Israelites.[171] Even if an Ammonite or Moabite sojourned (גור) for a lengthy period of time – ten generations unto forever (an indeterminate amount of time) – they were never permitted to join YHWH's assembly with גרים, but remained ever in the נכרי class. Taking these nuances into account, the following chart represents D's vision for non-Israelite entry into YHWH's assembly:



Deuteronomy 23's bifurcation between the status of the גר and נכרי *may* illuminate Ezra 4:1-3, but *likely* illuminates the book of Ruth.[172] Ruth is

[171] Cf. Deuteronomy 7, 12, 13, 17, et al. (see introduction to chapter 3).

[172] If the "law of God" in Ezra 7:12, 25-26 includes at least part of D and P as we know them today, then it is not impossible for other episodes in Ezra, such as 4:1-3, to assume knowledge of Deut 23:2-9 (see Williamson, *Ezra, Nehemiah*, xxxvii-xxxix). Ezra 4:1-3 reads: "When the adversaries of Judah and Benjamin heard that the returned exiles were building a temple to the LORD, the God of Israel, [2] they approached Zerubbabel and the heads of families and said to them, 'Let us build with you, for we worship your God as you do, and we have been sacrificing to him ever since the days of King Esarhaddon of Assyria who brought us here.' [3] But Zerubbabel, Jeshua, and the rest of the heads of families in Israel said to them, 'You shall have no part with us in building a house to our God; but we alone will build to the LORD, the God of Israel, as King Cyrus of Persia has commanded us'" (NRSV). The "adversaries" (צרי) of Judah and Benjamin are probably נכרים of non-Israelite and non-Judahite origins. As Sargon II settled non-Israelites in Samaria (2 Kgs 17:24-41), the adversaries of Ezra 4:1-3 may be tracing their roots to a subsequent settlement in Samaria directed by Esarhaddon: Williamson, *Ezra, Nehemiah*, 49. They ask to participate with Yehud's leaders in rebuilding the temple, that is, to func-

from Moab (Ruth 1:4), often called "Ruth the Moabitess" (רות המואביה). Boaz' vocative "my daughter" (בתי) may indicate he regards Ruth not just as a young woman, but as an orphan without the protective oversight of a *paterfamilias*.[173] Also it appears Ruth was not classified in Israel as an אלמנה "widow."[174] Boaz commands her to glean in his field most likely because she was a female immigrant, a גרה, appropriating deuteronomic גר legislation (see Ruth 1:15-17; Deut 24:19-22).[175] "Listen carefully, my daughter, do not go to glean in another field…" (Ruth 2:8). Ruth responds in 2:10, "Why have I found favor in your sight that you should notice me, since I am a foreigner (נכריה)?" That is, why are you treating a Moabitess

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tion in a manner like the גרים whom David enlisted to build Solomon's temple (1 Chron 22:2). In line with Deut 23:9, the adversaries claim to have *resided* in Israel's boarders for more than three generations, "ever since the days of King Esarhaddon of Assyria" (Ezra 4:2). The adversaries also claim to have loyally obeyed YHWH, that is, the law of the land of Israel's deity (see Japhet's work in §6.1.2). "We have no reason to doubt their self-description," notes Williamson (*Ezra, Nehemiah*, 49). In addition, the reference to Esarhaddon links them to an emperor during neo-Assyria's history who treated Israel relatively favorably (cp. Deut 23:4-9). One reason for this was probably Manessah's compliance, as Lester Grabbe notes: "Manasseh's existence is well attested in the Assyrian inscriptions. He is named as an apparently loyal subject paying the required tribute to both Esarhaddon and Ashurbanipal (though it has been pointed out that Manasseh's tribute is smaller than that of his neighbors [Finkelstein and Silberstein 2001: 265]). He also supplied military assistance for Ashurbanipal's attack on Egypt": Lester L. Grabbe, *Ancient Israel: What Do We Know and How Do We Know It?* (London/New York: T&T Clark, 2007), 201. Therefore, according to the rubric of Deut 23:4-9, Yehud's leaders have no grounds to deny these "adversaries" the prerogative of serving with YHWH's assembly to reconstruct the temple. They must appeal to another standard: "The reason they gave was, strictly speaking, quite correct: it was they, and they alone, whom Cyrus had authorized to build up the temple; cf. 1:2-4": Williamson, *Ezra, Nehemiah*, 50.

Deuteronomy 23 influenced Neh 13:1-3, and may have also influenced Ezra 9:1- 2 and 10:44, but this influence is less clear since Ezra 9-10 appears to be interacting with a complex of biblical laws, which Joel Kaminsky identifies as Deut 7:1-6; 23:4-9; and perhaps Lev 18:2; 19:19; and Isa 6:13. He rightly observes that since Ammonites, Moabites, and Egyptians are among the "peoples of the lands" (עמי הארצות) who offered wives to the Israelites, and since those wives offered are called "foreign women" (נכריות), Ezra is tyring to resolve, among other issues, the issue of intermarriage between Israelites and foreigners: Joel S. Kaminsky, "Did Election Imply the Mistreatment of Non-Israelites?" *HTR* 96 (2003): 418. Here we must notice the discrepancy that in Deut 23:8-9, third generation Egyptians may enter YHWH's assembly, but in Ezra 9:1-10:44, Egyptian wives were among those who were to be divorced from their Israelite husbands.

[173] "יָתוֹם," *HALOT* 1:451; cf. "orphan" *ekūtam* (*CAD*, "*ekūtu*," 4:72-74) in Hammurapi's code, which likely means "homeless girl."

[174] Ruth is never labeled אלמנה, only אשת־המת "wife of the deceased" (4:5) and אשת מחלון "wife of the Mahlon" (4:5).

[175] Bertrand, "L'étranger," 62.

favorably as a גרה (*à la* Deut 24:19-22; 23:8-9),[176] when you should be treating me as a נכריה (*à la* Deut 23:4-7).[177] This increases the probability of Deuteronomy 23's נכרי-גר bifurcation, commanding ethnic Israelites to regard a resident Moabite or Ammonite as a נכרי "foreigner," but a third generation Edomite or Egyptian as a גר who had become eligible for admission into the privileged contingent of YHWH's people.

3.1.8. Deut 24:14-22

לא־תעשֹק שׂכיר עני ואביון מאחיך או מגרך אשׁר בארצך בשׁעריך
ביומו תתן שׂכרו ולא־תבוא עליו השׁמשׁ כי עני הוא ואליו הוא נשׂא את־נפשׁו ולא־יקרא עליך אל־יהוה והיה בך חטא
לא־יומתו אבות על־בנים ובנים לא־יומתו על־אבות איׁש בחטאו יומתו
לא תטה משׁפט גר יתום ולא תחבל בגד אלמנה
וזכרת כי עבד היית במצרים ויפדך יהוה אלהיך משׁם על־כן אנכי מצוך לעשׂות את־הדבר הזה
כי תקצר קצירך בשׂדך ושׁכחת עמר בשׂדה לא תשׁוב לקחתו לגר ליתום ולאלמנה יהיה למען יברכך יהוה אלהיך בכל מעשׂה ידיך
כי תחבט זיתך לא תפאר אחריך לגר ליתום ולאלמנה יהיה
כי תבצר כרמך לא תעולל אחריך לגר ליתום ולאלמנה יהיה
וזכרת כי־עבד היית בארץ מצרים על־כן אנכי מצוך לעשׂות את־הדבר הזה

[14] You must not extort the poor and needy, whether one from your fellow countrymen or from your immigrant who is in your land within your gates. [15] You must give him his wages on the same day before the sun sets, for he is poor and counts on it. Otherwise he will cry against you to YHWH, and you will be guilty. [16] Fathers must not be put to death because of [their] sons, nor sons be put to death because of [their] fathers. Each person will be put to death for his own sin. [17] You must not pervert the justice of an immigrant or orphan, nor take a widow's garment in pledge. [18] But remember that you were a slave in Egypt, and YHWH your God redeemed you from there; therefore I am commanding you to do this. [19] When you harvest your harvest in your field and have forgotten a bundle of grain in the field, you must not go back to get it; it must remain for the immigrant, for the orphan, and for the widow, in order that YHWH your God may bless you in all the work of your hands. [20] When you beat your olive tree, you must not search through it a second time; it must remain for the immigrant, for the orphan, and for the widow. [21] When you gather the grapes of your vineyard, you must not glean them a second time; it must remain for the immigrant, for the orphan, and for the widow. [22] Remember that you were a slave in the land of Egypt; therefore I am commanding you to do this.

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[176] Ruth had clearly taken up residence in Israel with Naomi (1:7, 16-17, 22), and so would have been a גרה "in your towns/midst." She instead applies נכריה to herself as a pejorative that aligns with Deut 23:4-7's rejection of Ammonites and Moabites from God's privileged people.

[177] The rabbis reconciled Deut 23:4-7 (which they thought implied the prohibition of marrying a Moabite) with Boaz's marriage to Ruth (Ruth 4) by contending that Deut 23:4-7, which uses only masculine grammar, applied solely to marriage to a Moabite man; see Jeffrey Tigay, *Deuteronomy: The JPS Torah Commentary* (Philadelphia: JPS, 1996), 480, referencing Sifrei 249. We have seen, on the contrary, that קהל יהוה would not have been restricted to males.

This text is preceded by a miscellany of laws mostly dealing with restricting pledges to prevent exploitation (vv. 6-14). The opening imperative of vv. 14-22 requires a text-critical analysis that affects interpretation. In v. 14 שָׂכִיר "day-laborer"[178] is MT's reading, supported by Smr (שׂכיר) and T^O (אַגִּירָא "hireling"). The related verbal stem שׂכר occurs in 15:18 (שׂכירשׂכר "service of a day-laborer") and in 23:5 (שׂכר עליך "they [he] hired against you"), but its cognate noun (שׂכר) does not appear in D. T^J and T^N in relevant details probably are assimilating to Mal 3:5. Of import is the alternate reading שכר "wages (for work)"[179] found in 1Q5 and probably supported by the *Vorlagen* of G (μισθὸν); V (*mercedem*); and S (ܐܓܪܐ). It appears MT, Smr and T^O sought to facilitate the syntax, as McCarthy suggests.[180] It is my contention that MT facilitates the difficult idiom "you must not oppress wages" by personalizing the direct object. For example, in Lev 19:13, the negative prohibition לא־תעשׂק "you shall not oppress" takes a *personal* direct object: את־רעך "your neighbor." Elsewhere in the Pentateuch עשׂק takes a personal object thrice (Lev 5:21; Deut 28:29, 33), but an impersonal object only once (Lev 5:23).[181] If we accept שכר (1Q5, G, V, S) as more plausibly original than MT, consider the following import for reading the גר in D. MT (Smr, T^O) reads:

לא־תעשׂק שׂכיר עני ואביון מאחיך או מגרך אשׂר בארצך בשׂעריך

You must not oppress a poor and needy day-laborer, whether one from your fellow countrymen or from your immigrant who is in your land within your gates.[182]

For MT, the fellow countryman and the גר are two subclasses of the poor and needy *day-laborer* (שׂכיר) class. 1Q5, with G, V, and S, reads differently:

לא תעשק שכר עני ואביון מאח[יך או מגרך אשׂר בארצך בשׂעריך...][183]

You must not extort (lit. "oppress the wages of") the poor and needy, whether one from your fellow countrymen or from your immigrant who is in your land within your gates.

In this case the fellow countrymen and the גר are two subclasses of the *poor and needy* (עני ואביון) who were entitled to receive compensation

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[178] "שָׂכִיר," *HALOT* 3:1327-8.

[179] "שָׂכָר," *HALOT* 3:1331. Also, a common singular form שְׂכַר.

[180] McCarthy, *Deuteronomy*, 70

[181] את־העשׂק אשׂר עשׂק in Lev 5:23 is probably impersonal, but only on the basis of context; literally, "that which he extorted by extortion."

[182] Analysts uncritically follow MT and assume that the גר is classified here as a day-laborer: Dion, "l'Étranger," 222, 23; van Houten, *Alien*, 93-94; Bultmann, *Der Fremde*, 74-84.

[183] Ulrich, *Qumran*, 224.

(שכר) for their work. 1Q5 (with G, V, S) also aligns with Exodus 12:45, 48 where the "day-laborer" שׂכיר and גר are enumerated as separate classes (the גר is not a subset of שׂכיר).[184] Therefore, while this text support's Lohfink's contention that in D the גר (and orphan and widow) is not by definition poor, if we follow 1Q5 (with G, V, S) of 24:14, the גר and native alike had the potential to become subject to poverty and need.[185]

Verse 15 (which includes שׂכרו "his wages") reinforces the intent of v. 14: this law protects the poor and needy, whether a countryman or גר, from exploitation by mandating that they receive compensation for their work. Remarkably the גר "im (singulären) Fall von 24, 14 sogar den Brüdern gleichgestellt wird" (cf. 1:16).[186] In addition, MT's reading מִגֵּרְךָ "from your גר" (singular גר with 2ms enclitic pronoun) is superior to attested readings with the plural noun.[187] The גר figure is never pluralized (only the Israelites are called גרים in Egypt). An Israelite was connected not to *abstracta*, but to another human: not their גרים, the גרים, or the גר, but *your* גר – the client whom you employ.

Reading שכר with 1Q5 (and G, V, and S), clarifies the subject of v. 15; particularly notice the last two colons. The poor and needy countryman or גר who does not receive his wages on the day he earned them might "cry against you to YHWH, and you will be guilty." Deut 15:9, the scenario of

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[184] Likewise, the "day-laborer" שׂכיר is a separate class from the Hebrew (and presumably foreign) "slave" עבד (Deut 15:18). Peter Schmidt ("Vreemdeling," 229-31, 233) believes the Northern Kingdom גר in Judah was employed as a day-laborer (*dagloner*). This is not supported by 1Q5, et al., and even if one follows MT, one must concede that the role of day-laborer was not restricted to גרים, but included אחים.

[185] Norbert Lohfink, "Poverty in the Laws of the Ancient Near East and of the Bible," *TS* 52 (1991), 44.

[186] Perlitt, "Volk von Brüdern," 63.

[187] MT is supported by: V (tui… advenae); T^{O} (מִגְיוֹרָךְ); S (ܡܢܟܘܢ). By contrast, the plural form occurs in: Smr (מגריך); G (plural, but no pronoun: ἐκ τῶν προσηλύτων); and T^{JN} (only in regard to the plural: מן גיוריכון "from your [pl.] גרים"). 1Q5 has a lacuna where we would expect this word (…]ואביון מאחשכר עני…). As seen before T^{JN} has a tendency in D to change singular 2ms enclitic pronouns to plurals. Smr appears to facilitate the syntax by making both nouns parallel in number: "from your country*men* and from your גרים." Also, against the Smr reading, the noun גר never occurs in the Bible in *plural* form with an *enclitic pronoun* (see Deut 1:16; 5:14; 29:10; 31:12). G likewise appears to facilitate the syntax not only by making the noun plural, but by removing all of the (redundant) 2ms enclitics. MT reads "from your countrymen or from your גר who is in your land, in your gates" whereas G reads: "from your countrymen or from the גרים who are in your cities" (see 1 Chron 22:2). בְּאַרְצְךָ "in your land" appears in MT (also Smr, T^{O} [T^{JN}]), but not in G and S. The latter probably omit this due to its awkward juxtaposition with בשעריך "in your towns/gates" (which commonly occurs alone in D).

an Israelite abusing his poor brother by the pretext of an upcoming Sabbatical year of debt cancelation, contains identical lexeme: וקרא עליך אל־יהוה והיה בך חטא. This illustrates, with other deuteronomic texts, that YHWH is predisposed toward impoverished Israelites (see 24:12-13), but unique in 24:15 is that the גר also has the prerogative to cry to YHWH against his oppressor, resulting in his oppressor's guilt. Outside 15:9 and 24:15, only in 4:7 do human agents call (קרא) to YHWH (יהוה), or any appellative for Israel's deity, for that matter.[188]

כי מי־גוי גדול אשר־לו אלהים קרבים אליו כיהוה אלהינו בכל־קראנו אליו
For what great nation is there that has their gods near to it as YHWH our God is to us, whenever we call to him?

If 24:15 and 15:9 are dependent on 4:7, then one might infer that calling to YHWH is a prerogative granted to his people of whom the גר was a member. This probably pushes the data too hard, for in 10:17-19 YHWH provides for the גר simply because the גר was predisposed to poverty and because the Israelites, his people, were once גרים in Egypt.

The message of v. 16 has no lucid connection with the laws that surround it: "the individual responsible for crime must accept the legal punishment under law, but the repercussions of the act spread beyond him to affect his family."[189] Verse 17 continues the string of general or permanent prohibitions (לא + imperfective verbs; vv. 12, 14, 16): "You must not pervert the justice of an immigrant or orphan, nor take a widow's garment in pledge." In 24:17 MT reads יָתוֹם "orphan" (supported by Smr [יתום] and T^{O} [ויתמא]), whereas G includes both ὀρφανοῦ καὶ χήρας "orphan and widow." G likely assimilates to the conventional גר-orphan-widow triad (i.e., 27:19), whereas MT bifurcates the *personae miserae* into two separate laws: "You must not pervert justice due to a גר or orphan, and you must not take a widow's garment (in pawn)."[190] The גר and orphan are paired asyndetically as those vulnerable to injustice, whereas the widow is isolated as one prone to having her garment taken as security for a loan.[191] The Levite is not mentioned here, for although he did not own land, he was apparently not considered vulnerable to injustice (see also 10:18; 27:19). In-

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[188] Cp. 28:10 and 32:3.

[189] Peter C. Craigie, *The Book of Deuteronomy* (NICOT; Grand Rapids: Eerdmans, 1976), 310.

[190] Of less importance, the term "widow" is preceded by a conjunction in V, S, and T^{JN}, but not in MT. Probably the conjunction was added to assimilate with the usual expression: McCarthy, *Deuteronomy*, 70.

[191] "You must not pervert *the justice of an immigrant or orphan*" (לא תטה משפט גר יתום) likely has the semantic force of an objective genitive (see §3.1.3 on 10:18; §3.1.10 on 27:29).

stead, he may have been included in the שפטים ושטרים "judges and officials" who administered legal justice due to other marginal persons (Deut 16:18).[192] Debt collateral was the focus of vv. 6, 10-13, but v. 17 has a specific intent: one may exact the wardrobe of other borrowers, but not of a widow (see Job 24:3).[193] Verse 18 begins with a disjunctive ו and *weqatal* with imperatival force: "*But remember* that you were a slave in Egypt, and YHWH your God redeemed you from there; therefore I am commanding you to do this." D's other uses of the עבד-Egypt formula at least mention a slave (עבד) persona (with other members) in Israel's proximity (5:15; 15:15; 16:12), but here there is no slave, only the גר, orphan, widow (vv. 17-22). From this we may infer that the formula does not intend to produce a one-to-one correspondence – you were a *slave*, so treat your *slaves* kindly. Instead, remembering the painful experiences of one's ancestors could elicit one's empathy toward society's vulnerable members (see §4.4.2).

The עבד-Egypt formula in 24:18 relates syntactically to v. 17 in the same way that the עבד-Egypt formula in v. 22 relates to vv. 19-21. This parallel syntax draws attention to the discrepancies (underlined below), most noticeable the omission of YHWH's redemption in v. 22 (see §4.4.2):

וזכרת כי עבד היית במצרים <u>ויפדך יהוה אלהיך משם</u> על־כן אנכי מצוך לעשות את־הדבר הזה
But remember that you were a slave in Egypt, <u>and YHWH your God redeemed you from there</u>; therefore I am commanding you to do this (v. 18).

וזכרת כי־עבד היית <u>בארץ</u> מצרים על־כן אנכי מצוך לעשות את־הדבר הזה
Remember that you were a slave <u>in the land of</u> Egypt; therefore I am commanding you to do this (v. 22).

In v. 22 MT includes "*in the land* of Egypt" (בְּאֶרֶץ מִצְרַיִם) with Smr (בארץ מצרים); 4QDeut^{g} ([בארץ מצ]רים); G (ἐν γῇ Αἰγύπτῳ); and T (i.e., T^{O}: בארעא דְמִצרַיִם).[194] V and S lack "in the land," likely assimilated to v. 18, demonstrating that ancient translators read these two verses in tandem. Moreover, the additional phrase in v. 18 ויפדך יהוה אלהיך משם shifts the

[192] Mark Leuchter, "'The Levite in Your Gates': The Deuteronomic Redefinition of Levitical Authority," *JBL* 126 (2007): 417-36 (423).

[193] Nelson, *Deuteronomy*, 292.

[194] "The land" is lacking in V (*in Aegypto*) and S (ܒܡܨܪܝܡ). It is improbable that V and S omitted "the land" since the entire phrase "in (from) the land of Egypt" (ב[מ]ארץ מצרים) is more typical in D (1:27; 5:6, 15; 6:12; 8:14; 9:7; 10:19; 11:10; 13:6, 11; 15:15; 16:3[2x]; 20:1; 29:1, 15, 24; 34:11) than the partial phrase "in Egypt" (7:8, 15, 18; 11:3[2x]; 11:3, 4; 28:27, 60, 68). In other D passages even V and S translate the entire phrase "in the land of Egypt." For instance, in 10:19 V read and S read "in *the land of* Egypt" (*in terra Aegypti* and ܒܐܪܥܐ ܕܡܨܪܝܡ, respectively). V and S are most likely assimilating to 24:18 (likewise 16:12), which reads: "you were a slave in Egypt" (עבד היית במצרים).

stress to *YHWH's redemption of* Israel's suffering in Egypt: YHWH has alleviated your suffering, alleviate the suffering of others (see §4.4.2). This prepares thematically for the prohibitions of vv. 19-21 situated between the עבד-Egypt formulae. A pattern occurs thrice, possibly for mnemonic purposes:

19 כי תקצר קצירך בשׂדך ושׁכחת עמר בשׂדה
לא תשׁוב לקחתו
לגר ליתום ולאלמנה יהיה למען יברכך יהוה אלהיך בכל מעשׂה ידיך
20 כי תחבט זיתך
לא תפאר אחריך
לגר ליתום ולאלמנה יהיה
21 כי תבצר כרמך
לא תעולל אחריך
לגר ליתום ולאלמנה יהיה

The specificity of v. 19's scenario – not returning to collect from the field a forgotten bundle of grain – signals that this casuistic law represents only one expression of an underlying spirit of generosity that was to characterize Israelite farmers.[195] Either there is something about obeying the prohibition of v. 19 that resulted in YHWH's blessing (v. 19e), or more likely the telic clause of v. 19e (למען יברכך יהוה אלהיך בכל מעשׂה ידיך) applied equally to all three scenarios (vv. 19-20), among others of a similar nature. The book of Proverbs manifests a similar reward concept (cf. Prov 11:25; 28:27).[196]

Two text-critical analyses offer additional insight into the *personae miserae* of vv. 19-22. First, 24:19, 20, 21; 26:12, 13; 27:19 all contain the same variants: MT reads לַיָּתוֹם "for the orphan" with Smr (ליתום); T^J and T^O (לְיַתְמָא); and V (24:21, 22; 26:13; 27:19: *pupillo/i*),[197] and is to be preferred to translations that lack the conjunction.[198] Although asyndeton

[195] For a comparison with parallel language in Job 24, see Georg Braulik, *Studien zum Deuteronomium und seiner Nachgeschichte* (SBAB 33; Stuttgart: Katholisches Bibelwerk, 2001), 218-35.

[196] Weinfeld, *Deuteronomic School*, 312-13.

[197] The proclitic *lamed* is lacking in 27:19 due to the verse's content; as for Q mss in these verses, only 1QDeut^g of 24:19 is unbroken (ליתום), but it supports MT.

[198] A conjunction is added in G (*καὶ τῷ ὀρφανῷ*); V (24:19; 26:12: *et pupillum/o*); S (ܘܠܝܬܘܡܐ; so vv. 19, 20, 21); and T^N (only in vv. 21, 22). G, S, V (in some passages), and T^N may be an assimilation to other passages in D (14:29; 16:11, 14), but not all passages in D lack the conjunction on "the widow" (Deut 26:12, 13; 27:19). Most likely, the shared reading of G, S, V, and T^N was created to facilitate the syntax of the גר-orphan-widow triad throughout the book of D.

could associate these members (see 26:11), the ו unmistakably conjoins the גר, orphan, and widow as a collective subject. Second, in v. 19 MT's reading לַגֵּר "for the גר" is the *lectio brevior* and is substantiated by the external evidence: Smr (לגר); 4QDeut^{g} (לגר); S; some mss of G (G$^{B, 848}$); and in relevant details, V and T. However, G$^{A, Amb, C}$ include *τῷ πτωχῷ καὶ τῷ προσηλύτῳ* "*for the poor man* and for the גר."[199] This plus is probably an assimilation to the comparable law in Lev 23:22: *τῷ πτωχῷ καὶ τῷ προσηλύτῳ* "*for the poor man* and for the גר." If we accept the *lectio brevior* לגר, we may infer that D perceives the גר, orphan and widow not as members of a separate class to that of the poor, but as ones who have the potential, just as the native does, to become impoverished (see 24:14). While this is true, 24:19-22 stresses the opposite ideal of creating a society with immigrants, orphans and widows who are *not* poor.[200]

3.1.9. Deut 26:10-13

ועתה הנה הבאתי את־ראשית פרי האדמה אשר־נתתה לי יהוה והנחתו לפני יהוה אלהיך והשתחוית
לפני יהוה אלהיך
ושמחת בכל־הטוב אשר נתן־לך יהוה אלהיך ולביתך אתה והלוי והגר אשר בקרבך
כי תכלה לעשר את־כל־מעשר תבואתך בשנה השלישת שנת המעשר ונתתה ללוי לגר ליתום
ולאלמנה ואכלו בשעריך ושבעו
ואמרת לפני יהוה אלהיך בערתי הקדש מן־הבית וגם נתתיו ללוי ולגר[201] ליתום ולאלמנה ככל־מצותך
אשר צויתני לא־עברתי ממצותיך ולא שכחתי

10 "And now, look, I have brought the first of the produce of the ground which you, O YHWH, have given to me." And you must set it down before YHWH your God and worship before YHWH your God; 11 and you, and the Levite and immigrant who are in your midst must rejoice in all the good that YHWH your God has given to you and your household. 12 When you have finished tithing the entire tithe of your produce in the third year, the year of tithing, then you must give it to the Levite, to the immigrant, to the orphan and to the widow, so that they may eat within your gates and be satisfied. 13 Then you must say before YHWH your God, "I have removed the sacred gift from the house, and also have given it to the Levite, immigrant, orphan and widow, according to all your commandment which you have commanded me; I have not transgressed or forgotten any of your commandments."

The first fruits ritual (26:1-11) culminates with the devotee's performative speech (vv. 5-10a), followed by the imperative (vv. 10b-11). Like the an-

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[199] For additional mss consult Brooke and McLean, *The Octateuch*, 632.

[200] As Lohfink proposes; see 2.3.2.

[201] In 26:13 וְלַגֵּר "and for the גר" in MT (supported by G, V, S, T^{ON}) lacks the conjunction in Smr (לגר) and T^{J} (לגיורי). Smr and T^{J} probably are facilitating the syntax of the list, and so MT should be preferred, yet without any explicit exegetical significance. The conjunction usage of Smr and T^{J} might imply an inclination to group the Levite with the גר, and group the widow with the orphan.

nual tithe (14:22-27), here Israel's agrarian *patresfamilias* were responsible for giving and transporting the produce offering to the central location where YHWH will choose to establish his name (26:2). Joy in YHWH's presence is prescribed for both, but the devotees were to consume the annual tithe (14:26), whereas YHWH alone received the first fruits offering (26:4, 11). Also the two have different participants: the *paterfamilias*, his household, and the Levite ate the annual tithe (14:26-27); the *paterfamilias*, his household, the Levite, *and the* גר ate the first fruits offering (26:11). The Levite and גר are fictive, not biological, participants: the Levite was not a member of a traditional *bêt-'āb* compound (see §3.1.5 on 14:27), and the restrictive relative clause in v. 11 likely distinguishes the גר, if not also the Levite, from the *paterfamilias* and his *bêt-'āb*:

ושמחת בכל־הטוב אשר נתן־לך יהוה אלהיך ולביתך אתה והלוי והגר אשר בקרבך
"and you, and the Levite and the immigrant *who is/are in your midst* must rejoice in all the good that YHWH your God has given *to you and your household*."[202]

The restrictive relative clause אשר בקרבך in D modifies the גר-orphan-widow (16:11) and the גר (28:43). Like 16:11, it seems to modify both Levite and גר, here conjoined by a conjunctive ו as a *dyad*. Giving the tithe to the Levite finds its counterpart in the annual tithe (see 3.1.5 on 14:27), but giving to the גר here, and not to the orphan and widow, is more difficult to explain; perhaps it is a reflex of Israel's own experience in v. 5.[203]

Deuteronomy 26:12 transitions abruptly to the triennial tithe, but the devotee speaks again (vv. 12-15), creating continuity with the devotee's first fruits ritual speech (vv. 5-10a). Crüsemann argues cogently that this tithe law of vv. 12-15 assumes and frames the tithe law of 14:22-29: "Das ist alles andere als ein Zufall. Das Zehntengesetz erweist sich als Schlüsseltext, von dem aus sich das hinter dem deuteronomischen Gesetz stehende theologische und juristische Denken erschließen läßt."[204] Notice the lexemic resemblances of the triennial tithe speech in 26:12-15 with the triennial tithe law in 14:28-29:

מקצה שלש שנים תוציא <u>את־כל־מעשר תבואתך בשנה</u> ההוא והנחת בשעריך
ובא <u>הלוי</u> כי אין־לו חלק ונחלה עמך <u>והגר והיתום והאלמנה אשר בשעריך ואכלו ושבעו</u> למען יברכך
יהוה אלהיך בכל־מעשה ידך אשר תעשה (14:28-29)

כי תכלה לעשר <u>את־כל־מעשר תבואתך בשנה</u> השלישת שנת המעשר ונתתה <u>ללוי לגר ליתום</u>
<u>ולאלמנה ואכלו בשעריך ושבעו</u>:

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[202] *Your household* [*of persons*], not merely a physical house, is indicated by ביתך (see n. 208).

[203] Nelson, *Deuteronomy*, 309.

[204] Crüsemann, *Tora*, 252.

ואמרת לפני יהוה אלהיך בערתי הקדשׁ מן־הבית וגם נתתיו ללוי ולגר ליתום ולאלמנה ככל־מצותך אשׁר צויתני לא־עברתי ממצותיך ולא שׁכחתי (26:12-13)

"Es besteht kein Zweifel, dass sich der Autor des Rückverweises in 26,13 auf das Gebot von 14,28f zurückbezieht….Wir haben es daher auch in 26:13 mit einem literarischen inner dtn Rückverweis zu tun."[205] However, one cannot assert categorically the direction of influence because while the lexemes recur, they do so in different order and form (cf. 14:28a and 26:12a). Since the focus of the triennial tithe speech is the devotee's vigilance to obey YHWH's prescriptions precisely as he ordered them (26:13-15), one would expect a more precise lexemic correlation. For instance, note the different forms of the celebrant list. In 14:29 the Levite is distinguished from the גר-orphan-widow triad by a restrictive relative clause, as is typical for D to do when the Levite is enumerated among other persons (אשׁר־בשׁעריך [12:18; 14:27; 16:11];אשׁר בשׁעריכם כי אין לו חלק ונחלה אתכם [12:12]; כי אין־לו חלק ונחלה עמך [14:27, 29]; מאחד שׁעריך [18:6]).[206] By contrast 26:12, 13 follows Deut 16:14 in formulating a Levite-גר-orphan-widow *tetrad*.[207] The common feature shared by every member of the tetrad is landlessness.

Lastly, just as the Levite-גר dyad is distinguished from the *paterfamilias* and his *bêt-'āb* in 26:11, so also is the tetrad in 26:13:

בערתי הקדשׁ מן־הבית וגם נתתיו ללוי ולגר ליתום ולאלמנה

…I have removed the sacred gift from the house, and also have given it to the Levite, immigrant, orphan and widow…[208]

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[205] Dieter Eduard Skweres, *Die Rückverweise im Buch Deuteronomium* (AnBib 79; Rome: Biblical Institute, 1979), 48.

[206] In 12:19 the Levite is listed alone without a restrictive relative clause.

[207] In v. 12 "and you must give to the Levite, to the stranger, to the orphan, and to the widow" (וְנָתַתָּה לַלֵּוִי לַגֵּר לַיָּתוֹם וְלָאַלְמָנָה) in MT is supported by Smr in relevant details (ונתתו ללוי לגר ליתום ולאלמנה) and T (וְתִתֵּין לְלֵיוָאָה לְגִיוֹרָא לְיַתְמָא וּלְאַרמַלתָּא). Conjunctions are prefixed to the second and fourth constituents in V (*et advenae pupillo et viduae*), and to the second, third and fourth constituents in: G (καὶ τῷ προσηλύτῳ καὶ τῷ ὀρφανῷ καὶ τῇ χήρᾳ); S (ܘܬܬܠܘܢ ܠܠܘܝܐ ܘܠܓܝܪܐ ܘܠܝܬܡܐ ܘܠܐܪܡܠܬܐ); and a Cairo Geniza fragment. MT, Smr, and T may have removed these conjunctions to assimilate to 24:19, 20, 21, or G (with V, S, Cairo Geniza) added conjunctions to facilitate the syntax (see discussion on 10:18; 24:14-22). Both readings support a Levite-גר-orphan-widow *tetrad*.

[208] The flexibility of בית to mean household of the *paterfamilias* (*bêt-'āb*) is supported by its various uses in D, especially the immediately preceding use as "household" in 26:11: house/place of slavery (5:6; 6:12; 7:8; 8:14; 13:5, 11); either physical house or household, as epexegetically defined by "his field, or his male servant…" (5:21); physical house (6:7, 9, 11; 7:26; 8:12; 11:19, 20; 19:1; 20:5; 21:12, 13; 22:8; 22:21; 24:1-5[or household]; 24:10; 25:14; 28:30); *household* of Pharaoh (6:22); *households* of Dathan and Abiram (11:6); *households* eat centralized sacrifices (12:7), tithes (14:26), firstborn

The conjunction וגם with an 'additional' force distinguishes the devotee's two actions: "I have removed the sacred gift from the house, and also have given it to the Levite, immigrant, orphan and widow."[209] This increases the likelihood that the tetrad members are located outside the confines of the devotee's *bêt-'āb*. Ancient versions, often providing the earliest extant interpretations, appear to confirm this. "From *the* house" in MT (מִן־הַבַּיִת) is supported by Smr (הבית), T (בֵּיתָא), and S (ܒܝܬܐ [ܕܝ]),[210] but two translations include the first person singular possessive pronoun: G (*τῆς οἰκίας μου*) and V (*domo mea*). G and V probably seek to clarify the possessive notion, even though the Hebrew definite article on בית (with Smr and T) here implies a possessive notion.[211] G and V probably offer us a reliable early interpretation on a *Vorlage* that aligns with proto-MT that YHWH commanded the *paterfamilias* to remove the sacred offering from his own house, a personal sacrifice, to give to those outside his household, the landless *tetrad*.

3.1.10. Deut 27:19

ארור מטה משפט גר־יתום ואלמנה ואמר כל־העם אמן

"Cursed is one who perverts justice for an immigrant, orphan, and widow." And all the people will say, "Amen."

Gerhard von Rad asserted that ch. 27 contains two discrete ceremonies interwoven:

> In the first, the twelve tribes are to take up their position in two semi-choruses of six tribes each on the slopes of Mount Ebal and Mount Gerizim opposite each other and are to reply to each other, evidently with alternate words of blessing and curse….In the second ceremony the Levites, who in the first had no particular function apart from the other tribes, are here the real reciters of the liturgy. We must therefore allow for the possibility that behind both instructions there stand memories of two different cultic celebrations which took place in the early days at Shechem.[212]

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of livestock (15:20), first fruits (26:11); *household* (15:16; 20:8; 22:8; 25:9, 10); house, including vineyard (20:6); house, including one's fiancé (20:7); house, including residence for oxen (22:2); Yhwh's house (23:19).

[209] Arnold and Choi, *Hebrew Syntax*, 132-33.

[210] Syriac's emphatic (articular) state came early on to be used for all nominal forms, yet the Peshitta at times represents its anarthrous *Vorlage* (i.e., ܕܝܢܐ ܕܓܝܪܐ "the justice of *an* immigrant" [24:17]); thus the article in S is much less reliable regarding definiteness, except when it agrees with an *anarthrous* MT against other readings.

[211] Waltke and O'Connor, *IBHS*, 243.

[212] Gerhard von Rad, *Deuteronomy* (OTL; Philadelphia: Westminster, 1966), 166.

If MT Josh 8:34-35 presents the actualization of the *tôrâ*-reading ceremony found in Deut 31:9-13, MT Josh 8:30-33 does the same for Deuteronomy 27.[213] Josh 8:33 uses the lexeme כגר כאזרח "both immigrant and native Israelite" which occurs stereotypically in H, but never in D.[214] The H tradents include the גר in Josh 8:33 as a fulfillment of Mosaic *tôrâ*'s prescriptions for this ceremony. That is, they believed Deut 27:1-14 implied the active participation of the גר.

Of particular concern is the explicit mention of the גר in verse 19, which does not deviate from the recurring curse formula, but preserves the cadence. The verse may have been intentionally juxtaposed with v. 18 "cursed is anyone who misleads a blind person on the road" since both deal with underprivileged and dependent members of Israelite society. The extreme selectivity of the curses' contents (vv. 15-26) suggests that many of them function synecdochally for a broader collection of related prohibitions. Accordingly, "Cursed is *one who perverts justice*" (מטה משׁפט) probably represents the whole collection of גר laws in the DC, or specifically two laws with the idiom "pervert justice" (H-stem נטה + משׁפט): 16:19 and 24:17.[215] The former stresses the appointed judges' responsibility to judge העם "the people" impartially, recalling in 10:17-18 YHWH's impartial judgment, enacted not least on behalf of the orphan and widow (עשׂה משׁפט יתום ואלמנה). The latter impels justice for the orphan and widow by reminding Israel of its experience as a slave in Egypt (24:17-18; see chapter 4's discussion of עבד-Egypt formula).[216]

A maqqeph between the first and second members of the triad (גר־יתום ואלמנה) occurs nowhere else in the OT, marking a phonological unit. For cadence purposes גר becomes proclitic, having only a secondary stress.[217] The construct chain משׁפט גר־יתום ואלמנה should be read with the semantic quality of an objective genitive: "Cursed is the one who perverts justice of

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[213] Cf. Marten H. Woudstra, *The Book of Joshua* (NICOT; Grand Rapids: Eerdmans, 1981), 147-150.

[214] Ramírez Kidd (*Alterity*, 15-16) categorizes separately the Holiness Code's and Josh 8:33, 35's legal occurrences of the גר. However, the lexeme כגר כאזרח in Josh 8:33 belongs to H: see §5.2.1.2 nn. 138-39.

[215] 27:19 is probably also of the same tradition of Exod 22:20-23; 23:9; Lev 19:33-34: Elizabeth Bellefontaine, "The Curses of Deuteronomy 27" in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy* (Winona Lake, Ind.: Eisenbrauns, 1993), 263; repr. from *No Famine in the Land: Studies in Honor of J. L. McKenzie* (ed. J. W. Flanagan and A. W. Robinson. Missoula, Mont.: Scholars Press, 1975), 49-61.

[216] In 24:17 those protected are the immigrant and orphan, but the widow is isolated in the subsequent prohibition; in 24:19 all three triad members are present.

[217] Joüon §13.

the immigrant, orphan, and widow."[218] The subject of the recurring phrase "and all the people [כל־העם] will say, 'amen,'" likely refers back, not to the "men of Israel" (27:14) specified by their tribes (vv. 12-13), but to the people (העם) whom Moses charged (v. 11), and who received the blessings and presumably curses (vv. 12-13). כל־העם "all the people" would have included the subgroups identified within the curses, such as the גר־יתום ואלמנה "immigrant, orphan, and widow" (v. 19).[219]

3.1.11. Deut 28:43-44

הגר אשר בקרבך יעלה עליך מעלה מעלה ואתה תרד מטה מטה
הוא ילוך ואתה לא תלונו הוא יהיה לראש ואתה תהיה לזנב[220]

43 The immigrant in your midst will rise above you higher and higher, but you will descend lower and lower. 44 He will lend to you, but you will not lend to him. He will be the head, and you will be the tail.

This emblematic consequence of breaking YHWH's covenant is followed by the explanatory proposition: "All these curses will come upon you and pursue you and overtake you until you are destroyed, *because* you did not obey the voice of YHWH…Because you did not serve the LORD your God with joyfulness and gladness of heart, because of the abundance of all things" (vv. 45-47). However, vv. 43-44 do not culminate the pericope since vv. 48-68 compose the final and most horrendous images of covenant infidelity. Most importantly, vv. 43-44 must be read as the negative counterpart of vv. 12b-13, which is likewise followed by an explanatory proposition.[221] The lexemes recur in parallel symmetry:

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[218] Arnold and Choi, *Hebrew Syntax*, 9-10; see §3.1.3 on 10:18; §3.1.8 on 24:17.

[219] Other subgroups included in כל־העם "all the people" are: חרש "craftsman" (v. 15); אביו ואמו "his father and mother" (v. 16); רעהו "his neighbor" (vv. 17, 24); עור "blind person" (v. 18); אשת אביו "father's wife" (v. 20); אחתו בת־אביו או בת־אמו "his sister, whether the daughter of his father or the daughter of his mother" (v. 22); חתנתו "mother-in-law" (v. 23); נפש דם נקי "innocent person" (v. 25).

[220] The text of 28:43 is stable insofar as reading the גר is concerned.

[221] Weinfeld, *Deuteronomic School*, 119 n. 1; Barrett (*Disloyalty*, 171, 176) calls attention to this and to the *inclusio* formed by the almost verbatim language in vv. 15 and 45 that serves as an outer frame to vv. 12-13 and vv. 43-44.

A You will lend to many nations (הלוית גוים רבים) (v. 12b)
B but you will not borrow (ואתה לא תלוה) (v. 12c)
C YHWH will make you the head, not the tail (ונתנך יהוה לראש ולא לזנב) (v. 13a)
D You will go up and not down (והיית רק למעלה ולא תהיה למטה) (v. 13b)
E If you obey the commandments of YHWH (vv. 13c-14)
D[1] The immigrant in your midst will rise above you higher and higher, but you will descend lower and lower (הגר אשר בקרבך יעלה עליך מעלה מעלה) (v. 43)
A[1] He will lend to you (הוא ילוך) (v. 44a)
B[1] but you will not lend to him (ואתה לא תלונו) (v. 44b)
C[1] He will be the head, you will be the tail (הוא יהיה לראש ואתה תהיה לזנב) (44c-d)
E[1] Since you did not obey YHWH's voice to keep his commandments (vv. 45-47)

This recurrence highlights an inversion of normalcy. In D when the גר occurs independently and as the first member of the גר–orphan-widow triad, it is typical for D to classify the גר on a lower social plane than the majority population in Israel.[222] This text envisions the majority subservient to the minority, "une inversion des statuts sociaux entre l'Israélite et l'émigré."[223] The direct context of both texts, vv. 12-13 and vv. 43-44, is neither political nor cultic, but economic. Preceding vv. 12-13 YHWH causes material prosperity, fertile humans and livestock, and fecund promised land (v. 11). He issues seasonal rain to bless the majority population's agrarian labors (v. 12). Likewise, the preceding context of vv. 43-44 is economic: due to covenant disloyalty, "Locusts will inherit each of your trees and the fruit of your ground" (כל־עצך ופרי אדמתך יירש הצלצל; v. 42). YHWH's material bounty is also the context of the parallel antecedent language of 15:6:

כי־יהוה אלהיך ברכך כאשר דבר־לך והעבטת גוים רבים ואתה לא תעבט ומשלת בגוים רבים ובך לא ימשלו

For YHWH your God will bless you, as he promised you, and you will lend to many nations, but you will not borrow, and you will rule over many nations, but they will not rule over you.

Notice, however, that the politically charged root מלך "to rule" does not occur in 12:43-44, as it does in 15:6. Deuteronomy 28:43-44 presents the גר's economic ascendancy as a curse and does not define the גר's religious status. This is doubly distinct from 14:21, which *promotes* the גר's economic improvement and *defines* the גר (and נכרי) outside the holy people of YHWH. In the prologue and epilogue, only the נכרי, never the גר, is explicitly marked as a non-member of YHWH's covenant people (29:21-28; see n. 157). In addition, reading vv. 12-13 as blessing and vv. 43-44 as counterpart curse illuminates how vv. 43-44 conceive of the ethno-geographical origins of the גר. "You will lend to many nations" (הלוית גוים רבים; v. 12b) is inverted by

[222] 10:18; 14:21, 29; 16:11, 14; 24:17; 19, 20, 21; 26:12, 13; 27:19; 29:11.
[223] Bertrand, "L'étranger," 60.

the statement "He [גר in v. 43] will lend to you" (הוא ילוך; v. 44a). Gottfried Seitz observes this contrast: "v. 43 mit dem 'Fremdling, der deiner Mitte ist,' eine für das Dt typische Wendung enthält, während v. 12b demgegenüber die Ausweitung bringt, daß man 'vielen Völkern' ausleiht."[224] We can move one step beyond this to interpret this intratextuality within D's present composition: גרים residing in Israel's towns do not have a monolithic origin, but come from multiple nations.

3.1.12. Deut 29:8-12

ושמרתם את־דברי הברית הזאת ועשיתם אתם למען תשכילו את כל־אשר תעשון
אתם נצבים היום כלכם לפני יהוה אלהיכם ראשיכם שבטיכם זקניכם ושטריכם כל איש ישראל
טפכם נשיכם וגרך אשר בקרב מחניך מחטב עציך עד שאב מימיך
לעברך בברית יהוה אלהיך ובאלתו אשר יהוה אלהיך כרת עמך היום
למען הקים־אתך היום לו לעם והוא יהיה־לך לאלהים כאשר דבר־לך וכאשר נשבע לאבתיך לאברהם ליצחק וליעקב

[8] Therefore keep the words of this covenant and do them so that you may prosper in all that you do. [9] You are standing today, all of you, before YHWH your God: your tribal leaders, your elders and your officials, all the men of Israel, [10] your children, your wives, and your immigrant who is in the midst of your camps, from the one who chops your wood to the one who draws your water, [11] that you may enter into the covenant with YHWH your God, and into his oath which YHWH your God is making with you today,[12] so that that he may establish you today as his people and that he may be your God, just as he promised you and swore to your ancestors, Abraham, Isaac, and Jacob.

Following the imagery of breaking YHWH's covenant that climaxes in re-exile in Egypt, Deut 28:69 commences a new unit with an editorial demarcation between the covenants at Horeb and Moab:

אלה דברי הברית אשר־צוה יהוה את־משה לכרת את־בני ישראל בארץ מואב מלבד הברית אשר־כרת אתם בחרב

These are the words of the covenant that YHWH commanded Moses to make with the Israelites in the land of Moab, in addition to the covenant that he had made with them at Horeb.

The null-copula אלה דברי הברית "*these* are the words of the covenant" either refers back to chs. 5-26(28) or 12-26(28), or forward to Moses' speech, which commences in the next verse, 29:1. Moses' speech recounts YHWH's wonders on behalf of Israel in Egypt (29:1-2), YHWH's withholding spiritual perception from Israel (v. 3), YHWH's guidance and provision in the wilderness (vv. 4-5), and Israel's defeat of Sihon and Og and acquisition of their land (vv. 6-7). The verbal forms in vv. 1-7 have a completed

[224] Gottfreid Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart: W. Kohlhammer, 1971), 260, 287-89.

perfective aspect.[225] Verse 8 transitions by means of the *weqatal* forms ושמרתם and ועשיתם that have a volitional force that is logically consequent to vv. 1-7.[226] YHWH's historical activity for Israel's benefit, portrayed as a whole from start to finish (vv. 1-7), is the inspiration for obeying the terms of the covenant, and obeying covenant results in prosperity:

ושמרתם
את־דברי הברית הזאת
ועשיתם
אתם
למען תשכילו את כל־אשר תעשון

Therefore keep the words of this covenant and do them,
so that you may prosper in all that you do (29:8).

In v. 9 those who are standing לפני יהוה אלהיכם "before YHWH your God" recalls YHWH's presence as the locale of the Israelites at Horeb (4:10) and of cultic service (10:8; 17:12; 18:7), but also envisages a centralized contingent gathered to offer (and eat) sacrifices (12:7, 12, 18), tithes (14:23, 26), firstborn of livestock (15:20), celebrate the feasts of Shavuot and Sukkoth (16:11, 16) and first fruits (26:5, 10, 13), settle legal disputes (19:17), worship at the Mt. Ebal altar (27:7), and hear *tôrâ* (31:11). As for 29:8-12, the purpose of this contingent in YHWH's presence centers on the *Leitwort* הברית "the/this covenant" (cf. קהל יהוה as *Leitwort* in 23:2-9):

אלה דברי הברית…מלבד הברית…
These are the words of the covenant… in addition to the covenant… (28:69aα-bα)

ושמרתם את־דברי הברית הזאת ועשיתם אתם…
Therefore keep the words of this covenant and do them… (29:8a-bα)

לעברך בברית יהוה אלהיך ובאלתו אשר יהוה אלהיך כרת עמך היום
…so that you may enter into the covenant with YHWH your God, and into his oath which YHWH your God is making with you today (29:11).

The governing concept of covenant reaches its apex in v. 12 in a form of the so-called covenant formula:

למען הקים־אתך היום לו לעם והוא יהיה־לך לאלהים כאשר דבר־לך וכאשר נשבע לאבתיך לאברהם ליצחק וליעקב
so that that he may establish you today as his people and that he may be your God, just as he promised you and swore to your ancestors, Abraham, Isaac, and Jacob.

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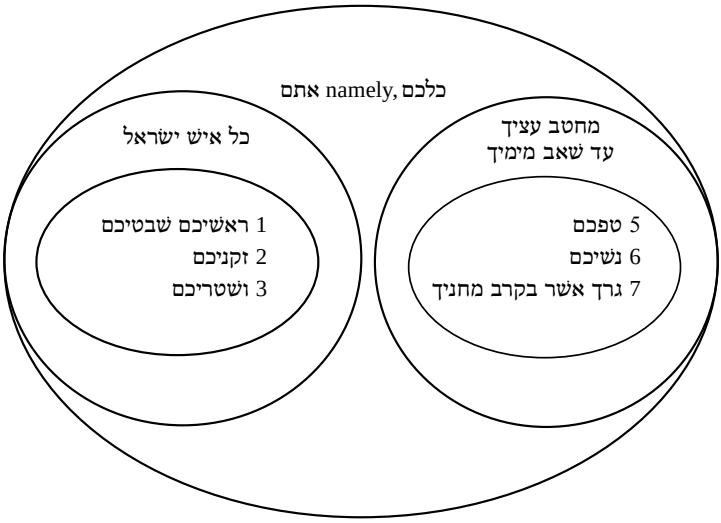
[225] Perfects in vv. 1-3; *wayyiqtol* and perfects in v. 4; perfects in v. 5 with a subordinate imperfect; *wayyiqtol* forms in vv. 6-7.

[226] See 10:18; Waltke and O'Connor, *IBHS*, 536; Arnold and Choi, *Hebrew Syntax*, 88.

The few variations of this formula in D express Israel as YHWH's people and/or YHWH as Israel's God (4:20, 7:6-7, 14:2; 26:17-18; 27:9-10; 28:9), but only here in 29:9-10 is there a list of constituents at a covenant ceremony:



The leadword אתם "you" in v. 9 is amplified to a larger group by the appositive כלכם "all of you."[227] This appositive would have been sufficient for Moses to directly address an *inclusive* assembly, but constituent classes, hyponyms, are identified, indicating that the list was drafted to demarcate those present from those not. The Levite, orphan, and widow may be unlisted because they are members of broader classes "your elders and your officials, all the men of Israel, your children, your wives" (טפכם נשׁיכם זקניכם ושׁטריכם כל איש ישׂראל), or more likely, because the unit does not have a socio-economic impetus (*contra* 10:17-19; 14:28-29; 16:10-14; 24:14-22; 26:10-13; 27:19).[228] The absence of the נכרי "foreigner" signals a socio-religious distinction (cf. 14:21; 16:10-14; 29:9-13; 23:2-9): unlike the נכרי, the גר (hyponym) was included in כלכם "all of you" (hypernym), the covenant ceremony participants.

[227] Waltke and O'Connor, *IBHS*, 232-33.

[228] 28:43-44 does not contain the Levite, orphan, and widow, but its context is expressly socio-economic (see discussion 1.11.).

In v. 10 וְגֵרְךָ֖ "and your immigrant" in MT is supported by Smr (וגרך) and T^{O} (וְגִיוֹרָךְ), but the possessive pronoun is absent in G (καὶ ὁ προσήλυτος); V (*et advena*); and S (ܘܐܓܪܐ). G, V, and S, may be genetically related, diminishing their weight, and appear to facilitate the syntax. As the *lectio difficilior* that also explains the others, MT is preferable. By retaining the singular enclitic pronoun and singular noun וגרך against the temptation to assimilate to the preceding plurals "your children" (טפכם, also in 1Q5, is a *collective* noun) and "your wives" (נשיכם),[229] MT repeats D's conventional representation of the גר as *individuum* who was connected as a client to an *individual* patron of the majority population. The singular enclitic reading verifies what we may have surmised from earlier texts, that גרך is a fixed expression (5:14; 31:12; 24:14; 29:10), rather than a deliberate number shift for rhetorical purposes as is occasionally the case for certain *Numeruswechsel* passages.[230] In D the restrictive relative clause אשר בקרבך predicates the גר-orphan-widow triad (16:11), Levite-גר dyad (26:11), and גר *individuum* (28:43), but only in 29:10 is גר, or any identity, predicated by אשר בקרב מחניך "who is in the midst of your camps." Elsewhere in D מחנה "camp" only occurs in singular form, most often referring to the entire Israelite encampment,[231] with the alleged exception of 23:15 that nonetheless has attested plural readings that are superior to MT.[232] As גרך אשר בשעריך indicates that גרים were present in various *towns* (see §3.1.2 on 5:13), so אשר בקרב מחניך indicates that גרים were present in various Israelite *camps*.[233]

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[229] Several Targumim (T^{JNF}) employ the 2m plural enclitic pronoun and a plural noun "and your immigrants (וגיוריכון)," probably to harmonize with the preceding two 2mp pronouns and plural nouns.

[230] Nelson, *Deuteronomy*, 5-6.

[231] Deut 2:14, 15; 23:10, 11[2x], 12, 13, 15.

[232] In 23:15 MT^{L} reads a plural noun מחניך against the singular noun in V (*castra tua*), V $^{\text{Kennicot 9}}$, a multitude of MT mss, T (משריתך), Smr, G (ἡ παρεμβολή σου), S (ܡܚܢܝܟ; singular according to CAL, but indistinguishable without vocalization), and a Cairo Geniza fragment.מחניך in MT is a solecism since its predicate adjective is *singular* (קדוש; confirmed by 4Q36, frg. 5 ii; G [ἁγία]; et al.); note how predicates קדוש and קדושים agree in number (and gender) with their respective subjects within the same verse (Lev 11:44, 45; 19:2; 20:26). MT's solecism may have resulted from dittography due to the similarity of paleo-Hebrew letters N (נ), k(כ), and Y(י). The singular reading, retroverted מחנך, is preferable to MT.

[233] Like 23:15, 29:10 MT^{L} contains a plural noun מחניך, with T^{J} (משרוייכון, but pl. pronoun) and Smr (מחניך), against the singular noun in V (*castris*), V $^{\text{Kennicot 1, 9, 69}}$, a few MT mss, G (τῆς παρεμβολῆς ὑμῶν, but pl. pronoun), and S (ܡܚܢܝܟ). Although D's conventional phrase גרך אשר בשעריך "your immigrant [sg.] who is in your gates [pl.]" is a solecism (subject-predicate disagreement), the phrase in 29:10 גרך אשר בקרב מחניך "your immigrant who is *in the midst* of your camps" is grammatically acceptable. Here V, G,

The second qualifying phrase מחטב עציך עד שאב מימיך "from the one who chops your wood to the one who draws your water" remains somewhat elusive.[234] This phrase, most assume, modifies only the גר.[235] A. D. H. Mayes, followed by van Houten, asserts that this signals a literary connection with the similar lexeme applied to the Gibeonites in Joshua 9:21, 23, 27.[236] However, greater evidence can be marshaled that Joshua 9 inteprets Deuteronomy 29, since the former makes most sense in light of the latter, but the latter, Deut 29:9-10, is constrained by contextual limiting factors that indicate "from the one who chops your wood to the one who draws your water" modifies all three service-oriented classes טפכם נשיכם וגרך "women, children, and the immigrant…," not just the גר. First of all, the phrase appears to serve as a merism for all service-oriented persons in the Israelite community (the מן…עד construction can be used as such), in a way similar to כל איש ישׂראל "all the men of Israel" serving as hypernym for the leader-oriented classes ראשׁיכם שׁבטיכם זקניכם ושׁטריכם "your tribal leaders, your elders and your officials" (v. 9; see venn diagram).[237] Secondly, in the only other uses of these lexemes in the Pentateuch, women are the ones drawing water (שׁאב 7x [+ מים 1x]),[238] and an indefinite person (אשׁר), which must have included majority population men, cut down trees (חטב + עצים in Deut 19:5). In this reading the גר, *dependent* children (טפ, not בן, ילד or נער), and women, are clustered together as manual laborers within the community.

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and S may be genetically related, reflecting only one reading, and probably assimilate to D's singular use of מחנה.

[234] Possibly, in part, because it may be a later gloss: Seitz, *Redaktionsgeschichtliche Studien*, 219 n. 399.

[235] Bertrand, "L'étranger," 60; Dion, "l'Étranger," 223; van Houten, *Alien*, 103-04.

[236] Van Houten, *Alien*, 103-04.

[237] כל־איש ישׂראל is not always used as a hypernym with named hyponymous classes (Deut 27:14 [possibly]; Judg 7:8; 1 Sam 11:15; 14:22; et al.). In other contexts it does function as a hypernym that includes such subgroups (hyponyms) as: קציני אנשי המלחמה ההלכוא אתו "the chiefs of the men of war who had gone out with him" (Josh 10:24); שׁבטי ישׂראל "the tribes of Israel" (Judg 20:11-12); and most importantly, את־זקני ישׂראל את־כל־ראשׁי המטות נשׂיאי האבות לבני ישׂראל "the elders of Israel and all the heads of the tribes, the leaders of the fathers' houses of the people of Israel" (1 Kgs 8:1-2). כל־איש ישׂראל is even modified in 1 Chr 16:3 by מאיש ועד־אשׁה "both man and woman," marking it in that text as a gender-inclusive hypernym. Furthermore, Weinfeld (*Deuteronomic School*, 65) notes the parallel language with 2 Kings 23 where Josiah reads the 'book of the covenant' before all the people small and great (vv. 2-3). This, I would add, may reflect the division between leaders and service persons in Deut 31:12.

[238] שׁאב in Gen 24:11, 19, 20[2x], 43, 44, 45; שׁאב + מים in Gen 24:13.

Along with Israel's leadership and, especially, with Israel's service personnel, the גר stood on the plains of Moab before YHWH to enter the Moab covenant between YHWH and all of his people (28:69; 29:9-11). He was accountable to perform the words of the covenant, with the prospect of ensuing success (29:8). Eckart Otto rightly underscores the imminence (recurrence of "today" *heute*) of this covenant ceremony for all those present, including "Dein Fremdling, der inmitten deines Lagers lebt," who were to obey and enter into covenant with YHWH.[239] Jenny Corcoran appropriately concludes from ch. 29 that, "the resident alien was drawn into full covenant membership. They [*sic*] were not only given the protection the law afforded to them but also, and significantly, they had to keep the law and not behave in ways that would dishonor God in the sight of other nations."[240] The *tôrâ* stipulations that גר was to perform (29:8), would have minimally included those in which he is explicitly mentioned: cease from work on the Sabbath (5:14), celebrate the feasts of Shavuot and Sukkoth (16:11, 14), enjoy gleaning prerogatives (24:19, 20, 21), and consume the triennial tithe (14:29; 26:12, 13).[241] YHWH would establish the גר as a member of YHWH's people, mysteriously incorporating the גר into the fulfillment of YHWH's promises to Israel and to Israel's patriarchs, Abraham, Isaac, and Jacob (29:12).

3.1.13. Deut 31:10-13

ויצו משה אותם לאמר מקץ שבע שנים במעד שנת השמטה בחג הסכות
בבוא כל־ישראל לראות את־פני יהוה אלהיך במקום אשר יבחר תקרא את־התורה הזאת נגד כל־ישראל באזניהם
הקהל את־העם האנשים והנשים והטף וגרך[242] אשר בשעריך למען ישמעו ולמען ילמדו ויראו את־יהוה אלהיכם ושמרו לעשות את־כל־דברי התורה הזאת
ובניהם אשר לא־ידעו ישמעו ולמדו ליראה את־יהוה אלהיכם כל־הימים אשר אתם חיים על־האדמה אשר אתם עברים את־הירדן שמה לרשתה

10 Then Moses commanded them, "At the end of every seven years, at the time of the year of remission of debts, at the feast of Sukkoth, 11 when all Israel comes to appear before YHWH your God at the place that he will choose, you must read this law in before all Israel in their hearing. 12 Assemble the people, the men, women, children, and the

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[239] "So beachtet nun die Gebote dieses Bundes und handelt ihnen gemäß…einzutreten in den Bund YHWHs": Otto, *Deuteronomium im Pentateuch*, 143.

[240] Jenny Corcoran, "The alien in Deuteronomy 29 and today," in *Interpreting Deuteronomy: Issues and Approaches* (ed. David G. Firth and Philip S. Johnston; Downers Grove, Ill.: InterVarsity, 2012), 238-39.

[241] It is simplest to infer that unless D explicitly grants an exception (i.e. 14:21) or intentionally does not mention the גר in a list of addresses (ch. 12), the גר was accountable to obey YHWH's *tôrâ* (*contra* Zehnder, *Fremden*, 369; see §6.2).

[242] Remarkably 4Q29, a fragment full of lacunae in chapter 31, follows MT by clearly preserving והטף וגרך (Ulrich, *Qumran*, 237).

immigrant who is within your gates, in order that they may hear and learn and fear YHWH your God, and be careful to observe all the words of this law. 13 And that their children, who have not known it, may hear and learn to fear YHWH your God, as long as you live in the land that you are crossing the Jordan to possess it."

Moses inscribes *tôrâ* and gives it to the Levites, who transported the ark of the covenant of YHWH, and to Israel's elders (v. 9; see 31:24-26). He *writes* down the words so that from that point forward the words might be *spoken* in Israel, as vv. 10-13 envision.[243] Moses' injunctions, like many in D, could only be fulfilled posthumously since YHWH barred him from the promised land (Num 20:11-13; 27:12-14; Deut 3:23-28). The gathering was to recur septennially, during the Sabbatical year of releasing debts (15:1-23), specifically during the feast of Sukkoth. In both H and D this Feast succeeds collecting one's harvest from the threshing floor and wine-press (Lev 23:34, 41; Deut 16:13), but in D the feast is centralized (16:15, 16). H motivates observance to the feast of Sukkoth by YHWH's past provision in the wilderness: "that your generations may know that I made the people of Israel dwell in booths when I brought them out of the land of Egypt. I am YHWH your God" (Lev 23:43), whereas D motivates by YHWH's future provision in the land (16:15). Why were the people to assemble *at the feast of Sukkoth* to hear and carefully observe this *tôrâ* (התורה הזאת; 31:11, 12)? In D the Passover and the feast of Shavuot were also centralized (16:2, 5, 6, 7, 11), so the convenience of a centralized audience was not the primary motivation. D's paraenesis in 8:2-3 may instead provide the rationale:

וזכרת את־כל־הדרך אשר הליכך יהוה אלהיך זה ארבעים שנה במדבר למען ענתך לנסתך לדעת
את־אשר בלבבך התשמר(מצותו) [מצותיו] אם־לא:
ויענך וירעבך ויאכלך את־המן אשר לא־ידעת ולא ידעון אבתיך למען הודעך כי לא על־הלחם לבדו
יחיה האדם כי על־כל־מוצא פי־יהוה יחיה האדם

2 And you shall remember the whole way that YHWH your God has led you these forty years in the wilderness, that he might humble you, testing you to know what was in your heart, whether you would keep his commandments or not. 3 He humbled you and caused you hunger and fed you with manna, which you did not know, nor did your ancestors know, that he might make you know that people do not live by bread alone, but people live by every word that comes from the mouth of YHWH.

The septennial reading of *tôrâ*, YHWH's instruction, during the feast of Sukkoth rectified the perception that YHWH's material provision in the wilderness (Lev 23:43) and in the promised land (Deut 16:15) was sufficient to sustain Israel's existence. Israel was dependent upon YHWH's word.

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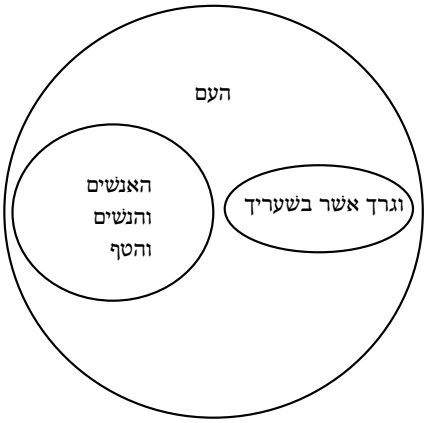
[243] G. J. Venema, *Reading Scripture in the Old Testament: Deuteronomy 9-10; 31 – 2 Kings 22-23 – Jeremiah 36 – Nehemiah 8* (*OtSt* 47; Leiden/Boston: Brill, 2004), 42.

The H-stem imperative הקהל "assemble" (v. 12) suggests an emphasis for this contingent that is distinct to that of the feast of Sukkoth. Hence, the lists of attendees are formulated differently:

tôrâ *reading assembly during Sukkoth (31:12)*	*Sukkoth assembly (16:14)*
האנשים	אתה
והנשים	ובנך
והטף	ובתך
	ועבדך
	ואמתך
	והלוי אשר בשעריך
וגרך	והגר והיתום והאלמנה
אשר בשעריך	אשר בשעריך

The *tôrâ* reading assembly during Sukkoth (31:12) is better represented by a Venn diagram:



The noun העם is the affected direct object (marked by את־) of the denominative הקהל.[244] This is probably D's קהל יהוה "assembly of YHWH" gathered at Moab (see §3.1.7.2). Here העם "the people" is a hypernym that includes its hyponym appositivesהאנשים והנשים והטף וגרך אשר בשעריך "the men, women, children, and the immigrant within your gates." The generic

[244] Arnold and Choi, *Hebrew Syntax*, 15.

article on the plural nouns suggests *all* the members of the class are included.[245] The lexemes איש (pl. אנשים), אשה (pl. נשים), and טף (always sg.) occur together in D in 29:11, and without the גר they occur in war campaign contexts as an *exhaustive* list of warriors and civilians (3:19; see Josh 1:14), of those to be killed (3:6) or taken as spoil (20:14). Therefore, in contrast to the enumerated participants of Sabbath (5:14), feast of Shavuot (16:11), and feast of Sukkoth (16:14), the listed contingent of 31:10 is intended to be expansive.

As in 29:8-12, here the Levite, orphan, and widow are absent probably because they are subsumed into the "men, women, and children" classes, and because the unit does not have a socio-economic focus.[246] Unlike the DC, the גר in this text is not marked as a *personae miserae* member. In addition, like 29:8-12, the absence of the נכרי "foreigner" flags a socio-religious delineation (cf. 14:21; 16:10-14; 29:9-13; 23:2-9): unlike the נכרי, the גר was to assemble as a member (hyponym) of העם "people" (hypernym). Remarks from the context on the Egyptians (29:1-2, 15-16), Sihon and Og (29:6-7), and foreigners in general (29:21-23; 30:1, 2, 7) suggest they are excluded from Moses' audience, so the גר's inclusion, since not for socio-economic reasons, expresses religious integration.[247] Even so, three elements distinguish the immigrant from the rest of the men, women, and children who comprised העם. First, the shift from generic articles (האנשים והנשים והטף) to enclitic pronoun (גרך) distinguishes the גר from Israel's other men, women and children. Second, the pronoun גרך "*your* immigrant" denotes that the גר was not a member of a *bêt-'āb* (as were "the women and children"), but was bound as a client to a patron (see §3.1.2 on 5:13-14). Third, the restrictive relative clause וגרך אשר בשעריך marks the גר as one residing in Israel's settlements; something never said of the נכרי.

This client גר is presented as a member of the assembly of people gathered at D's central location in YHWH's presence to hear the *tôrâ* read (31:11) for an express purpose:

... *in order that* (למען) they may hear
and *in order that* (למען) they may learn to fear YHWH your God,
and (*in order that*) they may be careful to observe (ושמרו לעשות) all the words of this law,

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[245] Arnold and Choi, *Hebrew Syntax*, 31-32.

[246] Cf. discussion §3.1.12. One may argue that the ritual reading of *tôrâ* in 31:10-13 was socio-economic since it took place in the Sabbatical year of the release of debts (v. 10), but the גר does not benefit directly from this debt release (ch. 15).

[247] *Contra* the unsubstantiated assertion by Timothy A. Lenchak, *"Choose Life!": A Rhetorical-Critical Investigation of Deuteronomy 28,69-30,20* (AnBib 129; Roma: Edrice Pontifico Istituto Biblico, 1993), 102-03.

and (*in order that*) their children, who have not known it, may hear and learn to fear (ליראה ישמעו ולמדו) YHWH your God, as long as you live in the land that you are crossing the Jordan to possess it (v. 12b-13).[248]

Among those present at the assembly, the גר and his progeny living in Cisjordan, YHWH's promised land, were liable to hear this *tôrâ*, to learn to fear YHWH, to be careful to observe all the words of this *tôrâ*. Fearing God and teaching one's children to do the same conforms to Israelite wisdom literature,[249] and such phraseology in D belongs to a repertoire of expressions regarding loyalty to YHWH's covenant, that is, observing covenant stipulations.[250] Most interesting here is Gottfried Seitz's contention that 31:9-13 must be read in light of the genetically related law of the king in 17:18-20.[251] This means that the explicitly Israelite (non-נכרי) king and the client גר, whom I argue is a non-Israelite and non-Judahite (§3.2.3), both must read and follow "all the words of this torah" (את־כל־דברי התורה הזאת).

A final text critical observation manifests early interpretation apropos to גר analysis. In v. 12 the reading "*their* god" (3mp pronoun) occurs in 4QDeut[1] (הם[אלהי])[252]; Smr (אלהיהם), several MT mss and G mss. MT[L] reads "*your* God" (*2*mp enclitic pronoun), with G, T, S, V. MT[L] is the *lectio difficilior* since the preceding three verbs and the following verb are *third* person plural (without variants): ישמעו; ילמדו; ויראו; ושמרו לעשות. Also אלהיהם "their gods" (with 3mp enclitic pronoun) refers in D only to foreign deities (7:16, 25; 12:2, 3; 12:30), never to YHWH. The standard expression in D is יהוה אלהיכם "YHWH your [pl.] God" or יהוה אלהיך "YHWH your [sg.] God." For these reasons MT is to be preferred. Nonetheless, the reading "*their* God" indicates that several ancient translators believed the constituents of העם, including the גר, called YHWH their deity, and read in conjunction with 29:9-13, this meant they were bound to this deity in covenant relationship. MT's reading emphasizes the present-future continuity of the covenant relationship, and the גר is equally incorporated into this continuity: "the assembly, including the גר in your midst, and his progeny, will relate in covenant terms to your God, YHWH in the land of Canaan."

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[248] Cp. similar telic constructions in 4:1, 5, 10; 6:1-2; and the identical construction in 32:46, as noted by Seitz, *Redaktionsgeschichtliche Studien*, 34.

[249] Weinfeld, *Deuteronomic School*, 274, 298.

[250] Weinfeld, *Deuteronomic School*, 274, 332-39.

[251] Seitz, *Redaktionsgeschichtliche Studien*, 300-301.

[252] According to Ulrich (*Qumran*, 238), ה is a possible letter.

3.2. Deuteronomy's גר: Continuity and Pluriformity

3.2.1. Exploring Thematic Subdivisions

Do D's גר texts evince similarities and differences that warrant grouping them into categories? Yu Suee Yan subdivides D's גר texts into six groups by generic themes:

1. Judicial justice and equal treatment for the גר (1:16; 24:17; 27:19), including payment of wages (24:14).
2. Sabbath rest for the גר (5:14).
3. Caring for the גרים by taking care of their basic needs (10:18) and allowing them to glean in the fields (24:19, 20, 21).
4. Allowing the גר to share in the consumption of the triennial tithe (14:29; 26:12, 13).
5. Allowing the גר to participate in the celebration of religious festivals (16:11, 14; 26:11).
6. The גר, together with the Israelites, entered into a covenant relationship with God (29:10). גרים are required to obey the Torah (31:12).[253]

The analyses in this chapter militate against circumscribed demarcations such as these. With the exception of 1:16, socio-judicial texts (Yan's no. 1) cannot be segregated from texts caring for the socio-economic needs of the גר (no. 3): 24:14 deals explicitly with the גר and אח "countryman" who are also members of the "poor and needy" (עני ואביון) class, and 24:17 and 27:19 concern the גר-orphan-widow triad, a collective subject that is the typical form of D's *personae miserae* class. Sabbath rest (no. 2) is driven by egalitarian concerns (no. 1), meeting the socio-economic needs of the גר (no. 3), and is an important, weekly emblem of Israel's religious life (no. 5) – Sabbath is ליהוה "to YHWH" and recollects YHWH's redemption from slavery in Egypt (5:14-15). Gleaning laws 24:19, 20, 21 (no. 3) may not only be grouped generically with 10:18, but provide casuistic images of how one may fulfill 10:18-19. The telic verbal forms and prepositions in the triennial tithe legislation (no. 4) indicate its humanitarian concern for the גר and *personae miserae* (no. 3). The first fruits ritual of ch. 26 is not tantamount to the triennial tithe of ch. 14 (no. 4); important differences exist between the two. The *tôrâ* reading in 31:10-13 (no. 6) was to recur septennially *during the feast of Shavuot* (no. 5). The *tôrâ* that the גר was to perform (no. 6) would have included Sabbath rest (no. 2), gleaning prerogatives (no. 5), triennial tithe consumption (no. 4), and the feasts of Shavuot and Sukkoth (no. 5). Finally, these feasts and the covenant ceremonies (no.

[253] Yu Suee Yan, "The Alien in Deuteronomy," *BT* 60 (2009): 112-17.

6) were comparably organized at a centralized location in YHWH's presence.

Similarly, Markus Zehnder distributes D's גר texts into five thematic groups:

a) *Kultische Bestimmungen*: Dtn 14,21 (Essen von נבלה); Dtn 16,11.14 (Teilnahme am Wochen- und am Laubhütenfest).
b) *Rechtliche Schutzmassnahmen*: Dtn 1,16 (Gerichtsverfahren); Dtn 24,[14.]17 (Bedrückungsverbot): Dtn 27,19 (Verbot der Rechtsbeugung).
c) *Wirtschaftliche Förderungsmassnahmen*: Dtn 14,28f. (Zehnter); Dtn 24,14.19-22 (Auszahlung des Tagelohns; Nachlese); Dtn 26,11.12.13 (Zehnter).
d) *Grundsätze des Ethos*: Dtn 10,18f. (Liebesgebot).
e) *Bundesschluss und Thoralesung*: Dtn 29,10 (Bundesschluss); Dtn 31,12f. (Thoralesung).[254]

To be fair, Zehnder may have submitted this five-fold categorization for pragmatic purposes, to organize his sub-chapter, but a few deficiencies require a response. Zehnder, perhaps accidentally, does not categorize the גר's rest on the Sabbath (5:14).[255] Carcass consumption (14:21) and the festivals of Shavuot and Sukkoth (16:11, 14) are indeed cultic regulations (Zehnder's letter 'a'), but they are also, if not equally, economic advancement measures ('c').[256] The basis for ethics in Deut 10:17-19 ('d') is indivisible from both legal, protective measures ('b') – "*he both does justice* for the orphan and widow, and loves the immigrant" – and from economic advancement measures ('c') – "by giving food and clothing, so you too must love the immigrant." As aforementioned, the covenant ceremony *tôrâ* reading of 31:10-13 ('e') was to be enacted in the sabbatical year during the *cultic* festival of Shavuot ('a'); and the covenant ceremony of which the גר was a part (29:10) would have recalled, at a minimum, the DC laws from social, legal, and economic sectors ('a,' 'b,' 'c,' possibly 'd'). In sum, cataloging D's גר texts thematically diminishes one's appreciation of each text's multi-functional and intertextual dimensions.

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[254] Zehnder, *Fremden*, 357.

[255] Although he references the Sabbath גר text on the preceding page (p. 356) and dealt with this text in an earlier section §4.1.1, he should have mentioned it here, especially since he presents his categorization as though it were exhaustive (not delineating between prologue-epilogue and DC).

[256] Cf. §3.1.4; §3.1.6; §5.2.2.2; §5.2.1.2.

3.2.2. Investigating the Possibility of Historical Referents

José Ramírez Kidd delineates two socio-historical referents for the term גר in D (see chart §2.2.3).[257] First, a *pre-exilic* referent is indicated by the 11 *triad* גר texts that occur: 1) with the orphan and widow as a collective subject of *personae miserae*[258]; 2) mainly in the deuteronomic code (chs. 12-26)[259]; 3) in food-oriented, humanitarian texts linked to the deuteronomic reforms[260]; 4) with the motivational עבד-Egypt formula.[261] Second, an *exilic* or *post-exilic* referent is indicated by the nine solitary גר texts which occur: 1) outside the conventional triad formula; 2) mainly in the introduction and appendixes to the DC[262]; 3) in legal and cultic texts, mainly interested in religious integration[263]; 4) with the motivational גר-Egypt formula.[264] Ramírez Kidd's theory of separate historical referents might be true, but he oversimplifies these texts, which raises several problems related to precision and internal consistency.

First, the *triad* גר injunctions are not uniform, but include: two formal Levite-גר-orphan-widow *tetrads* (16:14; 26:12; and perhaps 26:13); an association with the Levite (14:29; 16:11); a formal גר-orphan *dyad*, associated with the widow (24:17); and a Levite-גר *dyad* (26:12). The only stable *triad* גר-orphan-widow references are in chapter 24, and there they recur as a stylistic, possibly mnemonic, pattern (see §3.1.8). There is likely no singular *triad* גר referent, only the possibility of a *composite*, or *personae miserae* גר referent. Second, associating the *triad* גר food provisions with Judahite deuteronomic reforms cannot be corroborated. Neither the DtrH nor Chronicles mention humanitarian action in Hezekiah's or Josiah's reforms.[265] Jeremiah 22:16 notes that Josiah upheld the cause of the "poor and needy" (עני ואביון). This is different, however, from the deuteronomic

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[257] Ramírez Kidd, *Alterity*, 35-6.

[258] Ramírez Kidd, *Alterity*, 40-41.

[259] Deut 14:29; 16:11, 14; 24:17, 19, 20, 21; 26:12, 13. The two exceptions are Deut 10:18 and 27:19; the former breaks the triad formula, and the latter is "a late reference based on the pre-exilic triad" (Ramírez Kidd, *Alterity*, 35).

[260] Deut 14:29; 16:11, 14; 24:19, 20, 21; 26:12, 13.

[261] "The model of argumentation of this motive clause is introduced with the verb זכרת, and is used to support commands even when the term עבד does not appear in the main clause (Deut 24,17-18.19-22)": Ramírez Kidd, *Alterity*, 36.

[262] Deut 1:16; 5:14; 10:19; 28:43; 29:10; 31:12.

[263] Deut 1:16; 14:21; 29:10; 31:12.

[264] The conjunction כי introduces the גר-Egypt formula: Exod 22:20; 23:9-12; Lev 19:34; Deut 10:19.

[265] 2 Kings 18, 22-23; 2 Chronicles 29-31, 34-35. Olson (*Deuteronomy*, 9) suggests the salient parallels between Josiah's reform program in 2 Kgs 23 are Deut 12:1-7; 16:21-22; 17:3; 18:1-11; 23:17-18.

גר, orphan, and widow, which Jeremiah uses earlier (Jer 7:6; 22:3), and which D regards as a seperate class since D imagines a society in which one can be a גר, orphan, or widow without being poor and needy (Deut 15:4).[266] Furthermore, Hezekiah and Josiah led centralized Pesach celebrations (2 Kgs 23:21-27; 2 Chron 30:1-27), but the king noticeably did *not* lead the DC's centralized cultic festivals that benefited the *personae miserae* גר, orphan, and widow (16:11, 16; cf. 26:13).[267] Third, although the four uses of the גר-Egypt formula[268] all motivate action toward the individual גר and likely reflect an earlier tradition,[269] the עבד-Egypt formula *also* occurs with the individual גר among the Sabbath participants in D's prologue (5:14-15). Fourth, the same phrases (אשר בקרבך; אשר בשעריך) modify both the composite and individual גר, again forging literary continuity between them. Fifth, the גר is mentioned in DC laws that, like the prologue-epilogue, also deal with legal and cultic matters: cultic holiness (14:21); cultic festivals (16:11, 14); entry into YHWH's assembly (23:2-9); and legal protection (24:14, 17; see 27:19 which reflects the DC, 24:17).

There are, indeed, distinctions between the גר in the DC and the גר in D's prologue and epilogue (see §3.3), which might reflect a pre-exilic DC and an exilic and/or post-exilic prologue and epilogue.[270] We might infer that D's tradents interpreted these distinct historical contexts in light of their theologies of גר integration (see §3.3).[271] However, we must concede

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[266] Norbert Lohfink, "Poverty in the Laws of the Ancient Near East and of the Bible," *TS* 52 (1991), 44. Consider, likewise, how the DC provides sufficiently for the גר throughout the agrarian calendar (§5.2.2.1).

[267] Philipp A. Enger, *Die Adoptivkinder Abrahams. Eine exegetische Spurensuche zur Vorgeschichte des Proselytentums* (BEATAJ 53; Frankfurt: Peter Lang, 2006), 274; Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1997), 95; especially note Peter Altmann, *Festive Meals in Ancient Israel: Deuteronomy's Identity Politics in Their Ancient Near Eastern Context* (BZAW 424; Berlin/Boston: De Gruyter, 2011), 198-212.

[268] Exod 22:20; 23:9; Lev 19:34; Deut 10:19; and arguably Deut 23:8.

[269] Krapf, "Traditionsgeschichtliches," 87-91; Bellefontaine, "Curses," 263.

[270] Following only the framework, but not the particulars, of Ramírez Kidd, *Alterity*, 35-6.

[271] Achenbach ("*gêr*," 36) proposes, "The *gerîm* already were integrated into the rituals of Sabbath, Shavuot and Sukkot. Moreover, after Israel itself had become a people, who possessed the experience of what it meant to be *gerîm*, the post-exilic ethic developed here [29:8-12, probably also 31:10-13] tends to advocate that all *gerîm* – whether brothers or even real aliens and strangers – should be integrated into the covenant, while remaining in their social status as *gerîm* without any right to take the land as their own possession." We must stress Achenbach's qualifiers "the post-exilic ethic developed *here tends* to advocate…" (italics mine) because other postexilic interpretations do not advocate גרים integration (Ezra 4:1-3; 9:1-2; Neh 13:1-9), and one text grants them the right to inherit and own land (Ezek 47:22-23) (see §5.3).

that the data are limited. They only allow us to identify in the DC a *personae miserae* גר referent, but not a triad גר that benefited from Josiah's reforms (see also §5.1.1). Similarly, from the data we may perceive in the prologue and epilogue a singular גר, yet not one who is solitary, but one joined to a patron (see §3.1.2; §3.3). Consequently, we cannot reconstruct from D the precise historical referents of the גר, but we can identify within D the distinct social and religious statuses of the גר (see §3.3).

3.2.3. Detecting Ethnicity: Israelite, Judahite or Non-Israelite/Judahite

Is the גר who is reflected in the language of D's legislation ethnically Israelite (*à la* Rost, Kellermann, et al.) or Judahite (*à la* Bultmann, Na'aman, et al.) or non-Israelite and non-Judahite (*à la* Dion, Zehnder, et al.)? We will now review the germane materials with this question at the fore.

In D's historical prologue, Moses recapitulates his charge to Israel's judges to adjudicate cases fairly between social classes (1:9-18). Bultmann believes "brother" (אח) refers to a local Judahite, whereas "immigrant" (גר) refers to a Judahite who lived in Judah, but away from his clan and without property.[272] Na'aman agrees, but clarifies that this Judahite sojourner was a refugee displaced by Sennacherib's 701BCE campaign.[273] These are reconstructive proposals for semantic domains, but the terms in their literary contexts do not give us this much information; they denote only a taxonomy, a "hierarchical system from 'related kinsperson' (*'aḥ*) to 'special insider' (*gēr*) to clear outsider (*nokrî*)."[274] In 1:16 the most straightforward interpretation is that "Der איש und sein אח sind dabei als vollbürtige Israeliten zu verstehen, der גר als abhängiger Fremdling."[275] The גר is delineated from either the Israelite (איש) or countryman (אח); 1:16-17 presumes the גר to be non-Israelite and non-Judahite (see §3.1.1). The parallelism between v. 16a and 16b may also present גרו "his immigrant" as a hyponym of the plural אחיכם "your countrymen" class (1:16bβ). This is not problematic since "your countrymen" is broad enough to include the non-Israelites from Edom (אחיכם, 2:4; אחינו, 2:8; see 23:8).

The panegyric to YHWH in ch. 10 culminates with the statements and imperatives: "He both executes justice for the orphan and widow, and he loves the immigrant by giving him food and clothing. So you must love the

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[272] Bultmann, *Der Fremde*, 30, 55, 79-84.

[273] Nadav Na'aman, "Sojourners and Levites in the Kingdom of Judah in the Seventh Century BCE," *ZABR* 14 (2008): 237-79.

[274] Peter Altmann, *Festive Meals in Ancient Israel: Deuteronomy's Identity Politics in Their Ancient Near Eastern Context* (BZAW 424; Berlin/Boston: De Gruyter, 2011), 190.

[275] Zehnder, *Fremden*, 358.

immigrant for you were immigrants in the land of Egypt" (Deut 10:17-19). Na'aman contends:

> The passage in which these verses appear concerns God's love for his people, and the duty of obeying the precepts. It is therefore reasonable to assume it was written during the exile, and the suggestion that YHWH loves his people in the Babylonian exile as he loved them in Egypt proffers a hope of liberation from exile and bondage. The emphasis is on dealing justly with the weak, and the obligation of caring for the sojourner is grounded in God's love for the sojourner as he loves his people.[276]

The sojourner must, therefore, be a member of God's people. The major flaw with this view is that unless the גר "immigrant" came from *outside* the land of Israel, the motive clause "for you were immigrants *in the land of Egypt*" has no rhetorical potency: "you must love the immigrant from your own land – the north or from other towns in Judah – for you were immigrants in the land of Egypt." Rather an integrative and universal tendency controls this text: "Beide gehören Jhwh gleichermaßen, beide sind von ihm geliebt und beide haben in ihrer Existenz die Erfahrung von Fremdheit gemacht. Diese universalistische und nationale Unterschiede relativierende Perspektive ermöglicht eine tiefgreifende Integration des Fremden."[277] Likewise, Paul-Eugìne Dion contends that Israel's גור activity in another country, namely, Egypt, indicates that the גר "est donc un immigrant; il habite hors de la population locale, qui ne le reconnaît pas vraiment comme l'un des siens."[278]

Deuteronomy 14:21 closes the unit enumerating clean and unclean foods: "You must not eat any carcass. You must/may give it to the immigrant who is within your gates, so that he may eat it, or he/you may sell it to a foreigner, for you are a holy people to YHWH your God." Mary Douglas represents a common semantic fallacy that גר, a noun without inherent ethnic connotations, "is not a foreigner nor a fully enfranchised member" in part because Hebrew uses a separate word for "foreigner" נכרי.[279] Van Houten offers a better alternative: both גר and נכרי are of foreign origins in the book of D, but the "difference between the alien and foreigner that emerges here [in 14:21] is an economic one. The alien needs economic support; the foreigner has means and is expected to pay for what he gets. Both are the same, however, in that the food laws do not apply to them."[280]

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[276] Na'aman, "Sojourners," 249.

[277] Riecker, *Priestervolk*, 324.

[278] Dion, "l'Étranger," 223.

[279] Mary Douglas, "The Stranger in the Bible," *Archives Européennes de Sociologie* 35 (1994): 284; also Na'aman, "Sojourners," 256.

[280] van Houten, *Alien*, 81; Frank Anthony Spina ("Israelites as *gerîm*, 'Sojourners,' in Social and Historical Context," in *The Word of the Lord Shall Go Forth: Essays in Honor*

Deuteronomy probably also distinguishes the גר and נכרי on religious grounds (see §3.1.7.3). Na'aman believes: "Deut 24:1-21[*sic*, he means 14:1-21] shows the influence of the Priestly source, and the entire paragraph is influenced by the Book of Leviticus 11."[281] The concern over cleanness and uncleanness is not original to the DC and therefore "v. 21 is extraneous to the discussion about the status of the sojourner during the First Temple period."[282] Against Na'aman, 14:21 cannot be the product of priestly authorship or redaction because it neither correlates with priestly idiomatic phraseology for the גר (§5.1.5, §5.2.1.1), nor with the priestly (H) *prohibition* of the גר and native from eating a carcass (§5.2.2.2).[283] Instead, 14:21 permits both גר "immigrant" and נכרי "foreigner" to eat a carcass, but prohibits the Israelite addressees from the same. The Israelites are called "a holy people to YHWH your God," and this demarcation "dass die ethnisch fremde Herkunft des גר impliziert."[284] The גר and נכרי must be of non-Israelite and non-Judahite origins. In addition, the interconnection with 14:21 and 14:29 may be suggestive, as McConville observes, that a redactor has conjoined these units: "our examination of the immediate context of Deuteronomy's tithe-law (14.22-29) leads us to conclude that, along with the food laws (vv. 3-21), it represents a logical development from the statement in 14.1f. of Israel's chosenness and holiness to Yahweh."[285] On this plausible editorial level, 14:28-29 presumes the גר shares the same non-Israelite/non-Judahite ethnicity as the גר in 14:21. In addition, the lexemic overlap and probable framing of the tithe regulations of chs. 14 and 26 might, by extension, indicate the same non-Israelite and non-Judahite גר in 26:10-13 (see §3.1.9, §5.2.2.2).

At the centralized feasts of Shavuot and Sukkoth, those possessing no land – the Levite, גר, orphan, and widow – accompanied the landowner and his *bêt-'āb* to celebrate the feasts (Deut 16:11, 14). Na'aman concludes that, "This indicates that sojourners were viewed as belonging to the local

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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) contends that the majority of the גר referents in the Hebrew Bible are non-Israelites.

[281] Na'aman, "Sojourners," 248-49.

[282] Na'aman, "Sojourners," 249.

[283] Seitz (*Redaktionsgeschichtliche Studien*, 184) suggests 14:21b ("you must not boil a kid in its mother's milk"; cf. Exod 23:19b; 34:26b) is a later insertion, but he assumes 14:21a was original to the context.

[284] Zehnder, *Fremden*, 358; Samuel Rolles Driver, *A Critical and Exegetical Commentary on Deuteronomy* (ICC; Edinburgh: T & T Clark, 1902), 126, 165; Bächli, *die Völker*, 127-28; van Houten, *Alien*, 80-82; Enger, *Adoptivkinder*, 265-66.

[285] J. G. McConville, *Law and Theology in Deuteronomy* (JSOTSup 33; Sheffield: JSOT, 1984), 78-81; also van Houten, *Alien*, 80-81.

population, there being no religious reason to bar them from the rites conducted at the temple."[286] Belonging to the local population, however, is not by necessity tantamount to being a native Judahite (or Israelite). Additionally, the גר was included in these feasts, not because of his ethnicity, but because of the DC's programmatic consideration for the community's susceptible members. The evidence from Deut 16:9-17 does not allow us to draw conclusions on the ethnic origins of the גר in this passage. By contrast, Deut 23:2-9, which makes no explicit mention of the term גר, quite plausibly particularizes the ethnic origins of the גר as a resident and favorable non-Israelite, namely, Edomite and Egyptian (see §3.1.7.3).[287]

Deuteronomy 24:14-15 states: "You must not oppress the wages of the poor and needy, whether one from your fellow countrymen or from your immigrant who is in your land within your gates. You must give him his wages on the same day before the sun sets, for he is poor and counts on it. Otherwise he will cry against you to YHWH, and you will be guilty." Bultmann argues that both the "brother" (אח) and "immigrant" (גר) are from Judah, the former is indigenous to the community, while the latter simply entered it from other parts of the region.[288] He postulates:

> Da der Begriff *'aḥ* primär keine nationalen oder ethnischen Implikationen in dem Sinne hat, daß er von einer Konzeption der Einheit des Staatsvolkes der judäischen Monarchie her gedacht ware, sondern auf der Ebene der konkreten lokalen Gemeinschaft liegt, führt die Unterscheidung des *ger* vom *'aḥ* nicht auf eine Herkunft des *ger* von außerhalb Judas.[289]

However, the poor and needy "countryman" (אח), as in 1:16-17, could also be understood as a native Israelite in distinction from גרך "your immigrant."[290] Like Bultmann, Na'aman does not see it this way: "There is a marked distinction between a 'brother,' namely a local Judahite, and the sojourner who is not a native of the place."[291] We must concur that גרך "your immigrant" was not a native and worked as a client for a local landowner, but Na'aman's theory – that the גר in the D was a Judahite refugee from one of the towns that Sennacherib destroyed – is unconvincing for two reasons. First, the Levite was "not a native of the place" (the Levite resides [גור] in various places in Israel and Judah; Deut 18:6; Judg 17:7, 8, 9; 19:1), but was a member of the "countryman" אח class (Deut 18:2).

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[286] Na'aman, "Sojourners," 250.

[287] Na'aman fails to interact with Deut 23:2-9 and Bultmann's explanation is insufficient: *Der Fremde*, 119; see §3.1.7.3.

[288] Bultmann, *Der Fremde*, 79-84.

[289] Bultmann, *Der Fremde*, 83.

[290] Zehnder, *Fremden*, 363; van Houten, *Alien*, 94.

[291] Na'aman, "Sojourners," 248.

Thus, the meaning of אח cannot be restricted to a native Judahite resident or a native Judahite resident of a particular town. Second, understanding גרך "your immigrant" as a displaced Judahite does not adequately explain the additional qualifier that is unparalleled in D, "your immigrant who is *in your land* within your gates/towns" (אשר בארצך בשעריך). This could be read as a Northern Kingdom Israelite who is in the land of Judah, or a non-Israelite or non-Judahite who is in the land of Israel or Judah, but could be read only awkwardly as a "displaced Judahite who is in your land, namely, Judah."[292] Consequently, the גר in 24:14-15 was either a Northern Kingdom Israelite, or in light of the other DC laws, a non-Israelite and non-Judahite (cf. §3.1.4 on 14:21). YHWH was inclined to his cry in 24:15, not because he was a native, but because he resided in Israel as a "poor and needy" person, vulnerable to oppression (cf. 10:17-19).

Legal protection and gleaning provisions for the גר, orphan, and widow in Deut 24:17-18, 19-22; and 27:19 might be considered the strongest evidence for the indigenous ethnicity of the גר.[293] "Anyone who argues that the sojourner was a foreigner must explain why the Book of Deuteronomy presents a set of laws designed to protect aliens, and does not apply them to the needy of the Judahite origin."[294] Yet, this question totally neglects the vision of Deut 15:11: "For there will never cease to be poor in the land. Therefore I command you, 'You shall open wide your hand to your brother (אח), to the needy and to the poor, in your land.'" The solidarity and benevolence of Israelite or Judahite kinsfolk infused with a social identity defined by YHWH's redemption (15:15) was the DC's mechanism to meet local Judahite or Israelite needs. Deut 24:14-15 also ensures the local Judahite fair compensation.

As for the *reason* for the various laws that protect the non-Israelite or non-Judahite, this becomes clearer when we reexamine their intent. Norbert Lohfink shows that biblical texts before D, chiefly the CC, use various terms that "had been mixed up without any clear distinction," but in D are now reduced and bifurcated into two groups: one, אביון and עני, both terms continue to be used for the poor; two, the גר-orphan-widow triad, which is

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[292] Na'aman's theory could work if the phrase only stated, "your immigrant [displaced Judahite] who is in your towns."

[293] However, immediately upon reading Josh 8:30-33 (see v. 35), one discovers that the priestly (H) interpretation of the enacting of the Shechemite Decalogue juxtaposes the אזרח "native Israelite" with the גר, suggesting the גר mentioned here and in 24:17 is a non-Israelite. It is possible that H's presentation is in conflict with the original conceptuality of Deuteronomy 27, but not probable.

[294] Na'aman, "Sojourners," 256.

never combined with group one.[295] Lohfink once thought the deuteronomic laws, formulated during Josiah's era, were fixated on meeting the needs of the poor, but then he realized the words for "poor" in D (group one) never occur in any of the *personae miserae* triad (or composite) passages. Thus, D's laws do not add new subgroups, the גר, orphan, and widow (and Levite), to the impoverished class, but restructure society in order to support groups that do not have the capacity to live off the land; in line with the Exodus narrative, D creates "a world in which one can be a stranger, an orphan, or a widow without being poor."[296] Therefore, as van Houten states, the laws dealing with the גר, orphan, widow, and sometimes slaves and Levites, "are providing for the economic maintenance of groups of people who have no land. If that system worked, members of these groups would not be poor."[297] Na'aman understands this quite well,[298] but does not make the connection that local Judahites (or Israelites) were already protected by working the land that YHWH gave to them or working the land of one of their countrymen (6:10-12; 8:7-10; 24:14-15). Judahites or Israelites who were disassociated from a landowning *paterfamilias* – the orphan, widow and Levite – were protected by various laws. This discredits Na'aman's assertion, "The mention of the sojourner alongside the Levite reinforces the conclusion that he originates from the kingdom of Judah."[299] Rather, Levites are often associated with the גר, orphan, and widow because they did not own property in Israelite or Judahite territory (12:12, 19; 14:29; 16:11, 16; 18:1-2; 26:11-13).

We read among the covenant curses of chapter 28, "The immigrant in your midst will rise above you higher and higher, but you will descend lower and lower. He will lend to you, but you will not lend to him. He will be the head, and you will be the tail (28:43-44)." Na'aman rightly notices that "the reverse of this text, though in reference to the relations between Israel and the gentiles, appears in a blessing in vv. 12-13" (see §3.1.11).[300] Unfortunately, he totally neglects – to his advantage – the basic implication: "You will lend to many nations" (הלוית גוים רבים; v. 12b) is inverted by "He [הגר in v. 43] will lend to you" (הוא ילוך; v. 44a). The גר here is conceptualized as one who has multi-national origins. Also in the epilogue, in the covenant ceremony of chapter 29, the גר is "from the one who chops

[295] Norbert Lohfink, "Poverty in the Laws of the Ancient Near East and of the Bible," *TS* 52 (1991): 34-50, specifically p. 43.
[296] Lohfink, "Poverty," 44.
[297] van Houten, *Alien*, 95.
[298] Na'aman, "Sojourners," 254.
[299] Na'aman, "Sojourners," 256.
[300] Na'aman, "Sojourners," 253.

your wood to the one who draws your water" (Deut 29:11), which bears a strong lemmatic resemblance to the Gibeonites in Joshua 9:21, 23, 27.[301] While the direction of literary influence is debatable (see §3.1.12), either the deuteronomistic author of Joshua 9 interpreted the גר in Deuteronomy 29 as a non-Israelite (and thus applied this lexeme to the Gibeonites), or less likely, Deuteronomy 29 crafted its description of the גר in light of Joshua 9; in either case, the גר is understood as a non-Israelite and non-Judahite. Finally, the גר occurs one last time in the context of the *tôrâ* ceremony in 31:9-13. The גר is clearly a hyponym within "all Israel" (v. 11) and "the people" (v. 12), and so one might object that the גר could also be ethnically a non-Israelite and non-Judahite.[302] However, there is no semantic contradiction since elsewhere in the Hebrew Bible the non-Israelite גר is included: in "the congregation of Israel" (Exod 12:19); in "the Israelites" and "all Israel" (Josh 8:32-33); and in "all the assembly of Israel" (Josh 8:35). Perhaps most importantly, in Deut 23:8-9, Edomites and Egyptians, non-Israelites, were permitted to enter into YHWH's assembly.

After analyzing the major scholarly proposals on the nature of the גר in pentateuchal law, Riecker concludes: "Trotz aller anders gearteten Überlegungen last sich nun feststellen, das mit dem גֵּר *Fremden* in den Gesetzestexten der Tora ausschließlich ein Nichtisraelit bezeichnet wird, der sich in Israel niederlässt."[303] The Tetrateuch must be evaluated separately, but our review of the pertinent data provides additional support for Riecker's conclusion that the גר underlying D's laws can only be a non-Israelite and non-Judahite residing in Israel.

[301] van Houten, *Alien*, 103-04.
[302] Na'aman, "Sojourners," 252.
[303] Riecker, *Priestervolk*, 309.

3.3. Conclusions: Rhetoric of a New Status

Deuteronomy's גר texts cannot be satisfactorily subdivided by theme or bifurcated into self-evident historical referents. In addition, these texts resist categorization due to the variegated qualifying lexemes and sociological settings.

Unit or Subunit	*גר Form*	*Qualifying Phrases*	*Principal Sociological Sector(s)*
1:16-17	גר *individuum*	גרו "his immigrant"	Judicial
5:13-15	גר *individuum*	גרך אשר בשעריך "your immigrant who is within your gates"	Cultic
10:17-19	Inchoate form of גר-orphan-widow *triad*	גר "immigrant" (v. 18) הגר "the immigrant" (v. 19)	Judicial and Economic
14:21	גר *individuum*	גר אשר־בשעריך "(to the) immigrant who is within your gates"	Economic and Cultic
14:28-29	גר-orphan-widow *triad*, associated with the landless Levite	והגר והיתום והאלמנה אשר בשעריך "the immigrant, orphan, and widow who are within your gates" (v. 29)	Economic and Cultic
16:10-14	גר-orphan-widow *triad*, associated with the landless Levite	והגר והיתום והאלמנה אשר בקרבך "the immigrant, orphan, and widow who are in your midst" (v. 11)	Economic and Cultic
	Levite-גר-orphan-widow *tetrad*	והלוי והגר והיתום והאלמנה אשר בשעריך "the Levite, immigrant, orphan, and widow who are within your gates" (v. 14)	Economic and Cultic
23:2-9	Ammonite and Moabite Edomite, Egyptian	עמוני ומואבי אדמי, מצרי	Cultic
24:14-22	גר *individuum*, alternate with countryman (אח) as possible members of the	מגרך אשר בארצך בשעריך "(whether one from your fellow countrymen or) from your	Economic and Judicial

	poor and needy class (עני ואביון) (but not members of the שׂכיר"day laborer" class)	immigrant who is in your land within your gates" (v. 14)	
	גר-orphan *dyad*, associated with needy widow (אלמנה)	גר יתום "immigrant and orphan" (v. 17)	Economic and Judicial
	גר-orphan-widow *triad*	לגר ליתום ולאלמנה "for the immigrant, orphan, and widow" (v. 19)	Economic
	גר-orphan-widow *triad*	לגר ליתום ולאלמנה "for the immigrant, orphan, and widow" (v. 20)	Economic
	גר-orphan-widow *triad*	לגר ליתום ולאלמנה "for the immigrant, orphan, and widow" (v. 21)	Economic
26:10-13	Levite-גר *dyad*, invited to celebrate first fruits with *patresfamilias* and *bêt-'ābôt*	והלוי והגר אשׁר בקרבך "and the Levite and immigrant who are in your midst" (v. 11)	Economic and Cultic
	Levite-גר-orphan-widow *tetrad*, given the triennial tithe to eat	ללוי לגר ליתום ולאלמנה "to the Levite, immigrant, orphan, and widow" (v. 12)	Economic and Cultic
	Levite and גר-orphan-widow *triad*	ללוי ולגר ליתום ולאלמנה "to the Levite, and to the immigrant, orphan, and widow" (v. 13)	Economic and Cultic
27:19	גר-orphan-widow *triad*	גר־יתום ואלמנה "Immigrant, orphan, and widow"	Judicial and Economic
28:43-44	גר *individuum*	הגר אשׁר בקרבך "The immigrant who is in your midst" (v. 43)	Economic
29:8-12	גר *individuum*, hyponym of "all of you" (כלכם) and associated with "your children, your wives" (טפכם נשׁיכם) as three identities in the service-oriented class	גרך אשׁר בקרב מחניך "and your immigrant who is in the midst of your camps" (v. 10)	Cultic
31:10-13	גר *individuum*, hyponym of "the people" (העם)	גרך אשׁר בשׁעריך "your immigrant who is within your gates"	Cultic

In D's prologue and epilogue, the גר is qualified by an identical lexeme twice (5:14; 31:12), but none of the other six occurrences are qualified the same way:

5:14 *individuum* + enclitic ך + אשר בשעריך
31:12 *individuum* + enclitic ך + אשר בשעריך

1:16 *individuum* + enclitic ו
10:18 inchoate triad
10:19 *individuum*
27:19 triad
28:43 *individuum* + אשר בקרבך
29:10 *individuum* + enclitic ך + אשר בקרב מחניך

No obvious distinctions are observable between these lexemes and those in the DC. Again the lexemes in the DC are not homogeneous, but contain four variations:

14:21 *individuum* + אשר־בשעריך
14:29 triad + אשר בשעריך
16:14 tetrad + אשר בשעריך

16:11 triad + אשר בקרבך
26:11 dyad (Levite-גר) + אשר בקרבך

24:14 *individuum* + enclitic ך + אשר בארצך בשעריך

24:17 dyad (גר-orphan)
24:19 triad
24:20 triad
24:21 triad
26:12 tetrad
26:13 triad

Throughout D none of the גר forms (*individuum*, dyad, etc.) are qualified consistently by the same lexeme; the triad is often unqualified, but not always (14:29; 16:11). Only rarely is a specific qualifying lexeme selected for a noticeable reason (see §3.1.5 on 14:29). Mainly they are applied without apparent reason or for aesthetic purposes.

Although the גר *individuum* occurs primarily in judicial (1:16; 10:19; 24:14) and religious (5:14; 29:10; 31:12) texts, it also occurs in texts with a primary or secondary economic emphasis (10:19; 14:21; 24:14; 28:43). Likewise, although the composite גר forms occur primarily in economic texts (24:19, 20, 21; 27:19), they occur eight times in texts that also manifest religious (14:29; 16:11, 14; 26:11, 12, 13) and judicial (10:18; 24:17) orientations. In D, both גר *individuum* and composite גר intersect with every sociological sector.

Continuity between the גר in the prologue-epilogue and the גר in the DC is formed by four elements present throughout the composition of D: the thematic interrelationship of גר texts (see §3.2.1), the recurrence of qualifying lexemes (אשר־בשעריך, etc.), the גר's non-Israelite and non-Judahite ethnic origins, and the גר's involvement in several societal sectors. However, there are important discrepancies between the גר in the prologue-epilogue and in the DC.[304] Before we consider these, we must observe that three texts in the prologue-epilogue clearly anticipate or are dependent on the stereotypical language of the DC: 10:18-19; 27:19; and 28:42-43. In 10:18-19, the orphan-widow dyad is in parallelism with גר without the enclitic ך; this reflects both the BC and DC language, but not that of the prologue-epilogue texts, which never mention the orphan-widow with the גר, and which prefer the enclitic גרך or גרו.[305] Deuteronomy 27:19 is genetically related to 24:17 (see §3.1.10), which is unsurprising since all the curses of ch. 27's so-called Shechemite Decalogue reflect either the DC or Decalogue.[306] Na'aman correctly perceives this, "though chapter 27 was written at a later time, it reflects the same ethos as the previous passage [24:17]. This ethos is accentuated in Deut 10:18-19…"[307] Lastly, Deut 28:42-43

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[304] Olyan ("Stigmatizing Associations," 26 n. 33) notes the most basic outsider-insider discrepancy: "Note other Deuteronomic texts that suggest that aliens (including the גר) are outsiders to the community (Deut 14:21; 28:43-44). Contrast those that seem to include the foreign resident outsider (גר) specifically in the community (e.g., Deut 1:16; 10:19; 29:9-11; 31:11-12; Josh 8:33, 35; 20:9)." See my analysis below in this section.

[305] Deut 10:18-19 may reflect an exilic or postexilic provenance (see §4.5); Achenbach ("*gêr*," 29) assigns it to a fifth century postexilic redaction. Regardless of its date, it more clearly resembles the presentation of the גר in the DC, rather than that of the prologue and epilogue. Thomas Krapf ("Traditionsgeschichtliches zum deuteronomischen Fremdling-Waise-Witwe-Gebot,"*VT* 34 [1984]: 87-91), who does not deal with dating issues between the prologue-epilogue and DC, believes the BC was the earliest Israelite law corpus to present the triad, and did so in the order: (1)גר-(2)אלמנה-(3)יתום. He contends (translation mine): "This order is interchanged in all deuteronomic texts (1) *ytwm* – (2) *'lmnh*, first of all, in the context attributing Deut 10:12-11:17 to Yahweh. In 10:18 there is an analogy to the diction of the BC in two separate main clauses predicated of God, that he on one hand accomplishes justice for the orphan and widow (v. 18a), and the other hand loves the stranger (v. 18b). The subsequent typical invitation for Israel, namely, to love the stranger (v. 19), certainly could have been a secondary addition. Following the given sequence in Deut 10:18a (1) *ytwm* – (2) *'lmnh* is the prefixing of the *gr* in deuteronomic law's (Deut 12-26) characteristic sequence: (1) *gr* (2) *ytwm* (3) *'lmnh*. This is followed in all other deuteronomic texts: Deut 14:29; 16:11, 14; 24:17, 19, 20, 21; 26:12, 13."

[306] Nelson, *Deuteronomy*, 315-21.

[307] Na'aman, "Sojourners," 249. Achenbach ("*gêr*," 29) assigns 27:19 to a postexilic redaction of D, but even if so, Norbert Lohfink, followed by D. J. McCarthy and Gordon Wenham, has argued convincingly that Deuteronomy 27 was carefully incorporated with

also reflects the DC.[308] There we read הגר "the immigrant," which only occurs in this form in the DC and 10:18-19; 27:19. The reason the orphan and widow are not mentioned in 28:42-43 is that these verses function as the negative counterpart to 28:12b-13 (see §3.1.11). The inverse of "you will lend to many nations" (הלוית גוים רבים; v. 12b) is "He [גר in v. 43] will lend to you" (הוא ילוך; v. 44a). The orphan, widow and Levite – often associated with the גר in the DC – are all of Israelite (or Judahite) origins and, therefore, are deliberately omitted in 28:43-44. The multi-national origins of the גר in 28:43-44 correlates with the DC's depiction of the גר as non-Israelite/non-Judahite (see §3.2.3).

Even if one believes Deut 10:17-19; 27:19; and 28:42-43 have an exilic/post-exilic provenance, they certainly reflect the conventional language of the DC. Immediately, then, a discrepancy emerges: the גר *individuum* in the prologue-epilogue is suffixed with the ו/ך "your/his immigrant,"[309] whereas in the DC, only once out of twelve גר occurrences (24:14):

1:16 *individuum* + enclitic ו
5:14 *individuum* + enclitic ך + אשר בשעריך
29:10 *individuum* + enclitic ך + אשר בקרב מחניך
31:12 *individuum* + enclitic ך + אשר בשעריך
24:14 *individuum* + enclitic ך + אשר בארצך בשעריך

Without owning land in Israel and without indigenous, extended familial ties, the גר had two means of sustenance: in D's prologue-epilogue the גר *individuum* survived by working as a client for an Israelite patron (see §3.1.2 on 5:13-15), whereas in the DC the גר, along with other *personae miserae*, could survive primarily by the DC's relatively comprehensive protective system (see §5.2.2.1). Furthermore, while D's system imagines a culture in which one could be a גר, orphan, or widow without being poor (see §3.2.3), these personae were removed to some degree from the nucleus of an Israelite or Judahite *bêt-'āb* and from owning real estate in Israel or Judah, and therefore, must have been vulnerable to oppression and scarcity (cp. Deut 24:19:21 and Ezek 47:22-23). Deut 24:14 presumes that certain גרים in the DC worked as clients, but they were not immune from exploitation: "You must not oppress the wages of the poor and needy, wheth-

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chs. 5-26: Norbert Lohfink, *Das Hauptgebot Eine Untersuchung literarischer Einleitungsfragen zu Deuteronomium 5-11* (Rome: Pontifical Biblical Institute, 1963), 111, 234; Wenham ("Sanctuary," 95); D. J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and the Old Testament* (Rome: Pontifical Biblical Institute, 1978), 109ff.

[308] Achenbach ("*gêr*," 29) assigns 28:42-43 to "deuteronomic Deuteronomy."

[309] Perlitt ("Volk von Brüdern," 63) rightly notes that the form גרך "your immigrant" (and I would add גרו "his immigrant" in 1:16) is unique to D.

er one from your fellow countrymen or from your immigrant who is in your land within your gates" (see §3.1.8). Therefore, even if patrons fairly compensated their laborers, the poor and needy גר in view here would have probably supplemented his income by DC's social program.

We may now offer the following comparisons between the גר in the prologue-epilogue and DC:

גר in Deuteronomic Code (DC)	*גר in Prologue and Epilogue (P-E)*
1. Resided in Israelite settlements (shared qualifying phrases with P-E)	1. Resided in Israelite settlements (shared qualifying phrases with DC)
2. Ethnically non-Israelite and non-Judahite	2. Ethnically non-Israelite and non-Judahite
3. Legally protected (24:14; 27:19)	3. Legally protected (1:16-17)
4. Predisposed to poverty (24:19-22)	4. Not clearly predisposed to poverty (1:16; 5:14; 29:10; 31:12)
5. Represented as societal dependents (14:21, 29)	5. Represented as client workers (1:16; 5:14; 29:10; 31:12)
6. Not a "countryman" or a member of "holy people to YHWH" (24:14; 14:21)	6. Member of "countrymen," "all Israel," and "the people" (1:16; 31:10-13)
7. Consumed food at feasts of Shavuot and Sukkoth (16:11, 14)	7. Rest from client work to observe Sabbath (5:14)
8. Not required to offer tithes and sacrifices at the central sanctuary (12:7, 12, 18; see §5.2.2.1)	8. Entered covenant with YHWH (29:8-12)
9. Not required to obey an Israelite holiness law (14:21)	9. Required to hear and obey *tôrâ* (31:10-13)

The DC envisages that the גר be integrated socially to provide for his physical needs. This integration, however, was only partial and was accompanied by reduced cultic integration and ritual obligations, as Philipp Enger observes, "Seiner sozialen, wirtschaftlichen und rechtlichen Marginalisierung entspricht eine religiös-rituelle Minderverpflichtung."[310] In contrast, the גר in the P-E was integrated, to a meaningful degree, both social-

[310] Philipp Enger, *Adoptivkinder*, 277; but here Enger also claims without validation that the גר in the DC was entirely isolated socially.

ly *and* religiously into the community of YHWH's covenant people.[311] The continuity forged between the גר in the DC and the P-E – common qualifying lexemes and non-Israelite/non-Judahite origins – militates against any obvious bifurcation between DC and P-E גר referents. Instead, in my view, Deuteronomy 23 provides the missing link. The non-Israelite נכרי who demonstrated commitment to YHWH and his people (גור for three generations and historically positive treatment of Israel) was admitted formally into YHWH's assembly (קהל יהוה), that is, he was regarded as a גר who met the standards of eligibility for membership in YHWH's people privileged to gather, hear and obey the word of YHWH (§3.1.7.2). Admission into YHWH's assembly would have been accompanied by a *social* evolution: the *personae miserae* גר of the DC now enters covenant and, consequently, would gain not only additional prospects from patrons to work as a client (hence, "*your* גר" in P-E), but also his patron would be more inclined to compensate and protect him, assisting him to leave the vulnerable class and stand as a גר *individuum* (not with other *personae miserae*), as we encounter him in the P-E. This theory would also explain why the non-Israelites who were barred from YHWH's assembly (ch. 23) appear to be coextensive with D's class of נכרים "foreigners." A non-Israelite precluded from the assembly of YHWH's people would have had the accompanying social status of the נכרי – neither in a client relationship to an Israelite patron, nor settled within Israel's towns (§3.1.7.3). In this way, Deut 23:2-9 both permits selective integration into Israel's congregation and protects DtrH's conception of Israel's holiness as found in the dietary laws (14:1-21) and laws of war (20:1-20; 21:10-14; 23:10-15).[312] Coinciding with Deut 23:2-9's canonical function as a mechanism of religious and social transition from the DC to the P-E, it is plausible that 23:2-9 was codified after the pre-exilic DC and thereby formed the legal basis of the fully inte-

[311] In response to Deut 29:10 and 31:12, Rainer Albertz draws a comparable conclusion: "Thus, in contrast to the initial impression, it has turned out that also in the book of Deuteronomy the social integration of the *gērīm* has an important and increasing religious aspect": "From Aliens to Proselytes: Non-Priestly and Priestly Legislation Concerning Strangers," 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), 56. Although D's transmission-historical evidence remains elusive (§5.1.1), Paul-Eugène Dion ("l'Étranger," 230) presents a plausible view that 14:21, which marks the גר as outside the covenant community, reflects the pre-Dtr materials that were incorporated into the DC, whereas 29:10 and 31:12, which indicate an exacerbated nationalism and introduce the גר into the full covenant assembly with a better social position than before, reflect a pre-exilic Dtr redaction during the Assyrian domination.

[312] For DtrH's conception of holiness in these texts, consult Otto, *Das Deuteronomium*, 230-32.

grated גר in the P-E.[313] Or, 23:2-9 might have been codified after a post-exilic P-E to explain the otherwise irreconcilable socio-religious differences between the גר in the DC and the גר in the P-E.[314]

Miller rightly reclaims the paraenetic flavor of this book, which if not appreciated, risks misinterpretation: "Deuteronomy is law that is taught and preached, not simply promulgated; it must be understood as an activity of teaching and preaching if its aim is to be understood."[315] Mary Douglas believes that in contrast to the mytho-poetic and analogical thinking of Leviticus, the preaching of Deuteronomy exudes linear, hierarchical, and dialogical thought processes.[316] Although this contrast offers certain insights, she is wrong to apply it reductionistically to D's various cognitive and communicative dimensions. She claims that D develops propositions by the logic of non-contradiction, but D's polyvalent presentation of the גר does not employ such discursive logic, but evocative and at times unreasonable rhetoric, which we may summarize as follows. The landowners of Israel are enjoined to provide for and protect the non-Israelites who have taken up residence among them. Distributing goods and enforcing social justice does not require the landowners to welcome these non-Israelites into the core of their community; but admission into YHWH's assembly does. Deuteronomy 23 is rhetorically potent precisely because of the traditions on which it draws: Egyptian kindness during the גר era, not Egyptian cruelty during the עבד era, which otherwise dominates deuteronomic thought; the solidarity of the blood relationship with Edom (Deut 2:1-8; 23:8), not the abrasiveness of Edom's most recent inhospitality as recorded in Num 20:14-21 (which Deut 2:1-8, and probably 23:8, mollify). The words of YHWH through Moses pierce the recalcitrant and unforgiving Israelite's heart: the גר who was a member of Edom or Egypt, or any other nation who vacillated between blessing and cursing Israel, the very גר who consumed forbidden carcasses (14:21), who received without giving in return (14:28-29; 16:11, 14; 24:19-22; 26:10-13) – now enters covenant with YHWH and joins the sacred gatherings of YHWH's people (29:8-12; 31:10-13). Most Israelites hearing or reading D would have been relieved that at least it was the גר, and not the נכרי "foreigner," who enters the covenant community. On an ideational, but not intertextual, level, Isaiah continues the trajectory where D leaves off: the *personae miserae*, socially integrated

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[313] For an exilic provenance for 23:8, see Ramírez Kidd, *Alterity*, 94.

[314] For a postexilic provenance for 23:2-9, see Otto, *Deuteronomium im Pentateuch*, 232 n. 314; also Achenbach, "*gêr*," 29, 35.

[315] Miller, *Deuteronomy*, 7.

[316] Mary Douglas, *Leviticus as Literature* (Oxford: Oxford University Press, 1999), 13-65.

גר (DC) → cultically integrated גר (Deut 29, 31; Isaiah 14:1) → cultically integrated נכרי (Isaiah 56, and probably 66).[317] Like the epilogue of D, Isaiah 14:1 envisages that during YHWH's restoration of Israel from exile, the גר "will join them and unite with the house of Jacob," but by its own subversive rhetoric Isaiah 56:1-7 incorporates the heretofore rejected בן־נכר "foreigner" (D's נכרי) who by keeping covenant may now worship YHWH in his Jerusalem sanctuary.

[317] Otto (*Deuteronomium im Pentateuch*, 204 n. 227) regards Isa 56:1-8 and 66:18-24 as a significant development from, and even in contrast with, Deut 23:2-9, in that Isaiah 56 and 66 integrates non-Israelites into the community as full members "durch Bekehrung und Bekenntnis zu JHWH."

Chapter 4

Immigrant-in-Egypt and Slave-in-Egypt Formulae: Demarcation, Import and Origins

4.1. Introducing the Formulae

Integrated into the book of Deuteronomy (D) are several traditions that recall Israel's experience in Egypt. Among the more axiomatic expressions are the גר-Egypt and עבד-Egypt formulae:

גר-Egypt formula	*עבד-Egypt formula*
Sample: כי־גרים הייתם בארץ מצרים "for you were immigrants in the land of Egypt" (10:19)	Sample: וזכרת כי־עבד היית בארץ מצרים "So remember that you were a slave in the land of Egypt" (24:22)
Found in P, H, and D: Exod 22:20; 23:9; Lev 19:34; Deut 10:19; 23:8	Found only in D: 5:15; 15:15; 16:12; 24:18, 22
כי introduces motivational clause	זכר introduces motivational clause
Used only with גר *individuum* injunctions (see §4.4.1)	Used with composite and גר *individuum* injunctions[1]

Marianne Bertrand represents the common assumption that גר-Egypt and עבד-Egypt formulae in D share the same *negative* semantic force:

À de nombreuses occasions, il est rappelé è l'Israélite qu'il a été גר en Egypte, assujetti à Pharaon (Ex 22,20; Lv 19,34; Dt 10,19; 23,8; 24,17.22) et ce souvenir fonde les exigences des lois de protection ou d'intégration des étrangers en Israël… Peu importe ici la réalité historique de l'esclavage en Égypte, puisque c'est ainsi de toute façon qu'Israël a lu

[1] This is a modification of José E. Ramírez Kidd's comparison of these formulae in *Alterity and Identity in Israel: The גר in the Old Testament* (BZAW 283; Berlin: Walter de Gruyter, 1999), 35-36. See §2.2.3 for discussion of his proposal that the גר-Egypt and עבד-Egypt formulae motivate action toward two different socio-historical referents, the so-called triad גר and individual גר.

son histoire. En Égypte, l'Israélite a été étranger, un émigré asservi aux grands travaux du pharaon, tel que le racontent les premiers chapitres de l'Exode.[2]

Like Bertrand, Walter Vogels conflates the גר-Egypt and עבד-Egypt references into one parenthesis.[3] He avows that Israel's recollection of their humiliation as immigrants in Egypt had the power to resist their desire for revenge, and maltreating immigrants would mean abandoning Israel's own origins and identity:

Ce souvenir d'avoir été immigrant avec toutes les humiliations qu'Israël a connues en Égypte ne peut nullement susciter le désir, pourtant si naturel, d'avoir sa revanche…Il arrive souvent que des autochtones ont de la difficulté à accepter des immigrants. Ils se sentent menacés par eux, ils craignent de perdre leur identité et finissent par opprimer les immigrants dans l'espoir de préserver leur propre culture. Ceci est impensable pour Israël qui ne peut pas essayer de sauvegarder son identité en opprimant les immigrants. Agir de cette façon serait nier sa propre historie et serait la perte de sa propre identité. Israël en effet se définit comme un peuple d'immigrants que Dieu a rendu libre.[4]

Dutch scholar Peter Schmidt likewise recognizes that retaliation against immigrants (גרים) was a real temptation for Israel: "Wanneer JHWH dus zegt: gij moet de vreemdeling goed behandelen, want ge zijt zelf vreemdeling in Egypte geweest, dan roept hij op de slechte behandeling de ze zelf ondergingen niét te vergelden op anderen."[5] To retaliate, however, would mean disregarding that YHWH had redeemed them from their own immigrant plight: "Als allervoornaamste motief voor een billijke behandeling vinden we de gedachte dat de Israëliten zelf *gerim* zijn geweest in Egypte, en *dat JHWH hen daaruit heft verlost*."[6]

On the contrary, Innocenzo Cardellini believes D differentiates Israel's *agreeable* גר "immigrant" experience from its *adversative* עבד "slave" ex-

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[2] Marianne Bertrand, "L'étranger dans les lois bibliques" in *L'Étranger dans la Bible et ses lectures* (ed. Jean Riaud; Paris: Cerf, 2007), 61; likewise, 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.

[3] "(*Ex* 23,9; voir *Ex* 22,20; *Lv* 19,34; *Dt* 5,15; 10,19; 16,12; 23,8; 24,18.22)": Walter Vogels, "L'immigrant dans la maison d'Israël" in *"Où demeures-tu?": (Jn 1,38): la maison depuis le monde biblique: en hommage au professeur Guy Couturier a` l'occasion de ses soixante-cinq ans* (ed. Jean-Claude Petit; Saint-Laurent, Québec: Fides, 1994), 243.

[4] Vogels, "L'immigrant," 243.

[5] Peter Schmidt, "De Vreemdeling in Israël," *Coll* 23 (1993): 237; so also Thomas Krapf, "Traditionsgeschichtliches zum deuteronomischen Fremdling-Waise-Witwe-Gebot," *VT* 34 (1984): 88.

[6] Schmidt, "Vreemdeling," 236.

perience.[7] Although Jacques Guillet conflates גר-Egypt and עבד-Egypt references (as do Bertrand and Vogels), he recollects that Abraham as a גר relied on the goodwill of settled populations and their leaders.[8] Jacob's family enjoyed the benefits of Egypt, which to them felt like home:

> Gage déjà d'une prise de possession, mais avant de pouvoir s'y installer, les patriarches et leurs descendants devront plus d'une fois quitter leurs pâturages habituels, désolés par la famine, et gagner l'Egypte, terre riche, état puissant et civilisation brillante, où jamais les Hébreux ne se sentiront chez eux.[9]

This memory seems to have been supplanted in some traditions by the memory of Israel's subsequent oppression in Egypt: "Jamais Israël ne pourra oublier les années d'esclavage en Egypte, « la maison de servitude, la fournaise pour le fer ». Et les Egyptiens demeureront pour des siècles le symbole de l'oppression."[10]

Yet in D, a demarcation between גר-Egypt and עבד-Egypt formulae is discernible. Building on Hermann Spieckermann's work, Jose Ramírez Kidd offers the most developed argument for this demarcation, but a more thorough analysis is needed to both substantiate and clarify this argument.[11] The purpose of this chapter, then, is to marshal the evidence that manifests both a conceptual and compositional demarcation of these formulae, and apply the results both to interpreting D's גר texts and to the ongoing debate over the Pentateuch's transmission process.

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[7] Innocenzo Cardellini, "Stranieri ed 'emigrati-residenti' in una sintesi di teologia storico-biblica," *RivB* 40 (1992): 136; Ramírez Kidd, *Alterity*, 86-98.

[8] Jacques Guillet, "L'étranger dans la tradition biblique." *Christus* 38 (1991): 172.

[9] Guillet, "L'étranger," 172; similarly, Richard D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox, 2002), 279.

[10] Guillet, "L'étranger," 172.

[11] Hermann Spieckermann, "Die Stimme des Fremden in Alten Testament," *Pastoral Theologie* 83 (1994): 52-67; Ramírez Kidd, *Alterity*, 86-98.

4.2. גר-Egypt and עבד-Egypt: Evidence of a Semantic Distinction

4.2.1. גור Activity in Gen 45-Exod 1:5 and עבד Activity in Exod 1:9-12:51

The transitionary statements of Exod 1:6-8 delineate two eras of Israel's ancestors in Egypt: Jacob's family's גור activity (Genesis 45-Exod 1:5) followed by the Hebrews' עבד activity (Exod 1:9-12:51).[12] Already in Genesis, agents of the verb גור were: Abram in Egypt (12:10), Gerar (20:1; 21:23) and the hypernym "land of the Philistines" (21:34); Lot in Sodom (19:9); Isaac in Gerar (26:3); Jacob in Paddan Aram with Laban (32:5); and Abraham and Isaac at Hebron (35:27; nominal form גר־ותושב in 23:4).[13] The preface to Jacob's *tôlĕdôt* section (37:2-50:26) conjoins Ja-

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[12] The Exod 1:6-8 bridge may belong to P or post-P: Konrad Schmid, *Erzväter und Exodus: Untersuchungen zur doppelten Begründung der Ursprünge Israels innerhalb der Geschichtsbücher des Alten Testaments* (WMANT 81; Neukirchen-Vluyn: Neukirchener, 1999), 59-73; English translation: *Genesis and the Moses Story: Israel's Dual Origins in the Hebrew Bible* (Winona Lake, Ind.: Eisenbrauns, 2010); *contra* John Van Seters, *The Life of Moses: The Yahwist as Historian in Exodus-Numbers* (Louisville: Westminster John Knox, 1994), 16-19.

[13] The contexts of these גור activities are as follows. From the Negev region (Gen 12:9), Abram "went down to Egypt to sojourn [לגור] there for the famine was severe in the land" (12:10). Lot was next viewed by the inhabitants of Sodom as one who came to Sodom to sojourn (בא־לגור; 19:9), and then Abraham journeyed ostensibly from a mountain where he overlooked Sodom and Gomorrah (19:27-29) (whose locations are notoriously disputed) to settle in the Negev region and sojourn in Gerar (ויגר בגרר; 20:1) in the Western Negev basin. Abimelech, king of Gerar, and Phicol, commander of Abimelech's army, reiterate that Abraham has sojourned in Gerar ("in the land in which you have sojourned" [עם־הארץ אשר־גרתה בה]; 21:23), and the implied narrator affirms this: "Abraham sojourned in the land of the Philistines for many days" [ויגר אברהם בארץ פלשתים ימים רבים]; 21:34). The adverbial accusative phrase, "for many days," means idiomatically "a long time" (JPS Tanakh) or "for quite some time" (NET). As an aside, Joseph-Jacob's residence in Egypt, although it lasted for at least a generation (Exod 1:6-8), would still qualify as a גור experience. When purchasing a plot in Machpelah, near Hebron (modern *Haram el-Khalil*), from Ephron the Hittite, Abraham self-identifies by the appellatives: "I am an *immigrant* and *sojourner* among you" (גר־ותושב אנכי עמכם; 23:4). After a famine (26:1), Isaac repeats Abraham's journey, not to Egypt (26:2), but to Gerar (26:1), and Isaac is commanded by YHWH to sojourn there ("sojourn in this land" [גור בארץ הזאת]; 26:3). Only in the Jacob cycle (Genesis 35-50) do readers learn that the implied narrator also considers Abraham's and Isaac's stay in Mamre – namely, Kiriath Arba, which was later called Hebron – a sojourn: "where Abraham and Isaac had sojourned" (אשר־גר־שם אברהם ויצחק; 35:27). When meeting his brother Esau, Jacob explains that he sojourned with Laban (עם־לבן גרתי; 32:5) in Haran, northeast in the region of Padan Aram.

cob's גור experience in Canaan with that of Isaac's: "Jacob lived in the land of the sojourning of his father, namely, the land of Canaan" (וישב יעקב בארץ מגורי אביו בארץ כנען; 37:1). Similarly, in his dialogue with Pharaoh in Goshen, Jacob refers to his life in Canaan by the metonym "the [days of the] years of my sojourning" (ימי שני מגורי), and Jacob refers likewise to his ancestors' lives "during the days of their sojourning" (ימי מגוריהם; Gen 47:9). Of these גור activities, those in Canaan are collectively recalled in Exod 6:4 when YHWH promises to Israel, through Moses: "to give them the land of Canaan, the land in which they sojourned" (להם את־ארץ כנען את ארץ מגריהם אשר־גרו בה). These גור occurrences illustrate that "les patriarches font figure d'étrangers, obligés de s'en remettre à la bonne volonté des populations installées et de leurs chefs."[14] The Patriarchs' גור experiences were not inherently negative (or positive), but depended on how they were treated by indigenous leaders (cf. Gen 19:9 and 21:32-34; 23:4).

The next גור experience in the Genesis narrative is found in Joseph's brothers' discourse with the Pharaoh in which they interpret their temporary residence in Egypt as גור and ישב activity:

ויאמרו אל־פרעה לגור בארץ באנו כי־אין מרעה לצאן אשר לעבדיך כי־כבד הרעב בארץ כנען ועתה ישבו־נא עבדיך בארץ גשן

They said to Pharaoh, "We have come to sojourn in the land [לגור בארץ], for there is no pasture for your servants' flocks, for the famine is severe in the land of Canaan. Now, permit your servants to dwell in the land of Goshen" (47:4).

Jacob's גור experience in Goshen, Egypt, continues the motif of Patriarchal גור experiences in and around Canaan, especially Abraham's famine in Canaan leading to his גור in Egypt (Gen 12:10-20).[15]

The verbal form גור and nominal form גר do occur in the Exod 1:9-12:51 block, but they provide no counterevidence. The sole occurrence of גור refers not to the Israelites in Egypt, but to an Egyptian woman living in an Israelite's house in Egypt (G-stem fs. participle; Exod 3:22). The noun גר refers thrice to non-Israelites participating in Israel's Feast of Matzoth and Pesach (Exod 12:19, 48, 49). Finally, in Exod 2:22 (repeated in 18:3), Moses names his firstborn son: "Then she gave birth to a son, and he called his name Gershom [גרשם], for he said, 'I have been an immigrant [גר] in a foreign land [בארץ נכריה].'" Ramírez Kidd discredits the value of this as evidence since it is an "etymological etiology" (גרש + enclitic ם [cf.

[14] Guillet, "L'étranger," 172.

[15] Note 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.

Exod 2:17; 6:1; 11:1; 12:39] and/or גר "immigrant" + שם "there").[16] More importantly, שם and ארץ נכריה do not refer to Egypt, but Midian, where Moses lived. Egypt was not to Moses an ארץ נכריה, but the country of his upbringing by the Pharaoh's daughter (Exod 2:5-10). When Moses fled to Midian, he abandoned his people who were under Pharaonic oppression. The illusion of relative comfort in Midian suppressed the reality that Moses should never have been there to begin with (Exod 2:11-15). Moses responded to the suffering of his people by killing an Egyptian and fleeing to Midian; God responds to the suffering of his people by calling Moses to return to Egypt (Exod 2:23-25; ch. 3).[17]

As for the root עבד, in the Joseph cycle it is never used of Jacob's family in Egypt as forced laborers (see §4.3), but only as a self-appellative in deference for the Pharaoh (עבדיך "your servants": 46:34; 47:3, 4[2x]). The Egyptians sold their land and offered themselves as עבדים "slaves" to Pharaoh, and Joseph indeed made them עבדים in exchange for food (47:15-26). The next verse, as it is presently placed, functions rhetorically as a contrast to the now landless and servile Egyptians:

וישב ישׂראל בארץ מצרים בארץ גשן ויאחזו בה ויפרו וירבו מאד
Now the Israelites settled in Egypt in the region of Goshen. They acquired property in it and were fruitful and increased greatly in number (47:27).

Joseph's brothers do offer themselves to become his עבדים "slaves," but Joseph emphatically denies their offer (49:19-21). The first portrait of Israel's ancestors as עבדים, with the negative connotation of forced laborers, does not occur until Exod 1:13:[18]

ויעבדו מצרים את־בני ישׂראל בפרך
So they [the Egyptians] forced the Israelites to work as slaves.

Cardellini correctly regards this as a change in status: "Nelle rilettura, in chiave epica, di testi dell'esodo dalla terra d'Egitto, il significato di *gerim* viene modificato in *'abadîm* (schiavi)."[19] This does not deny that the Hebrews continued to גור in the sense that they continued to reside as Asiatics

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[16] Ramírez Kidd, *Alterity*, 91; see Carol Meyers, *Exodus* (NCBC; Cambridge: Cambridge University Press, 2005), 45-46.

[17] Stephen in Acts 7:29, likewise, understood Moses to have resided as an immigrant in Midian, not Egypt: *ἔφυγεν δὲ Μωϋσῆς ἐν τῷ λόγῳ τούτῳ καὶ ἐγένετο πάροικος ἐν γῇ Μαδιάμ, οὗ ἐγέννησεν υἱοὺς δύο.*

[18] Only Issachar, of the 12 tribes of Israel, becomes a slave that performs forced labor (למס־עבד) and there is no indication here of Egypt; even if it does, it does so *proleptically*, not as a present reality (Gen 49:15; see 15:13).

[19] Cardellini, "Stranieri," 135.

in the Nile Delta, but the Pentateuchal language is consistent in marking a fundamental status transition from גר (גור) to עבד.

In conclusion, the distinction between גור and עבד in the Genesis and Exodus narratives enhances the probability that D's formulae are not interchangeable. Rather, the above data allow for the possibility that the גר-Egypt formula correlates with Jacob's family's גור activity (Genesis 45-Exod 1:7), whereas the עבד-Egypt formula, with the Hebrews' עבד activity (Exod 1:8/9-12:51).[20] Unfortunately, Ramírez Kidd is inconsistent since earlier in his monograph he argues גור is typically used to express motion away from the land of Canaan-Israel, whereas גר had evolved into a protected, legal status of one residing within the land of Canaan-Israel.[21] This distinction, while generally true, has two noteworthy exceptions. First, the Patriarchs' גור activity was at times within the land of Canaan and was associated with their גר status (Gen 23:4a: גר־ותושב אנכי עמכם); from Gen 23:4a, we may infer the Patriarchs' probably had גר status during their various גור activities. Second, when גר comes to denote a protected, legal status in the OT, it is often modified by the verbal form גור, especially but not solely in the priestly literature.[22] These exceptions, along with the reality that גר, even when it denotes a legal status, remains an agentive noun (a גר is the agent of גור action), preserve the semantic association of the verb and noun in the OT, and in particular the association of the גר-Egypt formula with Jacob's גור activity in Egypt.

4.2.2. Israel-in-Egypt texts in D

In addition to the גר-Egypt and עבד-Egypt formulae, several traditions are integrated into D that recall Israel's experience in Egypt. The predominant fixed expression has the following components:

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[20] Ramírez Kidd, *Alterity*, 90-93.

[21] Ramírez Kidd, *Alterity*, 13-33.

[22] Attributive participle הגר: Exod 12:49; Lev 16:29; 17:10, 12, 13; 18:26; 20:2; Num 15:15, 16, 26, 29; 19:10; Ezek 47:22 (pl. הגרים), 23; Josh 20:9; and prefix conjugation יגור: Lev 17:8; 19:33; Num 9:14; 15:14; Ezek 14:7.

Reference	*Divine self-identification or Independent clause with divine object as subject of nominal clause*	*Non-limiting Relative Clauses*[23]		
		relative clause + H-stem יצא + 2ms object suffix	מן of source + land of Egypt	appositive: מן of source + house of slavery
5:6	אנכי יהוה אלהיך	אשר הוצאתיך	מארץ מצרים	מבית עבדים
6:12	השמר לך פן־תשכח את־יהוה	אשר הוציאך	מארץ מצרים	מבית עבדים
8:14	ושכחת את־יהוה אלהיך	המוציאך	מארץ מצרים	מבית עבדים
13:11	יהוה אלהיך	המוציאך	מארץ מצרים	מבית עבדים

The other Israel-in-Egypt propositions employ some of the above components, but are not fixed. 7:8 and 13:15 both contain an internal *Numeruswechsel* and add the verb פדה "to redeem":

הוציא יהוה אתכם ביד חזקה ויפדך מבית עבדים מיד פרעה מלך־מצרים (7:8)
יהוה אלהיכם המוציא אתכם מארץ מצרים והפדך מבית עבדים (13:15)

6:21 does not contain פדה, but like 7:8, contains (ל)פרעה "(to) Pharaoh" and ביד חזקה "by a mighty hand":

ואמרת לבנך עבדים היינו לפרעה במצרים ויוציאנו יהוה ממצרים ביד חזקה (6:21)

29:1 and 34:11 share the same lexeme:

אתם ראיתם את כל־אשר עשה יהוה לעיניכם <u>בארץ מצרים לפרעה ולכל־עבדיו ולכל־ארצו</u> (29:1)
לכל־האתות והמופתים אשר שלחו יהוה לעשות <u>בארץ מצרים לפרעה ולכל־עבדיו ולכל־ארצו</u> (34:11)

28:68 envisages unfaithful Israel's return to Egypt with a plight more humiliating than Exod 1:8/9-12:51. They seek enslavement, but are rejected:

והשיבך יהוה מצרים באניות בדרך אשר אמרתי לך לא־תסיף עוד לראתה והתמכרתם שם לאיביך לעבדים ולשפחות ואין קנה

All of D's Israel-in-Egypt propositions, with the obvious exception of the גר-Egypt formula, include the lexeme עבד (pl. עבדים) and have a negative *Tendenz* incongruous with the favorable era of Jacob's family in Egypt (see §4.2.1; §4.3), but congruous with the unfavorable era of post-Joseph Israel in Egypt (Exod 1:8/9-12:51). Cardellini observes: "Da un confronto anche rapido si vede chiaramente l'ambiguità di questo fatto: nel Deuteronomio si

[23] The non-limiting relative clause "marks a general attribute of the antecedent without setting it off against other members of its 'class'": Arnold and Choi, *Hebrew Syntax*, 184-85.

incontra la maggior parte dei testi dove l'Egitto è paragonato ad una 'casa di schiavitù' in cui Israele era un *'ebed*, quindi, trattato come schiavo e non come un emigrato-residente."[24] The preponderance of Israel-in-Egypt texts in D that recount Israel's epoch of suffering make the גר-Egypt formula (Deut 10:19; 23:8) an anomaly more likely to convey an independent connotation.

4.2.3. Historical Précis: Gen 15:13 and Deut 26:5-6

Ramírez Kidd proposes that in the covenant ritual between YHWH and Abram in Genesis 15, YHWH projects two distinct eras in Israel's history, first sojourn, then oppression:[25]

1. Sojourn: "your descendants will be immigrants in a land that is not theirs" (15:13a-b)
2. Oppression: "*then* they will be enslaved and oppressed for four hundred years" (15:13a-b).

This proposal, Ramírez Kidd does not mention, explains the unnecessary shift from prefix conjugation forms to *weqatal* forms. This morphological shift may be reasonably interpreted as a simple temporal sequence, one era is succeeded by another:[26]

ויאמר לאברם ידע תדע כי־גר יהיה זרעך בארץ לא להם ועבדום וענו אתם ארבע מאות שנה
Then YHWH said to Abram, "Know this with confidence that your descendants will be immigrants in a land that is not theirs, *then* they [Israel] will serve them [Egypt] and they [Egypt] will oppress them [Israel] for four hundred years."[27]

A second text that substantiates this distinction occurs in the first fruits ritual that directs the celebrant to recount a condensed Israelite history (Deut 26:5-6). Some reduce this précis of Israel's Egypt experience into one continuous, era of oppression,[28] but syntagmatic features appear to divide Israel's time in Egypt:

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[24] Cardellini ("Stranieri," 136) makes reference to Deut 5:6, 15; 6:12; 7:8; 8:14; 13:11; 15:15; 16:12; 24:18; Exod 13:3, 14; 20:2; Josh 24:17; Judg 6:8; 2 Kgs 17:7; Jer 34:13; Mic 6:4.

[25] Ramírez Kidd, *Alterity*, 90-91.

[26] Bruce Waltke and Michael O'Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake, Ind.: Eisenbrauns, 1990), 526.

[27] Both of Genesis 15's *Leitwörte*, זרע and ארץ, occur in this verse.

[28] André Wénin ("Vivre sa différence. A propos d'étranger dans le premier Testament" *Cahiers de l'Atelier* 469 [1996]:91) claims without textual substantiation: "Tout commence en Égypte avec des immigrés, descendants et réduits en esclavage (Dt 26, 6) que le Seigneur libère de l'injustice et de la violence. Le people élu est donc au depart un people. Et s'il reçoit une terre, ce n'est pas pour se l'approprier. C'est pour jouir d'un lieu où vivre et épanouir la liberté donnée par Dieu, sans risquer d'être à nouveau victim de l'injustice et la violence (Dt 26, 8-9)."

וענית ואמרת לפני יהוה אלהיך ארמי אבד אבי וירד מצרימה ויגר שם במתי מעט ויהי־שם לגוי גדול עצום ורב [5] Then you must answer and say before YHWH your God, "My father was a wandering Aramean, and he went down to Egypt and resided as an immigrant there, few in number. There he became a great, mighty and populous nation,	1. Abraham through Joseph's generation: descent and residence in Egypt as an immigrant, increase in strength and number (Gen 11:27-Exod 1:7)
וירעו אתנו המצרים ויענונו ויתנו עלינו עבדה קשה [6] then the Egyptians oppressed us and afflicted us and imposed hard labor on us.	2. Post-Joseph generation(s): Egyptian oppression (Exod 1:8-14:31)

A distinction between v. 5 and v. 6 is marked by the syntax. אבי "My father," a metonym for Israel's ancestors, remains the subject of numerically singular verbs in v. 5. אבי becomes גוי גדול עצום ורב "a great, mighty, and populous nation," but v. 6 marks a decisive shift from third person singular subject (אבי / גוי) to first person plural object (אתנו / נו). This inflectional change, along with the transition from positive (v. 5) to negative (v. 6), suggests a sequential *weqatal*: וירעו אתנו המצרים ויענונו ויתנו עלינו עבדה קשה "*then* the Egyptians oppressed us and afflicted us and imposed hard labor on us." This reinforces a conceptual demarcation between Jacob's family's sojourn in Egypt and the Hebrews' oppression in Egypt. The first person "us" makes D's audience continuous with the Israelites who suffered in the era of Egyptian cruelty; this continuity is unsurprising given the predominance of Egyptian oppression era texts in D (see §4.2.2).

4.3. Jacob's Sojourn as Israel's גור Experience

Due to the typical lumping of גר-Egypt and עבד-Egypt formulae under the motif of Israel's anguish in Egypt, no one has examined Genesis 35-Exod 1:5 as the narrative milieu of the גר-Egypt formula.[29] This is the task at hand.

[29] Source analysts once thought the Joseph narrative of Gen 37-50 was composed of J and P materials, but it is more likely that this narrative had an independent history: David M. Carr, *Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville: Westminster John Knox, 1996), 283-89; Bill T. Arnold, *Genesis* (NCBC; Cambridge: Cambridge University Press, 2009), 17.

Patriarch Jacob had settled in Hebron and was accustomed to distributing his flocks among his sons to graze the central highlands according to seasonal cycles and grazing customs (Gen 35:1-27).[30] One such area fertile for grazing was Shechem and the valley of Dothan (Gen 37:12-17) – the southern pass, as defined by Thutmose III (1482 BCE),[31] through the Carmel mountain range to the Sharon Plain where Joseph met his brothers to inquire of their welfare. Joseph's coat, an ostentatious display of his father's favoritism, and dreams of ascendancy incited his brothers to sell Joseph to a caravan of Midianites and Ishmaelites who were following the major trade routes from Gilead to Egypt (Gen 37:25, 36).[32] Goshen, in the northeastern Nile Delta, was Joseph's destination. There the Midianites sold Joseph to Potiphar, a high Pharaonic officer (Gen 37:36). Through a series of vicissitudes in Joseph's life, God providentially established him as a prominent Egyptian government official to store and supply grain, to preserve the lives of Jacob's family, Egypt, even the Near Eastern world (41:1; 45:5-7). After a series of tests to reveal his brothers' present character, Joseph revealed his own identity and invited them to live with him in Goshen (45:1-15).

Jacob's sons brought him the triply good news – of Joseph's life, Pharaoh's favor, and Egypt's surplus – and Jacob (here called Israel) sets out for Egypt from Hebron down the Watershed Ridge route. Jacob's entourage arrives at Beersheba, the confluence of wadis Beersheba and Hebron, and the controlling center of the Eastern and Western Negev basins on the Bozrah-Gaza international route. It was here that Jacob sacrificed to "the God of his father Isaac" and God reaffirmed to Jacob the covenant made with Isaac (46:1-3). YHWH self-discloses and promises to Jacob:

ויאמר אנכי האל אלהי אביך אל־תירא מרדה מצרימה כי־לגוי גדול אשׂימך שם אנכי ארד עמך מצרימה ואנכי אעלך גם־עלה ויוסף ישׁית ידו על־עיניך

[3] Then he said, "I am El, the God of your father. Do not be afraid to go down to Egypt, for there I will make you into a great nation. [4] I will go down with you to Egypt, and I will certainly bring you up again, and Joseph's own hand will close your eyes (46:3-4).

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[30] Paul H. Wright, *Greatness, Grace & Glory: Carta's Atlas of Biblical Biography* (Jerusalem: Carta, 2008), 15.

[31] Yohanan Aharoni, Michael Avi-Yonah, Anson F. Rainey and Ze'ev Safrai, *The Macmillan Bible Atlas* (3d ed.; New York: Macmillan, 1993), 31-32.

[32] According to the narrative, the caravan probably passed through Ramoth Gilead, the Jordan Valley, Beth Shan, Harod Valley, then through Ibleam-Dothan pass, down the eastern Sharon Plain to Aphek, the coastal or inland route to Gaza (both routes avoided the swampy area between Nahal Yarkon and Nahal Aijalon) and paralleled the Mediterranean coast into the Nile Delta (called in Exodus 13 the "Way of the land of the Philistines").

Nothing in YHWH's speech to Jacob anticipates subjugation in Egypt, only the compound blessing of progeny (see chs. 12, 15, et al.), YHWH's presence and guidance to and from Egypt, and Jacob's once-dead son attending Jacob on his deathbed in Egypt.

From Beersheba, Jacob crossed the mid-northern Sinai peninsula via the Way to Shur that Hagar and Ishmael once traversed (Gen 16:17).[33] Joseph and Pharaoh himself invited Jacob's family to enjoy specific prerogatives during these travels to and from Canaan and during their sojourn in Goshen (45:10-20). Here we enumerate these prerogatives along with the enactment of each by Jacob's family, and supply socio-geographical details that might inform our understanding of the narrative:

1. Jacob's family (hereafter *they*) dwelled (ישב) in the "land of Rameses," called "the land of Goshen," in proximity to Joseph, their brother, son, and man of "splendor in Egypt" (45:10, 13; 46:28; 47:11; 47:27). Jacob's family enquires of Pharaoh "to *sojourn* in the land" (לגור בארץ), which is interchangeable semantically in the next colon with ישב: "please let your servants live in the land of Goshen" (ישבו־נא עבדיך בארץ גשן) (47:4; 47:5-6). Jacob's family acquired property in Goshen and became "fruitful and increased in number" (47:27).

2. They brought with them children, grandchildren, domesticated livestock, and all their possessions (45:10; 46:1; 46:5; 46:6-27; 46:32). The assumption here is that Asiatic pastoralists, such as Abraham and now Jacob's family, were permitted to immigrate to Egypt during periods of crisis in order to pasture their flocks.[34]

3. They received provision from Joseph's administration during the subsequent five years of famine and thereby evaded starvation (45:11; 47:12; 50:21).

4. They were restored to their brother and son, Joseph (45:12, 14, 15; 45:28; 46:29-30; 50:15-21), and the brothers personally witnessed Joseph's declaration of the above prerogatives (45:12).[35]

5. They experienced Pharaoh's favor by means of their familial ties with Jacob (45:16; 46:31; 47:1-10). Joseph procured Pharaoh's favor not only by his actions (the culmination of which is 47:13-26 when Joseph preserves and purchases all of Egypt for Pharaoh), but also by instructing Jacob's family how to live favorably before Pharaoh (46:34-47:4). Most notably, Joseph told his brothers (who would relay to Jacob) to tell Pharaoh that by occupation they were "men of livestock" [אנשי מקנה] or "shepherds" [רעה צאן] (46:34; 47:3). Egypt has been familiar with West Semitic "shepherds

[33] Wright, *Greatness*, 16.

[34] Stephen C. Russell, *Images of Egypt in Early Biblical Literature: Cisjordan-Israelite, Transjordan-Israelite, and Judahite Portrayals* (BZAW 403; Berlin: Walter de Gruyter, 2009), 75.

[35] Living in proximity to Joseph ensured Jacob's welfare, but equally important, restored familial ties; this is foreshadowed in Joseph's weeping embrace of Benjamin (45:14).

and others looking for a better life,"[36] and therefore Joseph probably wants Pharaoh to realize his brothers were self-sufficient and would not burden the Egyptian economy. Goshen was a fertile and relatively vast land for pastoralists to graze their animals, and since mainland Egyptians despised pastoralists (46:34), Pharaoh would gladly grant their request to settle there.[37] Goshen was the northeastern edge of the Nile Delta, Egypt's border, where the presence of Jacob's family would not threaten the Egyptians.[38] If Jacob's family did become a threat, the military could drive them out of this region effortlessly through numerous routes: one, the northern pass from Rameses to Baal-zephon to Pelusium (the northern passes lead naturally to the "Way of the land of the Philistines" [Exod 13:7]); two, the northeast pass between Shihor Lake and the Reed Sea (New Kingdom pharaohs later passed this "Way of Horus" to campaign in Syria-Palestine); three, the northernmost land bridge through the Reed Sea (this was a marshy area that formerly existed southeast of Baal-zephon); four, above or below Timsah Lake; five, above or below Bitter Lake.[39] While Goshen was permeable, it was also somewhat isolated from mainland Egypt, permitting Jacob's family to live autonomously.

6. They were given from Pharaoh the "best land of Egypt" (את־טוב ארץ מצרים) and "the excellent food [lit. fat] of the land" (את־חלב הארץ) (45:18; 47:6; 47:11, here called "the land of Rameses"; 47:12). Ostensibly, contrary to Joseph's invitation to bring their possessions (כל־אשר־לך; 45:10), Pharaoh told them to disregard their Canaanite belongings (כליכם) "because the best of all the land of Egypt is yours" (כי־טוב כל־ארץ מצרים לכם הוא; 45:20; 47:27). Jacob-Israel acquired property in Goshen and became fruitful and multiplied there (see Gen 1:27; 12:1-3; 9:1). Goshen was the breadbasket of the ancient Near East, compared in the OT with "the garden of the Lord" (גן־יהוה; 13:10), a metonym for the garden of Eden (גן־בעדן; Gen 2:8). Paul Wright summarizes: "Its fertility was due to the annually renewed deposits of fresh silt brought downriver by the late summer floods, and a series of low inundations usually signaled famine."[40] This land, nevertheless, necessitated a lifestyle adjustment for Jacob's family. The central hill country of Canaan was rain-dependent, but the rain was unpredictable. Annually, Jacob and sons must have wondered when the former, winter, and latter rains would begin, how long they would last, how intense they would be, and whether they would be distributed adequately over their crops and grazing pastures. By contrast, Egypt was an irrigation culture centered on the Nile, and humans could influence their life-source.[41] If Jacob's family farmed as well as shepherded, in Egypt they could expect the Nile tributaries to rise, if not flood, from mid-July to September, that is, after the harvest, and recede at sowing time (Tigris-Euphrates flooding

[36] Wright, *Greatness*, 15.
[37] Arnold, *Genesis*, 370.
[38] Arnold, *Genesis*, 370.
[39] Aharoni, Avi-Yonah, Rainey and Safrai, *Atlas*, 45.
[40] Wright, *Greatness*, 16.
[41] Denis Baly (*The Geography of the Bible* [rev. ed.; New York: Harper & Row, 1974], 69-76) argues that Israel largely does not adapt Egyptian paradigms, but Mesopotamian ones, because the life-systems of Egypt and Canaan are diametrically opposed.

was not so ideal, often at harvest time).[42] Agrarians and pastoralists in the Nile Delta lived an agreeable, predictable existence.

7. As for the highly capable men in Jacob's family, Pharaoh appointed them to care for his own livestock (47:6).

8. Jacob's family utilized Egyptian wagons, by implication free of charge, to transport their children and wives, and their father, to return to Egypt (45:19; 45:27; 46:5). Joseph, through his brother Judah, personally navigated them into the Goshen region (46:28).

9. They enjoyed ample provisions for their journey to and from Canaan (45:21), including ten beasts of burden hauling "the best things of Egypt" (טוב מצרים; 45:23), ten female donkeys loaded with "grain, food/bread, and provisions" (בר ולחם ומזון) and clothing (45:23; 45:22). Joseph, his brothers, and the Egyptians knew that these provisions were essential for survival in the barren Sinai desert through which they had no choice but to pass. One scholar notes that social misfits would have fled into this desert where the Egyptian deities had no power: "In this *midbar*, this land of meaninglessness and disorder, of death rather than life, there is neither food nor water."[43] Jacob's sons were from the inception of their journey dependent upon the Egyptian provisions dispensed by benevolent Joseph and Pharaoh.

10. Jacob's family obeyed the orders of their hierarchs, Joseph and Pharaoh (45:20; see 37:5-10; 46:33-34).

11. Upon journeying up to Hebron to bury Jacob, did Joseph, his brothers, and his father's household entrust their children to local inhabitants of Goshen, such as, other West Semites (50:8)? Likely their wives stayed behind, but even so, this meant Joseph and brothers felt their spouses and children were safe from harm in Goshen.

In brief, "Joseph's ultimately positive experience in Egypt allows him to save the people of Israel from famine. This experience lays the foundation for the biblical motif of Egypt as a place of refuge…Without Egypt, Israel could not have survived."[44] Egypt's material endowment to Jacob's family was an ever-present reminder of YHWH's sovereignty (46:1-4), but also of Jacob's dependency upon the good will of Pharaoh, and to a lesser extent, Joseph. This recalls and, in a canonical reading, culminates the dependency of Abraham, Isaac and Jacob on local leaders during their גור experiences in Canaan (see §4.2.1).

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[42] Amélie Kuhrt, *The Ancient Near East: c. 3000-330 BC* (2 vols.; London/New York: Routledge, 1995), 1:6.

[43] Baly, *Geography*, 109.

[44] Garrett Galvin, *Egypt as a Place of Refuge* (FAT II 51; Tübingen: Mohr Siebeck, 2011), 62.

Yet, even the prerogatives granted by Egypt's authorities could not subvert the constraining sense that Canaan, not Egypt, was YHWH's gift to Israel's ancestors. After living in Egypt for 17 years, Jacob-Israel died with one request that his children honored: to be buried in Canaan with his forefathers (47:28-31; 49:29-50:14), for even if his life was exhausted in Egypt, he perceived himself to be Egypt's temporary, non-indigenous resident. Likewise, Jacob-Israel on his death bed declared God would return Joseph to Canaan (48:22); and Joseph embraced this destiny and made "the sons of Israel" (בני ישׂראל)[45] swear to bring him to Canaan, like his father, posthumously (Gen 50:22-26). Jacob's family's sojourn in Egypt was completed in successive stages: the first installment was Jacob's burial in the Cave in Machpelah beside Mamre, near Hebron (Gen 49:29-50:14);[46] next Moses and the Israelites fulfilled their vow to Joseph by carrying his bones out of Egypt (Exod 1:6; 13:19); the Israelites were allotted land in Canaan (Joshua 13-19) and, finally, Joshua buried Joseph's bones at Shechem (Josh 24:32). As we have seen in this section, Jacob's family's גור period in Egypt afforded them various advantages over Canaan. Goshen's fecundity and relative safety, governmental endorsement, along with the knowledge that YHWH had guided them there and was present with them there (Gen 46:3-4), probably tempted Jacob's family to abandon Canaan altogether. Nevertheless, Canaan's two advantages to Jacob's descendants were the prerogative of self-governance and that it, not Goshen, was YHWH's land gift to them (Gen 47:27-31; 50:24-25).

[45] This may be an anachronism since the nation of Israel only later heard and fulfilled Jacob's request. In the narrative flow, however, it refers to Jacob-Israel's children.

[46] Machpelah, near Hebron (modern *Haram el-Khalil*), included a field, trees, and a cave. Abraham purchased this site from Ephron the Hittite, and there Abraham, Isaac, Jacob, their spouses Sarah, Rebekah, and Leah, were all buried (Gen 23:9, 17, 19; 25:9; 49:30; 50:30).

4.4. Semantic Distinction within D

וזכרת כי־עבד היית בארץ מצרים "Remember that you were a slave in the land of Egypt"

כי־גרים הייתם בארץ מצרים "Because you were immigrants in the land of Egypt"

כי־גר היית בארצו "Because you were an immigrant in his land."

The cumulative effect of the above data (§4.1-4.3) supports the possibility of distinct meanings: the עבד-Egypt formula, recalling Israel's enslavement and agony in Egypt, elicits human empathy for *personae miserae*, whereas the גר-Egypt formula, recalling Jacob's family's prosperity in Egypt, elicits gratitude and kindness toward the גר.[47] While this is generally true, the data is more nuanced than this and demands further explication. Ramírez Kidd argues that the distinction between the formulae is not their content (גר = positive / עבד = negative), but the structure of their arguments:

- the Egypt-עבד motive clause enjoins the Israelite to keep the commands. The principle behind these commands is that of *gratitude*: the memory of the salvific acts of Yahweh in history, what Yahweh has done for Israel. That is why the עבד does not appear in the main clause (Deut 24,18.22).
- the Egypt-גר motive clause, instead, supports the content of the command; the rationale of this motive clause is based on a principle of *reciprocity*, i.e. *what others have done for Israel*: "do to the גר among you as others did to you when you were גרים among them." As Spieckermann states: "Israel versteht sich als ein volk, das aus Fremde und Unterdrückung von Gott befreit worden ist und sich deshalb unter bleibenden Verpflichtung weiß, in Dankbarkeit gegen die eigene Befreiung aus der Fremdlingschaft Fremdlingen (*gerîm*) in der eigenen Heimat zu begegnen. 'Denn ihr seid auch gerîm in Ägyptenland gewesen.'" That is why the Egypt-גר formula is used to support the גר-commands (Ex 22,20; 23,9; Lev 19,34; Deut 10,19).[48]

This is inaccurate in two essential ways. First, *both* the עבד-Egypt and גר-Egypt formulae enjoin the Israelite to observe the command given in the

[47] Ramírez Kidd's (*Alterity*, 86-98) stress on the unique purpose of the גר-Egypt formula might be misleading. For instance, Diana Lipton (review of José Ramírez Kidd, *Alterity and Identity in Israel: The* גר *in the Old Testament*, *VT* 52 [2002]: 141) is unready "to give up on the traditional interpretation with its implicit emphasis on the value of human empathy," but there is no need to give this up since the עבד-Egypt formula covers this adequately, while the גר-Egypt formula adds a *new* motive.

[48] Ramírez Kidd, *Alterity*, 89-90.

immediate context.[49] They simply accomplish this by formally separate, yet semantically similar, syntagmatic constructions:

Adjectival prepositional phrase marked by spatial ב[50]	*Copula, implied subject and past tense*	*Predicate nominative*	*Motive clause*	
בארץ מצרים/במצרים	היית	עבד	כי־/כי Perceptual כי[51]	וזכרת *weqatal* with imperative force
בארץ מצרים/בארצו	היית/הייתם	גרים	כי־ Causal כי[52]	

The *weqatal* + perceptual כי and evidential כי are two grammatical means of achieving a similar purpose: they *motivate* obedience to the given directive.[53] Later I argue these formulae probably have distinct literary origins, which would explain this difference as a stylistic preference (§4.5). The גר-Egypt formula finds its origins in the CC, which contains no positive זכר commands,[54] whereas the עבד-Egypt formula is original to D, wherein a *weqatal* זכר command fits comfortably among D's frequent commands to זכר "remember."[55] Second, if the formulae are stylistically, not substantively, different in their syntax, then precisely their content (גר or עבד) makes them semantically different. The analogue גר = positive / עבד = negative is inaccurate, not because these terms (the content) are unimportant, but because each expression, "גר in Egypt," "עבד in Egypt," and

[49] עבד-Egypt: Deut 5:12-15; 15:12-15; 16:9-12; 24:17-18, 19-22; גר-Egypt: Exod 22:20; 23:9; Lev 19:33-34; Deut 10:17-19; 23:8.

[50] Waltke and O'Connor, *IBHS*, 196.

[51] This marks object of verbs of perception: see Bill T. Arnold and John H. Choi, *A Guide to Biblical Hebrew Syntax* (Cambridge: Cambridge University Press, 2003), 154.

[52] This offers the motivation for obeying the command; see Arnold and Choi, *Hebrew Syntax*, 149.

[53] In contradiction to p. 89, Ramírez Kidd (*Alterity*, 35-36) earlier acknowledges that both formulae are motive clauses; one introduced by כי the other by זכר.

[54] The solitary זכר command in the CC is the prohibition לא תזכירו "do not mention (the name of other gods)," which does not relate to memory as motive for obedience (Exod 23:13; cf. 20:24; 32:13).

[55] In addition to the fivefold עבד-Egypt formula (Deut 5:15; 15:15; 16:12; 24:18, 22), D positively commands Israel to זכר "remember" its past, most often YHWH's actions, in 7:18 [2x: cognate accusative]; 8:2, 18; 9:7, 27; 16:3; 24:9; 25:17; 32:7.

"עבד in Egypt + YHWH's redemption" each carries its own connotations and, therefore, its own argumentation premises. These connotations explain why the formulae variations use different motivational sources – YHWH or humans – and objects – גר only or multiple *personae miserae* members.

4.4.1. גר in Egypt

Deuteronomy 23:8b, which identifies Israel as a גר in Egypt, is the clearest allusion to the Joseph story or patriarchal traditions,[56] especially when read in light of ch. 23's context (see analysis below within 4.4.1). Therefore, גר-in-Egypt in D (here and in 10:19) most likely connotes Jacob's material blessings in Egypt *and* life as allochthonous residents contingent on Pharaoh's treatment (§4.2.1; §4.3). This compound connotation explains the unique lexeme in Exod 23:9:

וגר לא תלחץ ואתם ידעתם את־נפש הגר כי־גרים הייתם בארץ מצרים
You must not oppress an immigrant. You know the life of an immigrant, for you were immigrants in the land of Egypt.

Were the experience of the גר exclusively negative, we would expect the cognate noun: וגר לא תלחץ ואתם ידעתם את־לחץ הגר "You must not oppress an immigrant, (for) you know the oppression of an immigrant." The reason we do not find this, I propose, is that לחץ "oppression" describes Israel's experience as עבד in Egypt (Exod 3:9; Deut 26:7, see §4.2.3). "You know the life of an immigrant" finds no parallel among the negative lexemes associated with Israel's עבד experience (Exod 1:13-14; 5:16, 21; 6:5; 13:3, 14; 20:2). Instead, what is meant is the feeling of life as non-indigenous residents dependent on the good will of those in power. The precursor to this is the ancestors' גור dependency on Canaan's leaders (§4.2.1) and Jacob's family's dependency on Pharaoh in Egypt (§4.3). "You were an immigrant in Egypt" recalls the latter, Jacob's family's dependency on Egypt's leaders who chose to bless them materially (§4.3). Following Ramírez Kidd, reciprocity is the best explanation for why the גר-Egypt formula always motivates injunctions that incorporate or benefit *only* the גר (*individuum*).[57] Ramírez Kidd obfuscates the discussion by quoting Spieckermann, who sees not reciprocity, but *gratitude* for God's redemption of Israel from an *oppressive* גר experience in Egypt as the basis for equitable גר treatment.[58] In addition, Exod 23:9 indicates that reciproci-

[56] Nelson, *Deuteronomy*, 279.

[57] Exod 22:20(Heb.); 23:8; Lev 19:34; Deut 10:19.

[58] Ramírez Kidd, *Alterity*, 90; Hermann Spieckermann, "Die Stimme des Fremden in Alten Testament," *Pastoral Theologie* 83 (1994): 56-57.

ty is not singular (*à la* Ramírez Kidd), but compound: Egypt's kindness to Jacob (גר) *and* Jacob's condition as an allochthonous dependent is to be reciprocated by Israel's kindness *and* empathy toward the גר.[59]

In D, Ramírez Kidd observes properly that the references to the גר in the deuteronomic code locate the Israelite community at the *center* and the גר in the *periphery*: the גר *within your gates*, *in your* land, *in your* midst (14:29, 24:14; 16:11, respectively).[60] By contrast, 23:8 and 10:19 invert this order:

ואהבתם את־הגר כי־גרים הייתם בארץ מצרים
You must love the immigrant for you were immigrants *in the land of Egypt* (10:19).

לא־תתעב אדמי כי אחיך הוא לא־תתעב מצרי כי־גר היית בארצו
You must not abhor an Egyptian because you were an immigrant *in his land* (23:8b).

Ramírez Kidd argues that these are distinct analogies:[61]

23:8b You must not abhor an Egyptian (גר in your land) ~~ you were a גר in his land
10:19 A גר in Israel ~~ the Israelites as גרים in Egypt

In 23:8b, admission into the assembly of YHWH (קהל יהוה) depends on a person's *origin*, that is, as an *Egyptian*; whereas in 10:19, admission depends on the *condition* of being a גר.[62] This distinction is only partially accurate. First, admission into קהל יהוה depends on one's origin *and* residence for three generations in Israel's land. Second, 10:19 (like 23:8) relates to admitting a גר into YHWH's assembly; the concern of 10:19, instead, is providing for a גר materially. Ramírez Kidd argues for movement from a specific, historical statement (23:8) to a general, theological one (10:19) "is the result of a generalizing tendency according to which an *exclusive* term like 'Egyptian' is substituted by an *inclusive* term like גר."[63] Yet, 23:8b may have just as easily *particularized* the earlier analogy of 10:19. 10:19b (כי־גרים הייתם בארץ מצרים), while possibly later in its final form, preserves an *early* stratum in D from the Covenant Code (CC) (see

[59] With respect to semantic domains, the גר and עבד are distinct classes (i.e., Deut 5:14; 16:11, 14). By virtue of the fact that the *positively* charged גר-Egypt formula is not the נכרי-Egypt (or זר-Egypt) formula, it maintains D's distinction between the גר class and נכרי "foreigner" class (classification noun בן־נכר) (Deut 14:16:10-14; 26:12; see §3.1.7.3).

[60] Ramírez Kidd, *Alterity*, 94.

[61] Ramírez Kidd, *Alterity*, 94-96.

[62] Ramírez Kidd, *Alterity*, 95.

[63] Ramírez Kidd, *Alterity*, 95.

§4.5),[64] and 23:8b, part of the קהל יהוה unit (see §3.1.7), dates to the preexilic era.[65]

In addition, rather than viewing 23:8b as historical and 10:19 as solely theological, I would argue that both have historical overtones. These texts invert the deuteronomic pattern (Israel in center, גר in periphery), repositioning Israel as a גר in Egypt, so as to elicit gratitude for the time when Israel's predecessors, Jacob's family, enjoyed protection, fecundity and provisions in Egypt's land (see §4.3). The material provisions that Jacob enjoyed in Egypt may explain why in 10:18 YHWH loves *by providing* the גר with food and clothing (see nos. 3, 6, 9 in §4.3). Also, only a few sentences later, Deut 10:22 provides the only other image of Egypt in ch. 10, and it refers to the epoch of Jacob's family's Egyptian sojourn (see Gen 47:27; 48:4-5, 9; Exod 1:1-7):

בשבעים נפש ירדו אבתיך מצרימה ועתה שמך יהוה אלהיך ככוכבי השמים לרב
Your fathers went down to Egypt seventy persons, and now YHWH your God has made you as numerous as the stars of heaven.

As for Deut 23:8b, Ramírez Kidd is correct that it "can be interpreted as an expression of gratitude towards the Egyptians for what they have done in the past for the Israelites (Gen 47,4)."[66] Likewise, Siegbert Riecker contends, "Dem Gastrecht gewährenden Ägypter soll das Gastrecht gewährt werden."[67] Cardellini is justified in claiming that Deut 23:8, in stark contrast to 4:20, et al., has the nuance of Israel as *guests* in Egypt, a rich land in comparison with Palestine:

Addirittura in Deut 23:8 si esorta a rispettare la terra d'Egitto, proprio perché Israele vi è stato "ospitato" come un *ger*, in netto contrasto con Deut 4:20; 1 Sam 10:18; 12:8 e con la posizione posteriore dell'autore della Sapienza (19:13-16). E ancora in Deut 11:10 sembra che la terra d'Egitto venga presentata come una terra ricca, dove si viveva bene rispetto alla Palestina.[68]

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[64] Exod 22:20; 23:9; Lev 19:34 also reflects BC language; see ch. 4.

[65] Ramírez Kidd (*Alterity*, 87) himself notes the different scholarly proposals: Solomon, Hezekiah and Manasseh, the seventh century and Zedekiah's final years. Ramírez Kidd cites Schwienhorst-Schönberger (*Bundesbuch*, 350) as recognizing that the גר-Egypt formula only supports גר injunctions in which the noun גר occurs in the main clause *and* in the motive clauses (Exod 22:20; 23:9; Lev 19:34; Deut 10:19). The reason 23:8b breaks from this formula (גר … כי־גרים הייתם בארץ מצרים) is that it is primary, and 10:19, and parallels, are secondary and derivative. More evidence indicates that 23:8b modified the conventional formula (see ch. 4).

[66] Ramírez Kidd, *Alterity*, 95. Similarly,

[67] Siegbert Riecker, *Ein Priestervolk für alle Völker: Der Segensauftrag Israels für alle Nationen in der Tora und den Vorderen Propheten* (SBB 59; Stuttgart: Verlag Katholisches Bibelwerk GmbH, 2007), 335.

[68] Cardellini, "Stranieri," 135-36.

The strongest evidence that 23:8 is controlled by the principle of reciprocity of kindness (Egypt → Israel [גר] ∴ Israel → גר) is the context. In vv. 4-6 the Ammonite and Moabite are precluded from YHWH's assembly because they mistreated Israel. A principle of reciprocal unkindness is operative: "You must not seek a treaty of friendship with them as long as you live" (v. 7). In contrast, Israel is to show kindness to the Edomite and Egyptian, and third-generation members of these ethnicities may enter YHWH's assembly, *because* "the Edomite is your brother" and "you were an immigrant in his [Egypt's] land" (vv. 8-9). Were Israel's עבד era under Egyptian oppression in view we would expect instead to read, as we do with the Ammonite and Moabite, a reciprocity of unkindness, "you must not seek a treaty of friendship with them as long as you live" (v. 7). Instead, "you were an immigrant in his land" (v. 8) recalls the era when Pharaoh lavished kindness on Jacob's family who resided as immigrants in Egypt's land (§4.2-4.3). This is notable given that Israel most recently was the object of Egyptian abuse, not hospitality.[69]

What is more, D appears to present the concept of Israel's גור experience in Egypt in antithesis to Israel's passage through the territories of its Transjordanian neighbors. Defying our expectations, D does not employ any formulaic statements related to Israel's relationship with the Transjordanian nations with whom Israel had recently interfaced and generated several graphic memories. Deuteronomy does not state "you were an עבד in the Transjordan"; this is understandable because they were not slaves or forced laborers in the Transjordan. Yet, why does not D state "you were a גר in Transjordan"? The reason is that גור activity and גר status presuppose residence, and neither YHWH, Israel, Edom, Moab, Ammon, nor Amorite kings Sihon and Og wanted Israel to reside in the Transjordan highlands. On their way to Canaan, Israel's successive encounters with these five politico-geographical entities, as expressed in Deuteronomy 2-3 (cf. Numbers 20-21), include five recurring elements that underscore the Israelites were *not* גרים in Transjordan.[70]

One, Israel arrived at Edom, Moab, then Bashan (ruled by Og), but did not settle there (Deut 2:1; 2:8b; 3:1). Two, YHWH instructs Moses that he will not give to Israel any portion of lands of Edom, Moab, Ammon (2:2, 9, 17), but the lands of Sihon (Heshbon) and Og (Bashan) he would dispossess and grant to Israel (2:31; 3:2). Three, the rationale for bypassing

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[69] Joel S. Kaminsky, "Did Election Imply the Mistreatment of Non-Israelites?" *HTR* 96 (2003): 410.

[70] W. A. Sumner ("Israel's Encounters with Edom, Moab, Ammon, Sihon, and Og According to the Deuteronomist" *VT* 18 [1968]: 216-228) has identified these five elements, which I associate with D's presentation of Israel as non-גרים.

the lands of Edom, Moab, and Ammon, but dispossessing Sihon's and Og's territory is YHWH's prior land gifts to Edom, Moab, and Ammon, but not to the Amorite kings.[71] Four, YHWH commanded the Israelites to request to purchase food to eat and water to drink from Edom (2:6), Sihon (2:27), and perhaps also Moab and Ammon (23:4-5). As for Moab and Ammon, not mentioned in this regard in ch. 2, they are excluded from the assembly of YHWH for ten generations (metonym for "forever") because "they did not meet you with food and water on the way when you came out of Egypt… (23:5)." As for Edom, it appears that it did provide food and water to Israel at a cost (since Edom is not rebuked like Ammon and Moab in Deut 23), but D is very clear that Israel did not reside in Edom, but passed through (2:8). Five, with respect to Edom, Moab, and Ammon, Israel departed from their lands for they were not welcome to reside there and consume resources (2:8, 13, 24). There was, of course, no need to depart from the lands of Sihon and Og because YHWH gave them to Israel (2:32-36; 3:1-5).

What I am proposing, then, is that D elucidates that Israel was denied גר status by the Transjordanian nations and by YHWH their God (cf. §4.2.1; §4.3). A third-generation Edomite was permitted to enter קהל יהוה, but not because Edom granted Israel גר status (2:4-8; 23:7-8). Consequently, D presents an antithesis that must not be arbitrary: antithetical to Ammon, Moab *and* Edom is Egypt's endowment of גר status and prerogatives to Israel: כי־גר היית בארצו "for you were an immigrant in his land" (23:8).

4.4.2. עבד in Egypt

If a reciprocity of kindness (Egypt → Israel [גר] ∴ Israel → גר) explains why the גר-Egypt formula motivates obedience to injunctions that incorporate or benefit only the גר, why does the עבד-Egypt formula motivate obedience to injunctions that incorporate or benefit the עבד along with various groupings of *personae miserae*? Ramírez Kidd believes the reason is that the principle underlying these commands is not reciprocity, but gratitude: "the memory of the salvific acts of Yahweh in history, what Yahweh has done for Israel. That is why the עבד does not appear in the main clause (Deut 24,18.22)."[72] The problem with this is that two of the five instances of the עבד-Egypt formula mention nothing of YHWH's redemption from Egypt, and denote a motive of human empathy toward *personae miserae* (see below discussion on 16:12; 24:22). I would contend that D's עבד-

[71] Israel's rationale for bypassing Edom, according to Num 20:14-21, was that Edom denied Israel transit privileges.

[72] Ramírez Kidd, *Alterity*, 89.

Egypt formula broadens its beneficiaries beyond the עבד "slave" class because Israelites in Egypt were never portrayed as slaves proper, but forced government laborers probably composed of various subclasses.[73] The narrative presentation of Israel's labor in Egypt (Exod 1:11-14; 5:1-21) recalls, in general terms, Egypt's conscription of Asiatics for dynastic construction projects.[74] The Hebrews' עבד status in Egypt as conscripted builders was much broader than a *paterfamilias*' עבד "male slave" or אמה "female slave," so D's עבד-Egypt formula impels observance of commands that integrate or assist not merely foreign slaves proper, but various groupings of *personae miserae*: *bêt-'āb* workers and non-*bêt-'āb* working גר (5:14-15); liberated Hebrew slaves (15:15); triad גר-orphan-widow alone (24:22) or among other vulnerable persons (16:12); and the גר-orphan dyad with the widow (24:18).

A survey of the texts containing the עבד-Egypt formula provides additional clarity. Deut 5:15 is the fullest version of the formula (with maqqeph כי־עבד and ארץ; also 24:22), which also contains the most extensive subordinate clauses and most significant divergences with Exodus' Decalogue (see §5.2.1.1):[75]

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[73] Hence, the ערב רב "mixed multitude" that came out of Egypt in Exod 12:38. Shaul Bar ("Who were the 'Mixed Multitude'? *HS* [2008]: 27-39) argues the ערב רב probably included non-Israelite mercenaries who intermarried with Israelites and left armed with Israel from Egypt. In a canonical reading, the list of Pesach celebrants (including the גר, if circumcised) and non-celebrants, journeying with the Hebrews, identifies constituents of the ערב רב (Exod 12:43-49).

[74] Redford and Hoffmeier draw divergent conclusions, but they both agree that Egypt conscripted Asiatics for government building projects: Donald B. Redford, *Egypt, Canaan, and Israel in Ancient Times* (Princeton: Princeton University Press, 1992), 416; James K. Hoffmeier, *Israel in Egypt: The Evidence for the Authenticity of the Exodus Tradition* (Oxford: Oxford University Press, 1996), 112-16.

[75] Even if one is hesitant to accept the Decalogue-shape of the arrangement of the DC laws (*à la* Stephen Kaufmann, Georg Braulik, et al.), the DC does appear, in certain places, to extend and interpret the Decalogue. For instance, Alexander Rofé ("The Tenth Commandment in the Light of Four Deuteronomic Laws," in *Deuteronomy: Issues and Interpretation* [OTS; Edinburgh/New York: T & T Clark, 2002], 79-96; repr. from *Ten Commandments in History and Tradition* [ed. Ben-Zion Segal and Gershon Levi; Jerusalem: Magnes, 1990], 45-65) argues fairly persuasively that the tenth word is interpreted by Deut 19:14; 23:25-26; 24:10-11.

Exod 20:8-11	Deut 5:12-15
זכור את־יום השבת לקדשו	שמור את־יום השבת לקדשו כאשר צוך יהוה
ששת ימים תעבד ועשית כל־מלאכתך	אלהיך ששת ימים תעבד ועשית כל־מלאכתך
ויום השביעי שבת ליהוה אלהיך לא־תעשה	ויום השביעי שבת ליהוה אלהיך לא תעשה
כל־מלאכה אתה ובנך־ובתך עבדך ואמתך	כל־מלאכה אתה ובנך־ובתך ועבדך־ואמתך
ובהמתך וגרך אשר בשעריך	ושורך וחמרך וכל־בהמתך וגרך אשר בשעריך
	למען ינוח עבדך ואמתך כמוך
כי ששת־ימים עשה יהוה את־השמים ואת־הארץ	וזכרת כי־עבד היית בארץ מצרים ויצאך יהוה
את־הים ואת־כל־אשר־בם וינח ביום השביעי	אלהיך משם ביד חזקה ובזרע נטויה על־כן צוך
על־כן ברך יהוה את־יום השבת ויקדשהו	יהוה אלהיך לעשות את־יום השבת

As the fullest and first עבד-Egypt formula in the book, Deut 5:15 prepares readers for subsequent reproductions and variations of the formula. In narrative critical terms, Deut 5:15 "creates expectation in the reader – a primacy effect – that is fulfilled, modified, or even shattered by what comes later in the narrative – the recency effect."[76]

וזכרת כי־עבד היית בארץ מצרים
ויצאך יהוה אלהיך משם ביד חזקה ובזרע נטויה
על־כן צוך יהוה אלהיך לעשות את־יום השבת (5:15)

וזכרת כי עבד היית בארץ מצרים
ויפדך יהוה אלהיך
על־כן אנכי מצוך את־הדבר הזה היום (15:15)

וזכרת כי־עבד היית במצרים
ושמרת ועשית את־החקים האלה (16:12)

וזכרת כי עבד היית במצרים
ויפדך יהוה אלהיך משם
על־כן אנכי מצוך לעשות את־הדבר הזה (24:18)

וזכרת כי־עבד היית בארץ מצרים
על־כן אנכי מצוך לעשות את־הדבר הזה (24:22)

In all five texts, the עבד-Egypt formula serves to motivate obedience to the command in the direct context: rest on Sabbath (5:15); release debts in the Sabbatical year (15:15); act justly toward the גר-orphan dyad and widow (24:18); provide gleanings for the גר-orphan-widow triad.[77] What motif do these legal contexts share such that they all warranted the עבד-Egypt formula? They all deal with practices that circumvent *exploiting vulnerable*

[76] James L. Resseguie, *Narrative Criticism of the New Testament: An Introduction* (Grand Rapids: Baker Academic, 2005), 209.

[77] See 5:15; 15:15; and 24:18 is not technically the triad, but a גר-orphan dyad followed by the widow in a separate injunction.

persons by: overworking them (5:15); perpetuating their debt (15:15); excluding them from celebration of YHWH's bounty (16:11); treating them unjustly (24:18); perpetuating their physical needs (24:22).

Greater precision appears to be warranted. The formula occurs thrice with a statement of YHWH's redemption from Egypt (5:15; 15:15; 24:18), but twice alone in the contexts of the feast of Shavuot and gleaning provisions (16:12; 24:22). These two occurences are not likely synecdoches of the fuller version,[78] but employ the self-standing עבד-Egypt formula to enjoin landowners to empathize by providing food for the גר, orphan, and widow without expecting any compensatory labor in return.[79] This mentality is diametrically opposed to Israel's עבד experience in Egypt wherein they built store cities for Pharaoh to hoard food (Exod 1:11-14; 5:6-21). This connotation suggests an inversion principle: the memory of Pharaoh's hoarding was to be *inverted* by Israel's landowners when they give away food to those who have not worked for it. Recollection of humiliation in Egypt was to inhibit the natural desire for revenge since oppressing the vulnerable would risk forfeiting Israel's own identity.[80] The three passages that contain the עבד-Egypt formula *with* a statement of YHWH's redemption of Israel from Egypt (5:15; 15:15; 24:18), instead suggest a principle of *imitatio dei* with gratitude. YHWH redeemed Israel from exploitation, therefore Israel must redeem others from the same by: promoting rest for one's workers on the Sabbath (5:12-15), furnishing one's Hebrew slaves with abundant provisions upon their release (15:12-15), and promoting justice for the גר, orphan, and widow (24:17-18).

Further support that these motive clauses have such nuanced meanings comes from another clause that motivates generosity toward the vulnerable: "that YHWH your God may bless you in all you do" ([כי] למען יברכך יהוה אלהיך [בכל תבואתך] בכל־מעשה [אשר תעשה]; 14:29; 16:15; 24:19).[81] This incentive contrasts the altruistic motivations of the עבד-Egypt and גר-Egypt formulae. Although contrastive, they are compatible and occur together in two texts probably because they create a continuum from past – YHWH's people, whether גר or עבד, outside the land – to

[78] Deuteronomy 15:15 is too far removed from 16:12 for the latter to be a synecdoche, and freeing Hebrew slaves (15:15) has a distinct emphasis to that of the feast of Shavuot (16:12). Also, since Deut 24:22 is not concerned to shorten text (adding "in *the land of* Egypt"; see §3.1.8), the omission of YHWH's redemption in 24:22 is probably not shorthand for 24:18, but carries a distinct semantic force.

[79] Like the gleaning provisions of 24:19-22, see the socio-economic and festive eating focus of Shavuot in §3.1.6 and §5.2.1.2.

[80] Similarly, Vogels ("L'immigrant," 243), who does not distinguish between עבד-Egypt and גר-Egypt, but his insights apply to Israel's עבד-Egypt experience.

[81] This phrase is used without the גר figure in 15:10, 18; 23:21; cp. "so that it may be well with you" (וטוב לכם [5:33]; וטוב לך [19:13]).

future – YHWH's blessing in the land (16:12, 15; 24:18, 19). Because the motive clause "that YHWH your God may bless you in all you do" coexists in the same context with the dissimilar עבד-Egypt formula, we cannot be incredulous that three formulae, גר-Egypt, עבד-Egypt, and עבד-Egypt with YHWH's redemption, occur throughout D as distinctly nuanced motivations. The following chart summarizes our conclusions:

גר-Egypt Formula (Exod 22:20; 23:9; Lev 19:34; Deut 10:19; 23:8)			
Reciprocity principle	Egypt's kindness toward Jacob (גר) and living as dependent, allochthonous residents	→	Israel's kindness toward גר and empathy for גר
עבד-Egypt formula + YHWH's redemption (Deut 5:15; 15:15; 24:18)			
Imitatio dei principle	YHWH redeemed Israel from exploitation in Egypt	→	Israel redeem others vulnerable to exploitation in Israel
עבד-Egypt formula (Deut 16:12; 24:22)			
Inversion principle	Israel's exploitative labor for a Pharaoh who hoards	→	Israel's landowners give away food for free to *personae miserae*

4.5. Positing the Origins of D's גר-Egypt and עבד-Egypt Formulae

Deuteronomy is not the first, but the last book in which canonical readers encounter the גר-Egypt formula. The lexemes of the formula in Deut 10:19b identically correspond to Exod 22:20c; 23:9c; and Lev 19:34c:

כי־גרים הייתם בארץ מצרים (Exod 22:20c)
כי־גרים הייתם בארץ מצרים (Exod 23:9c)
כי־גרים הייתם בארץ מצרים (Lev 19:34c)
כי־גרים הייתם בארץ מצרים (Deut 10:19b)

Brevard Childs believes the two גר-Egypt formulae in the CC are secondary deuteronomic glosses (Exod 22:21; 23:9),[82] but Christiana van Houten reduces the probability of this:

> If apodictic law is described as a brief imperative, found in a series, which exhibits a regular rhythm, then these and all motivation clauses are secondary. However, the Book of the Covenant has nine motivation clauses, many of which Childs does not seem to consider glosses. This law in particular does not seem to be in a series of similarly formulated laws.[83]

In addition, based on argumentation in chapter five that the CC is a pre-deuteronomic document that D consistently revises, I presume Deut 10:19b (and probably Lev 19:34) utilizes the identical CC lemma from Exod 22:20 and 23:9.[84] In attempting to discern when D incorporated the גר-Egypt formula from the CC into chapter 10, Ramírez Kidd concludes:

> In these motive clauses, for the first time in the Old Testament, Israel is not at the center. Here, it is the land of Egypt which is at the *center*. This situation is the reversal of the first one (i.e. Deut 24,14): the Israelites now look for a place of refuge somewhere outside of their land. This perspective represents a dramatic change. Behind the גר in these texts (Deut 10,19b; 23,8bβ) is clearly the outlook of the exile.[85]

An exilic provenance for 10:19b and 23:8 is possible, but provisional, for it does not explain why two categorically distinct perspectives within D would have emerged from Judah's Babylonian exile: 10:19 and 23:8 recall the blessings of Jacob's family in Egypt, whereas 28:28, also a putitive exilic text, recalls the horrors of Israel's oppression in Egypt (see §4.2.2).

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[82] Brevard S. Childs, *Exodus* (OTL; London: SCM, 1974), 454; so also Norbert Lohfink, "Gibt es eine deuteronomistische Bearbeitung im Bundesbuch?" in *Pentateuchal and Deuteronomistic Studies* (BETL 94; ed. C. Brekelmans and Johan Lust; Leuven: Leuven University Press, 1990), 91-113.

[83] Christiana van Houten, *The Alien in Israelite Law* (JSOTSup 107; Sheffield: JSOT, 1991), 53.

[84] See §5.1.2 and IDLI no. 6 in §5.1.4.

[85] Ramírez Kidd, *Alterity*, 94.

Furthermore, we should notice that that 23:8 has morphological components distinct from 10:19 and the CC lemma:

לא־תתעב מצרי
כי־גר היית בארצו

This lexeme, like Deut 10:19b; Exod 22:20c; 23:9c; and Lev 19:34c, begins with an imperative regarding treatment of a גר persona. The prohibition itself (with the root תעב), however, is different than the other texts, and more importantly the beneficiary is not the noun גר, but the gentilic מצרי "Egyptian" (see §3.1.7.3). Even so, 23:8d and the standard formula are most likely genetically related, that is, one literarily influenced the other (see §5.1.4):

Deut10:19b; Exod 22:20c; 23:9c; Lev 19:34c	מצרים proper noun (genitive)	בארץ	הייתם plural	גרים plural	כי־
Deut 23:8d		בארצו possessive suffix (genitive)	היית singular	גר singular	כי־

Arguably 23:8d derives from the standard formula; whether or not it functions as an intra-deuteronomic variation of 10:19b is a moot point.[86] The syntactical components of 23:8d and the standard formula are identical, while the *Numeruswechsel* in 23:8d is explainable by the singular gentilic nouns in 23:4-9. Important here is that 23:8a-b, the prohibition regarding Edom, also reflects the Genesis origins account, even more specifically the Jacob cycle, strengthening the likelihood that 23:8c-d does as well: "You must not abhor an Edomite for he is your brother" (לא־תתעב אדמי כי אחיך הוא). Esau is called אחיך "your brother" in relation to Jacob in Isaac's and Jacob's *tôlĕdôt* panels (Gen 27:6, 42, 44, 45; 32:7; 35:1). This fraternal bond forms the basis for the three metaphorical references in the Pentateuch to Israel and Edom as brothers, including Deut 23:8.[87] This confirms 23:8's reuse of the Jacob cycle.

[86] If 23:8 modifies 10:19, this would further confirm this study's conclusion regarding the nature of the Edomite and Egyptian in 23:8 (see §3.1.7.3).

[87] First, in Num 20:14, Israelite messengers spoke to the king of Edom: כה אמר אחיך ישׂראל "thus says your brother Israel"; then Deut 2:4 reads: אחיכם בני־עשׂו הישׁבים בשׂעיר "your brothers, the people of Esau who live in Seir"; the last is in 23:8.

If Deut 10:19b utilizes the גר-Egypt formula from the CC, and Deut 23:8 modifies either 10:19b or the CC lemma, what can be said of the origins of the עבד-Egypt formula? Christiana van Houten attributes certain cultic and charity laws that benefit the גר to a common redactor who inserts the עבד-Egypt formula and motive clause "that YHWH your God may bless you in all you do" (14:29; 16:15; 24:19).[88] We must concur with van Houten that these laws compel generosity toward the marginalized by recalling YHWH's kindness to Israel in the past (עבד-Egypt formula, but I would add *with* YHWH's redemption) and/or promising his benevolance in the future ("that YHWH your God may bless you in all you do").[89] However, it is neither obvious nor necessary that the redaction included the motivational clauses *and* the generosity laws they accompany.

Instead, I would proffer that the עבד-Egypt formula (and possibly the motive clause "that YHWH your God may bless you…"), but not the laws it accompanies, belongs to an exilic redaction by tradents who contextualized D's laws for the Israelites in Babylon (see §5.1.5).[90] There are four reasons for drawing this conclusion. First, unlike other עבד-Egypt texts, which occur throughout the Moses story, the עבד-Egypt *formula* is exclusive to D. This is curious because the גר-Egypt formula occurs in P, H, and D. More importantly, the five laws to which D's עבד-Egypt formula motivates obedience have comparable laws in Exodus.[91] Exodus, like D, reminds Israel of YHWH's redemption of Israel from Egypt (Exod 20:2; 23:15; 34:18), so the עבד-Egypt formula would have been a fitting way to compel obedience to Exodus' laws. Second, the formula's first occurrence initiates the lengthiest discrepancy between D's Decalogue and the genetically related Exodus Decalogue (see §5.2.1.1). It is not sensible that a historical Moses was responsible for changing Exodus' Decalogue since both Exodus' Decalogue and D's anticipate life in the land (Exod 20:10, 12, 17), and in recounting the Exodus narrative D says, "he [YHWH] wrote them on two tablets of stone and gave them to me [Moses]" (Deut 5:22), and then, "I [YHWH] will write on the tablets the words that were on the first tablets that you [Moses] broke, and you shall put them in the ark'" (Deut 10:2), and finally "Then I [Moses] turned and came down from the mountain and put the tablets into the ark that I had made. And they are there, as YHWH

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[88] van Houten, *Alien*, 77-78; see an overview of her position in §2.2.1.

[89] van Houten, *Alien*, 107.

[90] See Norbert Lohfink, "Gibt es eine deuteronomistische Bearbeitung im Bundesbuch?" in *Pentateuchal and Deuteronomistic Studies* (ed. C. Brekelmans and Johan Lust; BETL 94; Leuven: Leuven University Press, 1990), 91-113.

[91] Deut 5:12-15 // Exod 20:8-11; 23:12; Deut 15:15; 24:18, 22 // Exod 23:10-11; Deut 16:12 // Exod 23:16; 34:22.

commanded me" (Deut 10:5). I suggest later that D's Decalogue revises Exodus', not vise versa, and it is possible that this revision – which included the signal עבד-Egypt formula in 5:15 – took place during the exilic period (see §5.2.1.1). Third, all five עבד-Egypt formula contexts are coherent without the עבד-Egypt formula (Deut 5:15; 15:15; 16:12; 24:18, 22).[92] Conversely, it is not immediately perceptible why the עבד-Egypt formula was chosen when no עבד "slave" class is listed among the beneficiaries.[93] Fourth, the עבד-Egypt formula uses the *weqatal* וזכרת, which occurs only twice elsewhere in D (8:2, 18). Instead, we would have expected the עבד-Egypt formula to use a causal כי since D uses this particle with high frequency to motivate obedience to a directive,[94] and since the גר-Egypt formula uses a causal כי, which is also used consistently throughout the CC.

If the עבד-Egypt formula belongs to an exilic redaction by tradents of D, then this editorial layer should probably be distinguished from the putative exilic redaction of DtrH (see §4.5). Deuteronomy's עבד-Egypt formula recalls only Israel's suffering in Egypt and, in three cases, YHWH's redemption from Egypt, whereas DtrH's accounts of Kings Manasseh and Josiah reflect the retribution theology of D's curses.[95] The עבד-Egypt formula compels empathy for the vulnerable subclasses by recollection of Israel's past experience, but never intimates at YHWH's ominous judgment or a return to Egypt.[96] Finally, significant here is that the גר is the persona mentioned more than any other in D's עבד-Egypt formula contexts (4 out of 5 contexts). This is unsurprising given that the גר pervaded all sociological sectors.[97] God's people responsible for the עבד-Egypt formula were concerned that the גר not be overlooked as a member of the workforce (5:15) and of the *personae miserae* (16:12; 24:18; 24:22) subject to various forms of oppression.

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[92] The formula in every occurrence has: 1) identical or nearly identical lexemes and structure [5 out of 5x]; followed by 2) YHWH's redemption [3x]; followed by 3) an injunction to obey the law in view [5 out of 5x] (see §4.4.2). In other words, the עבד-Egypt formula is never self-standing, but always functions as a motive clause that is dependent on the law to which it motivates obedience (see §4.4.2).

[93] 24:18, 22; see possible explanation in §4.4.2.

[94] Notice the causal כי used conventionally in the chapters in which the עבד-Egypt formula occurs: Deut 5:9, 11, 26; 15:2, 4, 6, 10, 11, 16, 18; 16:1, 3, 15, 19; 24:4, 6, 15 (causal כי also occurs, but without a directive, in 5:5, 25; 15:16).

[95] Breaking covenant engenders YHWH's judgment, culminating with a second exile in Egypt/Babylon: cp. 2 Kgs 21:7-8, 11-15; 22:11-20; 23:19, 26-27 with Deut 27:11-26; and especially with 28:15-68.

[96] Also see §5.2.1.2 for the disassociation of the centralized Pesach and feasts of Deuteronomy 16 with King Josiah's Pesach celebration in DtrH.

[97] Possible exceptions would be 14:21 (but see §3.1.4) and 16:1-8 (but see ch. 4 on D's Passover legislation).

4.6. Revisiting the *überlieferungsgeschichtliche* Problem: Interfacing a Growing Consensus with D's גר-Egypt and עבד-Egypt Traditions

In the first half of the twentieth century, scholars identified a traditio-historical division between Genesis and the Moses narrative (Exodus and Numbers).[98] In 1977, Rolf Rendtorff provided a theoretical explanation for this division, and other apparent literary separations in the Pentateuch.[99] He contended that the pre-Priestly narrative elements of the Pentateuch do not form a continuous story from creation to the conquest of Canaan, but represent texts composed in self-standing blocks of material. Each larger section of material would naturally have its own theological emphasis.[100] Important to Rendtorff's hypothesis is his argumentation against an ongoing, coherent J and E narrative throughout Genesis and the Moses narrative.[101] In support of his position, although some scholars have defended the traditional position of the E source,[102] many regard E as fragmentary or as glosses on the J narrative.[103] As for a J narrative, the writings of Gerhard Von Rad and John Van Seters,[104] in which they contend, albeit quite differently, for an expansive J epic are being replaced by a growing consensus that J, if it existed at all, is not found after Genesis.[105] A number of European scholars have attempted to val-

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[98] Kurt Galling, *Die Erwählungstraditionen Israels* (BZAW 28; Giessen: Töpelmann, 1928); Martin Noth, *Überlieferungsgeschichte des Pentateuchs* (Stuttgart: W. Kohlhammer, 1948).

[99] Rolf Rendtorff, *Das überlieferungsgeschichtliche Problem des Pentateuch* (BZAW 147; Berlin/New York: Walter de Gruyter, 1977).

[100] Rendtorff, *überlieferungsgeschichtliche*, 158.

[101] Rendtorff, *überlieferungsgeschichtliche*, 80-112.

[102] Otto Eissfeldt, *Hexateuch-Synopse* (Leipzig: Hinrichs, 1922); Noth, *Überlieferungsgeschichte*; Ernst Nicholson, *The Pentateuch in the Twentieth Century: The Legacy of Julius Wellhausen* (Oxford: Clarendon, 1998).

[103] Paul Volz and Wilhelm Rudolph, *Der Elohist als Erzähler: Ein Irrweg der Pentateuch-kritik?* (BZAW 63; Giessen: Töpelmann, 1933).

[104] Gerhard von Rad, *Theologie des Alten Testaments*, Band 1-2 (München: Christian Kaiser, 1957-60); John Van Seters, *Prologue to History: The Yahwist as Historian in Genesis* (Louisville: Westminster John Knox, 1992); ibid., *The Life of Moses: The Yahwist as Historian in Exodus-Numbers* (Louisville: Westminster John Knox, 1994).

[105] Jan Christian Gertz, Konrad Schmid, and Markus Witte, eds., *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion* (BZAW 315; Berlin/New York: Walter de Gruyter, 2002); Tom Dozeman and Konrad Schmid, eds., *A Farewell to the Yahwist? The Composition of the Pentateuch in Recent European Discussion* (SBLSS 34; Atlanta: Society of Biblical Literature, 2006).

idate Rendtorff's (secondary) argument that there are no pre-P connections between Genesis and Exodus.[106] Their arguments are persuasive and align with the argumentation of this chapter, namely, the גר-Egypt formula reflects the Genesis narrative and conveys certain connotations, while the עבד-Egypt formula reflects the Moses story and conveys different connotations.[107] At the

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[106] Thomas Römer, *Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition* (OBO 99; Fribourg: Editions Universitaires; Göttingen: Vandenhoeck & Ruprecht, 1990); Albert de Pury, "Le cycle de Jacob comme légende autonome des origines d'Israël," in *Congress Volume Leuven 1989* (ed. by J. A. Emerton; VTSup 43; Leiden: Brill, 1991), 78–96; Eckart Otto, *Das Deuteronomium im Pentateuch und im Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens* (FAT 30; Tübingen: Mohr Siebeck, 2000). The two most extensive arguments for this view come from Konrad Schmid and Jan Christian Gertz. In his *Habilitationsschrift*, *Erzväter und Exodus* (see §4.2.1 n. 12 above), Schmid argues that these origin accounts are unrelated compositions by examining passages from Genesis that might be read as foreshadowing the exodus narrative, from Exodus through D that reference the patriarchal traditions in Genesis, and from Joshua to 2 Kings that refer back to either the patriarchal or exodus traditions. Schmid primarily postulates that four texts, Genesis 15; Exodus 3-4; Joshua 24; and Gen 50:24 through Exodus are a single, post-P redaction. P was the first to endeavor to unite the two origin accounts, but the post-P redaction was responsible for composing the Primary History, and dividing it by the bridge of Joshua 24 into the Hexateuch as *Heilsgeschichte* and Judges-Kings as *Unheilsgeschichte*. This historical complex reached its final form as an introduction to the motif of hope found in the preexisting prophetic corpus of Isaiah-Malachi. Writing independently of Schmid, Gertz (*Tradition und Redaktion in der Exoduserzählung: Untersuchungen zur Endredaktion des Pentateuch* [FRLANT 186; Göttingen: Vandenhoeck & Ruprecht, 2000]) contends that the P material in Exodus 1-14(15) has always been an extension of P's edition of the patriarchal narrative in Genesis. He follows generally, but not in all details, Theodor Nöldeke's study (*Untersuchungen zur Kritik des Alten Testaments* [Kiel: Schwers'sche, 1869]) discriminating P and non-P materials in the Pentateuch: "So ist es für die gegenwärtige Diskussion um die Entstehung des Pentateuch von nicht zu unterschätzender Bedeutung, daß sich die literarkritische Ausgrenzung des priesterschriftlichen Textbestandes durch T. Nöldeke aus dem Jahre 1869 im Fortgang der literarkritischen und literarhistorischen Theoriebildung ungeachtet zahlreicher, kontrovers diskutierter Detailprobleme grundsätzlich bewährt hat" (Gertz, *Endredaktion*, 9).

[107] Innocenzo Cardellini ("Stranieri," 136) delineates עבד-Egypt and גר-Egypt formulae as separate traditions that have engendered profound theological reflection related to the seminomadic life as the ideal era of Israel's encounter with YHWH: "A parte le varie tradizioni e gli interessi redazionali dei testi, che potrebbero chiarire questa incongruenza fra *gērîm* «emigrati-residenti» e *'abadîm* «schiavi» durante il «soggiorno» in Egitto, è certo che il ricordo è stato talmente rielaborato in chiave teologicoepica, da diventare impulso per profonde riflessioni teologiche legate allo stato di seminomadismo quale momento preferito per l'incontro con il Signore." He does not specify the provenances for the *emigrati-residenti* and *schiavi* traditions, but his suggestion of unique theological interests aligns with Rendtorff's postulation of unique theologies for each larger, narrative segment; namely, the "Theologie der Vätergeschichten" and "Theologie der Mose – und Exoduserzählungen" (*überlieferungsgeschichtliche*, 158).

same time, the presence of these formulae in D also calls into question certain subpoints of this theory of the Pentateuch's transmission history.

Albert de Pury believes that Genesis and the Moses story diverge on a rudimentary level: the patriarchal traditions are familial; the exodus tradition, vocational.[108] Konrad Schmid argues further that the ancestral narratives of Genesis 12-50 center on YHWH's promise to Israel's ancestors already living in the land, whereas the Moses story centers on YHWH's redemption of Israel out of Egypt to give them a land they neither inhabited nor possessed:

> Wenn Erzväter- und Mose-Exodus-Geschichte als zwei Ursprungstraditionen für Israel beide dasselbe begründen, nämlich das Verhältnis Israels zu seinem Land, seinen vorbewohnern und Nachbarn – allerdings in ganz unterschiedlicher Weise, einmal autochthon, inkludierend und pazifistisch, einmal allochthon, exkludierend und aggressive –, so liegt eine grundsätzliche Konkurrenz zweischen diesen beiden Überlieferungskomplexen auf der Hand.[109]

Israel's relationship with Canaan's inhabitants and neighbors is presented in disparate ways: Genesis narrates a relationship that is autochthonous, inclusive, and pacifistic; the Moses story narrates a relationship that is allochthonous, exclusive, and aggressive. Five of these six adjectives may be, for the most part, accurate, but autochthonous (*autochthon*) is a misnomer. Autochthonous means the patriarchs arose from and resided in Canaan among the preexisting inhabitants and neighbors. The Moses story, by contrast, regards Israel as allochthonous, transplanted into a land not their own that YHWH gave them as a "possession" (*Besitz*). However, Schmid overlooks that the (pre-P) ancestral narratives characterize Israel's ancestors by גור activity, which means they lived as *non-indigenous* residents in a land they did not possess (see §4.2.1, esp. n. 13 and Gen 23:4).[110] The evidence indicates that *both* origin accounts regard Israel's ancestors and Israel as *allochthonous* in relation to Canaan's inhabitants (Gerar, Hebron) and neighbors (Egypt, Paddan Aram, Sodom). The stories of allochthonous Abraham, Isaac, and Jacob in the Levant and Egypt commence a narrative continuum that culminates in allochthonous Jacob in Egypt, which forms the ideational basis of the גר-Egypt formula.

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[108] de Pury, "cycle de Jacob," 95-96.

[109] Schmid, *Erzväter*, 161, see 102-65.

[110] Richard E. Averbeck (review of Konrad Schmid, *Genesis and the Moses Story: Israel's Dual Origins in the Hebrew Bible*, *Review of Biblical Literature* [http://www.bookreviews.org] [2011]) correctly notes that the impressive "breadth of his [Schmid's] work naturally makes him vulnerable to criticism on many specific points."

Furthermore, neither Schmid nor Gertz meaningfully incorporates D into their argumentation,[111] but de Pury does.[112] He first contends that the conceptual and linguistic demarcation is between Genesis on the one hand, and Exodus through D on the other:

> …est un compromise entre les deux grandes legends d'origine d'Israël: la legend de Jacob et la legend de Moïse. Issues de milieu different et operant avec des concepts différents – généalogique d'un côté, et vocationnel de l'autre – ces deux legends d'origine ont été transmises indépendemment l'une de l'autre, et cela dans un context de rivalité, jusqu'à ce que l'époque exilique assure la victoire de la tradition de Moïse sur celle de Jacob et permette à la première de "domestiquer" la seconde.[113]

These two stories were transmitted independently, rivaling one another until the exilic period when the Moses tradition supplanted and domesticated the Jacob tradition. De Pury reaffirms the conclusion of John Van Seters and Thomas Römer that none of the many references to the Abraham, Isaac, Jacob triad in DtrH (de Pury labels it DtrG) or the deuteronomic literature (Dtr Jeremiah) or even Ezekiel reflects the patriarchs in Genesis.[114] In addition, D and the DtrH contain a tradition of the descent of Israel's ancestors into Egypt that is independent of the history of Jacob and Joseph as narrated in Genesis.[115] He concludes not only from Genesis and Exodus, but also from D and the DtrH

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[111] Gertz is faulted for this by Anselm C. Hagedorn, review of Jan Christian Gertz, *Tradition und Redaktion in der Exoduserzählung: Untersuchungen zur Endredaktion des Pentateuch, Review of Biblical Literature* [http://www.bookreviews.org] (2001).

[112] de Pury, "cycle de Jacob," 78-96.

[113] de Pury, "cycle de Jacob," 95-96.

[114] de Pury ("cycle de Jacob," 82) claims that in the book of D, "les sept mentions de la triade patriarcale ont été manifestement ajoutées dans le cadre de la redaction finale du Pentateuque et places en apposition à *'ābôt* aux endroits stratégiques (Dt. i 8, vi 10, ix 5, 27, xxix 12, xxx 20, xxxiv 4)." So also John Van Seters, "Confessional Reformulation in the Exilic Period," *VT* 22 (1972): 448-59; Thomas Römer, "Le cycle de Joseph," *FoiVie* 86 (1987): 3-15.

[115] de Pury ("cycle de Jacob," 83) offers these premises: "Mais il existe une tradition de la descent des pères en Egypte indépendante de l'histoire de Joseph. En plus des texts sacerdotaux cites plus haut, il s'agit de trios passages nettement post-dtr (Dt. x 22; 1 Sam. Xxii; Jos. xxiv 4) et du frameux *incipit* du petit credo historique en Dt. xxvi 5 qui, lui, appartient certainement à la première edition de DtrG…. Ensuite, il n'est pas dit d'où cet ancêtre descend en Egypte. Quand enfin on tient compte du fait que le 'père en perdition' correspond fort mal à la fin du cycle de Jacob qui voit, au contraire, le patriarche rentrer de son exil chargé de biens et entouré de ses fils, on ne peut s'empécher de penser que le Deutéronomiste entend presenter l'ancêtre sous un jour pejorative: cet ancêtre est un étranger et il est en perdition. Le Deutéronomiste ne veut décidément rien savoir des Patriarches, ni meme de Jacob! Il me semble que son attitude résulte d'un refus. Pour lui, l'histoire d'Israël commence en Egypte, et il n'y a pas d'Israël, meme embryonnaire, avant la naissance et l'élection du people par Yhwh en Egypte."

that "Le premier lien littéraire constatable entre l'histoire des Patriarches et cette de l'exode nous est donné dans le récit sacerdotal."[116]

If we were to extend the logic of de Pury's reconstruction, D's עבד-Egypt formula is rooted squarely in the Moses story (specifically Exod 1:8/9-12:51), which is part of a literary continuum that extends from Exodus through D, even through the DtrH. This would explain the predominance of עבד-Egypt language (formula and other Israel-in-Egypt texts [§4.2.2]). However, the coexistence of the עבד-Egypt tradition of the Moses story and גר-Egypt formula, which I argued reflects Genesis' Jacob and Joseph cycles, in Exodus (22:20; 23:9), Leviticus (19:34), and D (10:19; 23:8) indicates that Genesis and the Moses story were intersecting with one another prior to the exilic period. As for both the עבד-Egypt and גר-Egypt formulae, possibly both interacted in D in the exile, but against de Pury, there is no indication within D that the עבד-Egypt formula of the Moses story supplanted and domesticated the גר-Egypt formula of the Jacob tradition. This suggests a historiographical constraint that is operative elsewhere in the book: the Genesis origins account was in some form available to D, but D predominantly, yet not entirely, refrains from utilizing that material because it is governed by "Moses story" paraenetic concerns. This provides evidence that supports David Carr's critique of Schmid: since the Second Temple authors utilized either patriarchal or exodus traditions, even though they had the entire Pentateuch as a source, "why could not Deuteronomy and/or non-Priestly narrators do the same?"[117] In the midst of countless allusions to the Moses story and עבד-Egypt imagery, D's inclusion of the גר-Egypt formula provides a counterbalance to the preferred Moses story account of Israel's origins. Deuteronomy allows multiple readings of Israel's history in Egypt to coexist, but the readings are compatible in that they all attempt to create a better existence for the marginalized, including the non-Israelite and non-Judahite resident in Israel's land.

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[116] de Pury, "cycle de Jacob," 83.

[117] David M. Carr, review of Schmid, *Erzväter*, *Bib* 81 (2000): 583.

4.7. Conclusions

In this chapter, I have argued against the conventional conflation of the גר-Egypt and עבד-Egypt formulae in the book of D (see §4.1). Instead, the גר-Egypt and עבד-Egypt formulae, upon exegetical analysis, manifest a semantic distinction. The גור activity of the patriarchs in and around Canaan prepares readers for Jacob's family's גור experience in Egypt (Gen 45-Exod 1:5); there is no narratival discontinuity between them. The disjunction occurs only with the new era in Egypt marked by Israel's עבד activity, with no longer any references to Israel's גור activity (Exod 1:9-14:31; see §4.2.1). D's Israel-in-Egypt language, with the sole exception of the גר-Egypt formula, includes the root עבד (pl. עבדים) and conveys a negative connotation congruous with the painful epoch of post-Joseph Israel in Egypt (Exod 1:8/9-12:51) but incongruous with the delightful epoch of Jacob's family in Egypt (see §4.2.1; §4.3). In addition, we saw that the synopses of Israel's origins and early history, of both Gen 15:13 and Deut 26:5-6, demarcate via their syntax the era of blessing in Egypt during Jacob and Joseph's sojourn there from the subsequent Egyptian oppression of the Hebrews (§4.2.3). Since scholarship has historically (and uncritically) interchanged the גר-Egypt and עבד-Egypt formulae, there have been no attempts to survey Genesis 35-Exod 1:5 as the narratival setting of D's גר-Egypt formula. This chapter has offered such a survey (§4.3).

The evidence from §4.1-4.3 culminated in an argument for a semantic distinction between the two formulae within D itself (§4.4). In the גר-Egypt formula we have concluded that the operative principle is a compound reciprocity: Egypt's kindness to Jacob's family (גר) and Jacob's family's status as allochthonous dependents was to be reciprocated by Israel's kindness *and* empathy toward the גר residing in Israel (Deut 10:19; 23:8). The עבד-Egypt formula with YHWH's redemption of Israel indicates an *imitatio dei* principle: YHWH redeemed Israel from exploitation in Egypt; therefore Israel must redeem its vulnerable classes from exploitation in Israel (5:15; 15:15; 24:18). Finally, the עבד-Egypt formula without mention of YHWH's redemption signals an inversion principle: toilsome labor to build store cities for Pharaoh to hoard food was to be *inverted* by Israel's landowners when they give away their food surplus to those who have not earned it (16:12; 24:22).

Next, the chapter proceeded to trace the origins of the עבד-Egypt and גר-Egypt formulae (§4.5). It is possible that the עבד-Egypt formula belongs to an exilic redaction of D that was distinct from the putative exilic redaction of DtrH. It is also possible that the גר-Egypt formula in 10:19b and

possibly 23:8d reflect the pre-deuteronomic CC lemma, but these texts may have been incorporated into D when Israel resided outside its land during the Babylonian exile. Finally, the גר-Egypt and עבד-Egypt formulae were brought to bear on an increasingly popular theory that pre-P Genesis and the pre-P Moses story were originally independent narratives (§4.6). First, as a subthesis to this theory, Schmid contends that the patriarchs were autochthonous, but our analysis has shown that they were, instead, allochthonous. This is foundational to Jacob's subsequent allochthonous (גור) experience in Egypt, which serves as the basis for the גר-Egypt formula. Second, de Pury asserts that prior to the exile Genesis and the Moses story remained independent and competing traditions, and only in the exile does the Moses story supplant the Genesis account of Israel's origins. We have seen, instead, that the גר-Egypt formula, reflecting the Genesis origins account, intersected with the עבד-Egypt tradition (formula, et al.) of the Moses story prior to the exile, and there is no indication that the עבד-Egypt formula supplants the גר-Egypt formula. Rather, they coexist as disparate recollections of Israel's collective memory.

The coexistence of these formulae in D teaches Israel not just to remember its origins, but precisely *how* and *why* to remember. The ways that D employs these formulae to motivate compassion toward the vulnerable in Israelite society indicates that Israel had not been *remembering deuteronomically*, that is, remembering that their origins in Egypt and their abiding covenant with suzerain YHWH must condition their present relationships in their land. Israel's natural tendency would have been to remember Egypt's benevolant treatment of Jacob's family, but make no connection to the immigrants in their midst, or if they made the connection, they justified hoarding resources because God had elected them, not the marginal immigrants. The גר-Egypt formula subverts this ungrateful reading of history. Likewise, as parents retold stories to their children about their people's suffering in Egypt (Deut 6:6-9, 20-25; 11:18-21), they either disassociated their suffering from the *personae misreae* in their land or presumed upon their elect status and retaliated against the *personae misreae* by metaphorically, or perhaps formally, enslaving them (cp. history of modern Liberia). To overturn this unfaithful reading of Israel's history, D drafts and applies the עבד-Egypt formula in its shortest form. Finally, the Israelites were to recall how YHWH powerfully redeemed them from Egypt, but they either saw in this redemption no relevance for their power to redeem oppressed non-Israelites in their midst, or they hoarded their elect status and denied the non-elect the opportunity to taste the prerogatives of YHWH's redemption from oppression. Deuteronomy's עבד-Egypt formulae in its plene form supplants this jealous reading of history. These formulae thereby redefine Israel's immediate relationships through D's contrasting, but formative, memories of Egypt. This

illustrates Walter Brueggemann's claim about the enduring influence of Israel's Exodus memory: "Yahweh did not enact these powerful, transformative, liberating verbs only once at the outset of Israel's life in the world. Rather Yahweh repeatedly, characteristically, and reliably enacted like transformations in like circumstances throughout Israel's normative memory."[118] YHWH's recurring transformations are paragon, but not solitary. Israel must reenact the stories of life in Egypt for the sake of the disadvantaged.

[118] Walter Brueggemann, *Theology of the Old Testament* (Minneapolis: Fortress, 1997), 177.

Chapter 5

The גר and Torah: D's Interpretation of the Covenant Code and Distinction from H

5.1. Deuteronomy and Inner-Biblical Interpretation: Methodological Developments

5.1.1. Deuteronomy's Laws: Reconstructive versus Relative Dating

The legal traditions within the book of Deuteronomy (D) have been a longstanding perplexity for biblical scholars. In his 1805 doctoral dissertation, W. M. L. de Wette regarded D's legal core as the production of a single author, the Deuteronomist, whose work reflects the seventh century Josianic reforms and thereby functions as a *Punctum Archimedis* by which one can relatively date other OT sources.[1] While de Wette's theory continues to spawn derivative theories, most scholars argue, far more persuasively, that "we are dealing in Deuteronomy not with an *ad hoc* literary and theological creation of the seventh century. Rather we must see the book as the final product and expression of a long history involving the transmission and constant adaptation of the old traditions of early Israel upon which it is based."[2] Less clear to many are the tradents of D's traditions. Were the tradents post-721 Levite emigrants from the Northern kingdom who infused the laws with homiletic inspiration;[3] or Northern kingdom prophets upholding the covenant law, promoting holy war, endorsing charismatic leadership, yet critical of the monarchy;[4] or Judean sages con-

[1] W. M. L. de Wette, "Dissertatio critica qua Deuteronomium diversum a prioribus Pentateuch libris, alius cuiusdam recentiori auctoris opus esse demonstrator," (Th.D. diss., Faculty of Theology, University of Jena, 1805); published, idem, *Opuscula Thelogica* (Berlin: Berolini, 1830), 149-68; ibid., *Beiträge zur Einleitung in das Alte Testament* (2 vols.; Halle: Schimmelpfennig, 1806-7).

[2] Ernst W. Nicholson, *Deuteronomy and Tradition: Literary and Historical Problems in the Book of Deuteronomy* (Philadelphia: Fortress, 1967), 121.

[3] Gerhard von Rad, *Deuteronomium-Studien* (FRLANT 58; Göttingen: Vandenhoeck & Ruprecht, 1947).

[4] Nicholson, *Deuteronomy*.

cerned with humanization and social ethics;[5] or perhaps a conglomeration of priestly, prophetic, and wisdom influences?[6]

Part of the difficulty in describing D's tradents, often called deuteronomists, is that they ostensibly have various reasons for conducting their work: "… recent research on Deuteronomistic influence can provide no coherent account to indicate *why* the Deuteronomists engaged in this massive and thorough-going literary enterprise. In almost each case where Deuteronomistic literary activity can be detected, the authors seem to have been shaping earlier texts for different reasons."[7] This becomes apparent when contrasting D's legislation with deuteronomistic texts (within DtrH, Jeremiah, et al.).[8] The motives of the deuteronomists are thought to be varied due to their successive, distinct socio-historical vantage points.[9] What, then, can be said of the provenance(s) of the deuteronomists if they shaped D's legal core? Norbert Lohfink responds provisionally:

> If we do not go too far in our claims, the document of Torah produced at the time of Hezekiah would appear to be the first of a more elaborate Torah drawn from the text of the covenant in Exodus 34 and the Covenant Code. Perhaps it was not very long and only dealt with questions of cultic reform. It is usually referred to as 'Ur-Deuteronomy.'[10]

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[5] Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Oxford University Press, 1972; repr., Winona Lake, Ind.: Eisenbrauns, 1992).

[6] Patrick D. Miller, *Deuteronomy* (IBC; Louisville: John Knox, 1990), 5-8.

[7] Robert R. Wilson, "Who Was the Deuteronomist? (Who Was not the Deuteronomist?): Reflections on Pan-Deuteronomism" in *Those Elusive Deuteronomists: The Phenomenon of Pan-Deuteronomism* (ed. Linda S. Schearing and Steven L. McKenzie (JSOTSup 268; Sheffield: Sheffield Academic, 1999), 67-82.

[8] I.e., see the distinct ideologies of D's עבד-Egypt formula and the DtrH in §4.5. It might also be apparent in the putative deuteronomistic editing of the Pentateuch, as posited by: Lothar Perlitt, *Bundestheologie im Alten Testament* (WMANT 36; Neukirchen-Vluyn: Neukirchener, 1969); H. H. Schmid, *Der sogenannte Jahwist: Beobachtungen und Fragen zur Penateuchforschung* (Zürich: Theologischer Verlag, 1976); Erhard Blum, *Die Komposition der Vätergeschichte* (Neukirchen-Vluyn: Neukirchener Verlag, 1984); idem, *Studien zur Komposition des Pentateuch* (BZAW 189; Berlin: Walter de Gruyter, 1990). Against a deuteronomistic editing of the Tetrateuch, consult: John Van Seters, "The Deuteronomistic Redaction of the Pentateuch: The Case against It" in *Deuteronomy and Deuteronomic Literature* (BETL 133; ed. M. Vervenne and J. Lust; Leuven: Leuven University Press, 1997), 301-19.

[9] Norbert Lohfink, "Was there a Deuteronimistic Movement?" in *Those Elusive Deuteronomists: The Phenomenon of Pan-Deuteronomism* (ed. Linda S. Schearing and Steven L. McKenzie (JSOTSup 268; Sheffield: Sheffield Academic, 1999), 36-66, see especially 56-66; Wilson, "Deuteronomist?" 69-82.

[10] "It was followed by a history of preceding centuries that showed Hezekiah and his centralization of worship in a flattering light. It was an initiative from above and not the product of a 'movement', but we have no information on this subject. If such a movement actually did exist, it is not absolutely certain it must be called 'Deuteronomistic'": Loh-

Even further qualification is necessary, however. Since 1969 scholars can no longer assert with assurance that the benchmark of the deuteronomists' cultic reform – a seventh century centralization of worship at the Jerusalem sanctuary – is compatible with D's legislation. Modifying the argument of J. N. M. Wijngaards,[11] Gordon Wenham argues that D represents not centralized worship in Jerusalem, but several sanctuaries serving successively as the shrine of Israel's confederacy.[12] The data are not clear that D regards "the place" YHWH set his name as the *solitary*, central sanctuary, rather than the *present*, central sanctuary of Israel-Judah.[13] In addition, chapter 27 emphatically mandates worship at an alternate site to Jerusalem:

> Undoubtedly Deuteronomy 27 is the clearest clue to the provenance of Deuteronomy in the whole book. But its presence conflicts with the idea that Deuteronomy was written to centralize worship at Jerusalem. By centralization is meant the attempt to limit *all* worship to *one* sanctuary, the policy of Hezekiah and Josiah. Deuteronomy clearly prescribes that sacrifices to be offered on Mount Ebal and ascribes this command to Moses. This makes it implausible to regard Deuteronomy as the programme for Josiah's reformation.[14]

A case can be made for Deuteronomy 27's careful integration into chs. 5-26 at an early stage in D's growth, which indicates that ch. 27 and D's legal core antedate the designation of Jerusalem as the solitary, cultic site.[15] D does centralize worship, but precisely when and where is uncertain.

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fink ("Deuteronomistic Movement?", 57). This is a translation, reviewed with suggestions by Lohfink, of his French version of the article: "Y a-t-il eu un mouvement deutéronomiste," in Norbert Lohfink, *Les traditions du Pentateuque autour de l'exil* (*CaE* 97; Paris: Cerf, 1996), 41-63.

[11] J. N. M. Wijngaards, *The Dramatization of Salvific History in the Deuteronomic Schools* (*OtSt* 16; Leiden: Brill, 1969), 23.

[12] Gordon J. Wenham, "Deuteronomy and the Central Sanctuary" in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy* (Winona Lake, Ind.: Eisenbrauns, 1993), 94-108; repr. from *TynBul* 22 (1971).

[13] Wenham, "Sanctuary," 104-06.

[14] Wenham, "Sanctuary," 105. Wenham's Ebal observation, in my judgment, has been validated by the careful argumentation of Sandra L. Richter, "The Place of the Name in Deuteronomy," *VT* 57 (2007): 342-366. Michael Hundly ("To Be or Not to Be: A Reexamination of Name Language in Deuteronomy and the Deuteronomistic History," *VT* 59 (2009): 533-55) states without any counterevidence that "her [Richter's] 2007 claim that placing the name in Deuteronomy means setting up a monument on Mt. Ebal is especially tenuous" (p. 543, n. 45). See Bruce V. Malchow for the view that chs. 12-26 began in an oral form for a covenant renewal ceremony at Shechem (Ebal) in the North, but after 722 B.C.E., these materials were re-contextualized for Jerusalem and written down: *Social Justice in the Hebrew Bible* (Collegeville, Minn.: Liturgical, 1996), 21-2.

[15] Wenham ("Sanctuary," 95) here follows D. J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and the Old Testament* (Rome: Pontifi-

The scholarly thinking on the origins of D's laws, only broadly outlined above, indicates not merely that there are disagreements, but that it is impossible to reconstruct with confidence this book's transmission history and successive socio-historical provenances. Thomas Römer does attempt a cautious reconstruction of D and DtrH,[16] but he is also appropriately skeptical of recovering earlier forms of these ancient texts:

> The very common idea that copying included a slavish conservation of the older texts does not apply to scribal practices in antiquity. The examples from the recopying of the Gilgamesh epic (where we have some older documents conserved) or of Assyrian inscriptions clearly indicate a very free attitude of the scribes towards the older texts. That means that we cannot reconstruct exactly the older texts that have been re-edited in later times, even if some biblical scholars still think they can. We must therefore be content with the outlines of the hypothetically reconstructed older documents.[17]

In his analysis of Genesis' development, David Carr provides similar caveats:

> This does not mean that we can not even inquire about these earlier stages. What these reflections do mean is that investigation of the transmission history of Genesis must work from the later, easier-to-reconstruct stages to the earlier, more difficult ones. Further-

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cal Biblical Institute, 1978), 109ff.; Norbert Lohfink, *Das Hauptgebot Eine Untersuchung literarischer Einleitungsfragen zu Deuteronomium 5-11* (Rome: Pontifical Biblical Institute, 1963), 111, 234.; et al.

[16] For Martin Noth (*Überlieferungsgeschichte Studien: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament* [2d ed.; Tübingen: Niemeyer, 1957]), the Deuteronomist was a sixth century author who reworked available sources into a coherent history (DtrH), spanning from D to 2 Kings, in order to explain the destruction of Jerusalem and exile in Babylon by means of the language and theology of the book of D. A double redaction of the DtrH (Josianic [Dtr1] and exilic [Dtr2]) was posed by Frank Moore Cross ("The Structure of the Deuteronomic History," in *Perspectives in Jewish Learning* [Annual of the College of Jewish Studies 3; Chicago: College of Jewish Studies, 1968], 9-24; idem, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* [Cambridge, Mass.: Harvard University Press, 1973), 274-89). Rudolf Smend (*Die Entstehung des Alten Testaments* [4th ed.; Stuttgart: W. Kohlhammer, 1989]) and his Göttingen posterity (Walter Dietrich, *Prophetie und Geschichte* [FRLANT 108; Göttingen: Vandenhoeck & Ruprecht, 1972]; Timo Veijola, *Die ewige Dynastie: David und die Entstehung seiner Dynastie nach der deuteronomistischen Darstellung* [AASF B 193; Helsinki: Suomalainen Tiedeakatemia, 1975]) added nomistic (DtrN) and prophetic (DtrP) redactions to DtrG (which Smend and Walter Dietrich later renamed DtrH[istorie], which is comparable to Noth's DtrH); the nomistic layer does not involve D's laws, but expressions concerned with law (Josh 1:7-9; 13:1b-6; 23; Judg 1:1-2:5, 17, 20-21, 23). Thomas Römer (*The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction* [London/New York: T & T Clark, 2007]) argues for a triple redaction of DtrH: late seventh century (neo-Assyrian); early sixth century (neo-Babylonian); and later sixth or early fifth century (Persian).

[17] Römer, *Deuteronomistic History*, 48.

more, any such analysis must make clear distinctions between the differing levels of plausibility of its transmission-historical conclusions. Indeed, at many points the analysis must make explicit the impossibility of forming defendable transmission-historical hypotheses.[18]

These cautions apply to reconstructing earlier, unattested forms of transmitted texts, but the case is different when we can verify a scribe's transformation of other known materials.[19] In this respect, inner-biblical phenomena within D provide an empirical mechanism by which one may be able to discern a law's relative date and function.

5.1.2. D, H and Exodus 20-23: Debates on Inner-Biblical Textuality

The inner-biblical textuality of concern to this study on D's גר laws is the literary relationship or non-relationship of: 1) D's laws to the Holiness (H) laws of Leviticus 17-26 and Exodus 12 (see nn. 138-39); 2) D's Decalogue (Deut 5:6-21) to Exodus' Decalogue (Exod 20:1-17); 3) the Deuteronomic Code (DC; chs. 12-26) to the Book of the Covenant, or Covenant Code (CC; Exod 20:22-23:33). Jeffery Stackert argues that just as D utilizes and usurps the CC, so H does the same to the CC, D, and even at times P legislation.[20] For all of the insights that Stackert provides, he does not settle the issue that the direction of influence moves from H to D, let alone that there is literary dependence at all between them, especially in texts that merely share the same motifs.[21] His work "is unlikely to provide the final word on the thorny issue of 'supplement or replacement.'"[22] The reason for this is that inner-biblical interpretation may reveal a legislator's *Tendenz*, but not the underlying motivations of his work. In the case of H's relationship to CC, D, and P, it is not at all perceptible from the texts that implied readers (readers whom we may infer that the text envisages) have adequate historical background knowledge to discern whether H's legislator modifies au-

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[18] David M. Carr, *Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville: Westminster John Knox, 1996), 39.

[19] For example, the book of Chronicles utilized some form of the DtrH, especially Samuel-Kings: Steven L. McKenzie, *The Chronicler's Use of the Deuteronomistic History* (HSM 33; Atlanta: Scholars, 1984); Raymond F. Person, Jr., *The Deuteronomistic History and the Book of Chronicles: Scribal Works in an Oral World* (Leiden/Boston: Brill, 2010); Pancratius C. Beentjes, *Tradition and Transformation in the Book of Chronicles* (SSN 52; Leiden/Boston: Brill, 2008), especially pp. 1-7.

[20] Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy & the Holiness Legislation* (FAT 52; Tübingen: Mohr Siebeck, 2007).

[21] Jonathan Vroom and Mark J. Boda, review of Jeffrey Stackert, *Rewriting the Torah*, *Shofar* (2009): 188-90.

[22] N. MacDonald, review of Jeffrey Stackert, *Rewriting the Torah*, *JSOT* 32 (2008): 180-81.

thoritative texts in order to recontextualize them or to subvert them.[23] In epistemological terms, Stackert's thesis may be true belief, but it cannot be justified.[24] We may infer textual intent, that is, the intention of texts that manifest signs of a direction of literary influence (§5.1.4), but we cannot probe the cognitive processes and internal motives of the ancient authors in their revisionary projects.[25] As we shall see, several of H's גר laws are thematically related to D's גר laws, even sharing in common a limited number of lexemes, but the disparate syntactical configuration of those lexemes and the assumptions underlying the propositions that they form reduce the probability of any direct literary influence (see §5.1.5).[26]

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[23] Such implied readerly knowledge is necessary to begin reconstructing motives, if such an enterprise were possible (e.g., Matt 5:17, "Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish them but to fulfill them"). Max Turner ("Historical Criticism and Theological Hermeneutics of the New Testament" in *Between Two Horizons: Spanning New Testament Studies and Systematic Theology* [ed. Joel B. Green and Max Turner; Grand Rapids: Eerdmaans, 1999], 44-70, especially 48-50) has insightfully nuanced Paul Ricoeur's notion of "presuppositional pools": an implied author informs the implied reader of historical background material via the text, and the text presupposes that the implied reader will use this material in interpretation. Also, the essence of texts, including biblical texts, indicates that implied readers have the capacity to work with empirical data – an implied author's use of the general principles of communication as a reader encounters them in texts – and draw interpretive conclusions; See Anthony C. Thiselton, *New Horizons in Hermeneutics: The Theory and Practice of Transforming Biblical Reading* (Grand Rapids: Zondervan, 1992), 11, 15, 16-29. Although the implied author and historical author must be delineated, they cannot be disassociated, as Meir Sternberg (*The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading* [Bloomington: Indiana University Press, 1985], 69) rightly observes: "Being two faces of the same entity – two modes of authorial existence – these are no more mutually exclusive than identical."

[24] The question raised in Plato's *Theaetetus* (found similarly in *Meno*; et al.) "What must be added to true belief in order to get knowledge?" is, of course, still debated rigorously today (see Richard Fumerton, "Theories of Justification," in *The Oxford Handbook of Epistemology* [ed. Paul K. Moser; Oxford/New York: Oxford University Press, 2005], 204-33), but in acknowledging the limits of the inner-biblical phenomena within the OT's legal corpora and of the knowability of authorial motives, Stackert's provocative claims are unjustified.

[25] For this approach, see the "dialogism" spectrum of Michael R. Stead (*The Intertextuality of Zechariah 1-8* [LHBOTS 506; New York/London: T & T Clark, 2009], 23-24) that spans from "texts in contention with each other" to "texts nuancing each other." Extending the work of Mikhail Bakhtin and Michael H. Floyd, Stead writes regarding *textual* relationships: "The greater the degree of contention with the existing 'voices' in the intertextual web, the greater the potential for multivalency, as multiple meanings compete."

[26] The insufficiency of thematic allusions, even with some shared morphological elements, weakens Stackert's assumption that H reuses D, as noted by Vroom and Boda (review of Jeffrey Stackert, 189): "Furthermore, he [Stackert] seems to assume throughout

Instead, the lucid, lexical connections, as far as the Torah's גר laws are concerned, are between D's and Exodus' Decalogues and between the DC and CC. David Aaron has argued that Exodus' Decalogue and the final composition of Exodus 32-34 revises D's Decalogue.[27] Working independently of Aaron's work, Dominik Markl argues conversely that D's Decalogue functions to actualize Exodus' earlier version: "Die beiden Kontexte in Ex und Dtn setzen unterschiedliche Schwerpunkte: Während Ex 19-24 Israels Konstitution im Dekalog-Bund erzählt, berichtet Dtn 5 Moses rhetorisch aktualisierende Nacherzählung desselben Geschehens."[28] Markl's study commends itself as more careful and cogent than Aaron's,[29] and the analysis of the present study affirms, with Markl, a direction of literary influence from Exodus' version to D's (see §5.2.1.1).

As for the relationship between the DC and CC, the present study endorses Bernard Levinson's methodological presuppositions, which should be quoted at length:

In arguing that Deuteronomy revises the Covenant Code, I assume that the Covenant Code as a text chronologically precedes Deuteronomy and was known, in whole or in part, by Deuteronomy's authors. Each component of that assumption is consistent with the broad scholarly consensus. Some scholars have challenged the very idea of literary relation between Deuteronomy and the Covenant Code or have reversed the consensus, claiming that the Covenant Code, in whole or in part, depends on Deuteronomy. While raising valuable issues, these challenges have for good reason not won currency. There is clear precedent in the ancient Near East for subsequent legal collections directly revising earlier ones in order to articulate developments in juridical thought. Moreover, the degree

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that the later codes must have developed out of the earlier ones since they form a single tradition. In other words, there must be a direct literary relationship between topically similar laws since one code developed out of the other. Thus at one point Stackert criticizes the fact that Pamela Barmash argues for literary independence 'in spite of obvious thematic parallels' (p. 58). This comment reveals his assumption: thematically similar laws must reveal literary development since the Pentateuchal laws form a single developing literary tradition. The result of this assumption is that some of his explanations for the methods and logic of textual reuse employed by the revising legislators are questionable and the evidence he provides for direct literary dependence appears at times to be circular or weak."

[27] David H. Aaron, *Etched in Stone: The Emergence of the Decalogue* (London: T & T Clark, 2006), 282-320.

[28] Dominik Markl, *Der Dekalog als Verfassung des Gottesvolkes: Die Brennpunkte einer Rechtshermeneutik des Pentateuch in Ex 19-24 un Dtn 5* (HBS 49; Freiburg: Herder, 2007), 270.

[29] Reinhard Achenbach (review of David H. Aaron, *Etched in Stone*, *RBL* [2006]: [http://www.bookreviews.org]) correctly remarks regarding Aaron's study that "many exegetes will hesitate to accept a good number of the author's arguments in detail, especially because he does not offer a detailed exegetical analysis of the texts themselves but argues on a tradition-historical level in an often speculative way."

of the detailed lexical and syntactical correspondences between Deuteronomy and the Covenant Code is too expansive to be explained otherwise than in terms of literary dependence, while divergences can be explained in terms of terminological or legal updating. The attempts to make Deuteronomy precede the Covenant Code or the Yahwistic source do not come to grips with the legal history; they overlook the evidence of historical linguistics; and they arbitrarily exclude other Pentateuchal sources from the analysis.[30]

Opposing this stance, John Van Seters contends that the CC was a core component of the expansive writings of the exilic J author.[31] In order to address the needs of the Babylonian exiles, J composed the CC by using the Code of Hammurapi, DC and HC. Against Van Seters is the consistently shorter length of CC's laws compared to those of D and HC.[32] To this we may supply the premises Levinson cites for CC's chronological priority: historical linguistics and comparison with other Pentateuchal sources.[33]

The Bible's legal history, however, is a much less reliable datum. Even though Levinson's pre-exilic (Neo-Assyrian) reconstruction for the CC is more feasible than John Van Seters' exilic (Neo-Babylonian) reconstruction,[34] both of their arguments are based on historical constructs.[35] J. G.

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[30] Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York/Oxford: Oxford University Press, 1997), 6-8. Hans Eberhard von Waldow asserts that Northern priestly circles reacted to the state administration by reformulating older laws *within* the Book of Covenant, the Holiness Code, and especially the Deuteronomic Code: "Social Responsibility and Social Structure in Early Israel," *CBQ* 32 (1970): 182-204, esp. 197-203. However, he fails to provide any analysis of these internal revisions. Levinson's model remains the most convincing.

[31] John Van Seters, *A Law Book for the Diaspora: Revision in the Study of the Covenant Code* (New York/Oxford: Oxford University Press, 2003).

[32] Reduction of prior legal materials (by omission, synecdoche, ellipsis, etc.) would not be an anomaly: see Ezekiel 44's reduction of Leviticus laws in Mark A. Awabdy, "YHWH Exegetes Torah: How Ezek 44:7-9 Bars Foreigners from the Sanctuary," *JBL* 131 (2012): 685-703. However, it is problematic that CC is significantly shorter than D and HC "because Van Seters represents CC as a tendentious rewriting or reaction to D and HC. One would expect that such a text would state its own position with expansive or at least equal verbosity and clarity. Too often CC's unique positions are left to be inferred from its silences in contrast to D and HC": David P. Wright, review of John Van Seters, *A Law Book for the Diaspora*, *JAOS* 124 (2004): 129-31.

[33] I.e., P/H reflect non-archaized CBH, not LBH; in support, the thesis of Avi Hurvitz (*A Linguistic Study of The Relationship between The Priestly Source and The Book of Ezekiel: A New Approach to An Old Problem* [CahRB 20; Paris: J. Gabalda, 1982]) has yet to be overturned by methodologically sound counterevidence.

[34] Bernard M. Levinson, "Is the Covenant Code an Exilic Composition? A Response to John Van Seters" in *"The Right Chorale": Studies in Biblical Law and Interpretation* (FAT 54; Tübingen: Mohr Siebeck, 2008), 276-330; repr. from *In Search of Pre-Exilic Israel: Proceedings of the Oxford Old Testament Seminar* (ed. John Day; JSOTSup 406; London/New York: T & T Clark, 2004), 272-325; Van Seters, *Law Book*.

McConville criticizes Levinson for adopting de Wette's compositional theory since McConville believes D envisages neither cult centralization, nor Josiah's reform program.[36] McConville thinks that D cannot accurately be read as a revision of earlier biblical law and religion, yet his methodology appears to be one-sided in arriving at such conclusions: "…as soon as one enters into the article it becomes clear that the tools actually function to distance the proposal from any attempt to locate Deuteronomy in a particular historical context and to obscure or level the conceptual and linguistic differences between Deuteronomy and other legal materials found in the Pentateuch."[37] Both McConville's and Levinson's approaches are methodologically lacking, however. On the one hand, McConville needs to interact much more extensively with diachronic issues in order to substantiate his (alternative) diachronic conclusions.[38] On the other hand, Levinson's paragon inner-biblical exegetical analyses do not lead to his conclusion that the deuteronomists utilized authoritative CC lemmas in order to subvert and replace them (see nn. 23-24).[39] In particular, D's גר laws do not provide enough conclusive data to reconstruct with confidence their social and historical transmission histories.[40] With the available data, then, the present chapter, (1) posits a relative dating of D's גר laws with respect to other genetically related גר laws by identifying indicators of the direction of influence (which may reveal textual intent), and (2) observes the ideational overlap and divergence between D's גר laws and thematically similar, but genetically unrelated גר laws (§5.1.4-5.1.5; §5.2).

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[35] See the acute criticisms of Dale Patrick, review of John Van Seters, *A Law Book for the Diaspora*, *CBQ* 66 (2004): 307-09; for criticisms of Levinson's work, consult: J. G. McConville, "Deuteronomy's Unification of Passover and *Massôt*: A Response to Bernard M. Levinson," *JBL* 119 (2000): 47-58.

[36] McConville, "Unification," 50, 56-57.

[37] Bernard M. Levinson, "The Hermeneutics of Tradition in Deuteronomy: A Reply to J. G. McConville," *JBL* 119 (2000): 270.

[38] Levinson, "Hermeneutics," 270.

[39] P. J. Hartland (review of Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation*, *VT* 50 (2000): 131-32) appropriately remarks: "Perhaps he should be more cautious when he talks of Deuteronomy 'subverting' earlier texts, as that term might be too negative."

[40] Cf. with David Carr's cautionary remarks on reconstructing Genesis' transmission history (*Fractures*, 39). Consider, likewise, my *tentative* language in §4.5 regarding the עבד-Egypt formula, and difficulties of reconstructing D's transmission-history that emerged in §4.6.

5.1.3. Inner-Biblical Exegesis and D's גר Laws

Intertextualité proper belongs to the domain of post-structuralist semiotics, a synchronic philology developed by Roland Barthes and Julia Kristeva.[41] This literary critical domain must not be confused with modern notions of the term intertextuality that include "intertextual echo," "dialogical intertextuality," and "Postmodern Intertextuality," to name a few.[42] Many wish to preserve the independence of *intertextualité*, which is synchronic inasmuch as texts have no referentiality outside the encoded linguistic world they create, from diachronic intertextual methods wherein texts converse not only with other texts, but with sociological and historical contexts.[43] One prevalent, diachronically disposed method examines the phenomena of inner-biblical exegesis, first introduced to biblical studies by Nahum Sarna and developed by Michael Fishbane, and others.[44] Inner-biblical exegesis, or inner-biblical interpretation, includes *traditum*, the content of the tradition, and *traditio*, the transmission or representation of the *traditum*.[45] This nomenclature fits early oral periods of Israelite traditions, but might be inappropriate for later eras with the "new dynamic of textualization."[46]

D represents this new dynamic by its canonical presentation, namely, by self-identifying as the textual composition of YHWH's *tôrâ* to Israel through Moses.[47] The recurrence of כתב, in particular, illuminates this deu-

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[41] Julia Kristeva, *Smeiotike: Recherches pour une sémanalyse* (Paris: Seuil, 1969); ibid., *Desire in Language: A Semiotic Approach to Literature and Art* (Oxford: Blackwell, 1980); Roland Barthes, *Image, Music, Text* (London: Fontana, 1977); ibid., "Theory of the Text," in *Untying the Text: A Post-Structuralist Reader* (ed. Robert Young; Boston: Routledge & Keagan Paul, 1981), 31-47.

[42] Steve Moyise, "Intertextuality and the Study of the Old Testament in the New Testament" in *Old Testament in the New Testament: Essays in Honour of J. L. North* (ed. Steve Moyise; JSNTSup 189; Sheffield: Sheffield Academic, 2000), 14-41.

[43] Lyle M. Eslinger, "Inner-Biblical Exegesis and Inner-Biblical Allusion: The Question of Category," *VT* 42 (1992): 47-58.

[44] Nahum M. Sarna, "Psalm 89: A Study in Inner Biblical Exegesis," in *Biblical and Other Studies* (ed. Alexander Altmann; Cambridge: Harvard University Press, 1963), 29–46; Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985).

[45] Douglas A. Knight (*Rediscovering the Traditions of Israel: The Development of the Traditio-Historical Research of the Old Testament, with Special Consideration of Scandinavian Contributions* [SBLDS 9; Missoula, Mont.: Scholars, 1975], 5-20) coined *traditio* and *traditum* in biblical research, whereas in Michael Fishbane's *Biblical Interpretation* he applied and developed them within inner-biblical interpretation.

[46] Brevard S. Childs, review of Michael Fishbane, *Biblical Interpretation in Ancient Israel*, *JBL* 106 (1987): 511-13.

[47] ספר התורה "the scroll of the Law" discovered in the Jerusalem temple during Josiah's era appears to have been some form of D (2 Kings 22-23).

teronomic motif: D recalls that YHWH himself engraved the Decalogue onto two tablets of stone (4:13; 5:22; 9:10; 10:2, 4); the Israelites were to inscribe the Shema on the doorposts of their houses and gates (6:9; 11:20); Israel's king was to record his own copy of the deuteronomic law (17:18); and the theme of inscribing YHWH's *tôrâ* culminates in the epilogue:

וכתבת עליהן את־כל־דברי התורה הזאת בעברך למען אשר תבא אל־הארץ אשר־יהוה אלהיך נתן לך...

You must write on them all the words of this law, when you cross over to enter the land that YHWH your God is giving you… (27:3)

וכתבת על־האבנים את־כל־דברי התורה הזאת באר היטב

You must write on the stones all the words of this law very plainly.

References to this written law occur twice among the covenant curses and thrice in the covenant renewal ceremony in Moab (28:58, 61; 29:19, 20, 26). All of these verses in chs. 28-29 use passive participles to depict this instruction's written status; for example, מצותיו וחקתיו הכתובה בספר התורה הזה "his commandments and statutes that are written in this scroll of the law" (30:10). Thus, in a sequential reading, chapter 31 dischronologically describes Moses inscribing this law (31:9, 24) and his song (31:19, 22). The juxtaposition of this written law next to the ark is a visible reminder to Israel of its authority as the binding words of the covenant with YHWH (31:26).[48]

How, then, can one move beyond what D says about itself as inscribed text, or collection of texts, into the realm of its source texts? That is to say, how can one move from synchrony to diachrony without doing injustice to both elements? Roland Barthes will not allow such movement: "Intertextuality, the condition of any text whatsoever, cannot, of course, be reduced to a problem of sources or influences; the intertext is a general field of anonymous formulae whose origin can scarcely ever be located."[49] Michael Stead postulates a method that, instead, preserves the synchronic-diachronic tension. He correctly observes that while post-structuralists and

[48] G. J. Venema (*Reading Scripture in the Old Testament: Deuteronomy 9-10; 31 – 2 Kings 22-23 – Jeremiah 36 – Nehemiah 8* [*OtSt* 47; Leiden/Boston: Brill, 2004], 46) clarifies that "The 'book of the *torah*' is put beside the ark, 'to be a witness' of the covenant, of which the ark is the symbol. Thus, the book and the words written in it in turn refer to the Ten Words YHWH spoke to Moses, and which are inscribed on the two tablets of stone. Because of the enormous power of the book as a symbol, the Ten Words do not remain hidden. In order to hear, learn and perform them, Israel – according to Deuteronomy – has to rely on the words spoken by Moses himself, and written in 'this book of the *torah*.' At the same time, this means having to rely on the book which contains these words of Moses: Deuteronomy."

[49] Barthes, "Theory," 39.

deconstructionists might justifiably stress source ambiguity, "this does not nullify the analysis of those parts of the 'textual mosaic' where intertexts *can* be identified, albeit with greater or lesser degrees of specificity."[50] Stead represents this mosaic of genetically related texts, or intertexts, by a spectrum of identifiability from certain to unknown:

- A *citation* is an attributed quotation (i.e. acknowledging source).
- A *quotation* is an identifiable word-for-word repetition.
- An *allusion* is a partial re-use of a sequence of words or ideas.
- An *echo* is similar to an allusion, but where fewer identifiable elements are re-used
- A *trace* is defined by Derrida as the indications of an absence that defines a presence. Any signifier contains "traces" of other signifiers that shape its meaning.[51]

D's intertexts may well vacillate between all of these, but the knowability of the sources of D's גר legislation presses us to restrict our analysis to citation, quotation, and allusion, each of which serve as mediums of inner-biblical legal interpretation (§5.2).

Inner-biblical legal exegesis centers on reinterpreting, extending, applying, or transforming preexisting legal texts.[52] An author or his religious community must, to some extent, esteem these preexisting laws by virtue of the fact that he reused, rather than neglected them. Since both the dependent text and its source text are preserved within the Pentateuch, the source text remains to some extent authoritative and prestigious.[53] As for the forms of legal exegesis within the Pentateuch, they "reflect normal processes of lawyerly handling of the laws: a concern with scrutinizing the content of laws for real or anticipated deficiencies; a concern with contradictions among the inherited cases; a concern with making the law comprehensive and integrated; and a concern with making the law workable and practicable."[54] These tendencies must be further nuanced by the nature of each example, in our case, of D's legal texts that mention the גר.[55] This nuancing is in essence the task of flagging indicators of the direction of literary influence. Although this task is as much an art as it is a science (like performing textual criticism or reading an intricate novel), there are

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[50] Stead, *Intertextuality*, 21.

[51] Stead, *Intertextuality*, 21-23. Stead (pp. 23-24) also presents the spectrums of: the "reader's role," from readers creating meaning to readers decoding the meaning of a text; and "dialogism" from "texts in contention with each other" to "texts nuancing each other."

[52] Fishbane, *Interpretation*, 283.

[53] Fishbane (*Interpretation*, 417) notes this phenomenon for the *traditio* and *traditum*.

[54] Fishbane, *Interpretation*, 164.

[55] Similarly, Stead's "contextual intertextuality" (*Intertextuality*, 30-37) is a methodology tailored to the contours of the biblical corpus under investigation.

several signs, to which we now turn, that suggest one text borrows from another.[56]

5.1.4. Indicators of the Direction of Literary Influence

Lyle Eslinger contends that Fishbane's project is "beyond verification" because it "is already premised on diachronic assumptions of historical-critical literary history."[57] Eslinger's solution is to bracket out historical issues and read the Bible's inner-biblical interpretations as self-referential. Such an approach is inadequate for texts whose inner-biblical features are decisively datable. However, for D, which resists reconstructions of its literary history (§5.1.1-5.1.3), his criticism stands: we are obligated to search for convincing, ahistorical evidence for the direction of literary influence from one text to another. Such evidence is not often conspicuous, however, as Fishbane notes that authors rarely mark their exegetical expansions, but instead assimilate them:

> (*a*) there are few technical terms which formally introduce exegetical expansions or clarifications of the biblical laws, so that these latter must be isolated mostly by contextual considerations; and (*b*) there is no sharp distinction in genre, style, or terminology which would serve to highlight the exegetical strata, since the legal comments are formulated in a parlance largely similar to that of the laws themselves.[58]

In comparision with the CC and HC, the laws of D "also explained and expanded older legal materials *without* identifying them by citations or other formal means."[59] Notwithstanding, the task of identifying exegetical activity in the deuteronomic legislation is not impossible, as Fishbane himself demonstrates. In this chapter, in order to speak economically about intertexts and their relation to one another, I will use the terms *Quellentext* (*Qt*) "source text" and *Kontingenttext* (*Kt*) "contingent text."[60] When two texts share multiple, identical lexemes (suggesting a genetic relationship), the following are indicators that one text may be primary (*Qt*) and the other secondary and derivative (*Kt*).[61]

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[56] Benjamin Sommer (*A Prophet Reads Scripture: Allusions in Isaiah 40-66* [Contraversions; Stanford, Calif.: Stanford University Press, 1998], 35) goes so far as to claim: "The weighing of such [inter-biblical] evidence (and hence the identification of allusions) is an art, not a science"

[57] Eslinger, "Exegesis," 52, 58.

[58] Fishbane, *Interpretation*, 163.

[59] Fishbane, *Interpretation*, 164.

[60] See this nomenclature in Awabdy, "Ezek 44:7-9," 688; *traditum* and *traditio* are not as accurate since they are best used to depict early oral stages of Israel's tradition history.

[61] These indicators of the direction of influence are my development of Michael A. Lyons, *From Law to Prophecy: Ezekiel's Use of the Holiness Code* (LHBOTS 507; New

1. The *Qt* may provide the conceptual background for the *Kt* so that a reader cannot understand the *Kt* without first reading the *Qt*. Said another way, a *Kt* may leave a curious or awkward gap in their readers' knowledge that is sufficiently filled by the *Qt*.

2. The *Kt* may contain expansions, not attested in earlier texts, that are interpretations of the *Qt*.

3. Mutual content may not have been completely integrated into the *Kt* such that elements from the *Qt* appear to be incompatible or an unexpected choice of language in the new context. However, when a *Qt* has a difficult but not impossible context, a *Kt* may reuse the *Qt* in a context thought to be more suitable.

4. A shorter and/or more difficult text (*Qt*) is more likely to have spawned a longer and/or more understandable text (*Kt*), than vice versa (cp. the tendencies in textual transmission to lengthen a *lectio brevior* and facilitate a *lectio difficilior*).

5. The ideology of the corpus of which the *Kt* is a part may explain why it modified its *Qt*. In this case, the *Qt* serves as a catalyst for the *Kt* to advance an ideological purpose.

6. One text may be shown to be the *Kt* if its broader context repeatedly reuses biblical texts.[62]

7. A *Kt* may cite a *Qt* without any evidence that the *Qt* is archaizing to appear as the source text.

8. Restructuring devices, such as *Wiederaufnahme*, Seidel's law and *chiasmus*, signal the reuse of *Qt*s. The direction of influence of a single, restructured text cannot easily be validated; but the recurrence of stylistic and restructuring conventions within a corpus can demonstrate a pattern of revising *Qt*s.

Linguistic features and socio-historical reconstructions cannot normally determine directionality, not only because they are often insufficient evidence, but because we cannot assume an earlier, extant text had circulated into a given author's hands; and conversely, an author may have used an oral or earlier form of a text that postdates his own composition. Instead, the lexemes and context of each text under examination is given hermeneu-

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York/London: T & T Clark, 2009), 61; Yitzhak Berger, "Ruth and Inner-Biblical Allusion"; ibid., "Esther and Benjaminite Royalty: A Study in Inner-Biblical Allusion," *JBL* 129 (2010): 625-644; Jeffery M. Leonard, "Identifying Inner-Biblical Allusions: Psalm 78 as a Test Case," *JBL* 127 (2008): 241-65; Sommer, *Allusions*; Levinson, *Deuteronomy*, 17-20; I have argued that Ezekiel 44's reuse of Leviticus illustrates indicators 1, 2, and 3 (Awabdy, "Ezek 44:7-9," 689).

[62] Leonard ("Inner-Biblical Allusions," 262) remarks: "When it can be established that a given author is in the habit of borrowing from other texts, a certain precedent may be established for deciding difficult cases. This is especially true when the other author in question does not appear to be similarly inclined toward borrowing."

tical priority. It is unnecessary for a text to manifest more than one of the above eight indicators in order to be identified as a *Qt* or *Kt*, but an accumulation of indicators does increase the probably of correct identification. Additionally, if an author reuses multiple, verifiable *Qt*s that can all be traced to a common corpus (e.g., the CC), additional, alleged examples of reuse of that corpus are more likely to be genuine.[63]

5.1.5. The Independence of H's גר Laws from D's

Deuteronomy, the CC and HC are presented in continuity as the words of YHWH from Sinai/Moab through Moses to Israel. Nonetheless, the evidence indicates that D's and H's גר texts are not genetically dependent (§5.1.5), with two explainable exceptions (see §5.2.1.1; §5.2.2).[64] In addition to the absence of directionality indicators, we find major lexemic and thematic discrepancies that disassociate D's and H's גר texts. H texts that mention the גר with themes unparalleled in D include: Yom Kippur and atonement (Lev 16:29; Num 15:26, 29, 30); sacrifices (Lev 17:8; Num 15:14, 15, 16; cf. sacrifices in Deuteronomy 12, but genetically unrelated and without גר); blood matters (Lev 17:10; 17:22; 22:18); unclean heifer ashes (Num 19:10); Molech abominations (Lev 18:26; 20:2; Ezek 14:7); blasphemy (Lev 24:16, 22); cities of refuge (Num 35:15; Josh 20:9). Conversely, D's texts that mention the גר with themes unparalleled in H include: adjudicating cases (Deut 1:16); tithes (14:29, 26:11, 12, 13); feasts of Shavuot and Sukkoth (16:11, 14); and covenant ceremonies (29:11; 31:12). When H's and D's motifs overlap, the lexical disparity reduces the likelihood of any intertextual relationship, as illustrated by texts related to

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[63] Sommer (*Allusions*, 35) identifies this principle with respect to "certain texts/passages" (instead of "corpora"): "Further, an author may allude to certain texts, and the author's preference for those texts increases the probability that additional parallels with them result from borrowing. The argument that an author alludes, then, is a cumulative one: assertions that allusions occur in certain passages become stronger as patterns emerge from those allusions"; so also, Berger, "Esther," 626; ibid., "Ruth," 254-55.

[64] In addition to the multiple illustrations of D's reuse of the CC, Fishbane analyzes D's putative reuse of H: Lev 19:19 by Deut 22:9 (pp. 58-63); Lev 23:15 by Deut 16:9 (pp. 166-9); and Lev 25:35-37 by Deut 23:20 (p. 175-77). The strongest lexemic resemblance is between לא־תזרע כלאים שדך (Lev 19:19) and לא־תזרע כרמך כלאים (Deut 22:9), which may be an example of inner-biblical scribal reuse, but this could simply be memorable oral tradition "you must not sow two types of seed (in your vineyard/field)." For the plausible distinction between P and H texts, see Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995), 104-06. However, tenuous is his socio-historical reconstruction and his argument that H corrects, rather than supplements, P (pp. 199-224).

carcass consumption, gleaning, and economic reversals.[65] In the following chart, the underlined lexemes are unparalleled in the adjacent passage; leftover are the few lexemic similarities between D and H, but the syntax and concepts surrounding these lexemes reflect two autonomous sets of material:

Carcass consumption	
לא תאכלו כל־נבלה לגר אשר־בשעריך תתננה ואכלה או מכר לנכרי כי עם קדוש אתה ליהוה אלהיך לא־תבשל גדי בחלב אמו You must not eat anything that dies naturally. You must give it to the immigrant who is within your towns, so that he may eat it or sell it to a foreigner. For you are a holy people to YHWH your God. You must not boil a kid in its mother's milk. (Deut 14:21)	וכל־נפש אשר תאכל נבלה וטרפה באזרח ובגר וכבס בגדיו ורחץ במים וטמא עד־הערב וטהר ואם לא יכבס ובשרו לא ירחץ ונשא עונו Any person who eats an animal that dies naturally or is torn by beasts, whether he is a native or an immigrant, must wash his clothes and bathe himself in water and be unclean until the evening; then he will be clean. But if he does not wash them or bathe his body, he will bear his iniquity. (Lev 17:15-16)

[65] Stead stresses that computer-generated (morphological) word searches may overlook echoes, or thematic allusions, and identifying such allusions is lumped with "'methods that are less objective and less verifiable'" (Stead [*Intertextuality*, 38-39] quotes Risto Nurmela's assertion in *Prophets in Dialogue: Inner-Biblical Allusions in Zechariah 1-8 and 9-14* [Åbo: Åbo Akademi University Press, 1996], 246-47). Stead (*Intertextuality*, 39) states that his software innovation remedies this problem: "That two passages might share a theme is not in itself remarkable should that theme be a common one in the Hebrew Bible. The benefit of my computer search technique is that it can help to establish the rarity (or otherwise) of a theme, which in turn gives better grounds for arguing that Zech 1-8 is intended to be read in light of a specific intertext." Indeed, the rarity of a thematic allusion in the Hebrew Bible, along with other suggestive features, can be used to establish a literary relationship (see Yitzhak Berger, "Ruth and Inner-Biblical Allusion: The Case of 1 Samuel 25," *JBL* 128 [2009]: 253-72, especially the example on pp. 255-57). However, literary connection is not ensured by rarity, nor is it negated by commonality. Moreover, themes shared by two corpora without shared lexemes are insufficient to establish literary dependency. This is true of D's and H's גר texts; they share themes, but not intertexts.

Gleanings

כי תקצר קצירך בשדך ושכחת עמר בשדה לא תשוב לקחתו לגר ליתום ולאלמנה יהיה למען יברכך יהוה אלהיך בכל מעשה ידיך When you reap your harvest in your field and forget a sheaf in the field, you must not go back to get it. It must be for the immigrant, orphan and widow, that YHWH your God may bless you in all the work of your hands. (Deut 24:19)	ובקצרכם את־קציר ארצכם לא־תכלה פאת שדך בקצרך ולקט קצירך לא תלקט לעני ולגר תעזב אתם אני יהוה אלהיכם When you reap the harvest of your land, you must not reap your field right up to its edge, nor may you gather the gleanings after your harvest. You must leave them for the poor and for the sojourner. I am YHWH your God. (Lev 19:9-10; similarly 23:22)
כי תחבט זיתך לא תפאר אחריך לגר ליתום ולאלמנה יהיה כי תבצר כרמך לא תעולל אחריך לגר ליתום ולאלמנה יהיה When you beat your olive trees, you must not go over them again. It must be for the immigrant, orphan and widow. When you gather the grapes of your vineyard, you must not strip it afterward. It must be for the immigrant, orphan and widow. (Deut 24:19-21)[66]	וכרמך לא תעולל ופרט כרמך לא תלקט לעני ולגר תעזב אתם אני יהוה אלהיכם You must not strip your vineyard bare, neither may you gather the fallen grapes of your vineyard. You must leave them for the poor and for the immigrant. I am YHWH your God. (Lev 23:22; 19:10)

Economic reversals

הגר אשר בקרבך יעלה עליך מעלה מעלה ואתה תרד מטה מטה הוא ילוך ואתה לא תלונו הוא יהיה לראש ואתה תהיה לזנב The immigrant who is in your midst will rise higher and higher above you, and you will descend lower and lower. He will lend to you, but you will not lend to him. He will be the head, and you will be the tail. (Deut 28:43-44)	וכי תשיג יד גר ותושב עמך ומך אחיך עמו ונמכר לגר תושב עמך או לעקר משפחת גר If an immigrant or sojourner with you becomes rich, and your brother beside him becomes poor and sells himself to the immigrant or sojourner with you or to a member of the immigrant's clan… (Lev 25:47; see 25:35)

[66] Notice also the lexical disparity between Deut 24:19-21 and the gleaning provision in the CC, which is not for the גר, but "the needy of your people" (אביני עמך; Exod 23:10-11). *Contra* Achenbach ("*gêr*," 47) who conjectures, without literary evidence, that Deut 24:19-22 "developed and altered" Exod 23:10-11. A literary connection between Exod 23:10-11 and Deut 24:19-22 is not apparent, but an ideational distinction between them is (see Lohfink on D's vision for the גר, orphan and widow §2.3.2).

Prohibition against oppression	
וכי־יגור אתך גר בארצכם לא תונו אתו When an immigrant resides with you in your land, you must not oppress him. (Lev 19:33; cp. Exod 22:20)[67]	לא־תעשק שכר עני ואביון מאחיך או מגרך אשר בארצך בשעריך You must not exploit the wages of one who is poor and needy, whether he is one of your brothers or one of the immigrants who are in your land within your gates. (Deut 24:14)[68] לא תטה משפט גר יתום ולא תחבל בגד אלמנה You must not pervert the justice due to the immigrant or orphan, or take a widow's garment in pledge. (Deut 24:17) ארור מטה משפט גר־יתום ואלמנה ואמר כל־העם אמן: "Cursed be anyone who perverts the justice due to the immigrant, orphan and widow." And all the people will say, "Amen" (Deut 27:19).

Also notice the independence of D's and H's Pesach and Matzoth legislation.[69] Consequently, in the rest of this chapter, I interact with H texts only to compare or contrast their ideations with D, not because they share intertexts with D. By contrast, we discover indicators of an intertextual relationship between D's and Exodus' Decalogues, and between the DC and the CC.

[67] Exodus 22:20 may be intertextually related to Lev 19:33 (H) as they share the general prohibition "you must not oppress" the גר (לא + ינה). Exodus 22:20 and 23:9 share the general prohibition "you must not torment" the גר (לא + לחץ), which does not occur in H or D. The DC uses its own vocabulary, syntax and conceptuality to prohibit גר abuse (see above: Deut 24:14, 17; 27:19).

[68] See the MT emendation proposed in §3.1.8. Deuteronomic phraseology – to exploit (עשק) the גר (often with the orphan-widow) – is found in Zech 7:10; Mal 3:5; Jer 7:6; 22:3; Ezek 22:7, 29.

[69] Deut 16:1-8 (גר is unmentioned, but arguably a participant in D's Matzoth element); H: Exod 12:19, 48; Num 9:14; Lev 23:4-8.

Since the language of both H and D anticipates life in the land of Canaan, the major divergence of H's גר laws from D's cannot be attributed to life in the wilderness (H) versus life in the Promised Land (D).[70] Nor can the divergence be attributed to Moses' forgetfulness, after forty years, of YHWH's words from the Tent of Meeting (H); Israel's oral culture will not allow this option.[71] The view that D's גר laws presume H's גר laws is an *argumentum e silentio* that is rendered even more unlikely given that D presumes and/or revises many *other* Tetrateuchal laws, including Exodus' Decalogue and the CC. Why would D regard the גר laws in the CC and Exodus' Decalogue worthy of revision and recontextualization, but regard H's גר laws unworthy, especially given the fact that H has *many more* relevant גר laws than Exodus 20-23 from which D could have drawn (see §1.1.1 n. 20)? The answer cannot be that D is satisfied with H's coverage of certain themes, for as we have seen in the above chart, D and H have גר laws with identical themes. Yet, when the themes are identical, D and H employ entirely separate nomenclatures to express different legal contents. I also believe that were D to presume H's גר laws, but never once interact with them, this would contradict D's self-presentation as expounding prior law: "Moses began to explicate this *tôrâ*" (את־התורה הזאת; 1:5).[72] Consequently, the divergences between H's and D's גר laws cannot be the by-product of intertextuality, but rather of two independently transmitted and revised legal corpora,[73] one priestly, the other deuteronomic. Thus, our findings on the גר in these two law collections substantiate the broad framework of Moshe Weinfeld's thesis on the separate development of P/H and D.[74] We must now inquire how D compares and contrasts with thematically similar, but genetically unrelated H גר laws, and how D revises other pentateuchal גר intertexts.

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[70] I.e., Exod 12:48; Lev 18:3, 25, 27, 28; 19:9, 23, 29, 33; 20:2, 4, 22, 24; 22:24; 23:10, 22, 29; 25:2, 4, 5, 6, 7, 9, 10, 18, 19, 23, 24, 31, 38, 45; 26:1, 4, 5, 6, 20, 32, 33, 34, 42, 43; 27:16, 24, 30.

[71] William M. Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (Cambridge: Cambridge University Press, 2004), 11-13.

[72] Levinson, *Deuteronomy*, 151; *contra* Dennis Olson, who presumes *tôrâ* in 1:5 refers not to preceding legislation, but to D itself: *Deuteronomy and the Death of Moses* (Minneapolis: Fortress, 1994), 11.

[73] For cuneiform legal revision, consult Levinson, *Deuteronomy*, 7 n. 11. In D, there are at least three elements, not necessarily distinct layers, of revision: one, the editorial additions of superscriptions, subscriptions, and other materials (i.e., ch. 34); two, reformulation of laws to mandate centralized worship (ch. 12, 16, et al.); three, the organization (perhaps a general reordering of the laws to follow the Decalogue) and the integration of D into the Pentateuch and Primary History.

[74] For his specific work on the גר in P/H and D, see Weinfeld, *Deuteronomic School*, 225-32 (see §5.2.2.2).

5.2. D's Revision of Exodus 20-23's גר Regulations and Contrasts with H

5.2.1. A Vicarious Redemption

5.2.1.1. The גר and Sabbath (Exod 20:8-11; Deut 5:12-15)

The גר in the Sabbath laws in Exodus' and D's Decalogues appears to be the sole example of D's גר legislation that has inner-biblically revised an H גר law to accomplish certain social and theological purposes. To begin, we must establish the direction of influence between the Decalogues. Deuteronomy 5:1-5 prefaces D's Decalogue (vv. 6-21) with a reference to the theophany of Exodus 19(-24), the direct context of Exodus' Decalogue. While this narrative framework may have been added later, we have several reasons to infer instead that D's Decalogue is secondary and revises that of Exodus. First, the plus (+) phrase occurs both in D's Sabbath word and honor-parents word: כאשר צוך יהוה אלהיך "just as YHWH your God commanded you" (Deut 5:12, 16; similarly v. 15). This phrase is best understood as a perfect-tense citation formula that recurs in D when the book references Tetrateuchal sources (see Indicator of Direction of Literary Influence [IDLI] no. 7 in §5.1.4).[75] Exodus' Decalogue reads smoothly without this citation (Exod 20:8-9, 12), which also indicates it is a deuteronomic expansion within D's version. Second, Exodus contains only one + conjunction (Exod 20:4: וכל-; cf. Deut 5:8), the lack of which in D can be explained as a theological interpretation;[76] whereas D contains six + conjunctions, manifesting an expansionistic tendency (see IDLI no. 2 in §5.1.4).[77] Third, D's egalitarianism probably suggests that it fronted the

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[75] Jacob Milgrom, "Profane Slaughter and the Formulaic Key to the Composition of Deuteronomy," *HUCA* 47 (1976): 1-17, esp. pp. 3-4; Fishbane, *Interpretation*, 164; its forms include: אשר/כ צוה/שעב/דבר "which/as [he] commanded/swore/ promised." William L. Moran ("The Ancient Near Eastern Background of the Love of God in Deuteronomy," *CBQ* 25 (1963): 86) observes that a shift to the (D-stem) participial form of this clause indicates that "the laws revealed to Moses at Horeb are now being promulgated": אשר אנכי מצוה אתכם (היום) "which I am commanding you (today)" (Deut 10:13; 11:28; 12:14; 13:18); also Henning Graf Reventlow, *Gebot und Predigt im Dekalog* (Gütersloh: Gütersloher, 1962), 56; Norbert Lohfink, *Theology of the Pentateuch: Themes of the Priestly Narrative and Deuteronomy* (trans. Linda M. Maloney; Minneapolis: Fortress, 1994), 261.

[76] Richard D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox, 2002), 80 n. 6.

[77] Deut 5:9 (ועל); 14 (ועבדך); 18 (ולא); 19 (ולא); 20 (ולא); 21 (ולא); *contra* minuses in Exod 20:5 (על); 10 (עבדך); 14 (לא); 15 (לא); 16 (לא); 17 (לא). For a chart of discrepancies between the two Decalogues, consult: Innocent Himbaza, *Le Décalogue et l'histoire du*

prohibition of coveting a "neighbor's wife" (אשת רעך; metathesizing Exodus' order of house → wife; cf. Deut 21:10-14, 19; 24:5).[78] Fourth, aside from the possible exception of Exodus' Sabbath rationale, its version contains no clarifying expansions, in contrast to D. In addition to D's citation formula, we read the + ושורך וחמרך וכל- "ox and donkey and every (beast)" as participants in Sabbath rest (Deut 5:14; cf. Exod 20:10), which may be D's way of linking Sabbath with the final command.[79] D also includes a second telic clause ולמען ייטב לך "so that it may be well with you" in the honor-parents word, which is best explained as D's promulgation of its material retribution theology.[80] With the above signs that D's Decalogue modifies that of Exodus, scholars are justified in pondering the import of D's other modifications of Exodus' version.[81] This précis reinforces Markl's conclusion D actualizes Exodus' version,[82] which allows us now to consider how D reuses Exodus' Sabbath command and explore its implications for D's presentation of the גר. ,

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texte: Etudes des forms textuelles du Décalogue et leurs implications dans l'histoire du texte de l'Ancien Testament (OBO 207; Göttingen: Vandenhoeck & Ruprecht, 2004), 174-78.

[78] William L. Moran, "The Conclusion of the Decalogue (Ex 20;17 = Dt 5;21)," *CBQ* 29 (1967): 543-54; Nelson, *Deuteronomy*, 84.

[79] Lohfink, *Pentateuch*, 254-55.

[80] This phrase never occurs with Tetrateuchal laws, but is distinctive deuteronomic phraseology for "retribution and material motivation" (Weinfeld, *Deuteronomic School*, 345-46): Deut 4:40; 5:16, 26, 30; 6:3, 18, 24; 10:13; 12:25, 28; 19:13; 22:7.

[81] Opening the Sabbath word, D shifts from זכור "remember" (Exod 20:8) to שמור "guard" (Deut 5:12), which Lohfink (*Pentateuch*, 254) argues marks D's version as an alteration of Exodus'. D adds שדהו "his field" to the Decalogue's final word. D also replaces the adverbial accusative עד שקר "lying witness" (Exod 20:16) with עד שוא"worthless witness" (Deut 5:20); see Patrick D. Miller, *The Ten Commandments* (Louisville: Westminster John Knox, 2009), 344. Finally, D replaces לא תחמד בית רעך "you must not *covet* your neighbor's wife" (Exod 20:16) with ולא תתאוה בית רעך "and you must not *desire* your neighbor's house" (Deut 5:20). Against William Moran ("Conclusion," 543-54), Brevard S. Childs (*Exodus* [OTL; London: SCM, 1974], 426-27) argues "the Deuteronomic recension simply made more explicit the subjective side of the prohibition which was already contained in the original [Exodus] command."

[82] Markl, *Der Dekalog*, 270; *contra* Aaron, *Etched*, 282-320.

Deut 5:12-15	Exod 20:8-11
שמור את־יום השבת לקדשו כאשר צוך יהוה	זכור את־יום השבת לקדשו
אלהיך ששת ימים תעבד ועשית כל־מלאכתך	ששת ימים תעבד ועשית כל־מלאכתך
ויום השביעי שבת ליהוה אלהיך לא תעשה	ויום השביעי שבת ליהוה אלהיך לא־תעשה
כל־מלאכה אתה ובנך־ובתך ועבדך־ואמתך	כל־מלאכה אתה ובנך־ובתך עבדך ואמתך
ושורך וחמרך וכל־בהמתך וגרך אשר בשעריך	ובהמתך וגרך אשר בשעריך
למען ינוח עבדך ואמתך כמוך	
וזכרת כי־עבד היית בארץ מצרים ויצאך יהוה	כי ששת־ימים עשה יהוה את־השמים ואת־הארץ
אלהיך משם ביד חזקה ובזרע נטויה על־כן צוך	את־הים ואת־כל־אשר־בם וינח ביום השביעי
יהוה אלהיך לעשות את־יום השבת	על־כן ברך יהוה את־יום השבת ויקדשהו

D modifies the list of Sabbath rest participants, inserting ושורך וחמרך וכל־ "ox and donkey and every (beast)" to clarify that certain and all livestock need weekly respite (5:14). The immediately following lexeme, however, D repeats verbatim from Exodus: וגרך אשר בשעריך "and your immigrant who is within your gates" (Exod 20:10; Deut 5:14). In Exodus through Numbers, שער "gate" occurs only in the Sinai Pericope (Exod 19:1-Num 10:10) wherein it refers to the "gate of the courtyard" (שער החצר) of the tabernacle (Exod 27:16; 35:17; 38:15, 18, 31; 39:40; 40:8, 33; Num 4:26), or the gate of Israel's Israelite Sinai camp (ב[שער המחנה]: Exod 32:26), or the *gates* within Israel's Sinai camp: "(go back and forth) from gate to gate within the camp" (משער לשער במחנה; Exod 32:27; JPS Tanakh; NET). To remove the awkwardness of multiple gates in a wilderness encampment, one may read the מן...ל construction in 32:27 as movement from one tent *entrance*, or familial *precinct*, to another.[83] Cornelis Houtman argues, instead, that in Exod 32:26-27 Moses guarded the only gate of Israel's camp: "From there, the Levites go into the camp, and after having finished their task, go back to Moses. Moses stands by the gate and sees to it that no Israelite escapes."[84]

If we accept Houtman's proposal based on the conventional usage of שער as "gate," then "your immigrant who is in your gates" (גרך אשר בשעריך) in Exodus' Decalogue is the only reference to multiple "gates" in the Tetrateuch.[85] On the contrary, D uses the non-limiting clause with the form "who is in your gates" (אשר בשעריך) with the highest frequency in

[83] Similarly, denotation 4.a. "location, places" in: "שער," *HALOT* 2:1614-18; "passez et repassez d'un bout à l'autre du camp" (French Bible en français courant).

[84] Cornelis Houtman, *Exodus* (4 vols.; HCOT; trans. Sierd Woudstra; Leuven: Peeters, 1993-2002), 3:50.

[85] Even if we render משער לשער במחנה "from precinct to precinct" against Houtman, the entire clause גרך אשר בשעריך still qualifies as an anomaly in the Tetrateuch.

the Hebrew Scriptures.[86] Even more perplexing is why Exod 20:10 would use the lexeme גרך since גר does not have an enclitic pronoun anywhere else in the Tetrateuch:

גר	Gen 15:13; Exod 2:22; 18:3; 22:20; 23:9; Lev 25:47[2x]
גר־ותושב	Gen 23:4
בגר ובאזרח	Exod 12:19
הגר	Exod 23:9, 12
מן־האזרח ומן־הגר	Num 15:30
הגר אשר־יגור בתוכם	Lev 17:8
באזרח ובגר	Lev 17:15
לעני ולגר	Lev 19:10; 23:22
הגר בישראל	Lev 22:18
כגר כאזרח	Lev 24:16, 22
גר ותושב	Lev 25:35
לגר תושב	Lev 25:47
כי־יגור אתך/כם גר	Exod 12:48; Lev 19:33; Num 9:14; 15:14
לגר ולאזרח הארץ	Lev 19:34; Num 9:14
ל[ה]גר הגר... ...אתכם ...בתו[כ]כם ...בישראל	Exod 12:49; Lev 16:29; 17:10, 12, 13; 18:26; 20:2 Num 15:15, 16, 26, 29; 19:10
ככם כגר	Num 15:15
לגר ולתושב	Num 35:15

Of the remaining 25 גר references (outside the Pentateuch) in the Hebrew Bible, none are qualified by an enclitic pronoun.[87] In contrast, D five times

[86] בשעריך (Deut 6:9; 11:20; 12:17, 21; 14:28; 15:22; 17:8; 26:12; 28:57); בכל־שעריך (12:15; 16:18; 28:52[2x], 55); שעריך (15:7; 16:5; 17:2; 18:6; 23:17[Heb.]); אל־שעריך (17:5). In addition to the above references, the entire clause אשר בשעריך modifies גרך "your immigrant" thrice (5:14; 14:21 [לגר]; 31:12); modifies הלוי "the Levite" four times (12:12 [שעריכם-], 18; 14:27; 16:11); הגר והיתום והאלמנה "the immigrant, orphan, and widow" triad once (14:29); and והלוי והגר והיתום והאלמנה "the Levite, immigrant, orphan, and widow" tetrad once (16:14). The variation אשר בארצך בשעריך modifies גרך in 24:14.

suffixes to the גר (*individuum*) the enclitic ך "your immigrant" (5:14; 24:14; 29:10; 31:12), and once the enclitic ו "his immigrant" (1:16).

Although the lexeme גרך אשר בשעריך in Exod 20:10 is uncharacteristic of the Tetrateuch, it is congruous with its Exodus context such that it must have been original to Exodus' Decalogue or a pre-deuteronomic addition.[88] After all, the enclitic form גרך in Exod 20:10 follows the syntactical pattern of its context: each Sabbath observant is incrementally distanced from, yet conjoined by the enclitic ך to, the addressee (אתה) (likewise in D's version; §3.1.2). As for אשר בשעריך, one may read it reasonably within the narrative setting of the Sinai pericope, "who is in your precincts"[89] or projecting Israel's future life in Canaan's villages.[90] The latter view is supported by the following commandment: "Honor your father and your mother, that your days may be long *in the land that* YHWH *your God is giving you*" (Exod 20:12). Since Exodus' phrase "your immigrant who is in your gates" (גרך אשר בשעריך) is both solitary and difficult within the Tetrateuch, but not a solecism or an impossibility, it likely engendered the longer and more contextually understandable *Kontingenttext*, Deut 5:14 (see IDLI no. 4 in §5.1.4).

This polysemous lexeme from Exodus' Decalogue gains new meaning in D's Decalogue. By recontextualization, the גר is now repositioned squarely within deuteronomic theology: the גר resides inside Canaan's urban center gates that the Israelites did not erect, but inherited from the land's inhabitants, ultimately from YHWH through military conquests:

> והיה כי יביאך יהוה אלהיך אל־הארץ אשר נשבע לאבתיך לאברהם ליצחק וליעקב לתת לך ערים גדלת וטבת אשר לא־בנית
>
> When YHWH your God brings you into the land that he swore to your fathers, to Abraham, to Isaac, and to Jacob, to give you--with great and good cities that you did not build… (Deut 6:10)

> שמע ישראל אתה עבר היום את־הירדן לבא לרשת גוים גדלים ועצמים ממך ערים גדלת ובצרת בשמים

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[87] 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.

[88] Alternatively, one may postulate that a deuteronomistic redactor inserted this lexeme into Exodus' Decalogue. The deuteronomists, however, have no reason for such activity because D's Decalogue has already achieved an authoritative status. This illustrates what Levinson identifies as the problematic complexity of a deuteronomistic redaction of the CC: *Deuteronomy*, 11-13.

[89] If one follows the above alternative to Houtman's reading of Exod 32:26-27.

[90] Umberto Cassuto, *A Commentary on the Book of Exodus* (Jerusalem: Magnes, 1967), 245; Benno Jacob, *The Second Book of the Bible: Exodus* (Hoboken, N.J.: Ktav, 1992), 568.

Hear, O Israel! You are to cross over the Jordan today, to go in to dispossess nations greater and mightier than you, cities great and fortified into the sky… (Deut 9:1)

כי־יכרית יהוה אלהיך את־הגוים אשר יהוה אלהיך נתן לך את־ארצם וירשתם וישבת בעריהם ובבתיהם

When YHWH your God cuts off the nations whose land YHWH your God is giving you, and you dispossess them and dwell in their cities and in their houses… (Deut 19:1)

רק מערי העמים האלה אשר יהוה אלהיך נתן לך נחלה לא תחיה כל־נשמה
כי־החרם תחרימם החתי והאמרי הכנעני והפרזי החוי והיבוסי כאשר צוך יהוה אלהיך
למען אשר לא־ילמדו אתכם לעשות ככל תועבתם אשר עשו לאלהיהם וחטאתם ליהוה אלהיכם

[16] But in the cities of these peoples that YHWH your God is giving you as an inheritance, you must not preserve any life, [17] but you must devote them to annihilation, the Hittites, Amorites, Canaanites, Perizzites, Hivites and Jebusites, just as YHWH your God has commanded, [18] so that they may not teach you to do according to all their abhorrent practices that they have done for their gods, and so you sin against YHWH your God. (Deut 20:16-18)

Neither the notions of annihilating the politico-ethnicities of Canaan,[91] nor inhabiting their cities,[92] nor abhoring their practices[93] are deuteronomic novelties. D's development, rather, is a heightened emphasis on these issues, as Walter Brueggemann observes, "One trajectory is aimed at the practice of *social justice* and is found primarily, thought not exclusively, in the Book of Deuteronomy. Deuteronomy most consistently contrasts the recommended modes of Israelite obedience with the ways of the Canaanites."[94] As a result, the lexeme גרך אשר בשעריך delineated D's גר both from the unacceptable citizens of the nations whose cities Israel inherited (see §3.1 introduction) and from נכרים "foreigners," or non-Israelites intersecting with, yet precluded from meaningful integration into, Israelite communities (see §3.1.7.3; §6.2-6.3). These classes are paradigmatically related: they share the same semantic domain, "non-Israelite," but contrast with each other, amplifying the significance that D's Decalogue retains the non-Israelite גר figure in the Sabbath law.[95]

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[91] See Exod 23:23-33:2; 34:10-17.

[92] See Num 13:19, 28; 21:1-3; 24:19; 32:16-28; 35:1-15.

[93] See Exod 34:12-17; Lev 18:24-30; 20:1-6, 23.

[94] Walter Brueggemann, *Theology of the Old Testament* (Minneapolis: Fortress, 1997), 187.

[95] Likewise, Rainer Albertz remarks: "Peculiarly, the Deuteronomic legislators were not anxious that one of the resident aliens might seduce an Israelite family to idolatry, despite the fear of idolatry being one of the reasons why they pleaded for a strict separation of the Israelite community from all external foreigners (Deut 7:1-5)": "From Aliens to Proselytes: Non-Priestly and Priestly Legislation Concerning Strangers," 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,

Nonetheless, when comparing Deut 5:13-14 and Exod 23:12, one might infer that D's Decalogue exhibits less concern than the CC for the גר to experience Sabbath refreshment:

ששת ימים תעבד ועשית כל־מלאכתך ויום השביעי שבת ליהוה אלהיך לא תעשה כל־מלאכה אתה ובנך־ובתך ועבדך־ואמתך ושורך וחמרך וכל־בהמתך וגרך אשר בשעריך למען ינוח עבדך ואמתך כמוך

Six days you must work and labor all your business, but the seventh day is a Sabbath to YHWH your God. On it you must not do any business, you, your son or your daughter, your male slave or your female slave, your ox or your donkey or any of your livestock, or your immigrant who is within your gates, so that your male slave and female slave might rest as well as you (Deut 5:13-14).

ששת ימים תעשה מעשיך וביום השביעי תשבת למען ינוח שורך וחמרך וינפש בן־אמתך והגר

Six days you must labor your labors, but the seventh day you must rest, so that your ox and your donkey may rest, and your (female) slave and immigrant might recover (Exod 23:12).

However, we shall see that by building on Norbert Lohfink's analysis, it is superficial to read D's purpose clause as excluding or deemphasizing rest for the גר. Lohfink argues that D transforms Exodus' account to make central and preeminent the Sabbath command within the Decalogue:

I	Worship YHWH	5:6-10	long
II	Name of YHWH	5:11	short
III	Sabbath	5:12-15	long
I	Parents	5:16	short
I	Moral commandments	5:17-21	long[96]

He argues further, and persuasively, that D's Sabbath word restructures its Exodus *Qt* by means of chiastic correlations (see IDLI no. 8 in §5.1.4):

2011), 55. For more on paradigmatic relations, see Karen H. Jobes, "Appendix: Distinguishing the Meaning of Greek Verbs in the Semantic Domain for Worship" in Moisés Silva, *Biblical Words and their Meaning: Introduction to Lexical Semantics* (2d ed.; Grand Rapids: Zondervan, 1994), 202.

[96] Lohfink, *Pentateuch*, 252-64 (esp. 257); so also Miller, *Commandments*, 128-29. Lohfink (*Pentateuch*, 254-56) also notes that Deut 5:12-15's use of the H-stem of יצא "to bring out" (rather than the expected פדה "to redeem") forges a link with the prelude in 5:6, and D's addition "ox and donkey" forges a link with the final command (do not covet). Thereby D's Sabbath word is emphasized by the symmetry it creates with the beginning and end of the Decalogue.

5:12 Observe the sabbath day
12 as YHWH your God commanded you.
14 To YHWH your God
14 and your male and female slave
14 *so that* (as a mark of the turning-point of the text)
14 your male and female slave
15 YHWH your God
15 therefore YHWH your God commanded you
15 to keep the sabbath day.[97]

12 שמור את־יום השבת לקדשו
12 כאשר צוך יהוה אלהיך ששת ימים תעבד ועשית כל־מלאכתך ויום השביעי שבת
14 ליהוה אלהיך לא תעשה כל־מלאכה אתה ובנך־ובתך
14 ועבדך־ואמתך ושורך וחמרך וכל־בהמתך וגרך אשר בשעריך
14 למען
14 ינוח עבדך ואמתך כמוך וזכרת כי־עבד היית בארץ מצרים
15 ויצאך יהוה אלהיך משם ביד חזקה ובזרע נטויה
15 על־כן צוך יהוה אלהיך
15 לעשות את־יום השבת

Roots שמר and עשה are favorite paraenetic verbs in D, often occurring together (e.g., ושמרתם לעשות "carefully observe" in 11:32). Inclusio with שמור and לעשות, therefore, explains D's choice of שמור (Deut 5:12) over זכור (Exod 20:10).[98] Inverted parallelism (*chiasmus*) would also explain why עבדך ואמתך "your male and female slave" (5:14c) were selected to stand synechdochally for all Sabbath participants listed (5:14b).[99] Thus, the directive envisages weekly relief for *all* classes enumerated in v. 14. Even so, in D's version, unlike that of Exodus, "your male and female slave" (5:14c) seems to generate the second dimension of D's Sabbath rationale (5:14d):

למען ינוח עבדך ואמתך כמוך וזכרת כי־עבד היית בארץ מצרים
So that your male and female slave might rest as well as you; for you were a slave in the land of Egypt (5:14c-d).

The analogy is apparent: male and female slave in Israel :: Israel as slave in Egypt. The structure of the unit, however, does not restrict D's scope to slaves. The conclusion of D's rationale, a second citation formula "therefore YHWH your God has commanded you to observe the Sabbath day" (5:15), must refer to the entire unit (vv. 12-15) since it frames the unit by inclusio with corresponding lexemes in vv. 12-13, as Lohfink has shown.

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[97] Lohfink, *Pentateuch*, 253; modified slightly by Nelson, *Deuteronomy*, 82.

[98] Lohfink, *Pentateuch*, 252-53.

[99] Christiana van Houten (*The Alien in Israelite Law* [JSOTSup 107; Sheffield: JSOT, 1991], 64) does not mention Lohfink's structure, but she affirms that male and female slaves represent all other aforementioned participants.

The עבד-Egypt formula, therefore, compels addressees to reinforce Sabbath rest for all classes listed in v. 14. This correlates with the subsequent עבד-Egypt formulae that motivate addressees to benefit not slaves exclusively, but various groupings of *personae miserae*: liberated *Hebrew* slaves (15:15);[100] the גר-orphan-widow triad, among other dependents and disadvantaged persons (16:12; 24:22); the גר-orphan dyad (24:18).[101] With 5:14, 16:12 is the only other passage that mentions male and female slaves (nouns עבד and אמה) in association with the עבד-Egypt formula, but even there the formula clearly has the entire list of disenfranchised persons in view (16:11). 24:18 and 24:22 make no mention of slaves (arguably also 15:12-15; see n. 100).

The implication of this is that D's revision of Exodus attempts to incorporate גרך אשר בשעריך "your immigrant who is within your gates" with no less fervor than slaves or other listed members of the *bêt-'āb* in 5:14. Obeying D's Sabbath law provides "rest for those unable to secure it for themselves and liable to excessive and oppressive labor,"[102] and the גר is among such persons, as the syntax of Deut 5:12-15 indicates (§3.1.2). Within Israel's gates the גר is geographically allochthonous. He is also, what we have called, a non-*bêt-'āb* גר, that is, one who does not belong to an Israelite extended household, but who likely worked as a client or indentured servant for a *paterfamilias* (see §3.1.2). The גר was present in more than one Israelite settlement, and yet was never regarded as a class of *abstracta*, but of individual residents of the community. The association of the גר with Israel's gates positions him within the sector of legal, judicial, and commercial activity. His habitat within (ב) the city gate, not outside the city (מחוץ לעיר),[103] suggests that the גר was a non-threatening presence. In sum, because the גר in this text appears to be allochthonous, not a member of a *bêt-'āb*, yet present in various Israelite villages,[104] the temptation

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[100] In contrast to עבדך ואמתך in 5:15, the beneficiaries of the עבד-Egypt motivational formula in 15:15 are expressly Hebrew: כי־ימכר לך אחיך העברי או העבריה ועבדך "If your brother, a Hebrew man or a Hebrew woman, is sold to you…" (15:12).

[101] See plausible explanation in §4.4.2.

[102] Miller, *Commandments*, 130. Unlike Exodus' Decalogue, which accentuates *stopping* business activities, D's Decalogue and the CC accentuates *resting* in the positive sense. This one observes from lexemes from the CC and D's Decalogue that are not found in Exodus' Decalogue: "so that your ox and your donkey may rest" (למען ינוח שורך וחמרך; Exod 23:12); "so that your male slave and female slave might rest as well as you" (למען ינוח עבדך ואמתך כמוך; Deut 5:13-14).

[103] I.e., Gen 19:16; 2 Chr 33:15.

[104] This we infer from the plural noun בשעריך (not dual, between adjacent gates in one city) and from the larger volume of גר reference in D than any other biblical book.

existed for the *paterfamilias* to overextend his גר in the name of productivity.

To counter this temptation, D's Sabbath rationale – unlike Exodus' rationale (Exod 20:11; 31:17; no rationale in 35:2-3) – uses the עבד-Egypt formula to recall Israel's identity-forging experience in Egypt. This formula, only found in D, always occurs with a command that, if obeyed, prevents one from exploiting vulnerable people (see §4.4.2). In his important study on the Decalogues, Patrick Miller asserts that observing the Sabbath was a means of recalling God's redemptive action on Israel's behalf (Deut. 5:15a), not the converse: "The point of the Deuteronomic formulation is not that one should remember the deliverance from Egypt and so because of that keep the Sabbath. Rather, the Sabbath serves to recall the experience of slavery and deliverance. That is clear with the clause that follows: 'Therefore the LORD your God commanded you to keep the sabbath day' (v. 15b)."[105] Yet, this "obey → remember" ordering disregards that, for the other עבד-Egypt formula texts, "The pattern of 'remember…therefore act' is a standard tactic of Deuteronomic rhetoric (15:15; 16:12; 24:18, 22)."[106] Likewise, D's Sabbath rationale follows a remember → obey progression:

v. 15a Remember you were a slave in Egypt,
וזכרת כי־עבד היית בארץ מצרים
v. 15b but YHWH powerfully brought you out.
ויצאך יהוה אלהיך משם ביד חזקה ובזרע נטויה
v. 15c Therefore, YHWH commands you to keep Sabbath.
על־כן צוך יהוה אלהיך לעשות את־יום השבת

If Exodus instructs addressees to emulate YHWH's *cessation* from his creative work, D instructs addressees to remember and emulate YHWH's *activity* of redemption. D's uses the full form of its own innovative עבד-Egypt formula (see §4.4.2; §4.5) to communicate that the Israelites were exploited as government laborers in Egypt, but YHWH powerfully redeemed them from that plight.[107] As Brueggemann avers, "the conduct of

[105] Miller, *Commandments*, 130.

[106] Nelson, *Deuteronomy*, 83.

[107] The full form occurs three times in the Hebrew Bible: Israel is ordered to recall both its suffering *and* YHWH's redemption (5:15; 15:15; 24:18). Yet here in 5:15 as in 16:12 and 24:22, יצא "to bring out" is used instead of "to redeem" פדה (as in 15:15; 24:18). This is inconsequential since these terms share the same semantic domain of the motif of YHWH's redemption of Israel from Egypt. Lohfink (*Pentateuch*, 255-60) argues, and he is probably correct, that the use of יצא, rather than פדה, forges a link with the opening of the Decalogue: אנכי יהוה אלהיך אשר הוצאתיך מארץ מצרים מבית עבדים "I am YHWH's your God who brought you out of the land of Egypt, out of the house of slavery" (Deut 5:6); just as D's addition of "ox and donkey" (5:14), not found in Exodus' account, forges a link with these particular livestock in the final word (5:21).

Yahweh on the seventh day is in sharp contrast to the world of pharaoh, in which there is no rest but only feverish productivity."[108] Since YHWH powerfully redeemed his people, now they must express their redemption by exercising their power as *patresfamilias* – free, landowning, male citizens and their wives (§3.1.2) – to break the addictive cycle of exploiting physical and human resources. This Sabbath ritual forced Israel's landowners every week to surrender control over their crops and trust YHWH for the yield of the soil. Deuteronomic nomenclature certainly includes telic clauses of YHWH's agricultural blessings,[109] but such blessings were not an end in themselves, for the psalmist later captures what D's Sabbath word anticipates: "The earth has yielded its produce. God, our God, blesses us. God bless us *so that* all the ends of the earth might fear him" (Ps 67:7-8; italics mine).[110]

In addition to the above indicators of intertextuality and directionality, the ideology of D indicates that D replaced Exodus' Sabbath rationale, and not vice versa (see IDLI no. 5 in §5.1.4). In particular, the priestly ideology of YHWH's seventh day creation rest (Gen 1:1-2:3; Exod 20:11; 31:13-17)[111] coexists with the priestly ideology of YHWH's redemptive activity (Exod 19:1; 20:2), but D never presents YHWH as one who creates on six days and rests on the seventh, only as one who creates humanity in general and redeems Israel in particular.[112] Instead, D confines the pattern of working six days, resting one, exclusively to YHWH's redemption of Israel from Egypt celebrated through Sabbath rest and D's Matzoth-Pesach ritual (5:15; 16:3, 8).

Furthermore, D's distinctive ideology that incorporates the non-Israelite גר into Israel's redemption from Egypt indicates that D revised the Sabbath word in Exodus' Decalogue (see IDLI no. 5 in §5.1.4). Possibly belonging to the same deuteronomistic stratum as Deut 5:12-15, Deut 29:9-12 likewise assimilates the non-Israelite גר into the covenant community that

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[108] Brueggemann, *Theology*, 185.

[109] Weinfeld, *Deuteronomic School*, 345-46.

[110] If "God blesses us" (יברכנו [2x]: Ps 67:7, 8) is a jussive, then the simple ו on the prefixed conjugation ויראו has consequential force: "*so that* all the ends of the earth…" (see Bruce K. Waltke and Michael O'Connor, *IBHS* [Winona Lake: Eisenbrauns, 1990], 563). Even if "God blesses us" is an imperfect, the context, but not grammar, indicates that ויראו introduces a telic clause (see the inverted parallelism with the telic clause of 67:3 לדעת בארץ דרכך "so that your way may be known on the earth"); see idem, *IBHS*, 562-63.

[111] See Walther Zimmerli, *Old Testament Theology in Outline* (trans. David E. Green; Edinburgh: T & T Clark, 1978), 126.

[112] Deut 32:6 refers not to the creation of the world, but of Israel as YHWH's people.

YHWH had rescued from Egypt (29:1-2, 15-16).[113] This aligns with my earlier argument that the social and religious status of the גר in the prologue and epilogue (P-E) is distinct from the גר in the law code (DC) (see §3.3). The DC integrates the *personae miserae* גר socially to accomodate his physical needs, which was accompanied by a reduction in cultic assimilation and ritual liabilities. In contrast, P-E integrates the client גר both socially and cultically into the contingent of YHWH's covenant people. Thus, in D's revised Sabbath word, the patron now has the prerogative to incorporate his גר client, who lived outside the comforts of his own indigenous context and outside the Israelite patriarchal household, into a ritual celebration of YHWH's prior redemptive activity on Israel's behalf. Cyclical Sabbath rest enabled the client גר to experience vicariously YHWH's redemption of Israel from Egyptian oppression. At the same time, the עבד-Egypt formula redaction in the DC extends the benefits of YHWH's redemption of Israel to the *personae miserae* גר, who was not assimilated meaningfully into YHWH worship (16:12; 24:18, 22; see §3.3).

Traditionally interpreters have assigned the creation rationale for keeping Sabbath in Exod 20:11 and 31:17 to P: "The P historian also reinterprets the teaching of the Sabbath in the Decalogue (20:8-11) so that it conforms to the creation story in Genesis 1. But the signs of P reinterpretation in the Book of the Covenant (20:21-24:1a) are absent."[114] Brevard Childs reverses this direction of influence because he believes the seven-day pattern of Genesis 1 assumes the preexisting tradition of Sabbath.[115] Genesis 2:2-3 reads:

ויכל אלהים ביום השביעי מלאכתו אשר עשה וישבת ביום השביעי מכל־מלאכתו אשר עשה ויברך אלהים את־יום השביעי ויקדש אתו כי בו שבת מכל־מלאכתו אשר־ברא אלהים לעשות

On the seventh day God finished his work that he had done/made, and he rested on the seventh day from all his work that he had done/made. So God blessed the seventh day and made it holy, because on it God rested from all his work that he had done in creation.

Israel Knohl attributes all of Genesis 1:1-2:3 to P, which is rather awkward since he assigns 31:17 and Exod 20:11, texts that equally root Sabbath observance in YHWH's creation rest, to H.[116] Unsatisfied with this understanding, Jacob Milgrom came to believe that Genesis 1:1-2:3 instead be-

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[113] Richard Elliot Friedman attributes Deut 5:1-8:18 and 29:1-20 (with other Prologue and Epilogue texts) to Dtr[1], which he suggests was composed during Josiah's reign in Jerusalem: *Who Wrote the Bible?* (New York: Harper & Row, 1987), 254-55.

[114] Thomas B. Dozemann, *Exodus* (ECC; Grand Rapids: Eerdmans, 2009), 432; Childs (*Exodus*, 416, 529) remarks that scholars continue to assign Exodus 25-31 to P, but have had significant difficulty explaining the tensions within this P section. In 31:12-17, P modifies its emphasis to that of Sabbath as a sign of the covenant.

[115] Childs, *Exodus*, 416.

[116] Knohl, *Sanctuary*, 67, 104, 163.

longs to H due to connections chiefly with Leviticus 17-26.[117] Developing Milgrom's proposal, Bill Arnold shows how Gen 1:1-2:3 supplements Genesis 2 in order to prepare readers for H laws, especially Sabbath-keeping (Exod 31:12-17; 35:2-3), dietary laws (Leviticus 11, which many affirm was edited by H), and cultic festivals (Leviticus 23).[118]

If one follows Milgrom's and Arnold's argumentation, why would D inner-biblically interpret only one H law, Exod 20:8-11, and neglect a host of other H גר laws (see §5.1.5)? The simplest answer is that D's Decalogue revised Exodus' Sabbath word (H) during the exile after the DC took its definitive shape in the eighth and seventh centuries.[119] Eckart Otto argues accordingly that the deuteronomistic redaction of the Decalogue summarized the standards that applied to Judeans anywhere and at any time in the exile and diaspora.[120] Consequenly Judeans could interpret deuteronomic law for life in the Promised Land after the exile.[121] Therefore, it may have been in the exile when tradents of D reemphasized Sabbath and replaced H's Sabbath creation rationale with the redemption rationale. Living and working in a foreign land and anticipating YHWH's redemption likely fostered the integration of the גר into YHWH's redemption of Israel by virtue of Sabbath rest.

This plausibile provenance leads us to compare Deut 5:12-15 with two texts in Isaiah, which also reflect an exilic or post-exilic setting. The first is Isaiah 14, which like D's Decalogue, also incorporates the גר into YHWH's redemption of Israel, but does so by an antithetical theology:

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[117] Jacob Milgrom, "H_R in Leviticus and Elsewhere in the Torah," in *The Book of Leviticus: Composition and Reception* (VTSup 93; ed. Rolf Rendtorfff, Robert A. Kugler, and Sarah Smith Bartel; Leiden/Boston: Brill, 2003), 34.

[118] Bill T. Arnold, "Genesis 1 as Holiness Preamble," in *Let Us Go Up to Zion: Essays in Honour of H. G. M. Williamson on the Occasion of His Sixty-fifth Birthday* (VTSup; ed. Ian Provan and Mark J. Boda; Leiden/Boston: Brill, 2012), 332-44.

[119] Lohfink, *Pentateuch*, 264.

[120] Eckart Otto, *Das Deuteronomium im Pentateuch und im Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens* (FAT 30; Tübingen: Mohr Siebeck, 2000), 113.

[121] Otto, *Deuteronomium im Pentateuch*, 113. Similarly, see Lohfink's identification of a "Sabbath Decalogue," probably composed in the exile: *Pentateuch*, 254-7.

Deut 5:12-15	*Isa 14:1-4*[122]
Israel was a slave in Egypt (v. 14)	Israel worked like a slave in Babylon (v. 3)[123]
YHWH brings Israel out of Egypt (v. 15)	YHWH brings Israel out of Babylon (v. 1-3)
גר joins Israel in resting on Sabbath (v. 14)	גר attaches to the house of Jacob-Israel (v. 1)
Israel's oppression in Egypt and YHWH's restoration leads to *alleviating Israel's laborers* (vv. 14-15)	Israel's oppression in Babylon and YHWH's restoration leads to *subjugating Israel's enemies as laborers* (v. 2)

Both Isaiah 14 and Deuteronomy 5 include the גר as a byproduct of YHWH's redemption of Israel.[124] In Isaiah 14, however, Jacob-Israel and the גר humiliate its captive foreigners as Israel's slaves (v. 1, 2), whereas in Deuteronomy 5 the גר and slaves are catalogued together, and *patresfamilias* are to recall that in Egypt they were no different than their workers, for on YHWH's Sabbath landowners and laborers rest together.

The second comparative text, Isaiah 56, imagines a similar leveling of classes by virtue of Sabbath. Isaiah 56:2, 4, and 6 envision that certain formerly precluded בני הנכר "foreigners" would come to Jerusalem, bind themselves to YHWH, and keep Sabbath as Torah repeatedly commanded.[125] In consequence, Roy Wells, Jr. remarks, "the hallowing power of

[122] Interestingly, Isaiah 14, especially vv. 1-2, bears strong resemblance with Second Isaiah (chs. 40-55), which also probably took form during the exilic period. H. G. M. Williamson (*The Book Called Isaiah: Deutero-Isaiah's Role in Composition and Redaction* [Oxford: Oxford University Press, 1994], 170-71) argues that Isa 13:1 and 14:1-2 were likely a redaction by Second Isaiah; these verses possibly even influenced his writing on the theme of Babylon in chs. 40-48. For a post-exilic provenance for Isa 14:1-2, consult José E. Ramírez Kidd, *Alterity and Identity in Israel: The* גר *in the Old Testament* (BZAW 283; Berlin/New York: Walter de Gruyter, 1999), 72-78.

[123] The lexical correlation of Isa 14:3 with the oppression narrative in Exodus 1-14 is hardly accidental: והיה ביום הניח יהוה לך מעצבך ומרגזך ומן־העבדה הקשה אשר עבד־בך "when YHWH has given you rest from your pain, your turmoil, and your harsh service that you were forced to serve" (see Exod 1:14; 2:23; 5:9, 11; 6:6, 9).

[124] Restoration and international ingathering also appears in Isa 2:1-4; 56:1-7[8]; 66:18-21.

[125] Roy D. Wells, Jr., "'Isaiah' as an Exponent of Torah: Isaiah 56.1-8" in *New Visions of Isaiah* (JSOTSup 214; Sheffield: Sheffield Academic, 1996), 140-55. For "observe Sabbaths" he cites Exod 31:12-17 as the strongest direct link; but also notes Lev 26:34-35, 42-46; Deut 5:10-11. To be more accurate, in the Pentateuch שמר (verb) and שבת (object) do not occur together in Leviticus 26:34-35, 42-46, but do occur together in

Sabbath observance breaks down proposed limitations of the worshipping community on mount Zion."[126] Deut 5:15 and Isaiah 56:1-8, furthermore, both commence with YHWH's redemption of Israel:

כה אמר יהוה שׁמרו משׁפט ועשׂו צדקה כי־קרובה ישׁועתי לבוא וצדקתי להגלות

Thus says YHWH: "Keep justice, and do righteousness, for soon my salvation will come, and my deliverance will be revealed."

Isaiah 56 consistently revises available Torah imagery,[127] which suggests that Isaiah 56 did not originate the association of YHWH's redemption of Israel with Sabbath-keeping non-Israelites (see IDLI no. 6 in §5.1.4). Consequently, neither Isaiah 56, nor Exod 20:11, but the deuteronomic revision in Deut 5:15 best explains the origins of certain non-Israelites experiencing the fruit of YHWH's redemption through Sabbath.[128]

5.2.1.2. The גר and Festive Meals (Exod 12:1-27; 23:14-19; Deut 16:1-17)

Deuteuteronomy 16:1-8's version of Pesach (Passover) and Matzoth (Unleavened Bread) has been a seedbed for scholarly inquiry.[129] This text conflates Pesach and Mazoth into a uniquely deuteronomic ritual, but how the text accomplishes this is not obvious.

John Choi concludes that the "portrayal of Pesach as a home-based ritual meal has no reflections in the rest of the Bible, or for that matter, outside of the Egyptian setting of Exod 12."[130] He enumerates the "most glaring discrepancies" between Exodus 12 and Deut 16:1-8: D intends Pesach as a sacrifice, not a meal (Deut 16:2, 5, 6; Exod 12:1-11); D allows for a paschal animal from the צאן and בקר, not just a lamb (Deut 16:2; cf. שׂה in Exod 12:3); D expressly prohibits local observance of Pesach, only allowing performance at the central sanctuary (Deut 16:2, 5-6).[131] Choi avers that "neither Exod 12-13 nor Deut

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Lev 19:3, 30; 26:2, and more specifically in Deut 5:12 (not Exod 20:8); Exod 31:13, 14, 16.

[126] Wells, Jr., "Torah," 152.

[127] Wells, Jr, "Torah," 140-55; see particularly n. 125 (above).

[128] The profundity of Isaiah 56 is that it incorporates into Jerusalem temple worship covenant-keeping בני הנכר "foreigners," who were not cultic participants in D (see §3.1.7.3) and were expressly prohibited from YHWH's sanctuary in Ezekiel's temple vision: Awabdy, "Ezek 44:7-9."

[129] John Van Seters, "The Place of the Yahwist in the History of Passover and Massot," *ZAW* 95 (1983): 167-82; McConville, "Passover and *Massôt*," 47-58; Levinson, "Hermeneutics," 269-86; Peter Altmann, *Festive Meals in Ancient Israel: Deuteronomy's Identity Politics in their Ancient Near Eastern Context* (BZAW 424; Berlin/Boston: De Gruyter, 2011), 186-98.

[130] John H. Choi, *Traditions at Odds: The Reception of the Pentateuch in Biblical and Second Temple Literature* (LHBOTS 518; New York/London: T & T Clark, 2010), 59.

[131] Choi, *Traditions*, 59-60. However, the night motif does not necessarily support Choi's thesis. While the Firstborn Plague was nighttime event, it is not clear that Exodus

16 exercised constraining force upon the composition of other texts, which in turn suggests that a linear conception of the relationship between these texts needs to be refined."[132] In support of this view is the limited number of intertexts between Exodus 12 and Deuteronomy 16:1-8 (see §5.1.4), but Choi overlooks Exod 23:14-17(19) as a plausible *Quellentext*.[133] Regardless of which traditions, written or oral, Deut 16:1-8 develops, Levinson properly observes the social and ideational distinctives of D's Pesach ritual:

In a striking reversal of cultic and literary history, Passover, originally a local, family based slaughter, becomes in everything but name a pilgrimage festival, to be performed, as all sacrifices must, at the central sanctuary. Even the initial purpose of the paschal slaughter, the apotropaic blood ritual – which is to be observed annually in perpetuity (Exod 12:24-27a, proto-D) – is rejected in total silence. Precisely the ritual that gives the Passover its distinctive identity – and that militates against Deuteronomy's restricting the cultic use of blood to the altar at the central sanctuary – is absolutely suppressed. The Passover slaughter loses its ritual distinctiveness and, but for the specification that it take place at night (Deut 16:1, 6), becomes assimilated to the standard protocol.[134]

Levinson overstates the evidence by claiming that D rejects and suppresses the earlier festival legislation (see §5.1.2), but he is correct that the original Pesach was to occur within "the context of the clan."[135] Israel's elders were to select the paschal lamb for their "clans" (משפחת) (Exod 12:21), whereas H appears to confine the Pesach slaughter, ritual and meal even more tightly to the individual household unit, or *bêt-'āb* (בית־אבת in Exod 12:3).[136]

The גר was neither a member of an Israelite *bêt-'āb* (Exod 12:1-20) nor of a multi-household clan (Exod 12:21-29), but he could eat the Pesach meal in his house, as the Israelites did, if all the males in his family were circumcised (Exod 12:46, 48-49).[137] H's Matzoth (plausibly Exod 12:1-20, 43-49) also joins the גר, with the native Israelite (אזרח), as one who abstains from consuming the unleavened bread, and by implication

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prescribes Pesach to last "throughout the night" (Choi, *Traditions*, 60), rather than simply beginning בין הערבים "around twilight" and בלילה הזה "that night" (Exod 12:6, 8), which is not substantively different than D's timeframe, בערב כבוא השמש "in the evening at sunset" (Deut 16:4). Instead, D's association of the "night" motif (16:4) with Matzoth, is found only in H (Exod 12:42; cp. Exod 23:15-18; 13:3-10). In Exodus only the Pesach event and celebration was nocturnal, whereas the Matzoth – deliverance from Egypt – took place in "broad daylight": Levinson, *Deuteronomy*, 77.

[132] Choi, *Traditions*, 60.

[133] Altmann (*Festive Meals*, 193-95) argues cogently that Deut 16:1-8 reuses Exod 23:14-17(19), not Exodus 12; *contra* Levinson (*Deuteronomy*, 65-68, 75-81), followed by Nelson (*Deuteronomy*, 205-06), who argues that D used both sources.

[134] Levinson, *Deuteronomy*, 72.

[135] See alleged J (Exod 12:21) and later P (Ezod 12:3) sources; Levinson, *Deuteronomy*, 57.

[136] Note that בית means "household" only in H (Exod 12:3, 4, 46), whereas the physical "house" occurs in H (12:7, 13, 15, 19) and "proto-D" (12:22, 23, 27, 30); see nn. 138-39 for the designation H, rather than P.

[137] See Awabdy, "Ezek 44:7-9," 695 n. 43.

one who eats leavened bread at the festival and at home (Exod 12:19).[138] H's Matzoth entails a festival to YHWH (חג ליהוה), on the first day of which was a sacred assembly (Exod 12:14-20), but stress is still placed on the household by removing any vestige of yeast from it (Exod 12:15, 19-20).[139]

In Exodus 12, the גר was permitted to enact the Pesach ritual and consume the paschal lamb's meat in his home (see excursis above), but Deut 16:1-8 enjoins landowning, Israelite males to eat the Pesach sacrifice, no longer a meal, at the central shrine.[140] Georg Braulik concludes from Deut 16:1-8 that Levites are not mentioned because the celebration does not require priestly competence, and they are implied as members of the entire community who celebrate together, whereas the גר is not mentioned because he does not celebrate Pesach: "Israel celebrates the exodus as the origin of its own history. 'Aliens' (*gērîm*) would not fit in with the cultic representation. And so, despite the social and charitable orientation of deuteronomic legislation, they are not mentioned as participants in the Passover."[141] Was the גר excluded from Pesach "*despite* the social and charitable orientation of the deuteronomic legislation" (italics mine)? I would argue that the DC excludes the גר from the Pesach pilgrimage because the DC did not regard the גר as an integrated member of the YHWH cult (see §3.3) and *because of*, not despite, the DC's social and charitable orientation.

The literary context offers the first indication that the DC precludes the גר from Pesach without invalidating its principle of charity toward the גר.

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[138] The גר–אזרח "immigrant or native" pair belongs to the H corpus: Exod 12:19, 48-49; Lev 16:29 (n. 183); 17:15; 18:26; 19:34; 24:16; 24:22; Num 9:14; 15:29, 30; see the intertextual reuse of this pair in Josh 8:33 (see §3.1.10) and Ezek 47:22.

[139] Childs (*Exodus*, 184) affirms the consensus that Exod 12:1-20, 28, 40-51 belongs to P, and similarly, John Van Seters (*The Life of Moses: The Yahwist as Historian in Exodus-Numbers* [Louisville: Westminster/John Knox, 1994], 122) identifies Exod 12:1-28, 43-50 as the priestly writer's Pesach supplement to J (12:29-42). In support is the messenger formula that commences the putative priestly sections (vv. 1, 43); also note the similarities of 12:1-28, 43-50 and Exodus 25-30, 35-40. Thomas J. King (*The Realignment of the Priestly Literature: The Priestly Narrative in Genesis and its Relation to Priestly Legislation and the Holiness School* [PTMS; Eugene, Ore.: Pickwick, 2009], 26) identifies 12:50 as indicative of P ("all the sons of Israel did just as YHWH…"), likewise 12:28, but he regards 12:49 ("there shall be one law for the native and for the immigrant who resides among you") as an H redaction (p. 149). It is simpler, following Knohl (*Sanctuary*, 19-23, 62), to assign all of Exod 12:1-20, 43-49 to H, and one reason is H's characteristic equalization of the גר and native Israelite, which extends beyond the statement in v. 49 to vv. 19, 48-49 (see Lev 24:22; Num 9:14; 15:29; see n. 138).

[140] Without a *Numeruswechsel*, 16:1-8 directs its commands to the 2ms addressee repeatedly in every verse.

[141] Georg Braulik, *The Theology of Deuteronomy: Collected Essays of Georg Braulik, O.S.B.* (trans. Ulrika Lindblad; N. Richland Hills, Tex.: BIBAL, 1994), 75; followed by Altmann, *Festive Meals*, 190.

Not only does the DC mitigate for the גר certain demands it places on native Israelites (see §5.2.2), but immediately following Deut 16:1-8 the גר was privileged to satisfy his appetite at the feasts of Shavuot and Sukkoth, festivals that, like Pesach, celebrated YHWH's redemption and provision (16:9-17). Second, the nature of D's Pesach pilgrimage would have been onerous for the DC's *personae miserae* גר. Pesach pilgrims were obligated to traverse to the central sanctuary, yet were "commanded immediately, on the morrow, to undertake a reverse pilgrimage to the home precincts, there to observe Unleavened Bread (Deut 16:7)."[142] This annual trek to the central shrine would have been, for most, a pilgrimage of far greater distance and intensity than the triannual pilgrimages that men made to local shrines (Exod 23:17). The גר, with Israel's women and children, was not required to endure this taxing pilgrimage; this exemption would have been a relief for the *personae miserae* גר who lived far from the central shrine. Third, it is difficult to reconcile Braulik's own view that Deut 16:1-17 (which he says excludes the גר *despite* deuteronomic charity) is structured after the Sabbath command in the Decalogue, which enforces Sabbath rest for the גר (5:12-15).[143] If 16:1-17 does interpret the Sabbath word, either 16:1-8 denies the Sabbath word's basic charity toward the גר, or more likely, interprets the Sabbath word by exempting the גר from the demanding Pesach pilgrimage.

If the גר in the DC was exempt from the Pesach pilgrimage, was he also exempt from eradicating leaven from his home and diet (*à la* Deut 16:4)? Probably not. First, Deut 16:4 stipulates: "No leaven may be seen with you *in all your territory* [בכל־גבלך] for seven days" (16:4). Unlike the נכרי "foreigner" who was always regarded as an outsider and precluded from cultic observances (see §3.1.7.3), the DC always defines the גר *within* Israel's territory:

14:21 גר *individuum*	+ אשר־בשעריך	"who is within your gates"
14:29 גר triad	+ אשר בשעריך	"who is within your gates"
16:14 גר tetrad	+ אשר בשעריך	"who is within your gates"
16:11 גר triad	+ אשר בקרבך	"who is in your midst"
26:11 גר dyad	+ אשר בקרבך	"who is in your midst"
24:14 גר *individuum* (ד)	+ אשר בארצך בשעריך	"who is in your land within your gates"

The גר was characterized by residence inside Israel's borders and therefore was responsible to eradicate and abstain from yeast baked goods. Second,

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[142] Levinson calls this "nearly an antipilgrimage festival": *Deuteronomy*, 93.

[143] Georg Braulik, "Die Abfolge der Gesetze in Deuteronomium 12-26 und der Decalog," in *Das Deuteronomium. Entstehung, Gestalt und Botschaft* (ed. Norbert Lohfink; Bibliotheca Ephemeridum theologicarum Lovaniensium 68; Leuven: University Press, 1985), 252-72; followed by Otto, *Deuteronomium im Pentateuch*, 115.

the גר participates in Shavuot and Sukkoth, agricultural feasts that D has reformulated to be celebrations of Israel's historical origins: "you must remember that you were a slave in Egypt" (16:12; see 5:15; §5.2.1.1). Consequently, H's Matzoth incorporates the גר explicitly (Exod 12:19), D's Pesach-Matzoth, implicitly.[144] In contrast to Deuteronomy 16's other two festivals, Pesach-Matzoth is a חג "festival" devoid of rejoicing: "Israel eats unleavened bread not in delight, but as food of affliction and haste in order to remember the exodus."[145] In both H's Matzoth and D's, by baking and ingesting unleavened bread for a week, the גר vicariously tasted Israel's affliction and YHWH's redemption from Egypt.

If the *Quellentexte* underlying D's Matzoth-Pesach ritual in 16:1-8 are ambiguous, this is not the case for D's Shavuot and Sukkoth in 16:9-17. Peter Altmann argues coherently that D's Shavuot and Sukkoth are literary revisions of Exod 23:14-19,[146] and such revisions, including interpretive expansions, are best explained by the DC's ideology (see IDLI nos. 2 and 5 in §5.1.4). First and foremost for our study, in contrast to Exod 23:14-19 (and also Exod 34:22-23; Num 28:26-31; Lev 23:15-21, 33-44), the DC interpretively expands its Shavuot and Sukkoth to include the גר along with other *personae miserae*. Altmann explains that "The DC articulation extends the mandate from only males to entire households and to special 'outsiders' merely tied to one's village who are designated insiders for the festivals (16:11, 14)."[147] Frank Crüsemann remarks accordingly:

> Nach Texten wie Dtn 12,6f.11f.17f.; 16,10f.14 sollen an den großen Jahresfesten am Zentralheiligtum nicht nur die gesamte Familie partizipieren, sondern auch Klienten aller Art, Sklaven und Sklavinnen, Leviten und Fremde, Witwen und Waisen – alle, die in den Ortschaften neben den landbesitzenden Familien leben, vor allem die sozialen Problemgruppen.[148]

Crüsemann also conflates the lists of cultic participants in chs. 12 and 16, but they are not identical, so Philipp Enger clarifies that "Die Liste der Teilnehmer und Teilnehmerinnen beim Schavuot- und beim Sukkotfest [16:11, 14] ist die umfassendste dieser Aufzählungen, die ansonsten entsprechend dem Charakter des Anlasses variieren."[149] In particular, the lists

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[144] Exod 12:48-49 also sees no problem incorporating the גר, probably a non-Israelite, into Pesach, a celebration of ethnic Israel's origins.

[145] Nelson, *Deuteronomy*, 207.

[146] Altmann, *Festive Meals*, 186-98; Nelson, *Deuteronomy*, 209-10; alternatively, for Deut 16:1-16's reuse of Exod 34, see Otto, *Das Deuteronomium*, 327-39.

[147] Altmann, *Festive Meals*, 197-98.

[148] Crüsemann, *Tora*, 254.

[149] Philipp A. Enger, *Die Adoptivkinder Abrahams. Eine exegetische Spurensuche zur Vorgeschichte des Proselytentums* (BEATAJ 53; Frankfurt: Peter Lang, 2006), 274.

in 12:7, 12, 18-19 correspond to tithes and offerings for the *bêt-'āb* and Levite, whereas the lists in 16:11, 14 correspond to feasts for the *bêt-'āb* and disconnected, landless individuals.

Israel's deity, YHWH, is the host of these feasts (Deut 16:10, 11, 15, 16, 17), and mandates through his prophet, Moses, that Israel's *patresfamilias* bring along their *bêt-'āb* (you, your son, your daughter, your male servant, your female servant), but also landless individuals (Levite, גר, orphan, widow) into a celebration of YHWH's blessings. This very well may be a deliberate contrast to other ancient Near Eastern divinely hosted feasts, as Altmann argues:

> YHWH is the analogue to the divine giver of the feasts, whether El or Baal at Ugarit, Marduk or Aššur in Mesopotamia, or Dagan in Emar. However, instead of royalty playing the role of human host as found in 2 Sam 6, 1 Kgs 8:65, or 2 Kgs 23:21-23, Deuteronomy – in keeping with its rejection of foreign suzerains – makes the individual heads of households responsible for throwing the feast for all members of the society. This "leveling" of the feast suggests a radical revision (re-envisioning) of the feasts over against both local celebrations and the imperial (Neo-Assyrian and Babylonian) feasts…. Such is the function of the kind of patronage feasts envisioned in Deut 16: Yhwh offers hospitality in turn for homage.[150]

In Emar and Ugaritic rituals society's various classes attend the feasts, as in Deut 14:22-27, 16:9-15, et al., but what sets the DC's feasts apart is their insistence "that all should eat and drink until satisfied on a banquet provided by Yhwh through the multiplicity of households instead of the royal house."[151] On a side note, if D replaces the monarchial host with *patresfamilias*, it is unlikely that the גר-orphan-widow triad (and tetrad in v. 14 with the Levite) are present at these eating festivals as a result of the Josianic reforms.[152] It is difficult to see how Josiah could have surrendered his role as Pesach host for the marginalized in D (16:7-19) *and* served as the royal sponsor of Pesach in the DtrH (2 Kgs 23:21-23).[153] Also, D's explicit incorporation of the socially vulnerable, Levite, גר, orphan, and widow into these cultic celebrations (16:11, 14) is not mentioned in the account of the great Pesach celebration in DtrH.[154]

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[150] Altmann, *Festive Meals*, 203.

[151] Altmann, *Festive Meals*, 185.

[152] *Contra* Ramírez Kidd, *Alterity*, 35-6; Enger, *Adoptivkinder*, 274.

[153] Levinson (*Deuteronomy*, 97) argues that the DtrH transforms and subordinates D's own vision for the Pesach: "Nothing could be more Deuteronomic in spirit than for the Deuteronomistic Historian to subordinate Deuteronomy, which he claims to implement, to his own independent agenda."

[154] Also distinct from DtrH is the עבד–Egypt formula, which occurs in this text (16:12; see §4.5).

Although we cannot be confident that Deuteronomy 16 correlates with the reforms Josiah instituted (2 Kgs 22-23; 2 Chr 34-35), ch. 16's Pesach, Shavout and Sukkoth are, indeed, centralized festivals in contrast to other Tetrateuchal laws: "the location for the feasts is specifically articulated within the DC's discussion of each feast (vv. 11, 15) and in the summarizing statement of 16:16 (see Exod 12:14, 17; also Exod 34:23)."[155] Enger appropriately underscores that the centralized cultic festivals created a pilgrimage feast and fashioned a unified community without a family history, or regional or societal barriers.[156] These discriminating ties are replaced by a greater solidarity. The strategic insertion of the עבד–Egypt formula (§4.5) after Shavuot and before Sukkoth serves to replace family history with a national history that subverts hegemony and impels generosity (16:12). Thus, Altmann notices that "Deut 16:12 (while possibly a later addition) works to connect the Feast of Weeks to Egypt, not only to the fruitfulness of the land."[157] As a result, the גר tastes once again the favorable byproduct of Israel's historical identity: as Israel's *patresfamilias* remember their condition in Egypt, they sympathize with those less fortunate and welcome them into festive joys and satiating meals in YHWH's presence (16:11, 14). Important here is that "there is no mention of 'enjoyment' (*śmḥ*) in Exod 23, while this is central for the DC text."[158] As a consequence, only through D's Shavout and Sukkoth would the גר experience a full spectrum of emotions generated by Israel's *Heilsgeschichte*, for a month after Matzoth-Pesach, the גר would traverse with the Israelite community to recall Israel's suffering in Egypt (16:12), yet this time with joy in YHWH's present bounty (16:11).

Finally, the עבד–Egypt formula is also strategically placed around D's gleaning laws (Deut 24:[17]18-22). These laws bear no obvious lexical resemblances with those in the CC (Exod 23:10-11) or H (Lev 19:10; 23:22), so literary transformation is out of the question. Nevertheless, they share the same gleaning motif, and when we contrast them we find that D alone motivates obedience to the gleaning laws by remembering Egypt. The עבד–Egypt formula, which frames the poetic recurrence of D's gleaning laws, requires Israel's farmers to exhibit to the גר, orphan and widow how Israel has been constructively shaped by their former suffering in Egypt and by YHWH's gracious redemption (Deut 24:18, 22). The deuteronomic novelty, then, is that festive eating, gathering unraked grain, picking once-beaten

[155] Altmann, *Festive Meals*, 197-98.
[156] Enger, *Adoptivkinder*, 274.
[157] Altmann, *Festive Meals*, 197-98.
[158] Altmann, *Festive Meals*, 197-98.

olive trees and once-picked grapevines become tactile means of interfacing the גר with YHWH's redemption of Israel from Egypt.

5.2.2. An Accomodating Tôrâ

In distinction from Exodus *Quellentexte* and independent H laws, D manifests two tendencies in its גר texts. The first, which we examined in §5.2.1, affords the גר the opportunity to enjoy the enduring byproducts of YHWH's redemption of Israel from Egyptian oppression. The second, which we examine here in §5.2.2, accommodates the survival needs of the *personae miserae* גר by enjoining Israelites to give to the גר and reducing the stipulations that *tôrâ* places on the גר. We encounter the theological basis for this accommodating principle in Deut 10:18-19, especially when we juxtapose this text with one casuistic law in H:[159]

Lev 19:33-34	*Deut 10:18-19*
וכי־יגור אתך גר בארצכם לא תונו אתו כאזרח מכם יהיה לכם הגר הגר אתכם ואהבת לו כמוך כי־גרים הייתם בארץ מצרים אני יהוה אלהיכם	עשה משפט יתום ואלמנה ואהב גר לתת לו לחם ושמלה ואהבתם את־הגר כי־גרים הייתם בארץ מצרים
When an immigrant resides with you in your land, you must not oppress him. You must regard the immigrant who resides with you as the native among you. So you must love him as yourself, for you were immigrants in the land of Egypt. I am YHWH your God.	He both executes justice for the fatherless and the widow, and loves the immigrant by giving him food and clothing. So you must love the immigrant, for you were immigrants in the land of Egypt.

It is possible that these texts are genetically related since: one, both command גר love positively – something found nowhere else in the Hebrew Bible; two, both motivate by the identical גר-Egypt formula; and three, both have a similar logical order and sequential *weqatal* אהב commands.[160]

[159] van Houten (*Alien*, 141) notes this text belongs to the protasis-apodasis casuistic genre.

[160] Because "they share a number of unique terms, and because they are also motivated by the same reference to Israel's sojourn in Egypt," Christophe Nihan believes that Lev 19:33-34 literarily presupposes Deut 10:18-19 (and Exod 22:20; 23:9): "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), 121. Likewise, Rainer Albertz, "From Aliens to Proselytes: Non-Priestly and Priestly Legislation Concerning Strangers," in *The Foreigner and the Law: Perspectives from the Hebrew Bible and the Ancient Near*

As it is plausible that D revised Exodus' Sabbath word (probably H) in the exile (§5.2.1.1), it is also plausible that the prologue text, Deut 10:18-19, interfaced with Lev 19:33-34 (H) in the exile.

A genetic connection is not definitive, however, because: one, Lev 19:34 and Deut 10:19 may have drawn independently from the גר-Egypt formula in the CC (see §4.5); and two, it is difficult to determine why either D or H would have changed the number (ואהבת / ואהבתם) and direct object (לו / את־הגר). Whether or not these laws relate intertextually, they warrant ideological comparison and contrast. The profundity of H is that it commands Israel both to love one's neighbor as oneself and love the גר as oneself:

ואהבת לרעך כמוך אני יהוה (19:18)
ואהבת לו(הגר) כמוך...אני יהוה אלהיך (19:34)[161]

These injunctions to love one's neighbor and love the גר are a projection of YHWH's *holiness* and Israel's calling to imitate his holiness (*imitatio dei* in Lev 19:2).[162] By contrast, D's injunction to love the גר is a projection of YHWH's *love* and Israel's calling to imitate his love (*imitatio dei* in Deut 10:18-19). In Deuteronomy 1-11, love has covenantal (suzerain-vassal) and natural, or emotive and palpable, overtones: just as YHWH loves Israel and the גר, so Israel must love YHWH and the גר (see §3.1.3). Both D and H have formulated their גר-love laws out of socio-economic concerns (cf. §5.2.2.1), but such concerns are more prominent in Deut 10:17-19 and the DC laws that follow – YHWH condescends from his sovereign status to assume the role of a surrogate *paterfamilias* who loves the גר materially "by giving him food and clothing" (10:17-18; see §3.1.3). This is accommodation *par excellence*. YHWH's accommodation is paradigmatic for the DC whether one chooses to read 10:18-19 as an exilic explanation or as canonical preparation for the accommodating DC גר laws (see §3.1.3; §4.5).

In Lev 19:33-34, the manner of loving the גר *as oneself* correlates with H's conventional equalization of the native Israelite and גר: "You must treat the immigrant who resides with you as the native among you" (19:34) and "there must be one standard for the native and the immigrant who resides among you" (Exod 12:49; Lev 24:22; Num 9:14; 15:15, 16, 29). On the contrary, D never uses this egalitarian language because it does not maintain one standard for the native Israelite and גר. YHWH accommodates the survival needs of the גר by increasing legal demands on Israel's land-

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East (BZAR 16; ed. R. Achenbach, R. Albertz, and J. Wöhrle; Wiesbaden: Harrassowitz, 2011), 57 n. 17.

[161] Gordon J. Wenham, *The Book of Leviticus* (NICOT; Grand Rapids: Eerdmans, 1979), 273; van Houten, *Alien*, 142.

[162] The *imitatio dei* principle of Lev 19:2 relates to the null-copula that recurs throughout ch. 19, "I am YHWH your God" (19:34).

owners to give to the גר and decreasing legal demands on the גר. Deuteronomy's mitigation of legal expectations for the גר is profound because of its contrast not only with H, but with cultural expectations to follow the law of the land of Israel's deity, YHWH (see 2 Kgs 17:24–28; also §6.1.2 for Japhet's contribution). We will see how the DC codifies this principle of divine and human accommodation for the *personae miserae* גר by examining tithes and sacrifices, then festive meals.

5.2.2.1. The גר *and Tithes and Sacrifices (Exod 20:24; Deut 12:11-19; 14:22-29)*

Crüsemann argues that D's tithe law at the close of ch. 14 abolished a prior monarchy tax, standard in the ancient Near East, which was collected for the temple or state: "Erst das Deuteronomium nimmt das Thema des Zehnten auf, allerdings indem es ihn im Grunde abschafft. Er soll in zwei von drei Jahren am zentralen Heiligtum von den Erzeugern selbst verbraucht werden." [163] If so, then Deut 14:22-29 redirects this tithe-tax annually to local farmers and Levites, who consumed it at the central sanctuary, and triennially to the landless (including Levites) and socially feeble, who consumed it locally (see §3.1.5).[164] Since these tithes were eaten by the public, not consumed or resold by state administrators, "Der Akt is überprüfbar, aber unbürokratisch, keine Institution, kein Staat oder Tempel wird eingeschaltet."[165] Earlier we saw that the גר, orphan, and widow did not consume the annual tithe with a *paterfamilias* and his household because they were not connected, either organically or fictively, to an Israel-

[163] Crüsemann (*Tora*, 251-56, citation from p. 254). Such a tithe was common in the ancient Near East and was likely practiced in Israel and Judah (see 1 Sam 8:15, 17; Amos 4:4). Crüsemann also believes that Deut 14:22-29 and 26:12-15 expands the older offering and allocating tithes of 12:15-19, but notice the different language, purposes and locations of the three (cp. below with §3.1.5; §3.1.9).

[164] Deut 12:17-18 prohibits local tithe consumption in favor of centralized consumption. Crüsemann (*Tora*, 255) argues that forbidding donors to eat their tithes at town gates (including local shrines) implies the tithe *had been consumed* by locals and not the monarchy. Neither was D's centralized tithe consumed by the state, but by locals – the *patresfamilias*, their households and landless Levites (12:17-19).

[165] Crüsemann, *Tora*, 254. He argues (pp. 212-15) that the עם הארץ "people of the land," motivated by a desire to improve the livelihood of society's disadvantaged, are the most plausible authors to have required the donation of produce tithes only to the deity, YHWH, and not to the monarchy (Deut 14:22-29; 26:12-15). Similarly Weinfeld asserts, "Indeed the very purpose of the book of Deuteronomy, as has been correctly observed, was to curtail and circumscribe the cultus and not to extend or enhance it" (Weinfeld, *Deuteronomic School*, 190); *contra* the tenuous reading of Harold V. Bennett, *Injustice Made Legal: Deuteronomic Law and the Plight of Widows, Strangers, and orphans in Ancient Israel* (Grand Rapids/Cambridge, U.K.: Eerdmans, 2002), 170-72.

ite *bêt-'āb* (14:26; §3.1.5).[166] In 14:22-27 only the Levite is permitted, with the *paterfamilias*' household, to consume the annual tithe. The purpose of this may have been to offset the adverse effects of centralization on his income because "the former use of the tithe to support the local sanctuary had been eliminated (see 12:12)."[167] In Deut 12:12 the Levite is qualified as one with "no portion or inheritance with you" (כי אין לו חלק ונחלה אתכם). This concept aligns with Num 18:20-24 wherin Levites receive divine compensation for their service at the tabernacle: YHWH gives to the Levites *every* tithe in Israel as their inheritance (Num 18:21). Deuteronomy reaffirms that YHWH alone was the Levites' inheritance, but revises the Levite's compensation:

לא־יהיה לכהנים הלוים כל־שבט לוי חלק ונחלה עם־ישראל אשי יהוה ונחלתו יאכלון
ונחלה לא־יהיה־לו בקרב אחיו יהוה הוא נחלתו כאשר דבר־לו
The Levitical priests, the entire tribe of Levi, will have no portion or inheritance with Israel. They will eat YHWH's offerings by fire as their inheritance. He [the tribe of Levi] will have no inheritance among his brothers; YHWH is his inheritance, as he promised him (Deut 18:1-2; cp. 10:8-9).

The replacement of כל־מעשר בישראל "every tithe in Israel" with אשי יהוה "YHWH's offerings by fire" was probably a reflex of centralization, as Deut 12:17-19 would suggest:

לא־תוכל לאכל בשעריך מעשר דגנך ותירשך ויצהרך ובכרת בקרך וצאנך וכל־נדריך אשר תדר
ונדבתיך ותרומת ידך
כי אם־לפני יהוה אלהיך תאכלנו במקום אשר יבחר יהוה אלהיך בו אתה ובנך ובתך ועבדך ואמתך
והלוי אשר בשעריך ושמחת לפני יהוה אלהיך בכל משלח ידך
השמר לך פן־תעזב את־הלוי כל־ימיך על־אדמתך
You must not eat within your gates the tithe of your grain or of your new wine or of your oil, or the firstborn of your herd or of your flock, or any of your vow offerings that you vow, or your freewill and personal offerings, but you shall eat them before YHWH your God in the place that YHWH your God will choose, you and your son and your daughter, your male servant and your female servant, and the Levite who is within your gates. You must rejoice before YHWH your God in everything you do. Be careful that you do not neglect the Levite all your days in your land.[168]

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[166] Cf. tithes with first fruits offering in Deut 26:10-13 (§3.1.9).

[167] Nelson, *Deuteronomy*, 186.

[168] Gottfreid Seitz identifies typical centralization terminology relating to time and place, several of which occur here: "year by year," "before YHWH, your God," "at the place YHWH your God chose," and when a short list of worshippers is given, "and your house" is not missing (cf. 12:7): *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart: W. Kohlhammer, 1971), 191.

Whatever this law presupposes regarding the Israelites' tithing norms,[169] cultic centralization prohibits the Levites from consuming tithes, or vow or free will offerings, in the towns where they lived. D recompenses the Levites by inserting them, but not always the other landless individuals, into every list of participants in the calendric events held at the central sanctuary.[170] The Levite's cultic and judicial liabilities and physical sustenance were contingent on his regular presence at the central shrine (see Deut 18:1-8).

This explains the Levite's inclusion in eating the centralized offerings prescribed in 12:11-12, 17-19, but not the absence of the גר who is listed with the Levite more than any other figure in D, and most notably, they are together at other centralized events: the triennial tithe, feasts of Shavuot and Sukkot, and first fruits ritual (14:28-29; 16:11, 14; 26:11, 12, 13).[171] One possibility for the absence of the גר is that Deut 12:2-27 or 13-27 belongs to the earliest stratum that is succeeded by other centralization ritual texts that included the composite גר (dyad, triad, tetrad; see catalogue in §3.3).[172] Ekart Otto, however, has adequately shown these centralization texts to be interconnected.[173] A superior explanation for the nonappearance of the גר in Deuteronomy 12 is that this unit expands and interprets its CC *Quellentext* (see IDLI no. 2 in §5.1.4).[174] Levinson argues persuasively that Deut 12:13-28 restructures and augments the altar law in Exod 20:24 in order to disintegrate local cults and centralize worship at the endorsed site (see IDLI no. 8 in §5.1.4).[175]

Furthermore, Exodus 20:24 is the shorter text, which leaves unanswered obvious questions. Where are the places that YHWH has caused his name to be remembered? It is not self-evident that they must be altars since YHWH's name is used or misused by Israelites, is "in" YHWH's angel, and proclaimed to Moses (Exod 20:7; 23:20-21; 33:19; 34:5), and if they are

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[169] Crüsemann (*Tora*, 255) concludes that: "Die Israeliten neigen dazu, den Zehnten einfach zu Hause mit zu verbrauchen. Die Mächte, die einen Zehnten fordern könnten, sind offenbar nicht mehr vorhanden oder nicht mehr mächtig genug."

[170] Deut 12:12, 18-19; 14:26-27; 16:11, 14; 17:8-10, 18; 18:1-2, 6-8; 21:5; 26:10-13; 27:9, 12, 14 (see §5.1.1 nn. 14-15); 31:9-11; 31:25-26.

[171] The Levite and גר occur in the same contexts only in the DC. The Levite is associated thrice with the גר-orphan-widow triad (Deut 14:29; 16:11; 26:13); the Levite occurs twice with the גר-orphan-widow as a tetrad (16:14; 26:12), and once with the גר as a dyad (26:11).

[172] See Gottfried Seitz (*Redaktionsgeschichtliche Studien*, 206-212) subdivides vv. 2-27 into four units: vv. 2-7, 8-12, 13-19, and 20-27.

[173] Otto, *Deuteronomium im Pentateuch*, 254, 256-57.

[174] Levinson, *Deuteronomy*, 27.

[175] Levinson, *Deuteronomy*, 28-52; cp. Otto's analysis of the reception history of the altar law (Exod 20:24-26) in the centralization law (Deut 23:13-27): *Das Deuteronomium*, 341-51.

altars, only in Exod 34:13, not in the CC, can one infer that they preclude non-Israelite altars. According to Exod 20:24, are burnt and peace offerings only in view or do they stand synecdochially for the spectrum of offerings? Are all who reside within Israel's boarders responsible for these offerings? In response, Deuteronomy 12 as *Kontingenttext* expands the Exod 20:24 *Quellentext* to provide needed clarity regarding the location, offering types, and devotees (see IDLI no. 8 in §5.1.4). Germane to our study is that neither Exod 20:24, nor the CC provides a list of devotees, but Deut 12:5-19 modifies this by thrice enumerating its devotees:

Content	*12:5-7*	*12:11-12*	*12:17-19*
Centralization (inverse "not within your gates")	כי אם־אל־המקום אשר־יבחר יהוה אלהיכם מכל־שבטיכם לשום את־שמו שם לשכנו תדרשו ובאת שמה	והיה המקום אשר־יבחר יהוה אלהיכם בו לשכן שמו שם שמה	לא־תוכל לאכל בשעריך
Offerings	והבאתם שמה עלתיכם וזבחיכם ואת מעשרתיכם ואת תרומת ידכם ונדריכם ונדבתיכם ובכרת בקרכם וצאנכם	תביאו את כל־אשר אנכי מצוה אתכם עולתיכם וזבחיכם מעשרתיכם ותרמת ידכם וכל מבחר נדריכם אשר תדרו ליהוה	מעשר דגנך ותירשך ויצהרך ובכרת בקרך וצאנך וכל־נדריך אשר תדר ונדבתיך ותרומת ידך
Devotees who rejoice (and eat) before YHWH	ואכלתם־שם לפני יהוה אלהיכם ושמחתם בכל משלח ידכם אתם ובתיכם אשר ברכך יהוה אלהיך	ושמחתם לפני יהוה אלהיכם אתם ובניכם ובנתיכם ועבדיכם ואמהתיכם והלוי אשר בשעריכם כי אין לו חלק ונחלה אתכם	כי אם־לפני יהוה אלהיך תאכלנו במקום אשר יבחר יהוה אלהיך בו אתה ובנך ובתך ועבדך ואמתך והלוי אשר בשעריך ושמחת לפני יהוה אלהיך בכל משלח ידך השמר לך פן־תעזב את־הלוי כל־ימיך על־אדמתך

All three texts command joy (vv. 7, 18 also command eating) before YHWH by the *weqatal* form (ם)ושמחת. The command is directed to אתם ובתיכם "you and your house(hold)" initially in v. 7, and this lexeme functions as a metonym for the two subsequent lists that are identical except for the *Numeruswechsel* (vv. 12, 18).

v. 7	*v. 12*	*v. 18*
אתם	אתם	אתה
ובתיכם	ובניכם	ובנך
	ובנתיכם	ובתך
	ועבדיכם	ועבדך
	ואמהתיכם	ואמתך
	והלוי אשר בשעריכם	והלוי אשר בשעריך

Notice the same "household" metonym in 14:27 where the *paterfamilias* and his *bêt-'āb* are joined by the Levite to consume the centralized, annual tithe:

ואכלת שם לפני יהוה אלהיך <u>ושמחת אתה וביתך</u>
<u>והלוי אשר־בשעריך</u> לא תעזבנו כי אין לו חלק ונחלה עמך

In ch. 12, the Levite accompanies a *bêt-'āb* for centralized tithes and offerings because his occupation and survival were bound to the central shrine (see 18:1-8), but the גר does not accompany a *bêt-'āb*, I would argue, because his occupation and survival were bound to Israel's towns and farms.[176] Deuteronomy prescribes provisions for the גר, but not the Levite (לוי), throughout the seasonal harvest calendar, whereas the Levite must constantly return to the central sanctuary for his regular provisions.[177]

[176] *Contra* Enger (*Adoptivkinder*, 277) who assumes that every גר was isolated from agrarian work: "Er ist dem agrarischen Arbeitsprozeß und Lebensrhythmus entzogen und dadurch sozial isoliert." See my chart and conclusions below.

[177] This diagram is my insertion of D's גר and לוי texts, and the categories "centralized" and "local," into a chart provided by Carl G. Rasmussen, *Zondervan Atlas of the Bible* (rev. ed.; Grand Rapids: Zondervan, 2010), 29.

	Septem-ber	October	Novem-ber	December	January	February	March[178]	April	May	June	July	August
CENTRALIZED		Feast of Sukkot						Pesach (Matzoth)	Feast of Shavuot			Annual Tithe
		גר, לוי, et al. 16:14						16: 1-8	גר, לוי, et al. 16:11			לוי + *bêt-āb* 14:27
	← לוי could accompany a *bêt-'āb* to eat tithes (grain, wine, oil), et al. throughout the year 12:12, 18-19 →											
	← לוי eats offerings by fire throughout the year 18:1-2 →											
LOCAL		Plowing and planting			Cultivating			Grain harvest: Barley/Wheat triad גר gleans 24:21				Triennial Tithe לוי, גר, et al. 14:28-29
	Grape harvest				Prune vines							Grape harvest triad גר gleans 24:21
			Olive harvest triad גר gleans 24:20									
		Pick dates and figs			Almond blossom				Early figs	Summer fruit harvest		
	← גר *individuum* + enclitic ("your immigrant") could be compensated as a client daily throughout the year 24:14-15 (see 1:16; 5:14; 29:10; 31:12) →											

[178] Lev 23:9-14 prescribes the First Fruits offering in March-April (16th day of 1st month, Abib), whereas in D the ritual of ch. 26, which included the גר, לוי, et al. (vv. 11, 12, 13) was presumably to take place once "when you come into the land that YHWH your God is giving you…" (v. 1).

The Levite and גר owned no real estate, but they had the prerogative of taking up residence within Israel's or Judah's towns.[179] Hence, the recurring clause that qualifies both גר and Levite אשר־בשעריך "who is within your towns."[180] A גר fortunate enough to work as a client in Israel's villages or farmlands could receive a regular income, probably grazing livestock late October through February and June through August, shearing them in April, and harvesting crops year-round. As for the Levite, among the aberrant practices of Judges 17-19, he worked for a patron as a priestly client,[181] and in DtrH, P and H, his livestock could feed in the fields proximate to his home: "The gift of the Levitical cities did not include landed property. The priests get houses in the settlement and grazing rights for sheep and goats on the village commons, or pastureland (*migraš*) around the settlement."[182] Although D might assume that the Levite had grazing rights, and less likely that he worked as a client, the Levite's regular work and means of survival in D took place at the central sanctuary (Deut 12:12, 18-19; 18:1-2; see above chart). This is substantiated by the parallel contents of the regular tithes consumed by the Levite, and the gleanings consumed by the גר-orphan-widow.

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[179] I.e., 14:29; 16:11, 14; 18:6; Judg 17:7, 8, 9; 19:1. Karel van der Toorn writes that Levites "were *gērîm* (cf. Judges 17:7; 19:1), i.e., resident aliens with neither portion nor inheritance": *Family Religion in Babylonia, Syria and Israel: Continuity and Change in the Forms of Religious Life* (SHCANE 7; ed. B. Halpern and M. H. E. Weippert; Leiden: Brill, 1996), 304, 347. More accurately the Levites were *like gērîm* in that Levites resided allochthounously with neither portion nor inheritance. DtrH distinguishes the גר (Josh 8:33, 35; 20:9; 2 Sam 1:13) from the Levite (Joshua 14; 18; 21; Judges 17-20; 1 Sam 6:15; 2 Sam 15:24; 1 Kgs 8:4; 12:31). See verb (גור) and noun (גר) distinction in n. 16 of ch. 1.

[180] *Contra* Mark Leuchter who believes that the Levite "in your gates" means the Levite was present at the city gates to administer justice: "'The Levite in Your Gates': The Deuteronomic Redefinition of Levitical Authority," *JBL* 126 (2007): 417-36 (esp. 419-25). Although the Levite in D may have administered justice at the city gates (cp. 16:18; 17:8; 18:6; see §3.1.8 and 24:17), the גר, orphan and widow are also said to be בשעריך "in your gates," but they clearly do not administer justice. Instead, this common descriptor for the Levite, גר, orphan and widow functions metonomically to mean "inside your gates," or "within your towns." See discussion on city gates in §3.1.2.

[181] Lawrence Stager explains, "Micah of Mount Ephraim hired an 'outsider' to take over the priestly duties that his son had been performing for the household (Judges 17). The preferred cultic specialist was a 'youth' and a 'Levite' from Bethlehem. In this patron-client relationship the Levite was, as the root *lwy* denotes, 'attached to' someone else": "The Archaeology of the Family in Ancient Israel," BASOR *Bulletin of the American Schools of Oriental Research* 260 (1985): 27. Stager does not cite any supporting texts, but his claim is validated by Lev 25:32-34; Num 31:30, 47; Num 35:1-8; Josh 14:4; 21:3, 8, 34, 41.

[182] Stager, "Archaeology," 27.

Gleanings consumed by גר*-orphan-widow at local farms (24:19, 20, 21)*		*Tithes consumed by* bêt-'āb *and Levite at central shrine (12:17)*
"when you reap your harvest"	≈	דגנך "your grain"
"when you beat your olive trees"	≈	יצהרך "your olive oil"
"when you gather your grapes"	≈	תירשך "your sweet wine"

These reflect different stages of identical commodities: the גר-orphan-widow gleaned unprocessed crops, whereas the *bêt-'āb* and Levite brought processed crops as tithes to offer and consume joyfully in YHWH's presence. We must, therefore, augment Lohfink's observation that D conceptualizes a society in which one could be a landless גר, orphan, widow *or Levite* without experiencing scarcity (see §2.3.2).

The DC's humanitarian system, which explains the גר's absence in bringing tithes and offerings to the central shrine in Deuteronomy 12, signals a distinction from the priestly legislation that sanctioned, and even decreed, the גר's participation in and liability to YHWH's cult. Consider the following priestly texts, and in particular Leviticus 17 and 22 and Numbers 15, which include the גר in the sacrificial cult:

Exod 12:19	אזרח "native" Israelite and גר observe Matzoth by abstaining from leavened bread, but eating unleavened bread
Exod 12:48-49; Num 9:14(2x)	גר, if all his family's males are circumcised, may eat the Pesach meal
Exod 20:10; 23:12	*bêt-'āb* and גר rest on Sabbath (creation rationale)
Lev 16:29[183]	אזרח and גר refrain from work on Yom Kippur
Lev 17:8-9	איש מבית ישׂראל "anyone of the house of Israel" or גר may present a burnt offering or sacrifice at sanctuary entrance
Lev 17:10-14(3x)	איש מבית ישׂראל and גר were prohibited from eating blood
Lev 17:15-16	אזרח and גר were unclean by eating a נבלה וטרפה "naturally dead or

[183] The standard source-critical distinction between Leviticus 16 (P) and 17 (H) is not justifiable. Erich Zenger ("Das Buch Levitikus als Teiltext der Tora/des Pentateuch. Eine synchrone Lektüre mit kanonischer Perspektive," in *Leviticus als Buch* [ed. H.-J. Fabry and H.-W. Júngling; BBB 119; Berlin: Philo, 1999], 47-83) along with Benedikt Jürgens (*Heilligkeit und Versöhnung: Leviticus 16 in seinem literarischen Kontext* [HBSt 28; Freiburg im Breisgau: Herder, 2001], 180-86) have cogently argued that chs. 16 and 17 together form the structural and thematic center of Leviticus: 1-7 / 8-10 / 11-15 / 16-17 / 18-20 / 21-22 / 23-26, 27. Chapters 16 and 17 are interconnected lexically and depict the restoration of the relationship between God and Israel through purification rites.

	torn animal"
Lev 18:26	אזרח and גר were prohibited from engaging in abhorrent sexual relations
Lev 20:2	אזרח and גר were prohibited from offering children to Molech
Lev 22:18	איש מבית ישׂראל or גר may present his any votive or freewill offerings to YHWH as a burnt offering
Lev 24:16	אזרח and גר were liable if they blaspheme the name of YHWH
Lev 24:22	אזרח and גר were subject to *lex talionis*
Num 15:14, 15(2x), 16	גר (fronted), like the אזרח, may present an offering by fire as a pleasing aroma to YHWH
Num 15:26, 29	כל־העם "all the people," including גר, forgiven by the priest's atonement for an unintentional congregational offense
Num 15:29, 30	אזרח or גר forgiven by the priest's atonement for an unintentional individual offense
Num 19:10	לבני ישׂראל "one of the Israelites" or גר were unclean by touching heifer ashes

There are fair reasons to presume that these priestly laws belong to the collection of H, which developed independently from D (see §5.1.5; §5.2.1.1).[184] Whether or not H presumes a central sanctuary as D does, they both mandate that offerings are to be presented first at the sanctuary before consuming them (Lev 17:3-6; see 1:2-3; Deuteronomy 12).[185] Of special interest here is Lev 17:3-4:

איש איש מבית ישׂראל אשר ישחט שור או־כשב או־עז במחנה או אשר ישחט מחוץ למחנה
ואל־פתח אהל מועד לא הביאו להקריב קרבן ליהוה לפני משכן יהוה דם יחשב לאיש ההוא דם שפך
ונכרת האיש ההוא מקרב עמו

Any person from the house of Israel who slaughters an ox or a lamb or a goat inside the camp or who slaughters outside the camp, and does not bring it to the entrance of the Tent of Meeting to present it as an offering to YHWH, before YHWH's tabernacle, bloodguilt shall be [imputed] to that person.

Chapter 17 repeatedly includes the גר in its sacrificial regulations (vv. 8, 10, 13, 15), and so the Septuagint changes "of the house of Israel" (מבית

[184] With the explainable exception of D's revision of H's Sabbath rationale in Exod 20:8-11 (see §5.2.1.1).

[185] The following interpretation of Lev 17:3-4 is a modification of Mark A. Awabdy, "Green Eggs and Shawarma: Reinterpreting the Bible, Reforming Mission, with Leviticus' גר as a Test Case," *The Asbury Journal* 66 (2011): 37, 44.

ישׂראל)[186] to "of the sons of Israel" (τῶν υἱῶν Ισραηλ) in order to add: "or of the immigrants/proselytes who reside among you" (ἢ τῶν προσηλύτων τῶν προσκειμένων ἐν ὑμῖν). MT is preferable as the *lectio difficilior* (unharmonized), but does MT Lev 17:3 omit the גר accidentally? No, more likely a distinction is being made, as Jan Joosten claims: "The MT rules that, to the Israelites, all slaughter of domestic animals is forbidden except as *zebaḥ šᵉlāmīm* [peace offering] at the tent of meeting (17:3, 4). However, this rule does not apply to the resident alien, which implies that to them profane slaughter is permitted (though it is not encouraged)."[187] Joosten interprets this omission of the גר as evidence that the גר was religiously free, not obligated to present offerings to YHWH.[188] "However," explains Christophe Nihan, "this is not quite correct (in Lev 17:8-9, the גר is no longer allowed to sacrifice to his own gods) and, besides, in Lev 17 and elsewhere in H it can hardly be said that the emphasis is placed upon the resident alien's freedom to observe his own practices in Israel's land."[189]

For Jacob Milgrom, the reason the גר is absent in Lev 17:3-4 is that the גר, residing in Israel but not in covenant with YHWH, had the ability to pollute the land:

> The *gēr* is bound by the Noahide law to drain the blood (Gen 9:4), but since he is required to worship Israel's God, he need not bring the blood to his altar…it is incumbent on the *gēr* to obey only YHWH's prohibitive commandments, since their violation generates impurity that pollutes the land and ultimately results in Israel's exile. The violation of performative commandments, however, is characterized not by action, but by neglect. No pollution is generated by inaction, and the ecology is not upset… Thus in H's view, the *gēr* does not belong in this law.[190]

This is an intriguing reading, for certainly H is concerned that the גר not pollute the land, but 17:8-9 is a problem for Milgrom's view in that it includes the גר and regulates the *performance* of sacrifice; it is not a prohibi-

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[186] A lexeme that Baruch A. Levine (*Leviticus* [JPS Torah Commentary; Philadelphia/New York/Jerusalem: The Jewish Publication Society, 1989], 112) believes "expresses the close relationship and common descent of Israelites, even in exile."

[187] 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), 65-6.

[188] Joosten (*People and Land*, 65-6) contends, "The *gēr* is an exceptional situation: not an Israelite, yet entitled to live as a free man among the people. Taking account of this, the sacral law does not oblige him to behave like an Israelite: he is not required to bring sacrifices to YHWH. Yet he must observe certain prohibitions, such as those prohibiting sacrifices to other gods or the eating of blood. A transgression against those prohibitions would bring guilt on the whole people; it must not be tolerated."

[189] Nihan, "Resident Aliens," 125.

[190] Jacob Milgrom, *Leviticus* (3 vols; AB; New York: Doubleday, 2000), 2:1453; similarly, Weinfeld, *Deuteronomic School*, 230-31.

tive command. Verses 3-4 and vv. 8-9 are identical in syntactical structure and in their opening, closing, and middle lexemes:

17:3-4	*17:8-9*
	ואלהם תאמר
איש איש מבית ישׂראל	איש איש מבית ישׂראל
	ומן־הגר אשׁר־יגור בתוכם
אשׁר ישׁחט שׁור או־כשׂב או־עז במחנה	אשׁר־יעלה עלה או־זבח
או אשׁר ישׁחט מחוץ למחנה	
ואל־פתח אהל מועד לא הביאו להקריב קרבן ליהוה	ואל־פתח אהל מועד לא יביאנו לעשׂות אתו ליהוה
לפני משׁכן יהוה דם יחשׁב לאיש ההוא דם שׁפך	
ונכרת האיש ההוא מקרב עמו	ונכרת האיש ההוא מעמיו
[3] Any one of the house of Israel who kills an ox or a lamb or a goat in the camp, or kills it outside the camp, [4] and does not bring it to the entrance of the tent of meeting to offer it as a gift to YHWH in front of the tabernacle of YHWH, bloodguilt shall be imputed to that person. He has shed blood, and that person shall be cut off from among his people.	[8] And you must say to them, any one of the house of Israel, or of the immigrants who reside in your midst, who offers a burnt offering or sacrifice [9] and does not bring it to the entrance of the tent of meeting to offer it to YHWH, that person shall be cut off from his people.

Leviticus 17:3-4 continues into v. 5:

למען אשׁר יביאו בני ישׂראל את־זבחיהם אשׁר הם זבחים על־פני השׂדה והביאם ליהוה אל־פתח אהל מועד אל־הכהן וזבחו זבחי שׁלמים ליהוה אותם

This is so that the Israelites may bring their sacrifices that they sacrifice in the open field, that they may bring them to YHWH, to the priest at the entrance of the Tent of Meeting, and sacrifice them as sacrifices of peace offerings to YHWH.

Following Joosten, then, the absence of the גר in 17:3-7 implies that he was granted the prerogative to profane slaughter: to kill and consume the same livestock that the Israelites would present to the sanctuary as זבחי שׁלמים ליהוה "peace offerings to YHWH" (v. 5).[191] However, as we have seen, this does not imply the גר was religiously free (*à la* Joosten) or that the גר was required to obey only YHWH's prohibitive commandments (*à la* Milgrom).

[191] Nihan ("Resident Aliens," 124-5) also agrees on this point, but assumes the intertextuality of D and H: "In other words, the permission of non-sacrificial ("profane") slaughter granted in Deut12 is abolished, in Lev 12, only for the Israelites. For resident aliens, the legislation defined in Deut 12:13-19 remains valid." Contrarily, note the absence of lucid, directionality indicators between Deuteronomy 12 and Leviticus 17 (§5.1.4; §5.1.5).

Instead, I propose that H and D deliberately grant the גר the option of slaughtering his livestock to consume immediately or consume as a peace offering. Of all the offerings that H explicitly permits the גר to perform – whole burnt, grain, drink, vow, freewill and peace offerings – only the peace offering is consumed by its devotee, in this case the גר.[192] Conversely, the whole burnt offering was completely burned (Lev 1:3-17; 6:8-13); of the grain offering, a handful was burned and the rest was eaten by priests and his sons (2:1-16; 6:14-23); the drink offering was poured before YHWH (Num 28:7);[193] vow and freewill offerings were consumed by priests (7:14-17). All of these offerings, with the sole exception of the peace offering, presume that the devotee, גר or Israelite, had the financial means to give away these offerings without eating them.

Leviticus presupposes that גרים worked and hunted and had children who probably did the same (16:29; 17:13; 20:2), and that גרים had the potential for becoming wealthy, just as an Israelite could became poor (25:35, 47).[194] Therefore, some גרים must have acquired "an ox or a lamb or a goat" that they could give away as a sacrifice, without getting a meal out of it (17:3). However, other גרים in Leviticus were classified with the poor and needed to glean for their survival:

וכי־ימוך אחיך ומטה ידו עמך והחזקת בו גר ותושב וחי עמך

If your brother becomes poor and cannot maintain himself with you, *you must support him as though he were an immigrant or a sojourner*, and he will live with you (Lev 23:35; italics mine).

וכרמך לא תעולל ופרט כרמך לא תלקט לעני ולגר תעזב אתם אני יהוה אלהיכם

You may not strip your vineyard bare, nor may you gather the fallen grapes of your vineyard. You must leave them for the poor and the immigrant. I am YHWH your God (Lev 19:10).

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[192] H permits the גר to prepare or offer (עשׂה) an אשה ריח־ניחח ליהוה "offering by fire that is a pleasing aroma to YHWH" (Num 15:14-15), which could include a whole burnt offering, grain or drink offering, and peace offerings (אשה] ריח־ניחח] "pleasing aroma" modifies these three types: Lev 1:9, 13, 17; 2:2, 9; 3:5, 6:8, 14; 23:13, 18). The גר's burnt offering as a vow or freewill offering to YHWH had to be without blemish (22:18-19), and he was required to bring his עלה או־זבח "burnt offering or sacrifice," which could encompass all animal sacrifices, to the sanctuary (17:8).

[193] For a good synthesis of the limited data on the drink offering, see Martin Noth, *Numbers* (OTL; London: SCM, 1968), 221.

[194] In Deut 28:43-44 the economic inversion of גר and Israelite is the product of breaking covenant (§3.1.11). Its rhetorical force among the heinous curses derives from the fact that it is unimaginable in light of the prior laws that portray the גר as a dependent (client) or member of the *personae miserae*, not as one who could potentially be equal to the Israelite, as is possible in H.

ובקצרכם את־קציר ארצכם לא־תכלה פאת שׂדך בקצרך ולקט קצירך לא תלקט לעני ולגר תעזב אתם אני יהוה אלהיכם

When you reap the harvest of your land, you must not reap your field up to its edge, nor may you gather the gleanings after your harvest. You must leave them for the poor and the immigrant. I am YHWH your God (Lev 23:22).

The גרים protected in these laws from the malnourishment to which they were susceptible were protected from the same plight by their freedom to perform profane slaughter: they could *immediately* kill and consume their domestic livestock. Other גרים who could afford to sacrifice their animals as gifts to YHWH were certainly allowed and protected in their right to do so (17:8-11; 22:18; Num 15:13-16), but the גרים who were predisposed to food scarcity and hunger were not required to complete the time-consuming sacrificial process before consuming their meat. As for the *impoverished* גר, could he express his devotion to YHWH by means of an offering of which he eats no part? The whole burnt offering of two birds, rather than a herd animal, would be a viable option for him (Lev 1:14).

What we encounter, then, in both H and the DC is a kind *tôrâ*, one that accommodates its expectations for the גר. This is not a matter of membership or non-membership in YHWH's people, but of tailored legislation that allows the גר and his family to worship YHWH according to his financial capabilities and level of dedication. Deuteronomy, however, demonstrates a greater accommodation for the גר than H. If H's humanitarianism affords the גר with the option, based on his resources and wishes, to present offerings at the sanctuary or not, DC's humanitarianism removes any and all expectations on the גר to participate in the sacrificial cult. This may be in part the result of unidentifiable, pre-exilic historical factors reflected in the DC's presentation of the גר as predisposed to poverty and not an integrated member of YHWH's people (see §3.2.2; §3.3). Regardless of whether these factors were primary or secondary, the textual evidence suggests that the DC has decreased cultic expectations on the גר as the byproduct of an ideology that centers accommodation for the גר in the very nature of Israel's deity, YHWH (see §5.2.2 on Deut 10:17-19 vs. Lev 19:33-34). The presence of the גר at the DC's feasts of Shavuot and Sukkot, and as I have argued, at the DC's Pesach (§5.2.1.2) suggest that the גר would have been permitted to accompany a *bêt-'āb* and Levites, or journey alone, to present and consume tithes and offerings at the central shrine. Even so, the גר's wellbeing in the DC was contingent on local means, and the DC places no expectations on the גר to exit the town of his residence to offer sacrifices. This corresponds with our understanding that D allows, but does not coerce, the גר to devote himself as a protégé to YHWH (see §3.3). Further support for my view that the גר was not arbitrarily, but delibereately, excluded from ch. 12's stipulations comes from the fact that Deut 12:8-28 is related to

14:1-21, which explicitly lightens *tôrâ*'s yoke on the גר to accommodate his physical needs.[195]

5.2.2.2. The גר and Carcass Consumption (Lev 17:15; Deut 14:21)

Lev 17:15-16

וכל־נפשׁ אשׁר תאכל נבלה וטרפה באזרח ובגר
וכבס בגדיו ורחץ במים וטמא עד־הערב וטהר
ואם לא יכבס ובשׂרו לא ירחץ ונשׂא עונו

Every person who eats what dies naturally or what is torn by beasts, whether he is a native or an immigrant, must wash his clothes and bathe himself in water and be unclean until the evening; then he will be clean. But if he does not wash them or bathe his body, he will bear his iniquity.

Deut 14:21a-e

לא תאכלו כל־נבלה לגר אשׁר־בשׁעריך תתננה
ואכלה או מכר לנכרי כי עם קדוש אתה ליהוה
אלהיך לא־תבשׁל גדי בחלב אמו

You must not eat anything that has died naturally. You must give it to the immigrant who is within your gates so that he may eat it, or you may sell it to a foreigner. For you are a holy people to YHWH your God. (You must not boil a young goat in its mother's milk.)

The burden of proof rests on anyone who believes that these texts are intertextually related. The few shared lexemes are eclipsed by dissimilar contexts, syntaxes and conceptualities (see §5.1.5). Leviticus 17:15-16 appears to permit both the גר and אזרח "native" Israelite to consume with ensuing (but manageable) uncleanness an animal that has died of natural causes (נבלה) or been killed by another animal (טרפה). In contrast, Deut 14:21 only allows the גר and נכרי "foreigner" to eat a נבלה; Israel may not eat it because of its unique identity: "you are a holy people to YHWH your God." Moshe Weinfeld argues that Leviticus' גר and D's גר reflect the same historical referent, but Leviticus (P/H) and D differ in the expectations that they place on the גר due to their divergent conceptions of holiness.[196] In P and H (here undifferentiated by Weinfeld), the land where YHWH's sanctuary dwells is holy. All who live in the land are in physical proximity to YHWH, and therefore, irrespective of ethnicity or status, all are required to obey YHWH's law. Failure to do so automatically defiles YHWH's land, and only by "constant physical purification and sanctification" can holiness be restored and maintained.[197] This explains why priests, because of their closer proximity to YHWH's presence, are prohibited from eating the נבלה וטרפה (Lev 22:8), whereas the same code presumes that

[195] Otto (*Deuteronomium im Pentateuch*, 256-57) notes that 12:8-28 prescribes sacrificial laws at the central sanctuary while 14:3-21 offers cultic rules in the community, but these texts are connected (*verbunden*) through the Leitwort "unclean" טמא (12:15, 22; 14:7, 8, 10, 19) and both preserve the holiness of the land and people.

[196] Weinfeld, *Deuteronomic School*, 225-32.

[197] Weinfeld, *Deuteronomic School*, 226.

laypersons, the גר and אזרח, do eat a נבלה or טרפה (Lev 17:15-16). By contrast, holiness in D is the result of God's election of Israel, which places the onus on every Israelite to not profane their conferred, holy condition. This underlies the discrepancy between Lev 17:21 and Deut 14:21:

> The author of the Priestly Code, to whom sacral-ritual matters are of primary importance, is concerned with preserving the sanctity and purity of the congregation inhabiting the *holy land* and therefore takes steps to ensure that this sanctity be not profaned by the *ger*. The author of Deuteronomy, on the other hand, who is free of such sacral conceptions or indifferent to them, does not impose on the *ger* the obligation of holiness, which is peculiar to the *people of Israel*.[198]

Weinfeld makes a strong case for the independent thought development of D and P/H (see §5.1.5), but his conclusion here is deficient. Matty Cohen notices that Weinfeld here ignores the specific role in the priestly corpus of reciting the impurity caused by breaking casuistic law.[199] Cohen infers that Weinfeld would say that for P/H, eating a נבלה, for example, represents a state that ritual cleansing can later remedy, and this breach, even if done intentionally, does not constitute a violation. If true, then a significant mass of the priestly legislation is futile rhetoric: "Or, s'il en était effectivement ainsi, on serait amené à conclure à l'inanité d'une partie non négligeable de la législation sacerdotale."[200] Cohen's point is well taken, especially when we consider that ritual purification is only available to those who violate a law unconsciously or in ignorance, but not to willful violators.[201] The availability of purification in Lev 17:15-16 therefore is not likely an indicator that P allows a גר or native Israelite to eat a נבלה or טרפה. Rather, P/H and D both agree to prohibit *Israelites* from consuming the נבלה, but they differ only on the formulation of the law: "D, à cause de sa conception judiciaire, préfère la prescription negative explicite. P, en raison du caractère foncièrement sacré de son code, attaint le même objectif en alléguant la sanction d'impureté inhérente à la *nebelah*."[202] Thus, both P/H and D agree that holiness, however each corpus nuances it, forbids the Israelite from consuming a נבלה. Where they differ fundamentally is on the גר.

Cohen argues that both P/H and D share the same referent for the גר, post-721 Northern Kingdom refugees (*à la* Rost and Kellermann), and therefore Lev 17:15-16 and Deut 14:21 illuminate their separate responses toward these refugees: P manifests an *integrationist* response, whereas D, a *segre-*

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[198] Weinfeld, *Deuteronomic School*, 232.

[199] Matty Cohen, "Le 'ger' biblique et son statut socio-religieux," *RHR* 207 (1990): 131-58.

[200] Cohen, "Le 'ger,'" 152.

[201] Cohen, "Le 'ger,'" 152.

[202] Cohen, "Le 'ger,'" 152.

gationist response.[203] This is problematic for two reasons: one, D does not command the גר to eat a carcass, which means a גר could abstain from carcass consumption and follow Israel's standard; two, were the גר to accept a carcass as a gift (√נתן), he might feel the social distinction between himself and the Israelite giver, but he would also feel relief from hunger pangs. Instead of segregating the גר (*à la* Cohen), the DC accommodates the גר to meet his survival needs, not only by providing tithe deposits, festive meals, and gleanings, but also by this cultic prescription in 14:21.

Earlier I argued that the second imperfect in Deut 14:21, תתננה, should not be rendered permissively "you *may* give it to the immigrant,"[204] but as a strong injunction followed by a consequential *weqatal*: "You *must* give it to the immigrant who is within your gates, *so that* he may eat it" (לגר אשׁר־בשׁעריך תתננה ואכלה) (see §3.1.4).[205] A strong injunction is preferable, because it, first, preserves the same imperatival force as the four preceding injunctions and prohibitions (vv. 20, 21a, 21, 22);[206] second, corresponds thematically with the strong injunction in 14:29 to leave one's triennial tithe בשׁעריך "within your gates" for the Levite, גר, orphan, and widow (likewise in 14:21 theגר אשׁר־בשׁעריך); third, may explain why לגר אשׁר־בשׁעריך "to the immigrant who is in your gates" is fronted in the word order; and, most significantly, fourth, correlates with D's other strong injunctions to supply food for the גר.[207] If we affirm this reading, it would be nonsensical to translate או as separating an imperatival first main clause from a permissive second main clause: "you *must* give it to the immigrant, so that he may eat it, or you *may* sell it to the foreigner" (italics mine). Rather, the phrase "or sell it to the foreigner" (או מכר לנכרי) is a prerogative that D intends for the disadvantaged גר, not the landowning Israelite: the גר may either eat the carcass or sell it to a foreigner. Accordingly, או separates the sentence's subordinate, not main, clauses: "You must give it to the immigrant who is within your gates, so that he may eat it or sell it to a foreigner."[208] In addition to aligning with the ideology of generosity toward the גר that one finds throughout the DC, this reading has the ad-

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[203] Cohen, "Le 'ger,'" 152, 156-58.

[204] ESV, NAS, NLT, NRS, TNIV.

[205] JPS Tanakh; see Waltke and O'Connor, *IBHS*, 509-10.

[206] תאכלו, לא תאכלו, לא־תבשל, and תעשׂר, respectively.

[207] Command to give tithes (26:12-15); YHWH loves the immigrant by giving him food and clothing and commands Israel to emulate his immigrant-love (10:17-19); command to compensate fairly (24:14); commands to leave produce for gleaning (24:19, 20, 21).

[208] The coordinator או may separate main clauses or separate subordinate clauses: Waltke and O'Connor, *IBHS*, 654-55.

vantage of viewing the infinitive absolute מכר as a verbal substitute not for the removed תתננה, but from the immediately preceding *weqatal* ואכלה:[209]

לגר אשר־בשעריך תתננה <u>ואכלה</u> או <u>מכר</u> לנכרי

"You *must* give it to the immigrant who is in your gates, *so that* he may eat it or sell it" indicates that 14:21 has socio-religious and socio-economic purposes.[210] In this reading, Israel's holiness to YHWH is best understood as the grounds for cultic purity (abstention from נבלה ingestion) *and* generosity to the גר.

<u>לא</u> <u>תאכלו</u> כל־נבלה
לגר אשר־בשעריך <u>תתננה</u> ← כי עם קדוש אתה ליהוה אלהיך
ואכלה
או מכר לנכרי

Deut 14:21 is not an isolated example in the DC of linking Israel's holiness with generosity to the גר and other *personae miserae*. The proposition in D that Israel is YHWH's holy people is accompanied by YHWH's land gift to Israel as he promised to their ancestors and by YHWH's double victory on Israel's behalf: redeeming Israel from Egypt and dispossessing Canaan's inhabitants (Deut 7:6; 23:14).[211] These motifs occur in the first fruits ritual and anticipate the statement of Israel's holiness in Deut 26:19, but the notion of giving to the גר and other *personae miserae* is central to the text's social and theological vision: YHWH redeemed you and *gave* you this fertile land, and he commands you to *give* your first fruits back to him (26:1-10), sharing your joy with the גר and other *personae miserae* (v. 11) and *giving* to them your triennial tithe (vv. 12, 13).[212] If you obey these commands, "Then he will raise you above all the nations he has made, and

[209] "The inf. abs. virtually has the same temporal or modal value as the preceding verb": Joüon §123. Eliezer Rubenstein ("A Finite Verb Continued by an Infinitive Absolute," *VT* 2 [1952]: 262-67, especially 365) concluded that one of the transitions to LBH (which Deut 14:21 may or may not be) was that infinitive absolute was primarily used as a substitute for an expected consecutive verbal form; see Waltke and O'Connor, *IBHS*, 595-96.

[210] See §5.2.2.2.

[211] See also Weinfeld, *Deuteronomic School*, 226.

[212] The root נתן occurs as a *Leitwort* in the unit: 26:1, 2, 3, (6), 9, 10, 11, 12, 13, 14, 15, 19.

you will receive praise, fame, and honor. You will be a people holy to YHWH your God, as he has said" (v. 19). Ritually remembering Israel's landless origins and YHWH's benevolence rightly disposes Israel toward the land and *personae miserae* in the land:

> Dès l'origine, Israël – c'est l'autre nom de Jacob – est un «sansterre», et le nomadisme exprime adéquatement sa vocation à la non-possession, à la limite de l'avoir et du désir, au manque qui fait pièce à la convoitise… De la sorte, la mémoire qu'Israël garde de son origine d'émigré est essentielle pour un juste rapport à la terre et aux démunis qui y vivent (Dt 26, 10-14).[213]

As a result, Deut 14:21 and 26:1-19 debunks the possible misunderstanding that Israel's status as YHWH's holy people entitled them to redemption from Egypt, victory over Canaan's inhabitants, and fecundity in the promised land without sharing their blessings with disenfranchised people living in their land. In particular for our study, these two texts regarding Israel's holiness accommodate for the גר: they reduce *tôrâ*'s expectations for the גר and at the same time heighten its demands on Israel's landowners to provide the גר. In H, the holiness of YHWH, which Israel must imitate, generates a singular, cultic standard for the native Israelite and גר, whereas in D, Israel's election as YHWH's holy people constrains them to imitate a holy YHWH who accomodates his cultic standards to benefit the גר.

5.3. Conclusions

The evidence presented in this chapter allows us to reevaluate the predominant understanding of how the Pentateuch's גר laws evolved. Ludger Schwienhorst-Schönberger believes that the Pentateuch's גר laws developed over the history of Israel: from protection from economic exploitation in the oldest texts (CC), to a comprehensive reform program for economic and social integration in the eighth and seventh centuries (D), to full equality in the exilic and post-exilic community (P).[214] Bultmann, Enger, van Houten,

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[213] André Wénin, "Vivre sa différence. A propos d'étranger dans le premier Testament" *Cahiers de l'Atelier* 469 (1996): 91.

[214] Schwienhorst-Schönberger, Ludger. "'…den Fremde seid ihr gewesen im Land Ägypten.' Zur sozialen und rechtlichen Stellung von Fremden und Ausländern im Alten Israel." *Bibel und Liturgie* 63 (1990): 114; similarly, Reinhard Achenbach, "*gêr – nâkhrî – tôshav – zâr*: Legal and Sacral Distinctions regarding Foreigners in the Pentateuch," 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), 29-43.

among others, broadly follow this conclusion.[215] However, this conclusion is reductionistic and must be modified. First, the stages of development are not as cleanly delineated as one would like. Like the CC, the DC also endeavors to protect the גר from economic exploitation (Deut 24:14, 17; 27:19). Also, as Bultmann rightly observes, protective justice for the גר *and* integrative love for the גר coexist in P/H (Lev 19:33-34).[216] What we find, therefore, is that the Pentateuch's גר laws evolved in a generally conservative manner, that is, both D and H *retain* the spirit of the older protective concerns of the CC (see §5.1.5). Second, Schwienhorst-Schönberger's model is contingent upon a singular reconstructive dating of the legal corpora. In particular, his model rises or falls on the premise that pre-exilic D is less mature than exilic or post-exilic P/H, which culminates the Pentateuch's trajectory by granting the גר full equality. There are two complications with this model. One, this linear model fails to distinguish the differences between the postexilic, biblical responses to the גר. We find postexilic legal texts that promote full גר equality (Ezek 47:22-23; *possibly* Deut 29, 31 and Isa 14:1-2) *and* postexilic legal interpretations that prohibit full גר equality (Ezra 4:1-3; 9:1-2; Neh 13:1-9).[217] Two, H's egalitarian ideology is not the only mark of maturation; the DC evinces a mature ideology of its own kind (see §5.2). Instead, contrary to a linear evolution from D to H, our findings on the גר in these two law collections substantiate the general thesis of Moshe Weinfeld that P/H and D developed independently, and quite possibly, contemporaneously.[218]

However, as I have argued earlier in the chapter, we do not have the data to move beyond Weinfeld's broad framework into the specifics of D's transmission history (see §5.1.1-5.1.2). As a result, I have followed a relative dating approach to inner-biblical revision that centers on empirical data, namely, the indicators of the direction of literary influence (§5.1.3-5.1.4). I showed that with the explainable exception of Exod 20:11, and possibly Lev 19:33-34, H's גר laws are not genetically related to D's, but they offer us a distinct conceptuality that should be compared and contrasted with D's own

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[215] Enger (*Adoptivkinder*, 255) argues similarly about the transition of the גר's status from the CC to D; Bultmann (*Der Fremde*, 214, 216) argues somewhat similarly about the transition of the גר's status from D to P; and van Houten (*Alien*, 175) argues similarly about the transition of the גר's status from D to P; so also Kaminsky, "Election," 413.

[216] Bultmann, *Der Fremde*, 216.

[217] For the distinct postexilic responses to the גר, see Reinhard Achenbach, "*gêr – nåkhrî – tôshav – zâr*: Legal and Sacral Distinctions regarding Foreigners in the Pentateuch," 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), 29-43.

[218] For his particular work on the גר in P/H and D, see Weinfeld, *Deuteronomic School*, 225-32 (see §5.2.2.2).

thought world (§5.1.5). Instead, insofar as D's גר texts are concerned, all of the directionality indicators point toward a genetic relationship between the two Decalogues, and between the DC and CC. I argued that D's revision of H's Sabbath word (Exod 20:8-11) exposes the גר to the ongoing benefits of YHWH's redemption of Israel (§5.2.1.1). Deuteronomy 16's reinterpretation of the earlier festivals of the CC, as well as comparisons with H, indicate that D afforded to the גר the opportunity to enter into the full range of emotions associated with Israel's formative historical origins: sorrowfully eating the unleavened bread of D's Pesach-Matzoth, but also joyfully consuming the meals at the festivals of Shavuot and Sukkoth (§5.2.1.2). Through D's inner-biblical revision, then, Sabbath and the festive meals are transformed into mechanisms by which the גר, and sometimes other *personae miserae* in Israel, could experience vicariously YHWH's redemption of Israel from Egyptian oppression.

We also discovered that D's inner-biblical revision manifested a tendency to accommodate to supply the corporal needs of the גר. YHWH's accommodation to the גר (10:17-19) serves as the paradigm for *tôrâ*'s double accommodation of increasing demands on Israel's landowners provide for the גר and mitigating cultic expectations of the גר. While H grants the גר with the choice, in light of his resources and desires, of offering sacrifices at the sanctuary, the DC's system is shaped by humanitarian sensitivity and thereby eliminates all expectations on the גר to contribute to the sacrificial cult (§5.2.2.1). In contrast to H that prohibits both גר and native Israelite from eating an animal that has died of natural causes (or been torn by other beasts), Deut 14:21 prohibits only the Israelite, but not the גר, from eating it. A reexamination of the syntax and other contextual limiting factors indicates that this law's purpose is not to exclude the גר from the cult, but to fill his empty stomach. Deuteronomy 14:21 (and 26:1-19) redefines Israel's status as YHWH's holy people in terms of cultic purity *and* a calling to emulate YHWH's material generosity toward the גר.

Chapter 6

Social and Religious Integration

Questions remain about the identities represented by D's גר laws and the extent to which גרים were integrated socially into Israelite society after D's legislation was implemented (Deut 29:8-13; 31:9-13; Josh 8:30-35; 2 Kgs 22-23). What we *are able* to construct from the data of chs. 3, 4, and 5 is D's *vision* to integrate the גר socially and religiously. This integration, as we shall see, is presented as a byproduct of Israel's election as the holy people of YHWH.

6.1. Social Integration: The Ancient Near East and the גר in the Deuteronomic Code

The evidence points to the גר in the Deuteronomic Code (DC) as a member of the *personae miserae* class, one outside the protection and provisions of an Israelite extended household (*bêt-'āb*), often grouped with other landless individuals (Levite, orphan, widow), and dependent on the DC's rather extensive humanitarian system for his survival (§3.1.3-§3.1.9; §3.3; §5.2.2.1). Although the גר, orphan, widow and Levite would ideally live without poverty in a deuteronomic world (see §2.3.2), some of the גרים in the DC were "poor and needy" and had entered into a client relationship with a patron (24:14; §3.1.8). The language of both the DC and D's prologue and epilogue represents the גר as a non-Israelite and non-Judahite who resided among Israelites within Israelite settlements (§3.2.3). This non-Israelite גר in the DC was neither a countryman (אח; 24:14), nor a member of YHWH's people (14:21), but he benefited from the covenant community in several respects: he was protected legally from exploitation and oppression (24:14; 27:19); received free food provisions from Israel's landowners as they enacted the principle of *imitatio dei* (10:17-19;[1] 14:28-29; 24:19-22; 26:10-13; see §4.4); he was given carcasses, unfit for native

[1] For the language of 10:17-19 reflecting and preparing for the DC laws, see §3.3; §5.2.2.

Israelite consumption, to alleviate his hunger (14:21); and consumed meals at the feasts of Shavuot and Sukkoth (16:11, 14).

These provisions for the גר in the DC raise the sociological issue of ancient Near Eastern and Old Testament hospitality. T. R. Hobbs' believes that the גר in the First Testament was not a guest or an outsider, but a member of Israel's covenant community and was sufficiently protected by Israelite law.[2] "Hospitality, then, is directed at those relatively unknown travellers [*sic*] who are assumed to be members of one's larger community, but not immediately recognized as such. In no cases are threatening foreigners (*nokrîm*) or resident aliens (*gērîm*) offered hospitality." According to Hobbs' acceptable definition of hospitality, derived from William Robertson Smith and Roland de Vaux,[3] we must concur that the גר in the DC was not the object of Israelite hospitality, but we conclude this for reasons other than what Hobbs suggests. His cursory mention of only eight out of over 50 גר references in the Pentateuch, and his conflation of priestly and non-priestly laws, results in the hasty generalization that the גר in the DC was not an outsider, but a covenant member. Against Hobbs, the גר in the DC *was* of outsider origins, non-Israelite and non-Judahite (§3.2.3), and was *not* a member of the covenant community (14:21; §3.1.4; §5.2.2.2). As an abiding non-threatening resident, the גר in the DC was not an unrecognized guest (§3.3) and, therefore, did not benefit from Israelite hospitality. This is not the complete picture, however, because the DC does instruct local Israelite farmers to provide for the survival of the גר (see §4.4). While this was not hospitality, it was to be a sustained benevolence toward certain non-Israelites with whom Israel interfaced regularly, the גר but not the נכרי. This openness toward *certain* individuals of allochthonous origins warrants mention of comparable currents in ancient Near Eastern law.

6.1.1. Non-Indigenous Residents in a Selection of Ancient Near Eastern Laws

Many interpreters believe that the גר-orphan-widow triad is a novelty of D.[4] Indeed, a survey of the ANE references to the widow-orphan dyad, of-

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[2] T. R. Hobbs, "Hospitality in the First Testament and the 'Teleological Fallacy,'" *JSOT* 95 (2001): 3-30, especially 20-24.

[3] William Robertson Smith, *Lectures on the Religion of the Semites* (3d ed.; London: Adam and Charles Black, 1927), 16; Roland de Vaux, *Ancient Israel* (trans. J. McHugh; London: Darton, Longman & Todd, 1961), 10.

[4] Some epigraphers have proposed that the eleventh or tenth century Khirbet Qeiyafa ostracon mentions the גר, orphan (or *enfant* "child") and widow: Émile Puech, "L'Ostracon de Khirbet Qeyafa et les débuts de la royauté en Israël," *RB* 117 (2010): 162–184 (171); Gershon Galil, "Most Ancient Hebrew Biblical Inscription Deciphered,"

ten grouped with other *personae miserae* figures, but *not* with an "immigrant" figure, confirms this view.[5] Thomas Krapf outlines the tradition history of the גר-orphan-widow triad in four stages, but only three stages are necessary.[6] One, protecting widows and orphans was a theologically rooted social concern in second millennium Mesopotamian and Egyptian literature. Two, protecting the גר became a uniquely Israelite concern rooted in Israel's former גר status in Egypt, as found in a single, embryonic form of the triad in the CC, one of Israel's earliest legal collections: (1) גר *individuum* (2-3) אלמנה ויתום "widow"–"orphan" dyad (Exod 22:20-21).[7] Three, D inverts the CC's order of members two and three and conjoins all three members into its own distinctive triad: (1) גר (2) יתום "orphan" (3)

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n.p. [cited 18 July 2013]. Online: http://newmedia-eng.haifa.ac.il/?p=2043. If so, compare the ostracon's *špṭ* to the cognate *mšpṭ* in Deut 10:18; 24:17; 27:19. However, even if we follow this translation, the ostracon differs from deuteronomic convention: 1) the גר, orphan, widow are not grouped together as a collective subject; 2) the גר is not in the signal position; 3) the slave, infant and poor may also be mentioned; and 4) different verbal roots are used than those found in the biblical גר laws (as for the above noted parallel, the ostracon may read *špṭ* "do justice," but D reads *l' + ṭth* [√*nṭh*] + *mšpṭ* "do not pervert justice"). For the ambiguity of translation and of what Northwest Semitic language was used, see Chrisopher Rollston, "The Khirbet Qeiyafa Ostracon: Methodological Musings and Caveats," *TA* 38 (2011): 67–82. Alan Millard argues that this ostracon is not a social justice text with *personae miserae*, but a list of Canaanite and Hebrew names produced by one unskilled in writing: "The Ostracon from the Days of David found at Khirbet Qeiyafa," *TynBul* 62 (2011): 1-13.

[5] Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Oxford University Press, 1972; repr., Winona Lake, Ind.: Eisenbrauns, 1992), 356; Andrew D. H. Mayes, *Deuteronomy* (NCB; London : Oliphants, 1979), 210-11; Jose E. Ramírez Kidd (*Alterity and Identity in Israel: The* גר *in the Old Testament* [BZAW 283; Berlin/New York: Walter de Gruyter, 1999], 39) has provided a helpful sampling of the alternatives from various texts. In Egypt the typical dyad is the widow-fatherless, which is augmented at times with one or more of the following: poor, humble, Egyptian citizen, fearful, one-who-has-nothing, prisoner, sick one, stranger. In Mesopotamia the recurring dyad is the waif(orphan)-widow and is augmented in certain texts with the weak, widower, abused, deprived, man of one shekel, poorest, refugee, and weak. In Ugarit the dyad is the waif(orphan)-widow and includes in instances the poor and oppressed. Ramírez Kidd (*Alterity*, 39) writes, furthermore, "it must be noted that among the characters mentioned together with the pair 'widow-orphan,' the stranger is not mentioned. This absence is not extraordinary."

[6] Thomas Krapf, "Traditionsgeschichtliches zum deuteronomischen Fremdling-Waise-Witwe-Gebot," *VT* 34 (1984): 87-91; see §2.3.1 for the four stages.

[7] Krapf, "Traditionsgeschichtliches," 90.

אלמנה "widow."[8] José Ramírez Kidd explains the reason for D's innovation by a comparison with Egyptian society:

> In the hierarchical structure of the Egyptian society, for instance, those who were in a superior position had the duty of beneficence to those who were below them. But this was a closed society and the principals of solidarity applied primarily to its members. This may explain why, although the protection of the weak was a common policy in the legal and wisdom tradition of the ancient near Eastern societies, the stranger was very seldom mentioned among them.[9]

A majority of ANE *personae miserae* texts evince a closed societal system that would account for the absence of a non-indigenous class. A hymn to Shamash,[10] the Cylinders of Gudea,[11] and the Kirta and 'Aqhatu narratives,[12] to name just a few, assign to gods and kings the responsibility to

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[8] Enger (*Adoptivkinder*, 255) believes D's triad assumes the editorial ordering together of the גר, widow and orphan, which was created (first) in Exod 22:20-23 by the predeuteronomic revision, and which D merges into a regular triad of the *personae miserae*.

[9] Ramírez Kidd, *Alterity*, 39.

[10] The personified sun deity illuminates all people, warming even the *personae miserae*: "O Shamash, when you rise, the four quarters brighten. The destitute, widow, waif, female companion, at your rising, all humanity is warmed": "To Shamash (e) Against Ghosts" (Benjamin R. Foster, *Before the Muses: An Anthology of Akkadian Literature* [2d ed.; Bethesda, Md.: CDL, 1996], 2:637-38).

[11] These were composed to celebrate ruler Gudea's construction of an Eninnu temple for the god Ningirsu, patron deity of Lagash, just prior to or during Ur-Nammu's Ur-III dynasty (ca. 2112-2004). The story highlights Gudea's faithfulness in preparing a temple dedication banquet for Ningirsu: "To the laws of Nanshe and Ningirsu he paid close attention. He did not deliver the orphan up to the rich man; he did not deliver the widow up to the powerful man. In the house that had no male heir, he installed its daughter as the heir. A day of majestic justice arose for him; he put his foot on the neck of (the) evil one(s) and complainer(s)": "The Cylinders of Gudea," translated by Richard E. Averbeck (*COS* 2.155:432).

[12] King Kirta is sick and neglecting his royal duties, including defending the *personae miserae*, so his son, Yaṣṣubu, petitions Kirta, albeit unsuccessfully, to crown him king: "Listen, noble Kirta, listen closely and tend (your) ear: When raiders lead raids, and creditors detain (debtors), You let your hands fall slack: you do not judge the widow's case, you do not make a decision regarding the oppressed, you do not cast out those who prey upon the poor. Before you, you do not feed the orphan, behind your back the widow" (*CTA* 16): "The Kirta Epic," translated by Dennis Pardee (*COS* 1.102:333-43). In the 'Aqhatu legend, Dānī'lilu is venerated for his actions: he "Arose and sat at the entrance to the (city-)gate, among the leaders (sitting) at the threshing floor. He judged the widow's case, made decisions regarding the orphan" (*CTA* 17, 19): "The 'Aqhatu Legend," translated by Dennis Pardee (*COS* 1.103:343-56). Another possibility is to read these verbs with an imperfective aspect, suggesting a gnomic quality to Dānī'lilu's character: "he judges (*yaṯpuṭu*) [the decision (*dina*) for widows (*'almanāti*)]; he judges (*yaṯpuṭu*) the cause (*ṯapṭa*) [of orphans (*yatāmī*)]": *KTU* 1.19:21-24 (translation and vocalization mine).

guard the vulnerable, indigenous widow and orphan against victimization by higher classes. Even so, ancient Near Eastern societies were not always closed to *certain* non-indigenous residents. For example, Daniel Bodi argues that David's crime in the David-Bathsheba-Uriah story centers on David's coldhearted disposal of Uriah the Hittite, whom the rabbis rendered as a גר תושב "resident-alien."[13] This was a violation of the expectation that royal palace officials of Pharaoh were to protect the rights of the *ubārum* (*à la* El-Amarna letter 162 [*u-bá-a-ra*]), a semantically comparable class to the גר, which he argues included Uriah, in the Hebrew Bible. Bodi's methodology places too much interpretive weight on one Akkadian law that is chronologically removed from the DtrH, yet this law does manifest the severity of abusing a specific class of non-indigenous persons.[14] The following examples may also be classified with ancient Near Eastern ideals, rare as they may be, to protect defined subsets of non-indigenous residents.

6.1.1.1. Anatolia

Hittite laws, first composed at the beginning of the Old Hittite period (ca. 1650-1500), with copies produced in the Middle and Neo-Hittite periods (ca. 1500-1180), are casuistic in form, like parts of Deuteronomy 12-26, whereas Hittite treaties and loyalty oaths include apodictic forms. Although there are no Hittite laws that pair the widow and orphan, or group together other members of a *personae miserae* class, there *might* be one casuistic law that protects non-Hittite merchants, that is, if one follows the Old Hittite (and not the Neo-Hittite) manuscript: "If anyone kills a merchant (in a foreign land), he shall pay 4,000 shekels of silver. He shall look to his house for it. If it is in the lands of Luwiya or Pala, he shall pay the 4,000 shekels of silver and also replace his goods. If it is in the land of Hatti, he shall (also) bring the merchant himself (for burial)."[15] The fact that the third protasis refers to a merchant in Hatti may indicate a non-Hittite merchant is in view in the quoted Old Hittite text. There is perhaps

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[13] Daniel Bodi, *The Demise of the Warlord: A New Look at the David Story* (HBM 26; Sheffield: Sheffield Phoenix, 2010), 157-191.

[14] One who violates El-Amarna 162 incurs the death penalty; this resembles, to some degree, the severity of the so-called Shechemite Decalogue: "'Cursed is one who perverts justice for an immigrant, orphan, and widow.'" And all the people will say, 'Amen.'" (27:19).

[15] "Hittite Laws," translated by Harry A. Hoffner, Jr. (*COS* 2.19:107). Hoffner notes that the Neo-Hittite manuscript reads "If anyone kills a Hittite merchant"; so also "Hittite Laws" (Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor* [SBLWAW 6; Atlanta: Scholars, 1995], 217).

also evidence of concern for at least one non-Hittite ethnicity, the Luwians who also resided in Anatolia: "If a Hittite man abducts a Luwian man in the land of Hatti itself, and leads him away to the land of Luwiya, formerly they gave 12 persons, but now he shall give 6 persons. He shall look to his house for it."[16] Luwian became the primary language of many in Neo-Hittite Anatolia, but Luwians in the Old Hittite through the Neo-Hittite periods were one of several ethnicities: "We are probably right in assuming that the ethnic mix of the area was as variegated as earlier, including Canaanites, Aramaeans, Hurrians, Hittites and Luwians."[17] The above law protects Luwian men in Hatti from being abducted and returned to Luwiya. The phrase "formerly they gave 12 persons, but now he shall give 6 persons" is evidence of revision for a subsequent period, still during the Old Kingdom, and although it mitigates the original penalty, "6 persons" would have still been a costly fine for maltreating a Luwian man in Hatti's borderers.[18]

6.1.1.2. Mesopotamia

The earliest law collection (ca. 2100) from the city of Ur in Mesopotamia has been attributed to King Ur-Namma or his son Shulgi. Following the collapse of the Akkad Dynasty (ca. 2334-2193), Ur-Namma founded the Ur-III Dynasty and united the city-states of Sumer and Akkad, southern and northern Mesopotamia, respectively. The prologue reads: "[At that time, (I)], Ur-Namma, [mighty warrior, lord of the city of Ur, king of the lands of Sumer and] Akkad, [by the might] of the god Nanna, my lord, [by the true command of the god Utu(?)], I established [justice in the land(?)]."[19] It was Shulgi, however, who was known for his administrative

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[16] In addition to the Luwians, there are two extant laws that reference the *ḫipparaš*-man, but the nature of this person is elusive ("Hittite Laws" [Roth, *Law Collections*, 216, 220, 224-25]).

[17] Amélie Kuhrt, *The Ancient Near East c. 3000-330 BC* (2 vols. London/New York: Routledge, 1995), 2:411.

[18] Harry A. Hoffner, Jr.'s note (in Roth, *Law Collections*, 214) on Hittite legal revisioning applies to this law: "Even the OH [Old Hittite] copies occasionally indicate a process of revising an earlier form of the laws that has not come down to us. These notations are worded thus: 'Formerly they did such-and-such, but now he shall do such-and-such,' with the second ruling differing significantly from the former. Since the Main Version itself dates from the Old Kingdom, the earlier formulations marked by the word 'formerly' (Hittite *karū*) must belong to an early stage of the Old Kingdom, perhaps to the reigns of the very first monarchs, Labarna I and Ḫattušili I (first half of the seventeenth century)."

[19] "Laws of Ur-Namma" (Roth, *Law Collections*, 15). This section is damaged, and it is Roth's practice to bracket [ ] what has been restored from the broken original, and to

and judicial reforms and may have used his father's legacy to advance his own. Whether the laws originated from Ur-Namma or Shulgi, the royal intent was to maintain the land's equilibrium and to receive honor for doing so. In the prologue "Ur-Namma" isolates at least three groups of people from whom he liberated Sumer and Akkad: one, "the *nisku*-people"[20] who "had control of the fields"; two, the "sea-captains" who "had control of the foreign maritime trade"; three, "those who appropriate(?) [the oxen] … those who appropriate(?) [the sheep …]." Later he recounts that he, by the strength of god Nanna, "liberated Akshak, Marad, Girkal, Kazallu, and their settlements, and for Uṣarum, whatever (territories) were under the subjugation of Anshan."[21] Apropos to our study is this statement of liberation that follows a lacuna in the cuneiform tablet: "[…] I returned. I established freedom for the Akkadians and foreigners(?) in the lands of Sumer and Akkad, for those conducting foreign maritime trade (free from) the sea-captains, for the herdsmen (free from) those who appropriate(?) oxen, sheep, and donkeys."[22] While "foreigners" (*gi*[r_5-*ra*]) is a restored reading of a broken text, they are paired with the Akkadians as those "in the lands of Sumer and Akkad" who benefited from the king's liberation program. In contrast to the *nisku*-people and Anshan, who were a negative presence supplanted by the king, the *gi*[r_5-*ra*] "foreigners" were granted residence and freedom in Sumero-Akkadian city-states. The final words of the prologue read, "I established justice in the land,"[23] which probably functions as a synopsis of Ur-Namma's (or Shulgi's) record of actions, beginning with his care for Ur's subclasses: "I did not deliver the orphan to the rich. I did not deliver the widow to the mighty. I did not deliver the man with but one shekel to the man with one mina (i.e., 60 shekels). I did not deliver the man with but one sheep to the man with one ox."[24]

Four centuries after Ur-Namma, and two centuries after Lipit-Ishtar,[25] the law collection attributed to Eshnunna (ca. 1770) likely emerged during

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parenthesize ( ) additions to the English translation. The sign (?) indicates the bracketed reconstruction is questionable.

[20] The *nisku*-people were probably a menial or lower-class of persons: Roth, *Law Collections*, 271.

[21] "Laws of Ur-Namma" (Roth, *Law Collections*, 15-16). Anshan was an Iranian city, north of Persepolis (modern Tall-iMalyān): Roth, *Law Collections*, 267.

[22] "Laws of Ur-Namma" (Roth, *Law Collections*, 15).

[23] "Laws of Ur-Namma" (Roth, *Law Collections*, 17).

[24] "Laws of Ur-Namma" (Roth, Law Collections, 16).

[25] In the prologue of the laws of Lipit-Ishtar (ca. 1930), fifth dynast of Isin, Lipit-Ishtar announces that he liberated Sumer and Akkad, established justice, eradicated violence, restored children and fathers to each other, among other beneficent deeds. The first laws of possible relevance relate to the *miqtu*-person whom Roth (*Law Collections*, 24,

the reign of Dadusha, who later fell to King Hammurapi. Although more than one law may relate to our topic,[26] one stands out: "If a foreigner [*ubārum*], a *napṭaru*, or a *mudû* wishes to sell his beer, the woman innkeeper shall sell the beer for him at the current rate."[27] *Ubārum*, translated by Roth as "foreigner," may be more precisely rendered "Ortsfremder,"[28] a "resident alien" (*à la* Bodi above). The need for such a law may suggest that an *ubārum* (and *napṭaru* and *mudû* classes) was at times unjustly denied the prerogative of selling beer at the inn, or was permitted to sell beer only at a lower price, or was required to pay innkeepers a larger overhead to sell beer. All of these options imply that the law protected the *ubārum* from unfair trade. However, an *ubārum* may have been selling his beer at a higher rate, in which case, the law would reduce his profit margin to be equal to, but not lower than that of native citizens.[29]

6.1.1.3. Ugarit

The so-called "Ritual for National Unity" (RS 1.002; *KTU* 1.40), of an unknown date, was probably not the product of a single school since copies and variations of it have been discovered in different scribal hands from three different societal sectors within Ras Shamra.[30] This provides at least limited evidence that this ritual text was not esoteric. From the text's structure and its terminology for sin and sacrifice, Dennis Pardee reasons that, "The three principal themes in order of appearance would thus have been communion between human classes as well as between humans and gods,

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29) defines as a "palace dependent or client" (cf. Deut 24:14 and prologue-epilogue). Another law reads: "If he [a father?] takes a slave […] he dies […] an outsider […] marries(?) […]" ("Laws of Lipit-Ishtar" [Roth, *Law Collections*, 30]). Unfortunately, this tablet is irreparable.

[26] A second law from Eshnunna may be relevant, but not demonstrably. This law protects a man, captured and residing in a foreign land, from losing his wife to another: "If a man should be captured or abducted during a raiding expedition or while on patrol(?), even should he reside in a foreign land for a long time, should someone else marry his wife and even should she bear a child, whenever he returns he shall take back his wife": "Laws of Eshunna" (Roth, *Law Collections*, 63). Was this law also to be understood conversely, that is, protecting foreign captives residing in Eshnunna? If so, these persons would have been included in Eshnunna's *personae miserae* class as they would have been doubly victimized: captured, and unbeknownst to him, abandoned by his wife.

[27] "Laws of Eshunna" (Roth, *Law Collections*, 65).

[28] "*ubāru(m)*," *AHw* 3:1399; *CAD* 20:10-11.

[29] The underlying principle of equitable business practices for natives and non-natives alike has counterparts in H and the DC (Lev 25:35-36, Deut 24:14).

[30] "Ritual for National Unity" (Dennis Pardee, *Ritual and Cult at Ugarit* [SBLWAW 10; Atlanta: Society of Biblical Literature, 2002]), 78.

expiation of sin, and 'rectitude' in human and divine relationships."[31] This concern for communion between human classes includes the *gr* "foreigner," as well:

And return to the recitation of 'rectitude': rectitude of the daughter of Ugarit; and well-being of the foreigner (within) the walls of Ugarit [*w npy* (.) *gr ḥmyt . ỏgrt*].[32]

The phrase *w npy* (.) *gr ḥmyt . ỏgrt* "and well-being of the foreigner (within) the walls of Ugarit" occurs thrice (lines 18, 26, 35-6; although the lacunae in lines 18 and 26 must be reconstructed from line 35). After each occurrence, the text enumerates ethnic and societal minorities who might complain that they have been mistreated by the men or women of Ugarit.[33] It is plausible, then, that *gr ḥmyt .ỏgrt* "the foreigner within the walls of Ugarit" functions as a hypernym for the ethnicities who might state their complaints: Qaṭien, Hurrian, Hittite, and Alashian.

Whether or not this is the case, *gr ḥmyt .ỏgrt* likely refers to a non-indigenous resident in the heterogeneous state of LBA Ugarit.[34] Interpreting *gr ḥmyt .ỏgrt* as a foreign *resident* of Ugarit may be supported by a school text in which the student lists *gr yšb* (*yṯb*) "resident foreigner" along with 28 other basic terms (*KTU* 5.22.28).[35] Finally, in RS 1.002, a contrast is presented: your *yp* "beauty" might be *šn* "altered," but "rectitude" still must support the *npy* "well-being" of the resident foreigner, YM'AN, 'RMT, *Niqmaddu*, and the woman/wife.[36] Here the terms *npy* and *py*, translated "well-being" or "beauty," connote "the sum of political, social, and

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[31] "Ritual for National Unity" (Pardee, *Ritual*, 78).

[32] "Ritual for National Unity" (Pardee, *Ritual*, 83).

[33] "Ritual for National Unity" (Pardee, *Ritual*, 111-12 n. 113).

[34] It is difficult to determine who would have been considered a *gr* residing within this heterogeneous state. Not only was Ugarit inhabited by Hurrians and various ethnicities from Canaan, but foreign merchants, a group who appear frequently in Ugarit's archives, based their trade work in Ugarit. They had emigrated from Ura in Hittite Cilicia; Alashiya in Cyprus; likely Aegea (cf. Minoan and Mycenaean pottery); and probably from other cultures as well: Kuhrt, *Ancient Near East*, 1:302-03.

[35] Likely, *gr yšb* was a scribal error that should read *gr yṯb*: "*gr*," *DULAT* 1:306. Compare this to the *gr* and *tôšab* in Gen 23:4 גר־ותושב אנכי עמכם "I [Abraham] am an immigrant and sojourner among you," and the OT's priestly literature: כי־גרים ותושבים אתם עמדי "for you are strangers and sojourners with me" (Lev 25:23); גר ותושב וחי עמך "as an immigrant or sojourner, he shall live with you" (Lev 25:35); see also Lev 25:47; Num 35:15.

[36] "The word designating the well-being here is *yp*, cognate with Hebrew *yōpī*, literally "beauty," from the same root as *npy*; the reference appears to be social and political well-being typified by the beauty of a well-fortified and prosperous city": "Ritual for National Unity" (Pardee, *Ritual*, 112 n. 117).

economic unity and prosperity."[37] Although Ugaritic literature presents only the orphan and widow, not the *gr*, as recipients of the king's justice (see *CTA* 16, 17, 19; *KTU* 1.19:21-24 in §6.1.1 n. 12 above), the "Ritual for National Unity" (RS 1.002) promotes the total well-being of the *gr* figure residing within Ugarit's city walls.

6.1.1.4. Egypt

In the "Instruction(s)/Wisdom of Amenemope(t)," a wisdom collection probably dating originally to the Ramesside Period (ca. 1300-1075), the twenty-eighth chapter includes imperatives to act beneficently toward the widow, stranger, brothers, and poor:

> Do not pounce on a widow when you find her in the fields and then fail to be patient with her reply. Do not refuse your oil jar to a stranger [*m-ir-wn-ḏrḏr n-tʾy=k-mḏq.t*]; double it before your brothers [*qb-s ḥʾt-sn.w=k*]. God prefers him who honors the poor to him who worships the wealthy.[38]

Jaroslav Černý notes that the earliest occurrences of *ḏrḏr* mean "foreign," "strange," but later with slight morphological change it acquired the meaning "hostile."[39] He suggests that "it would not be surprising if in the end the original meaning of *ḏrḏr* were discovered to be 'to speak an unintelligible language'" (cf. the onomatopoetic Greek βάρβαρος).[40] "Foreigner," then, would be an acceptable translation. This may be strengthened by the parallelism since one is to give double the amount of oil to one's *sen* "brothers" (synthetically parallel second colon) as to a *ḏrḏr* (first colon).[41]

Consequently, we may affirm that Vincent Pierre-Michel Laisney appropriately translates *ḏrḏr* as *étranger* ("foreigner," "stranger") and associates ch. 28's widow and *étranger* motif with the widow and גר texts in the Hebrew Bible: "Il traite de la protection spéciale du à la veuve et à l'étranger. Ce thème de la protection des faibles était abordé dès le tout début de l'*Enseigment* et est repris tout à la fin, ce qui fait inclusion pour tout le livre. Le thème de la veuve et de l'étranger est fréquent dans la Bi-

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[37] In the context, the term *npy* "declares the benefit to be produced for a series of persons from the offering of the animal named in the section in question": "Ritual for National Unity" (Pardee, *Ritual*, 111 n. 112).

[38] "Instruction of Amenemope," translated by Miriam Lichtheim (*COS* 1.47:121).

[39] Jaroslav Černý, "Notes on Some Coptic Etymologies," in *Coptic Studies in Honor of Walter Ewing Crum* (Boston: The Byzantine Institute, 1950), 35-47.

[40] Černý, "Notes," 47.

[41] It is difficult to imagine that one would give half the amount to an Egyptian stranger. Cf. in the Hebrew Bible אח "brother" prerogatives are superior to those of the גר / תושב (Lev 25:39-48) and the נכרי (Deut 15:3).

ble."[42] This beneficence toward a non-Egyptian resident is not altogether remarkable in light of the social and ideational development of New Kingdom Egypt, as "Alien cultures, belonging all to communities that had been defeated in battle by the Egyptian conqueror, were now making their presence felt within the conqueror's country itself. It was infinitely more difficult to defeat ideas, and in any case the pragmatic Egyptians felt no need to annihilate race and beliefs."[43] Egyptians continued to disparage Nubians, Lybians, and above all, Asiatics, but the increased international presence in the empire must have induced some expressions of kindness toward foreign residents, as we find in chapter 28 of the Wisdom of Amenemope.

6.1.2. Defining the גר's Social Integration in the Deuteronomic Code

In addition to the above examples of openness in ANE law, ritual or wisdom toward certain non-indigenous residents, we must also infer that in certain laws non-indigenous residents were implied members of a land's inhabitants. Hammurapi's Mesopotamia, for example, was ethnically heterogeneous, and it is improbable that he was *closed* in his relationship toward non-indigenous residents, as he clearly was toward his foreign enemies. The allochthonous residents in his land were included in the "inhabitants/people of Sumer and Akkad" whom he liberated. Moreover, in Hammurapi's heterogeneous Mesopotamia, the "orphan and widow" might have included some *allochthonous* orphans and widows. Similarly in the DC, only certain non-Israelites, גרים not נכרים, were extended legal prerogatives (see §3.1.7.3). In contrast to the non-Israelite inhabitants of Canaan (Deuteronomy 7, 12, et al.), the גר in the DC was a non-threatening non-Israelite who lived within the parameters of deuteronomic Yahwism (see Deut 24:15). Therefore, D's addition of the גר to the orphan-widow dyad is, first, a *formal* or literary innovation that signals Israel's development of the traces of ANE societal openness to certain, but not all, outsiders (*contra* Ramírez Kidd).

The second innovation of the גר in D's *personae miserae* laws is simply that these are extant social reform laws. Several Mesopotamian kings boast in the prologues and epilogues of their legal codes that they enacted the will of their deities by enforcing justice and social reform. Norbert Lohfink rightly asserts that Hammurapi's aggrandizement is the most developed, even sketching a scene in the epilogue of an "oppressed man" who is invited to journey to the Esagila temple, read Hammurapi's stele that will

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[42] Vincent Pierre-Michel Laisney, *L'Enseignement d'Aménémopé* (StudPohl 19; Roma: Pontificio Istituto biblico, 2007), 224-25.

[43] Donald B. Redford, *Egypt, Canaan, and Israel in Ancient Times* (Princeton: Princeton University Press, 1992), 214.

"make the case clear to him," and then he can "set his mind at ease."[44] If an oppressed man actually read all 282 paragraphs of the law code proper, he would find no laws dealing with the "oppressed" or "poor." More than this, there is "no social legislation in the code of Hammurabi. Nor is such to be found in the laws of Ur-Nammu, nor in the laws of Lipit-Ishtar, nor in any other law collection of Mesopotamia."[45] However, what Lohfink calls "oppressed man" is better translated "wronged person" (*awīlum ḫa-ab-lum*), which in context indicates a victim who has a case against a violator of the law code.[46] Thus, a *personae miserae* member finds himself neither in this scene in the epilogue, nor in any of the laws in the code. By contrast, if a גר were to hear in D's prologue not of the king's protection, but of YHWH's protection for the orphan and widow, and love for the גר (10:17-19), that גר would indeed "make the case clear" and "set his mind at ease" upon reading that he was protected and provided for throughout the law code proper. Likewise, the orphan and widow find themselves both in D's prologue – as in Hammurapi's prologue – *and* in multiple laws with the גר in the DC. Hammurapi's code does not hold the king accountable to carry out justice for the deity (Shamash) on behalf of the orphan and widow, whereas in D the king, along with the rest of Israel, is accountable to the DC to carry out justice for the deity (YHWH) on behalf of the גר and other *personae miserae* (Deut 17:18-20).[47]

The third innovation of the גר in D's *personae miserae* laws is that these laws are motivated by formulaic propositions of Israel's historical experience and relationship with its deity. For this reason, the ideology underlying D's *personae miserae* legislation does not reflect an ANE hierarchical model whereby officials were expected to protect lower classes,[48] or a royal-political model whereby the king attempted to advance his reputation.[49]

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[44] Norbert Lohfink, "Poverty in the Laws of the Ancient Near East and of the Bible," *TS* 52 (1991): 34-50; see "Laws of Hammurabi" (Roth, *Law Collections*, xlviii, 3-19).

[45] Lohfink, "Poverty," 37.

[46] "Wronged person who has a case": *CAD*, "*ḫablu*," 6:16.

[47] Unlike this comparision between the DC and Hammurapi's Code, comparison between the HC and Hammurapi's Code is not intuitive because the HC has no prologue or epilogue, never juxtaposes the orphan and widow, and never refers explicitly to a king or royal action (verbal nor nominal form of מלך does not occur).

[48] Harriet K. Havice ("The Concern for the Widow and the Fatherless in the Ancient Near East: A Case Study in Old Testament Ethics" [Ph.D. diss., Yale University, 1978]) concludes from Egyptian, Mesopotamian, Ugaritic *and* Old Testament materials that ANE superiors (rulers, officials, kings, and deities) were responsible to show beneficence towards (and conversely, to not oppress) inferior classes.

[49] Many scholars, such as J. G. McConville (*Deuteronomy* [Apollos Old Testament Commentary 5; Leicester: Apollos; Downers Grove, Ill.: InterVarsity, 2002], 201), believe Deut 10:17-18 exhibits "a king exercising just and merciful rule." Yahweh assumes

Rather, "drawing on the treaty traditions of the ANE rather freely,"[50] vassal Israel's history of suffering under a foreign power (Egypt) and suzerain YHWH's beneficent deliverance are paradigmatic for treatment of the vulnerable classes within Israel.[51] D's openness to certain non-Israelites, גרים, is therefore expressed in the historically oriented עבד-Egypt formula, motivating beneficence toward the composite גר, and the גר-Egypt formula, motivating beneficence toward the גר *individuum* (see §4.4; and §6.3 below). Israel's ongoing dependence on YHWH for fertility in the land he gave them also motivated care for the landless גר, orphan, widow, Levite, as indicated by the formula: למען יברכך יהוה אלהיך בכל-מעשה "so that YHWH your God may bless you in all you do" (Deut 14:29; 16:15; 24:19). Where ANE texts expose traces of societal openness toward non-indigenous residents, such openness was hierarchically or royal-politically motivated. For the DC, compassion to certain non-Israelites was an expression of the Israelites' own identity, forged by various experiences in a foreign land and reoriented by the loving nature of their deity, YHWH himself.

Historical identity and *imitatio dei* are the foundational motivations, unparalleled in Near Eastern law, to fulfill the DC's vision for the גר and other *personae miserae*. Somewhat surprisingly, then, the DC, with the exception of Deut 23:4-9, is not chiefly concerned with the *religious* integration of the גר. This would appear to validate Sara Japhet's conclusion that the גר in the Hebrew Bible is not defined religiously, but sociologically.[52] Fol-

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royal responsibilities to defend the vulnerable. Commenting on a similar text, Deut 24:17-22, Jeffrey Tigay (*Deuteronomy* [JPS Torah Commentary; Philadelphia: JPS, 1996], 228) notes that "ancient Near Eastern wisdom literature and texts about the activities of kings" commonly mention the king's obligation to protect and provide for the welfare of the fatherless and orphans, but "concern for the alien [גר] is not nearly so common outside the Bible."

[50] McConville, *Deuteronomy*, 24.

[51] Anna Norrback (*The Fatherless and the Widow in the Deuteronomic Covenant* [Åbo, Finland: ÅboAkademisFörlag – ÅboAkademi University Press, 2001]) has argued convincingly, against Havice (see n. 48), that D does not reflect its aNE hierarchical neighbors, but emphasizes brotherhood and is shaped as a "national constitution, which uses the ancient Near Eastern treaty pattern and its terminology" (252). The pattern, then, is the people's loyalty to Yahweh, the great suzerain King, and Yahweh's beneficence toward the people (e.g., land grant and productivity), and particularly toward the *personae miserae*: "Deuteronomy also presents YHWH as the ideal superior who is the redeemer of the fatherless and the widow and who loves the alien. It is in his interest to protect them, the Israelites are expected to include them as a part of the nation" (Norrback, *Fatherless*, 252).

[52] Sara Japhet, "The Term *Ger* and the Concept of Conversion in the Hebrew Bible" (Jewish Culture and Contexts; ed. Theodor Dunkelgrun and Pawel Maciejko; Philadelphia: University of Pennsylvania Press, forthcoming); I express gratitude to professor Japhet for providing me with a pre-publication draft.

lowing Rashi's view that גר designates a social status of a temporary resident living among the Israelites, she argues that the גר in the Hebrew Scriptures came to reside in Israel for social, but never religious purposes. Rather, the גר obeyed the demands of Israel's deity only because this was the "rule of the God of the land."[53] Deities in the ancient Near East were associated with specific regions, so if a גר were to reside amicably in Israel, he had to fulfill the expectations of the deity of Israel's land (e.g., 2 Kgs 17:24–28).[54] Japhet also argues that religious conversion occurs only when one *consciously chooses* to adopt a new religion out of *religious convictions*. Applying Japhet's useful definition, it seems that the גר in H had the liberty to adopt Israelite religion out of an uncoerced will (Exod 12:48-49), but the גר in the DC may not have felt the same liberty.

Thinking similarly, Markus Zehnder infers: "Aus Dtn 24,15 lässt sich ableiten, dass dem גר für nicht-jahwistische religiöse Handlungen nur wenig Freiraum zur Verfügung stand, womit die Stellung des גר hinsichtlich seines Verhältnisses zum JHWH-Bund bereits relativ nahe an diejenige des vollbürtigen Israeliten rückt."[55] This might suggest that the גר in the DC was socially constrained to abandon non-YHWH religious activities and serve only the deity of the land of Israel. But if this text presumes Yahwism, it does not center on religious constraints, but prerogatives. In D only Israelites and the poor and needy גר are said to have the privilege of crying out to YHWH who is apparently inclined to respond justly to his cry (§3.1.8; see §3.1.3 on 10:17-19). Religious subservience to the stipulations of YHWH in the land of Israel is of less interest than the DC's YHWH-centric humanitarian aid for the disenfranchised. Such humanitarianism is why the landless גר is enjoined to fill his stomach joyfully with the food at YHWH's feasts of Shavuot and Sukkoth (§5.2.1.2). This controlling charity becomes even more clear in contrast to H's גר laws, which are also devoted to humanitarian care, but much less so (§5.2.1.2; §5.2.2.1; §5.2.2.2). In contrast to H, the DC decreases its *tôrâ* expectations for resident non-Israelites, something we would not expect were the DC primarily concerned that גרים simply obey the law of the deity of Israel's land. While H grants גרים a choice of offering sacrifices at the sanctuary, assuming that some were financially capable of doing so, the DC's system removes all

[53] Likewise Christiana van Houten, *The Alien in Israelite Law* (JSOTSup 107; Sheffield: JSOT, 1991), 102-6.

[54] Although the term גר is not mentioned in 2 Kgs 17:24-26, Sargon II and later Assyrian emperors settled foreigners from Babylon and other cities in Samaria; cf. גרים in 2 Chr 30:25.

[55] Markus Zehnder, *Umgang mit Fremden in Israel und Assyrien: Ein Beitrag zur Anthropologie des »Fremden« im Licht antiker Quellen* (BWANT 168; Stuttgart: W. Kohlhammer, 2005), 369.

expectations on גרים – who are always portrayed as landless dependents – to contribute to the sacrificial cult (§5.2.2.1). H prohibits both גר and native Israelite from eating a carcass, but the DC prohibits only the Israelite, but not the גר, from eating it (Lev 17:15; Deut 14:21). This law purposes not to exclude the גר from the central cultic community, but to meet his physical needs. In summary, the גר in the DC was integrated sociologically, but not religiously. The reason for this was not merely that the גר was obligated against his preferences to observe the law of Israel's deity, but that YHWH accommodated his *tôrâ* through Moses to alleviate the plight of גרים. The DC reduces both the stipulations for the resident non-Israelites, but also heightens the liability of Israel's landowners to protect them.

6.2. Religious Integration: The גר in Deuteronomy's Prologue and Epilogue

Japhet's conclusion may be generally true that the גר in the DC did not adopt Yahwism out of religious convictions and an uncoerced will, but this may be incompatible with one text in the DC, Deut 23:2-9, which prepares readers to encounter the גר in the epilogue, and, retrospectively explains the nature of the גר in the prologue. In Deut 23:2-9 we find a unit of laws that attempted to broaden the Israelite mind to incorporate into their community certain residential non-Israelites not just socially, but to a meaningful degree, religiously (see §3.1.7.2-§3.1.7.3).[56] Gottfried Seitz avows that Deut 23:2-9 attempts to answer the question, "Wer darf zu Israel gehören?", while Eckart Otto goes so far as to say Deut 23:2-9 regulates "die Aufnahme von Proselyten in die nachexilische Gemeinde."[57] While "conversion" language should be avoided for its modern connotations (and since, as Japhet has shown, it is often inaccurate for the גר), we may instead relate Deut 23:4-9 to *attaching* oneself to God's people, a possibility found elsewhere in the Hebrew Bible.[58] Further, if a non-Israelite attaches oneself to Israel out of a religious desire and free will, one's attachment

[56] Gerhard von Rad expresses how remarkable it is that the "harsh exclusiveness of the religion of Yahweh towards other cults" does not mandate here in Deut 23:2-9 a "wholesale rejection": *Deuteronomy* (OTL; Philadelphia: Westminster, 1966), 146.

[57] Gottfried Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart: W. Kohlhammer, 1971), 252; Eckart Otto, *Das Deuteronomium im Pentateuch und im Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens* (FAT 30; Tübingen: Mohr Siebeck, 2000), 257; this text, he says, is in contras twith Nehemiah's exegetical argumentation from the Pentateuch (Neh 13:1-4, 28).

[58] Kaminsky ("Election," 413) cites לוה "as the closest thing to conversion in the biblical period (Isa 14:1; 56:3, 6; Zech 2:15; Esth 9:27)."

would accompany or necessitate some degree of assimilation. Kenton Spark's comments, while inappropriate for all of D, apply to 23:4-9, the prologue, and the epilogue:

> In Deuteronomy, the most important criterion for community membership was one's status with respect to Yahweh, the national deity of Judah (and Israel). That the priority of this religious standard for group membership exceeded the ethnic requirement is quite clear, since it appears that a foreigner who joined himself to the national God (the assimilating גר) was quite readily accepted into the community. The foreigner who accepted this arrangement would necessarily have avoided non-Yahwistic "foreign" gods as well as any religious practices that were considered "non-Yahwistic" and were by association "foreign" practices. That Deuteronomy's preoccupation was more religious than ethnic is evidenced by the semantic range of גר ('sojourner'), which was broad enough to qualify people of almost any origin for a non-Israelite social position that invited cultural and religious assimilation.[59]

In particular for Deut 23:4-9, sustained residence in Israel and a favorable disposition toward Israel are requisite for one seeking religious assimilation. If a non-Israelite, initially identified as a נכרי "foreigner," came from ethnic origins that had historically blessed Israel, and he resided (גור) in Israel for two generations, ostensibly a period of testing his loyalty to Israel and YHWH, deuteronomic law regarded him as a גר who had become eligible to join YHWH's assembly privileged to gather, hear and obey the terms of the covenant, the word of YHWH to his people (Deut 23:2-9; §3.1.7.2; §3.1.7.3). The non-integration of the נכרי into YHWH's assembly explains why he is also characterized as one who was financially independent and had not settled within any Israelite town or resided in Israel's midst, and even if he did, a historically antagonistic attitude toward Israel indefinitely precluded him from entering the assembly of YHWH's people and enjoying the benefits of the גר (23:4-9).

I have argued that H's and D's גר laws are lexemically and often conceptually independent of one another (§5.1.5; §5.2), and yet another comparison is illuminating. H's criterion for the גר to participate meaningfully in Israel's religious expression, to celebrate Pesach is *physical* circumcision (Exod 12:48-49); D's criterion for the Israelite, and by inference for the YHWH-worshiping גר, is *spiritual* circumcision.[60] This sub-motif frames the DC

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[59] Kenton L. Sparks, *Ethnicity and Identity in Ancient Israel: Prolegomena to the Study of Ethnic Sentiments and their Expression in the Hebrew Bible* (Winona Lake, Ind.: Eisenbrauns, 1998), 264.

[60] Reinhard Achenbach claims there is a development from integration into the cultic ritual (Deut 29:10-12) to full integration through physical circumcision (Exod 12:49): "*gêr – nåkhrî – tôshav – zâr*: Legal and Sacral Distinctions regarding Foreigners in the Pentateuch," 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:

with a variation of human and divine agency: "circumcise the foreskin of your heart" (ומלתם את ערלת לבבכם; 10:16) and "YHWH, your God, will circumcise your heart and the heart of your descendants" (ומל יהוה אלהיך את־לבבך ואת־לבב זרעך; 30:6). Circumcising one's own heart is the logical (volitional *weqatal*[61]) response to YHWH's supremacy and love for Israel which results in Israel's election (10:14-15), but also, curiously, progresses poetically toward YHWH's love for the גר and the imperative of *imatito dei*, to emulate his גר love (10:17-19). In comparison, when YHWH circumcises Israel's heart, this impels love for YHWH (30:6), and, curiously again, we find on either side of this passage units that incorporate the גר into the covenant community – to enter and obey the terms of the covenant with Yhwh (29:10), and to read and obey *tôrâ* (31:12).[62] While Deut 23:2-9 could not prevent non-Israelites from religious involvement devoid of religious conviction, of love for YHWH, neither could it preclude non-Israelites, emigrating from nations who treated Israel humanely, from worshiping YHWH out of genuine commitment. Yet, we must at the same time affirm Japhet's important work, for the גרים reflected in D must have felt pressure to conform to the regional law of Israel's deity, even if the DC reduced that pressure by its accommodating tendencies toward the גר.[63] A number of גרים must have also sought admission into the religious community (*à la* Deut 23:4-9) for the social advantages that accompany assimilation, since the prologue and epilogue portrays the גר as a resident non-Israelite and non-Judahite who was not only a cultic participant (29:10; 31:12), but also legally protected against impartial adjudication (1:16-17; cf. 24:14-15); not noticeably predisposed to impoverishment (unlike the DC); in a client relationship with a patron (גרך/ו "your/his immigrant": 1:17; 5:14; 29:10; 31:12); and who enjoyed assimilation into "your countrymen," "all Israel," "the people" (1:16; 31:10-13). Just as the Israelites needed to circumcise and re-circumcise their hearts (10:16), the גר who had entered YHWH's assembly out of religious convictions could devolve into apathetic activity in the YHWH cult, as a non-Israelite minority might acquiesce to the directives of an Israelite majority. After all, while those addressed in ch. 29's covenant ceremony included the גר ("all of you"; 29:9-10), Israel's landowners were the ones accountable to administrate the *tôrâ* reading ritual, which meant enforcing that Israel's גרים were present (31:12-13).

Harrassowitz, 2011), 29-43. On the contrary, I have argued that Deut 29:8-12 and 31:10-13 must imply full integration into the covenant community (§3.1.12; §3.1.13).

[61] Waltke and O'Connor, *IBHS*, 536.

[62] So affirms Otto, *Deuteronomium im Pentateuch*, 143) stresses that "today" (*heute*) those enumerated in the list enter covenant with YHWH.

[63] See 2 Kgs 17:24-28 (n. 54 above); §5.2.1.2; §5.2.2.1; §5.2.2.2.

Zehnder asserts reasonably that the גר is present at these ceremonies to witness to the validity of the rights granted to him in the DC, but he also asserts less convincingly "selbst als (im Vergleich zum Vollbürger beschränkt) eigenverant- wortliches Glied der israelitischen Volks-gemeinschaft angesprochen und auf diejenigen Bundesbestimmungen verpflichtet wird, die auch für ihn gelten."[64] In order for the גר in these epilogue ceremonies to be a limited citizen bound only to national regulations, Zehnder must dissolve the discrepancy between the גר in the DC who, in contrast to native Israelites, is permitted to eat carcasses (14:21), and the גר in the epilogue who affirms the terms of the covenant. He, therefore, concludes that the גר is a member of עם ישׂראל "people of Israel" (31:12), but not a member of the עם קדוש "holy people" (14:21), and so was not liable with native Israelites to laws maintaining holiness (what Zehnder labels קדוּשׁה). However, such a bifurcation between "holy people" and "people of Israel" cannot be maintained.[65] In addition, the synchronic analyses of 29:8-12 and 31:10-13 will not allow us to interpret the גר's presence at these ceremonies as anything other than covenant integration (§3.1.12; §3.1.13). Jenny Corcoran avers, "Far from being an *aide-mémoire* for the Israelites of their redeemed state, or a recipient of hospitality, the resident alien was a fully participating member of the religious community."[66] More accurately, the evidence suggests *both…and*, rather than *either…or*: the גר was an embodied accountability to Israel's landowners to observe *tôrâ*, the deuteronomic legal core, by protecting and providing for him, *and* the גר in the P-E was fully accountable to the terms of the covenant. Therefore, the discrepancy between 14:21 and 31:12 is best explained as a development from the social to the social *and* religious integration of the גר. Deuteronomy 23:2-9 provides the legal mechanism for this religious integration. The קהל יהוה is best understood as the assembly of YHWH's people privileged to hear and observe YHWH's word (§3.1.7.2), and so when the non-Israelite is permitted to enter this assembly, Riecker correctly observes, "kommt einer Anerkennung als Israelit gleich."[67] In the vision of Deut 23:4-9 and D's prologue-epilogue, the גר was

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[64] Zehnder, *Fremden*, 369.

[65] Rainer Albertz, "From Aliens to Proselytes: Non-Priestly and Priestly Legislation Concerning Strangers," 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), 55.

[66] Jenny Corcoran, "The alien in Deuteronomy 29 and today," in *Interpreting Deuteronomy: Issues and Approaches* (ed. David G. Firth and Philip S. Johnston; Downers Grove, Ill.: InterVarsity, 2012), 239.

[67] Siegbert Riecker, *Ein Priestervolk für alle Völker: Der Segensauftrag Israels für alle Nationen in der Tora und den Vorderen Propheten* (SBB 59; Stuttgart: Verlag Katholisches Bibelwerk GmbH, 2007), 338.

forever marked as an ethnic non-Israelite (by gentilics אדמי, מצרי, et al.), but with respect to joining himself to YHWH's covenant people, he was undifferentiated from native Israelites.

6.3. Israel's Election and Deuteronomy's גר

In Deut 29:21-28 the נכרי "foreigner," in parallelism with כל־הגוים "all the nations" (v. 24), is captivated by a conundrum: why would YHWH devastate his covenant people and the land he gave them? This was, after all, never YHWH's intended outcome for Israel's election, which was beautifully enunciated in D's prologue:

ושמרתם ועשיתם כי הוא חכמתכם ובינתכם לעיני העמים אשר ישמעון את כל־החקים האלה ואמרו רק עם־חכם ונבון הגוי הגדול הזה
כי מי־גוי גדול אשר־לו אלהים קרבים אליו כיהוה אלהינו בכל־קראנו אליו
ומי גוי גדול אשר־לו חקים ומשפטים צדיקם ככל התורה הזאת אשר אנכי נתן לפניכם היום
[6] Observe them and do them, for this is your wisdom and your understanding in the sight of the peoples, who when they hear all these statutes, will say, 'Indeed this great nation is a wise and understanding people.' [7] For what great nation is there that has a god so near to it as YHWH our God is to us, whenever we call upon him? [8] And what great nation is there, that has statutes and rules as righteous as all this law that I set before you today? (Deut 4:6-8)

The nation of Israel, positioned in the Levant at the intersection of three continents, was dwarfed in geography, population and political power, by its neighbors. According to this passage, however, Israel's election, YHWH's nearness, and Moses' *tôrâ* were instruments of inspiring international awe. Israel's borders were to be porous for non-Israelites to encounter YHWH's proximity and Israel's sagacious law. David Frankel remarks, "The borders, in this conception, no longer serve a double function. They are meant to keep the Israelites in but not to keep the outsiders out."[68] The DC, however, provides limitations on those who were permitted to enter these permeable borders: the foreigner (נכרי) whose nation was antagonistic toward Israel might pass into Israel's land but would forever be alienated by the covenant community (see §3.1.7.3), and YHWH urges Israel to annihilate the inhabitants of Canaan because of their abominable practices (i.e., Deut 7:1-26, see v. 2).

The גר was also a non-Israelite, but by contrast, was allowed to assimilate into Israelite society (§6.1), and if he desired, into YHWH worship, too (§6.2). James Okoye believes that "texts where captives, slaves, and

[68] David Frankel, *The Land of Canaan and the Destiny of Israel: Theologies of Territory in the Hebrew Bible* (Siphrut 4; Winona Lake, Ind.: Eisenbrauns, 2011), 398.

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."[69] This is a reasonable implication for the term "mission," but if we accept it, Okoye's conclusion is incompatible with the DC's humanitarian concern for the גר. Recall our discussion of the גר-Egypt and עבד-Egypt formulae, for example (§4.4). The גר-Egypt formula, based on a reciprocity principle, motivates srael's kindness *and* empathy toward the גר by acknowledging Egypt's care for Jacob's family (as גרים) *and* living as dependent, allochthonous residents in Egypt.[70] The עבד-Egypt formula with a statement of YHWH's redemption employs an *imitatio dei* principle: just as YHWH redeemed Israel from exploitation in Egypt, so Israel must redeem others vulnerable to exploitation in Israel.[71] On an existential level, the גר encounters YHWH's redemption of Israel vicariously through Israel's redemptive activities (see §5.2.1). The עבד-Egypt formula without mention of YHWH's redemption of Israel implies an inversion principle: Israel worked ruthlessly in Egypt to build store cities so that Pharaoh could hoard his surplus, but now Israel's landowners must give away their surplus at no cost to *personae miserae*.[72] Additionally, Deut 14:21 (and 26:1-19) recasts Israel's election as YHWH's holy people as a responsibility to imitate YHWH's own generosity toward the *personae miserae* גר (§5.2.2.2).

Generosity, however, is not by necessity interchangeable with love. After all, does not Deut 7:7-9 teach that YHWH elects and loves only Israel? Jeremy Cott avers that in the Bible there is "a distinct theology of the stranger that is, in spirit, the exact opposite of the idea of election."[73] The problem with this view, as far as D is concerned, is that Deut 7:7-9, a classic text on Israel's election, cannot be divorced lexemically or ideologically from Deut 10:14-22, which compels love for the גר (vv. 18-19).[74] Note the correlations:

1. Panegyric creed of YHWH's nature (7:9-10; 10:17-18)
2. Out of all the nations, YHWH set his affection (חשק) on Israel's ancestors, loved them (אהב),

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

[70] Exod 22:20; 23:9; Lev 19:34; Deut 10:19; 23:8.

[71] Deut 5:15; 15:15; 24:18.

[72] Deut 16:12; 24:22.

[73] Jeremy Cott, "The Biblical Problem of Election," *JES* 21 (1984): 199-228 (207).

[74] See Albertz, "Aliens," 55. In addition to the creedal language, Georg Braulik observes that in 7:9 and 10:17 *'ēl* "God" is articular, unlike the anarthrous *'ēl* in Deut 4:24, 31 which resembles the Canaanite El (*Studien zur Theologie des Deuteronomiums* [SBAB 2; Stuttgart: Katholisches Bibelwerk, 1988], 280).

and elected them/you (בחר) (7:7-8; 10:15)[75]
3. YHWH redeemed Israel from Egypt (7:8; 10:21)
4. Therefore obey YHWH's decrees (7:11; 10:20)[76]

YHWH loves Israel, resulting in election and covenant (7:7-8; 10:15), and YHWH loves the גר, resulting in the command for Israel to love the גר (10:18-19). Here Israel's election is the precursor to Israel's love for the גר.[77] Jacques Guillet contends that this is a claim that can only come from faith, "A la base, une affirmation qui ne peut venir que de la foi: 'Dieu aime l'étranger' (10:18). Pour en mesurer le poids, il faut se souvenir que toute l'histore d'Israël est née de l'amour de Dieu pour le peuple qu'il a choisi."[78]

To these texts we may profitably apply Joel S. Kaminsky's categories of elect, anti-elect, and non-elect.[79] In the Hebrew Scriptures YHWH directs Israel, the elect, to annihilate the *anti*-elect, the Amalekites, Midianites, and Canaanites. However, the majority of Israel's interactions with non-Israelites were with the *non*-elect, those who are neither constituents of the elect people of Israel, nor of the anti-elect predetermined for destruction.[80] Kaminsky avows that "the same theology of election that sometimes called

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[75] For the parallel use of חשק in 7:7 and 10:15, see Seitz, *Redaktionsgeschichtliche Studien*, 165 n. 224, 218 n. 392.

[76] Braulik (*Theologie*, 277) properly traces 7:8-11's trajectory: "In der freieren, dreigliedrigen Form, die auch in 7,8-11 vorliegt, wird aus einem Rückblick in die Geschichte (I) eine grundsätzliche, glaubensmäßige Folgerung gezogen (II), die dann in Konsequenzen für das Handeln, konkret die Gesetzesbeobachtung mündet (III)." Such movement from creed to legal obedience recurs, perhaps nowhere more clearly in D, than in 10:17-20.

[77] "This is unusual," Richard D. Nelson observes, "not only because the beneficiaries of this love are non-Israelites, but because elsewhere Deuteronomy commands love for Yahweh, not for other humans": *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox, 2002), 137; we have noted earlier that in D, YHWH commands Israel through Moses to direct its love (אהב) toward only two objects: YHWH (5:10; 6:5; 7:9; et al.) and the גר (10:19) (see §3.1.3). Dtr's theology of election, notes Paul-Eugène Dion, engenders YHWH's inexplicable love for the patriarchs (4:37; 10:15) *and* YHWH's creation of all nations: "Combien de temps l'insistance unilateral du Deutéronome sur les privileges d'Israël allait-elle pouvoir échapper à l'influence d'une comprehension bien mûrie de l'unité des humains dans l'oeuvre et dans les desseins d'un meme Créateur?": "Israël et l'Étranger dans le Deutéronome" in *L'Altérité. Vivre ensemble differents. Approches Pluridisciplinaires: actes du Colloque pluridisciplinaire tenu a l'occasion du 75e anniversaire du College* (Montreal/Paris: Cerf, 1986), 233. In Dion's thinking, the pre-exilic Dtr editors developed the concept of election from the pre-Dtr concept of covenant.

[78] Jacques Guillet, "L'étranger dans la tradition biblique." *Christus* 38 (1991): 173.

[79] Joel S. Kaminsky, "Did Election Imply the Mistreatment of Non-Israelites?" *HTR* 96 (2003): 397-425, esp. 425.

[80] Kaminsky, "Election," 409.

for the wholesale destruction of the anti-elect *elsewhere* gave rise to some of the most sensitive ideas concerning the treatment of aliens and foreigners [non-elect] found anywhere in the ancient world" (italics mine).[81] What we find not elsewhere, but in parallel election texts within the same deuteronomic prologue (see nn. 74-76), is the imperative to annihilate the native inhabitants of Canaan (7:1-2) and to love the גר (10:17-19), whom I have argued must be a non-Israelite (§3.2.3). Similarly, notice the bizzare, but possibly planned, juxtaposition of chs. 25 and 26: elected Israel must blot out the memory of the Amalekites (25:17-19), but elected Israel must also give generously to the Levite, גר, orphan and widow (26:11, 12, 13, 17-19).[82]

Nonetheless, are we are not still obligated to infer that YHWH's election of Israel and not other nations is a byproduct of ethnocentrism? Kaminsky rejoins with an analogy to human love:

> After all, is it not true that no human lover relates to his or her beloved in the same way that he or she relates to all other people in the world? And does one love other families as much as one's own?… The Hebrew Bible's assertion of God's special love for Israel suggests that God relates to humans in a much more profound and intimate way than the notion that God has a generic and equal love for all humans implies.[83]

Our research on the גר in D provides another element to this analogy. Inasmuch as it was the liability of the *paterfamilias* to supply food and clothing for the members of his household,[84] YHWH assumes this human role for the גר (Deut 10:17-19; cf. §3.1.3). In the DC, for the non-Israelite and non-Judahite גר within Israel's borders, YHWH acts as a *surrogate paterfamilias*, roughly analogous in modern terms to a loving foster parent. Although he does not elect these non-Israelites, he sets his affection on them because he is predisposed toward those who live among his own children, but lack the protective care of their own patriarch. As foster parents are often inclined to not merely assist their foster children, but adopt them, YHWH offers through Deuteronomy 23 something of an adoptive process to extend to eligible non-Israelites the prerogative to worship him on his terms with the rest of his people.[85] In sum, the DC envelops the *personae miserae* גר

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[81] Kaminsky, "Election," 408.

[82] Thus, the conceptuality of election in the prologue (chs. 7 and 10) is also found in the law code proper (chs. 25-26). Dion ("l'Étranger," 226-29) argues that the earliest stratum of D reflects pre-deuteronomic materials that enjoined Israel both to care for the "l' immigrant" גר (chs. 12-26) *and* exterminate Canaan's inhabitants (ch. 7).

[83] Kaminsky, "Election," 424.

[84] King and Stager, *Life*, 36-40.

[85] In this restrictive sense, Philipp Enger's title, *Die Adoptivkinder Abrahams*, is appropriate.

into the care of Israel's landowners as a tangible and human extension of YHWH's love (10:17-19), whereas D's prologue and epilogue actualizes ch. 23 by meaningfully integrating the eligible גר into Israel's religious congregation.

6.4. Conclusions

In this chapter, we have investigated the extent to which D integrates the גר, a non-Israelite and non-Judahite resident, into the social and religious community of YHWH's people. In the DC, the גר is portrayed as a member of the *personae miserae* class, as one beyond the protection and provisions of an Israelite *bêt-'āb*, often clustered with other landless individuals (Levite, orphan, widow), and contingent on the DC's humanitarian system for his survival. This humanitarian response to the גר is not tantamount to ANE hospitality (§6.1). Rather, motivated by the principle of *imitatio dei*, Israel's landowners were to extend beneficence toward certain non-Israelites living in Israel's towns.

This openness toward certain allochthonous persons (e.g., the גר but not the נכרי) is paralleled in vestiges of societal openness in the ANE. We surveyed examples from different literary genres – law, wisdom, and ritual – from Anatolia, Mesopotamia, Ugarit, and E4gypt, and we found that these texts idealize the protection of certain non-indigenous residents (§6.1.1). Analyzing these ANE comparative materials allowed us to define three novelties of the DC's גר texts: first, the DC's addition of the גר to the orphan-widow dyad is a literary innovation that marks Israel's development of the traces of ANE societal openness to selected outsiders; second, D's *personae miserae* גר laws stand alone among the law codes of the ancient world as actual social reform laws; third, D's *personae miserae* גר laws are motivated by formulaic propositions of Israel's historical experience and relationship with its suzerain, YHWH (see עבד-Egypt and גר-Egypt formulae).

We then considered the nature and mechanisms of D's religious integration of the גר (§6.2). We have found Sara Japhet's conclusion to be generally true that the גר in the DC did not embrace Yahwism out of personal, religious convictions. However, one text in the DC, Deut 23:2-9, does allow for the qualified גר to adopt Yahwism out of an uncoerced will and, consequently, be assimilated socially and religiously into the contingent of YHWH's people. Readers encounter the fully integrated גר in D's prologue and epilogue. Next, we found that in D, YHWH's election of Israel and love for the non-Israelite גר are not incompatible, but interconnected, both literarily and ideationally (§6.3). YHWH loves Israel, resulting in election and

covenant (7:7-8; 10:15), and YHWH loves the גר, resulting in the imperative for Israel to love the גר (10:18-19). This interconnection of election and tangible compassion for the גר is also evident in the law code proper (14:21; 26:1-19). Lastly, we applied and nuanced Joel Kaminsky's categories of elect, non-elect, and anti-elect to explain YHWH and Israel's mission to the גר in the Pentateuch's culminating book.

To be precise, however, D's גר laws do not call Israel to a *centrifugal* mission to leave its borders and disseminate Yahwism. Nor do they conspicuously promote a *centripetal* mission to attract nations to itself and to YHWH,[86] as Deut 4:6-8 might suggest in a way that ideationally anticipates non-Israelites streaming to Jerusalem (Isa 2:2-4), to join themselves to the house of Jacob (גרים in Isa 14), worship YHWH on Mt. Zion (נכרי in Isa 56:1-7/8), and even serve as priests in the Jerusalem temple (Isaiah 66).[87] Instead, D's גר laws mandate, what we might call, *centrifocal* mission to represent the beneficent nature YHWH to those disenfranchised non-Israelites who already inhabited the geographical center of Israel (10:17-19). This mission, at least as far as religious integration is concerned, was also *conditional*: Israel is enjoined to bless residential non-Israelites whose nations of origin had conventionally blessed Israel (Deut 23:4-9). Such conditionality codifies the spirit of YHWH's promise to Abram in Gen 12:3:

ואברכה מברכיך ומקללך אאר ונברכו בך כל משפחת האדמה

I will bless those who bless you, and the one who dishonors you I will curse, and in you all the families of the earth will be blessed.

The minuscule, prepositional phrase בך has engendered a number of plausible interpretations, and Deuteronomy's גר legislation offers us yet another: "*among you* all the families of the earth shall be blessed."

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

[87] See Frankel, *Land of Canaan*, 398-99; John N. Oswalt ("The Nations in Isaiah: Friend or Foe; Servant or Partner" *BBR* 16 [2006]: 50-51) contends that Isaiah 56-66 is framed by 56:1-7 and 66:18-24 so that readers will regard "the statements about submission of the nations to Zion (not only in chs. 60-62 but also in 45:14-17 and 49:22-26) as partial and not final. God wants the nations to come into his house (56:7) to worship him (66:23)…."

Chapter 7

Conclusion

From the history of research on the גר in Deuteronomy (D), I identified five gaps or conflicts that I have attempted to close or resolve through this study (see §2.4). *First*, in ch. 1, I sought to show that the variegated nature of the topic warrants a heretofore unused, multi-dimensional approach, one that examines syntagmatic and contextual features, inner-biblical phenomena, and theological and sociological elements. *Second*, historical reconstructions of the referents and motives for drafting D's גר laws have decentralized synchronic features and have thereby risked superimposing unsatisfying theories on the data. Since diachronic theories, which this study does propose (§4.5-4.6; §5.1.5), are only as valuable as their success in explaining synchronic features, I presented a synchronic analysis of each of D's גר texts (ch. 3). This laid the foundation for chs. 4-6, and especially for: 1) critiquing arguments to catalogue D's גר texts by theme or by separate historical referents; 2) identifying the גר's non-Israelite and non-Judahite ethnic origins; and 3) discerning D's rhetorical potency with respect to the גר figure. *Third*, historical reconstructions of D's גר legislation, preoccupied with later historical influences, have failed to give adequate consideration to the narratival dimension of D's laws. This study has, instead, examined in detail D's גר-Egypt and עבד-Egypt formulae in light of the Genesis and Exodus narratives (ch. 4). Also, we have interfaced data from our analysis of these formulae with a growing consensus on the Pentateuch's *Überlieferungsgeschichte*. *Fourth*, in light of the major difficulties that accompany a "reconstructive" dating approach to D's laws, I explained the benefits of a "relative" dating approach that gives priority to empirical data, namely, the indicators of the direction of literary influence between the Pentateuch's genetically related laws. I argued that D has revised certain גר laws from the Covenant Code (CC), but has diverged both lexically and often conceptually from גר laws from the Holiness (H) collection. Our inner-biblical analyses have uncovered D's theological and sociological tendencies displayed in its גר laws. *Fifth*, scholarship has not adequately explained D's גר legislation in terms of its vision to integrate the גר socially and religiously. Scholarly comparisons with ANE societies have proven to be insightful, but have not carefully represented the data of D's גר texts. In response, I have offered more precise conclusions regard-

ing ANE comparative material and their implications for D's social integration of the גר. Finally, I explored D's mechanism to integrate the גר into YHWH religion, and considered the implications of Israel's election for its relationship with the גר. Through these five endeavors to advance the research, I have derived the following primary conclusions.

Deuteronomy's גר texts are in many respects pluriform and disparate from one another (§3.1). Even so, the fact that they resist being cleanly sub-divided by themes or historical referents bespeaks their continuity (§3.2.1-3.2.2). This continuity between the גר texts throughout D is forged by four features: one, D's גר texts are multi-functional, overlapping thematically and, at times, intertextually (§3.2.1); two, there are signs that the גר throughout D is of non-Israelite and non-Judahite ethnic origins (§3.2.3); three, lexemes that qualify the גר recur throughout the book (אשר־בשעריך, et al.; §3.3); and four, the גר is involved in several societal sectors, both in the prologue-epilogue (P-E) and in the law code proper (DC) (§3.3). There are, however, important distinctions between the גר in the P-E and the גר in the DC (see chart in §3.3). The DC attempts to integrate the גר socially to supply his material needs, whereas the P-E envisions that the גר could be meaningfully integrated both socially and cultically into the contingent of YHWH's covenant people. Although the P-E and DC probably reflect distinct historical eras, we must admit that the available data is insufficient to reconstruct the historical factors that may have partly or wholly generated the social and religious differences between the גר in the DC and the גר in the P-E.

In a canonical and redaction critical reading, Deut 23:2-9 has the power to explain the differences between the גר in the DC and the גר in the P-E (§3.3). The non-Israelite, originally marked as a נכרי, could prove his loyalty to YHWH and his people if he resided for three generations in Israel's land and he originated from a nation who treated Israel positively (§3.1.7.2). Meeting these conditions changed his status to that of a גר who had the prerogative to enter into YHWH's assembly (קהל יהוה), that is, to become a member of the people of YHWH privileged to gather, hear and obey the word of YHWH. The DC entrusts the *personae miserae* גר to the care of Israel's landowners as a tactile extension of YHWH's love (10:17-19), whereas the P-E actualizes Deuteronomy 23 by assimilating the eligible גר into Israel's religious congregation. Deuteronomy affords the גר the opportunity to adopt Yahwism not only out of subordination to the law of the land of Israel's deity (see Japhet), but also out of religious convictions and an uncoerced will (§6.1.2; §6.2). Religious assimilation into YHWH's assembly would have been accompanied by a social evolution. Deuteronomy 23, possibly a postexilic addition, explains how the *personae miserae* גר of the DC entered the contingent of YHWH's people and became a client

גר, joined to a patron (hence, "*your* גר" in P-E) and accountable to obey *tôrâ* and affirm the terms of YHWH's covenant (chs. 29, 31). Listening to D as homiletic composition subverts Israel's expectations and prejudice: the גר who once ate profane carcasses and was outside God's people (14:21) now affirms loyalty to YHWH's covenant as a member of the Israelite cultic community (chs. 29, 31).

The DC's protection and provisions for the גר, as well as the orphan, widow and Levite, do not exemplify ancient Near Eastern (ANE) hospitality (intro. to ch. 6), nor does the DC stand alone in the ANE in its openness toward *particular* allochthonous individuals (i.e., toward the גר, but not the נכרי). A majority of ANE *personae miserae* texts evince a closed societal system that would account for the absence of a non-indigenous class in their protective laws (e.g., the orphan-widow dyad), but Amarna period Canaan, Anatolia, Mesopotamia, Ugarit and Egypt have each left traces of legal and wisdom literature that endeavor to protect defined subsets of non-indigenous residents (§6.1.1). The DC's augmentation of the גר to the orphan-widow dyad is novel in three respects (§6.1.2). One, it is a *formal* or literary novelty that marks Israel's development of the vestiges of ANE societal openness to particular, but not all, outsiders. Two, the גר in DC's *personae miserae* laws is innovative simply because they are extant social reform laws, which are unparalleled in ANE law codes (also note contrasts with the Code of Hammurapi in §6.1.2). Three, ANE intimations of societal openness to non-indigenous residents were hierarchically or politically motivated, but for the DC, such openness was embedded in Israel's own identity, shaped by its diverse experiences in Egypt and reoriented by the generous and redeeming nature of its deity, YHWH.

These diverse experiences in Egypt are recalled by virtue of D's גר-Egypt and עבד-Egypt formulae (§4.1). These formulae, I have argued, are semantically distinct both in the Tetrateuch and in D (§4.1-4.4). The גר-Egypt formula is based on a reciprocity principle: Egypt's kindness to Jacob's family (גר) and Jacob's family's residence as allochthonous dependents was to be reciprocated by Israel's kindness *and* empathy toward the גר residing in Israel's land (Deut 10:19; 23:8). The עבד-Egypt formula with YHWH's redemption is based on an *imitatio dei* principle: YHWH redeemed Israel from exploitation in Egypt, and Israel must imitate him by redeeming vulnerable persons from exploitation in Israel (5:15; 15:15; 24:18). The עבד-Egypt formula without mention of YHWH's redemption indicates an inversion principle: onerous labor to build store cities for Pharaoh to hoard his surplus was to be inverted by Israel's landowners when they give away their surplus without demanding agonizing work in return (16:12; 24:22). Corresponding to their distinct meanings, the עבד-Egypt and גר-Egypt formulae reflect distinct literary origins and provide empirical data related

to the Pentateuch's transmission history (§4.5-4.6). The גר-Egypt formula, reflecting the Genesis account of Israel's origins, intersected with the עבד-Egypt tradition (formula, et al.) of the Moses story prior to the exile. In the final form of D, the formulae coexist in fruitful tension as distinct ways to interpret and recontextualize Israel's origins.

The particulars of D's transmission history, however, cannot be reconstructed from the available data (see §5.1.1-5.1.2). Consequently, I have deliberately limited my inquiry to a relative dating approach to inner-biblical revision that centers on observable data, namely, the indicators of the direction of literary influence (§5.1.3-5.1.4). With the explicable exception of Exod 20:11, and possibly Lev 19:33-34, the Holiness (H) גר laws are not intertextually related to D's, but they present a unique conceptuality that should be compared and contrasted with D's own conceptual world (§5.1.5). The evidence indicates, instead, that D's Decalogue revises Exodus,' and the DC revises the CC. Deuteronomy's revision of H's Sabbath word (Exod 20:8-11) exposes the גר to the ongoing benefits of YHWH's redemption of Israel (§5.2.1.1). Deuteronomy 16's revision of prior CC festival laws, as well as comparisons with H, signify that D granted the גר the possibility of experiencing the gamut of emotions engendered by Israel's formative history: the גר somberly consumed the unleavened bread of D's Pesach-Matzoth ritual, but also joyfully ate the festive meals at Shavuot and Sukkoth (§5.2.1.2). Deuteronomy's inner-biblical revisions also exhibit a *Tendenz* of accommodation to meet the physical needs of the גר. Sovereign Yhwh is the exemplar. He accommodates to the גר by assuming the role of a surrogate *paterfamilias*. Israel must emulate him by obeying D's doubly accommodative *tôrâ*, which heightens expectations on Israel's landowners to provide for the גר and lowers cultic expectations on the גר (10:17-19; §5.2.2). H offers the גר the option of offering sacrifices at the sanctuary, whereas the DC's humanitarian program removes any and all expectations on the *personae miserae* גר to contribute to the sacrificial cult (§5.2.2.1). H precludes both גר and native Israelite from consuming a carcass, whereas D precludes only the Israelite, not the גר, from consuming it (§5.2.2.2).

Deuteronomy's principles of vicarious redemption and accommodation indicate that the DC is less concerned than H that the non-Israelite and non-Judahite גר acquiesces to the law of the deity of the land of Israel (cp. H's "one standard" with 2 Kgs 17:24–28). Finally, D teaches that Israel's election entails a concomitant responsibility to imitate YHWH's generosity toward the *personae miserae* גר (§6.3). To our analysis we have applied the useful categories of elect, non-elect and anti-elect, as defined by Joel Kaminsky. Deuteronomy 14:21 redefines Israel's elect status as YHWH's holy people in terms of cultic purity *and* a calling to emulate YHWH's ma-

terial benevolence toward the non-elect גר. Furthermore, elected Israel must both annihilate the Amalekites (25:17-19), and in the next chapter, live out its election by giving generously to the Levite, גר, orphan and widow (26:11, 12, 13, 17-19). Third, and perhaps most importantly, Deut 7:7-9, a model text on Israel's election, cannot be detached lexically or ideologically from Deut 10:14-22, which enjoins Israel to love the גר. YHWH loves Israel, resulting in election and covenant (7:7-8; 10:15), and YHWH loves the גר, resulting in his command for Israel to love the גר (10:18-19). These intertexts in D's prologue indicate that Israel's election preconditions Israel's love for the גר.

Three cardinal areas remain for further research. First, when the transmission history and sociological influences of a biblical text, book or corpus are elusive, then scholars must forego attempts at reconstruction, provocative as such attempts are, and redirect investigation toward empirical data, such as signs of the direction of literary influence between two genetically related texts. The methodology that I have employed in ch. 5 could be developed and applied to D's reuse of other laws, but also to the reuse of גר texts throughout the Hebrew Bible and to allusions to the גר in the New Testament.[1] Second, when the data are available to reconstruct with confidence the historical provenance of a גר text, scholars should develop diachronic proposals. In such cases, reconstructing an Israelite society with particular attention to the גר within that society may be a fruitful avenue of research. Third, Israel's election and attendant responsibility to care for the non-Israelite, non-elect גר in Israel's land has enduring import for multicultural contexts today (see §6.3). Deuteronomy's גר laws are germane to those who consciously derive ethical principles from the Hebrew Scriptures, and who are privileged to have in their midst allocthonous residents, such as immigrants, international students, or refugees. These laws may be

[1] Examples of genetically related גר texts may include: Gen 23:4 and 1 Chr 29:15; Gen 23:4 and Ps 39:12; Exod 2:22 and 18:3; Jer 14:8 and Job 31:32. For inner-biblical legal interpretation of גר texts, consider: the reuse of lexemes within H (for H laws, see §5.1.5; §5.2); other texts that reuse H lexemes (e.g., Josh 8:33; 20:9; Ezek 14:7; 47:22, 23; for Ezekiel's reuse of H, see Mark A. Awabdy, "YHWH Exegetes Torah: How Ezek 44:7-9 Bars Foreigners from the Sanctuary," *JBL* 131 (2012): 685-703; texts that appear to repeat or reformulate D's גר, orphan, widow triad (Ps 94:6; 146:9; Zech 7:10; Mal 3:5); texts that might reuse D's triad and the lexeme ינה "to oppress" from Exod 22:21 and Lev 19:33 (Jer 7:6; 22:23; Ezek 22:7, 9); and texts that reflect other deuteronomic language (cp. Deut 29:10; 31:12 to Josh 8:35). Possible allusions to גר imagery in the NT include Eph 2:12, 19; Heb 11:13; 13:2. 1 Peter 2:11 enjoins Christians to live holy lives as παροίκους καὶ παρεπιδήμους "immigrants and strangers," which is probably an allusion to Gen 23:4 (גר־ותושב; πάροικος καὶ παρεπίδημος). Psalm 39:12 (G = Ps 38:13) also uses both adjectives and may be in intertextual dialogue with Gen 23:4.

particularly apropos to the ongoing struggles between Jews, Christians, and Muslims residing as minorities in one another's lands. After all, D's גר legislation is not *foreign* to any of the three, primary monotheistic religions – God's *tôrâ* mediated through Moses is respected by Muslims, and authoritative to various degrees for Jews and Christians. But constructing and embodying contextual גר theologies will be a messy undertaking. Only when we resolve to live in the midst of the complex, biblical visions for the ancient גר do we appropriate the power that these visions have to reform our relationships with the גר in our midst.

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Source Index

Genesis
1 195
1:1-2:3 194, 195, 196
1:9-12:51 130
1:27 139
2 196
2:2-3 195
2:8 139
9:1 139
9:4 216
12 138
12:1-3 139
12:3 67, 77, 250
12:9 130
12:10 3, 130
12:10-20 131
12-50 159
13:10 139
15 135, 138, 158
15:13 4, 5, 132, 135, 162, 187
15:13a-b 135
16:17 138
17:12 80
17:27 80
19:9 3, 130, 131
19:16 48, 192
19:27-29 130
19:30-38 68
20:1 3, 130
21:23 3, 130
21:32-34 131
21:34 3, 130
23:4 5, 130, 131, 159, 187, 235, 255
23:4a 133
23:9 141
23:17 141
23:19 141
24:11 100
24:13 100
24:19 100
24:20 100
24:43 100
24:44 100
24:45 100
25:9 141
26:1 130
26:2 130
26:3 3, 130
27:6 154
27:42 154
27:44 154
27:45 154
32:5 3, 130
32:7 154
35:1 154
35:1-27 137
35:27 3, 130
35-50 130
37:1 131
37:2-50:26 130
37:5-10 140
37:12-17 137
37:25 137
37:36 137
37-50 136
41:1 137
45:1-15 137
45:5-7 137
45:10 138, 139
45:10-20 138
45:11 138
45:12 138
45:13 138
45:14 138
45:15 138
45:16 138
45:18 139
45:19 140
45:20 139, 140
45:21 140
45:22 140
45:23 140
45:27 140

45:28 138
46:1 138
46:1-3 137
46:1-4 140
46:3-4 137
46:3-4 141
46:5 138, 140
46:6-27 138
46:28 138, 140
46:29-30 138
46:31 138
46:32 138
46:33-34 140
46:34 132, 138, 139
46:34-47:4 138
47:1-10 138
47:3 132, 138
47:4 3, 131, 132, 138, 146
47:5-6 138
47:6 139, 140
47:9 131
47:11 138, 139
47:12 138, 139
47:13-26 138
47:15-26 132
47:27 132, 138, 139, 146
47:27-31 141
47:28:31 141
48:4-5 146
48:9 146
48:22 141
49 69
49:15 132
49:19-21 132
49:29-50:14 141
49:30 141
50:8 140
50:15-21 138
50:21 138
50:22-26 141
50:24 158
50:24-25 141
50:30 141
Gen 45-Exod 1:5 130, 136, 162
Gen 45-Exod 1:7 133

Exodus
1:1-7 146
1:6 141
1:6-8 130
1:8-12:51 133, 134, 161, 162
1:8-14:31 136
1:9-12:51 130, 131
1:9-14:31 162
1:11-14 149, 151
1:13 132
1:13-14 144
1:14 197
1-14 158, 197
2:5-10 132
2:11-15 132
2:17 132
2:22 1, 4, 5, 131, 187, 255
2:23 197
2:23-25 132
3 132
3:9 144
3:22 3, 131
3-4 158
5:1-21 149
5:6-21 151
5:9 197
5:11 197
5:16 144
6:1 132
6:4 3, 131
6:5 144
6:6 197
6:9 197
11:1 132
12 169, 198, 199, 200
12:1 200
12:1-11 198
12:1-20 199, 200
12:1-27 198
12:1-28 200
12:3 198, 199
12:4 199
12:6 199
12:7 199
12:8 199
12:13 199
12:14 204
12:14-20 200
12:15 199, 200
12:17 204
12:19 5, 116, 131, 182, 187, 199, 200, 202, 214
12:19-20 200
12:21 199
12:21-29 199
12:24-27a 199
12:28 200
12:29-42 200

12:38 149
12:39 132
12:40-51 200
12:42 199
12:43 78, 80, 200
12:43-49 149, 199, 200
12:43-50 200
12:45 85
12:46 199
12:48 3, 5, 8, 85, 131, 182, 184, 187
12:48-49 8, 10, 46, 80, 199, 200, 202, 214, 240, 242
12:49 3, 5, 131, 133, 187, 200, 206, 242
12:50 200
12-13 198
13 137
13:3 135, 144
13:3-10 199
13:7 139
13:14 135, 144
13:19 141
18:3 4, 5, 131, 255
18:5 40
18:13-27 40
18:16a 40
19 184
19:1 40, 194
19-24 171
20 25
20:1-17 169
20:2 135, 144, 155, 194
20:4 184
20:5 184
20:5-6 51
20:7 209
20:8 185, 198
20:8-9 184
20:8-11 150, 155, 184, 186, 195, 196, 215, 226, 254
20:10 5, 44, 46, 155, 184, 185, 186, 187, 188, 191, 214
20:11 193, 194, 195, 198, 225, 254
20:12 155, 184, 188
20:14 71, 184
20:15 184
20:16 184, 185
20:17 155, 184
20:19-23:33 17
20:21-24:1a 195
20:22 48
20:22-23:33 169
20:24 143, 207, 209, 210
20:24-26 209
20-23 12, 30, 169, 184
22:20 4, 5, 29, 32, 79, 108, 109, 127, 128, 142, 143, 144, 146, 152, 153, 161, 182, 205, 246
22:20-21 30, 229
22:20-23 93, 230
22:20c 153, 154
22:21 153, 255
22:21-24 17
23 204
23:3 32
23:6 32, 42
23:6-8 32
23:8, 42 144
23:9 4, 5, 17, 29, 32, 79, 93, 109, 127, 128, 142, 143, 144, 146, 152, 153, 161, 182, 187, 205, 246
23:9c 153, 154
23:9-12 108
23:10-11 17, 155, 181, 204
23:12 5, 8, 155, 187, 190, 192, 214
23:13 143
23:14-17 17, 199
23:14-19 198, 202
23:15 155
23:15-18 199
23:16 155
23:17 29, 201
23:19b 112
23:20-21 209
23:23-33:2 189
25-30 200
27:16 47, 186
31:12-17 195, 196, 197
31:13 198
31:13-17 194
31:14 198
31:16 198
31:17 193, 195
32:13 143
32:26 186
32:26-27 186, 188
32:27 186

32-34 171
33:19 209
34 166, 202
34:5 209
34:10-17 189
34:12-17 189
34:13 210
34:18 155
34:22 155
34:22-23 202
34:23 29, 204
34:26b 112
35:2-3 193, 196
35:17 47, 186
35-40 200
38:15 47, 186
38:18 47, 186
38:31 47, 186
39:40 47, 186
40:8 47, 186
40:33 47, 186
Exod 19:1-
Num 10:10 186

Leviticus
1:2-3 215
1:3-17 218
1:9 218
1:13 218
1:14 219
1:17 218
1-7 214
2:1-16 218
2:2 218
2:9 218
3:5 218
5:21 84
5:23 84
6:14 218
6:14-23 218
6:8 218
6:8-13 218
7:14-17 218
8-10 214
10:1 5
10:6 5
11 112, 196
11:44 99
11:45 99
11-15 214
12 217
16 214
16:29 3, 5, 133, 179, 187, 200, 214, 218
16-17 214
17 214, 215, 216, 217
17:3 216, 218
17:3-4 215, 216, 217
17:3-6 215
17:3-7 217
17:4 216
17:5 217
17:8 3, 5, 133, 179, 187, 215, 218
17:8-9 214, 216, 217
17:8-11 219
17:10 3, 5, 133, 179, 187, 215
17:10-14 214
17:12 3, 5, 133, 187
17:13 3, 5, 133, 187, 215, 218
17:15 5, 60, 187, 200, 215, 220, 241
17:15-16 17, 180, 214, 220, 221
17:21 221
17:22 179
17-26 5, 169, 196
18:2 82
18:3 184
18:24-30 189
18:25 184
18:26 3, 5, 133, 179, 187, 200, 215
18:27 184
18:28 184
18-20 5, 214
19 206
19:2 99, 206
19:3 198
19:9 184
19:9-10 181
19:10 5, 181, 187, 204, 218
19:13 84
19:18 32
19:19 82, 179
19:20 5
19:23 184
19:29 184
19:30 198
19:33 3, 5, 48, 133, 182, 184, 187, 255
19:33-34 143, 205, 206, 219, 225, 254
19:34 3, 4, 5, 29, 32, 79, 108, 109, 127, 128, 142,

	144, 146, 152, 153, 161, 187, 200, 206, 246
19:34c	153, 154
20:1-6	189
20:2	3, 5, 133, 179, 184, 187, 215, 218
20:4	184
20:22	184
20:23	189
20:24	184
20:26	99
21-22	214
22	214
22:8	220
22:10	5
22:11	5
22:18	5, 179, 187, 215, 219
22:18-19	218
22:24	184
22:25	5, 80
23	196
23:4-8	182
23:9	93
23:10	184
23:13	218
23:15	179
23:15-21	202
23:18	218
23:22	5, 89, 181, 184, 187, 204, 219
23:29	184
23:33-44	202
23:34	102
23:35	218
23:43	102
23-26	214
24:10-23	80
24:16	5, 179, 187, 200, 215
24:22	5, 179, 187, 200, 206, 215
25	35
25:2	184
25:4	184
25:5	184
25:6	3, 184
25:7	184
25:9	184
25:10	184
25:18	184
25:19	184
25:23	5, 184, 235
25:24	184
25:31	184
25:32-34	213
25:35	5, 181, 187, 218, 235
25:35-36	234
25:35-37	179
25:38	184
25:39-48	236
25:42	5
25:45	3, 184
25:47	5, 181, 187, 218, 235
26:1	184
26:2	198
26:4	184
26:5	184
26:6	184
26:20	184
26:32	184
26:33	184
26:34	184
26:34-35	197
26:42	184
26:42-46	197
26:43	184
27	214
27:16	184
27:24	184
27:30	184
Numbers	
1:47-49	61
4:26	47, 186
9:14	3, 5, 133, 182, 187, 200, 206, 214
10:10	40
11:11-17	40
11:24b-30	40
13:19	189
13:28	189
15	214
15:13-16	10, 219
15:14	3, 5, 133, 179, 187, 215
15:14-15	218
15:15	3, 5, 133, 179, 187, 206, 215
15:16	3, 133, 179, 187, 206, 215
15:26	3, 5, 133, 179, 187, 215
15:29	3, 5, 133, 179, 187, 200, 206, 215
15:30	5, 179, 187, 200, 215
15:32-36	73
15:37-41	73

16:1 73
16:2 73
16:3 72, 73, 74
16:5 74
16:6-7 74
16:20-21 74
18:20-23 61
18:20-24 208
18:21 61, 208
18:21-32 61
19:10 3, 5, 133, 179, 187, 215
20:1-5 74
20:2 74
20:3 74
20:4 72, 74
20:4-5 74
20:5 74
20:6 74
20:7-8 74
20:9 3
20:10-12 74
20:11 74
20:11-13 102
20:12 74
20:14 154
20:14-21 124, 148
20-21 147
21:1-3 189
22-24 68
23:5-10 68
24:19 189
25 78
27:12-14 102
28:7 218
28:26-31 202
30:47 213
31:16 78
31:30 213
32:16-28 189
35:1-8 213
35:1-15 189
35:15 5, 179, 187, 235

Deuteronomy
1:5 40, 184
1:6 40
1:8 160
1:9-18 40, 110
1:15-17 42
1:16 5, 26, 28, 40, 41, 42, 46, 79, 85, 106, 108, 110, 119, 120, 121, 122, 179, 188, 243
1:16a 43, 110
1:16b 43, 110
1:16-17 32, 40, 41, 43, 79, 110, 113, 117, 122, 243
1:17 11, 40, 41, 42, 243
1:27 87
1-11 206
2 11, 67, 68, 75, 148
2:1 147
2:1-8 124
2:1-37 75
2:2 147
2:4 41, 110, 154
2:4-8 148
2:6 148
2:8 41, 110, 148
2:8b 147
2:9 68, 147
2:13 148
2:14 99
2:15 99
2:17 147
2:19 68, 75
2:24 148
2:26-37 68
2:27 148
2:28-29 68
2:29 68
2:31 147
2:32-36 148
2-3 147
3:1 147
3:1-5 148
3:2 147
3:6 104
3:18 41
3:19 104
3:23-28 102
3:24 51
4 156
4:1 105
4:1-2 74
4:5 105
4:6-8 245, 250
4:7 86
4:10 74, 79, 97, 105
4:13 175
4:20 98, 146
4:24 246
4:31 246

4:37 27, 53, 247
4:40 185
5 171, 197
5:1 52
5:1-5 184
5:1-8:18 195
5:5 156
5:6 87, 91, 134, 135, 190, 193
5:6-10 190
5:6-21 169, 184
5:8 184
5:9 156, 184
5:9-10 51
5:10 54, 247
5:10-11 197
5:11 156, 190
5:12 8, 184, 185, 191, 198
5:12-13 191
5:12-15 143, 150, 151, 155, 184, 186, 190, 191, 192, 194, 196, 197, 201
5:13 99
5:13-14 104, 190, 192
5:13-15 43, 79, 117, 121
5:14 3, 5, 25, 26, 28, 44, 46, 49, 63, 78, 85, 99, 101, 104, 106, 107, 108, 119, 121, 122, 145, 184, 185, 186, 187, 188, 191, 192, 193, 197, 243
5:14b 191
5:14c 191
5:14c-d 191
5:14d 191
5:14-15 106, 109, 149, 197
5:15 25, 87, 127, 128, 135, 143, 149, 150, 151, 152, 156, 162, 184, 191, 192, 193, 194, 197, 198, 202, 246, 253
5:15a 193
5:15b 193
5:15c 193
5:16 184, 185, 190
5:17-21 190
5:18 71, 184
5:19 184
5:20 184, 185
5:21 91, 184, 193
5:22 74, 79, 155, 175
5:24 51
5:25 156
5:26 156, 185
5:30 185
5:31 52
5-11 55
5-26 96, 121, 167
5-28 20
6:1 52
6:1-2 105
6:1-3 74
6:3 185
6:5 54, 247
6:6-9 163
6:7 46, 91
6:9 91, 175, 187
6:10 160, 188
6:10-12 115
6:11 60, 91
6:12 87, 91, 134, 135
6:15 64
6:18 185
6:20-25 163
6:21 134
6:22 91
6:24 185
7 11, 27, 77, 81, 237, 248
7:1 75
7:1-2 248
7:1-5 189
7:1-6 39, 82
7:1-26 245
7:2 77
7:2-3 75
7:3 45
7:6 223
7:6-7 98
7:7 247
7:7-8 55, 247, 250, 255
7:7-9 246, 255
7:8 53, 87, 91, 134, 135, 247
7:8-11 247
7:9 54, 246, 247
7:9-10 246
7:11 52, 247
7:12 52
7:13 53
7:15 87
7:16 105
7:18 87, 143
7:21 51, 64

7:25 105
7:26 79, 91
8:1 74
8:2 143, 156
8:2-3 102
8:3 53
8:4 50, 53
8:7-10 115
8:9 53
8:10-12 60
8:12 91
8:14 87, 91, 134, 135
8:18 143, 156
9 56
9:1 189
9:1-9 39
9:5 160
9:6 56
9:7 87, 143
9:10 74, 79, 175
9:26 51
9:27 143, 160
10 56, 110, 146, 153, 248
10:1-11 56
10:2 155, 175
10:4 74, 79, 175
10:5 156
10:8 97
10:8-9 61, 208
10:12 54
10:12-13 56
10:12-11:17 120
10:13 184, 185
10:14 56
10:14-15 243
10:14-19 50, 56
10:14-22 246, 255
10:15 27, 53, 56, 247, 250, 255
10:16 50, 51, 56, 146, 243
10:17 50, 51, 53, 54, 56, 246
10:17-18 31, 32, 42, 43, 93, 206, 238, 246
10:17-19 31, 49, 55, 56, 59, 66, 86, 98, 107, 111, 114, 117, 121, 143, 206, 219, 222, 226, 227, 238, 240, 243, 248, 249, 250, 252, 254
10:17-20 247
10:18 5, 28, 33, 49, 50, 51, 52, 54, 56, 86, 91, 94, 95, 97, 106, 107, 108, 117, 119, 120, 146, 229, 247
10:18a 120
10:18b 120
10:18-19 30, 46, 49, 50, 55, 69, 106, 120, 121, 205, 206, 246, 247, 250, 255
10:19 3, 4, 5, 28, 29, 32, 39, 50, 54, 56, 79, 87, 108, 109, 117, 119, 120, 127, 128, 135, 142, 144, 145, 146, 152, 153, 154, 161, 162, 206, 246, 247, 253
10:19b 145, 153, 154, 155, 162
10:20 247
10:20-11:1 56
10:21 247
10:22 146, 160
11:1 54
11:1-32 74
11:2 51
11:3 87
11:4 87
11:6 91
11:10 87, 146
11:13 54
11:15 60
11:18-21 163
11:19 46, 91
11:20 91, 175, 187
11:22 54
11:28 184
11:32 52, 191
12 75, 76, 81, 101, 179, 184, 202, 209, 210, 211, 214, 215, 217, 219, 237
12:1 52
12:1-7 108
12:2 105
12:2-7 209
12:2-27 209
12:3 105
12:5-7 210
12:5-19 210
12:6 202
12:7 46, 91, 97, 122, 203, 208, 210
12:8-12 209
12:8-28 219, 220

12:11 202
12:11-12 209, 210
12:11-19 207
12:12 46, 61, 62, 97, 115, 122, 187, 203, 208, 209, 210, 213
12:13-19 209, 217
12:13-27 209
12:13-28 209
12:14 184
12:15 187, 220
12:15-19 17, 207
12:17 187, 202, 214
12:17-18 207
12:17-19 207, 208, 209, 210
12:18 46, 91, 97, 122, 187, 210
12:18-19 203, 209, 213
12:19 91, 115
12:20-27 209
12:21 187
12:22 199, 220
12:23 199
12:25 185
12:27 199
12:28 185
12:30 105, 199
12-26 20, 27, 30, 96, 108, 120, 167, 169, 231, 248
13 81
13:2 64
13:4 54
13:5 91
13:6 45, 87
13:11 87, 91, 134, 135
13:12 64
13:15 64, 134
13:18 184
14 57, 58, 106, 112, 207
14:1 112
14:1-2 57
14:1-21 68, 112, 123, 220
14:2 98
14:3-20 57
14:3-21 112, 220
14:7 220
14:8 220
14:8-20 57
14:10 220
14:11 57
14:12 57
14:19 220
14:20 57, 59, 222
14:20-21 57
14:21 5, 17, 25, 26, 27, 28, 44, 46, 57, 58, 59, 60, 76, 78, 95, 98, 101, 104, 107, 108, 109, 111, 112, 114, 117, 119, 120, 122, 123, 124, 156, 180, 187, 201, 220, 221, 222, 223, 224, 226, 227, 228, 241, 244, 246, 250, 253, 254
14:21a 57, 58, 59, 112, 222
14:21a-e 220
14:21b 112
14:21b-c 59
14:21b-d 57, 58
14:21e-22 57
14:22 23, 25, 59, 222
14:22-27 60, 90, 203, 208
14:22-29 17, 24, 90, 112, 207
14:23 60, 61, 62, 97
14:24 60
14:25 60
14:26 60, 61, 90, 91, 97, 208
14:26-27 90, 209
14:26-29 57
14:27 58, 60, 61, 90, 91, 187, 211
14:28 60, 91, 107, 187
14:28a 91
14:28-29 60, 61, 90, 98, 112, 117, 124, 209, 227
14:29 5, 25, 28, 46, 49, 54, 58, 59, 60, 61, 62, 88, 91, 95, 101, 106, 108, 112, 115, 117, 119, 120, 122, 145, 151, 155, 179, 187, 201, 209, 213, 222, 239
15 104
15:1-3 78
15:1-23 102
15:2 156
15:3 76, 78, 79, 236
15:4 109, 156
15:6 95, 156
15:7 187
15:9 85, 86
15:10 151, 156
15:11 114, 156

15:12 45, 192
15:12-15 143, 151, 192
15:12-17 45
15:15 87, 114, 127, 135, 143, 149, 150, 151, 152, 155, 156, 162, 192, 193, 246, 253
15:16 47, 54, 55, 92, 156
15:18 84, 85, 151, 156
15:20 92, 97
15:22 187
16 29, 76, 184, 199, 202, 203, 204, 226, 254
16:1 156, 199
16:1-8 26, 63, 156, 182, 198, 199, 200, 201, 202
16:1-16 202
16:1-17 198, 201
16:2 63, 102, 198
16:3 87, 143, 156, 194
16:4 199, 201
16:5 63, 102, 187, 198
16:5-6 198
16:6 63, 102, 198, 199
16:7 63, 102, 201
16:7-19 203
16:8 194
16:9 179
16:9-11 65
16:9-12 24, 143
16:9-15 17, 203
16:9-17 113, 201, 202
16:10 65, 202, 203
16:10-12 74
16:10-14 62, 78, 98, 104, 117, 145
16:10-15 10
16:11 5, 25, 28, 29, 45, 46, 49, 58, 61, 63, 64, 65, 88, 90, 91, 95, 97, 99, 101, 102, 104, 106, 107, 108, 109, 112, 115, 117, 119, 120, 122, 124, 145, 151, 179, 187, 192, 201, 202, 203, 204, 209, 213, 228
16:11-14 28
16:12 25, 87, 127, 128, 135, 143, 148, 149, 151, 152, 155, 156, 162, 192, 193, 195, 202, 203, 204, 246, 253
16:13 102
16:13-14 74
16:13-15 24
16:14 5, 23, 25, 28, 29, 45, 49, 58, 62, 64, 65, 88, 91, 95, 101, 104, 106, 107, 108, 109, 112, 117, 119, 120, 122, 124, 145, 179, 187, 201, 202, 203, 204, 209, 213, 228
16:15 25, 63, 65, 102, 151, 152, 155, 156, 203, 204, 239
16:16 29, 63, 97, 102, 109, 115, 203, 204
16:16-17 65
16:17 46, 203
16:18 42, 43, 45, 51, 87, 187, 213
16:19 32, 42, 43, 51, 93, 156
16:21-22 108
17 76, 81
17:2 64, 187
17:3 108
17:5 187
17:8 187, 213
17:8-10 209
17:11 52
17:12 97
17:14 45
17:14-20 32
17:15 78, 79
17:15-17 39
17:16 80
17:18 175, 209
17:18-20 105, 238
18:1 45, 61
18:1-2 115, 208, 209, 213
18:1-4 61
18:1-8 209, 211
18:1-11 108
18:2 61, 113
18:6 3, 11, 40, 91, 113, 187, 213
18:6-8 209
18:7 97
18:16 74, 79
18:22 11, 40
19:1 91, 189

19:5 100
19:9 54
19:13 151, 185
19:14 149
19:17 97
19:20 64
20 27
20:1 87
20:1-9 75
20:1-20 68, 123
20:5 91
20:6 92
20:7 47, 92
20:8 92
20:14 104
20:16-18 189
21:5 209
21:10-14 39, 68, 75, 123, 185
21:12 47, 91
21:13 47, 91
21:15 54, 55
21:16 54, 55
21:19 185
22:1-8 71
22:2 47, 92
22:7 185
22:8 91, 92
22:9 179
22:9-12 71
22:13-30 71
22:13-23:1 71
22:13-23:19 71
22:21 47, 91
22:22 45
23 11, 12, 36, 67, 68, 70, 72, 74, 75, 77, 81, 82, 83, 123, 124, 144, 148, 248, 249, 252
23:1-18 71
23:2 66, 67, 70, 71, 72, 77
23:2-4 72
23:2-9 11, 39, 66, 67, 68, 69, 70, 71, 76, 81, 97, 98, 104, 109, 113, 117, 123, 124, 125, 241, 242, 243, 244, 249, 252
23:2-19 71
23:3 66, 68, 70, 71, 72
23:3a 67
23:3b 67, 68
23:4 68, 70, 71, 72, 78
23:4a 67
23:4b 67, 68
23:4-5 148
23:4-6 77, 147
23:4-7 67, 75, 81, 83
23:4-9 67, 69, 75, 76, 77, 79, 82, 154, 239, 241, 242, 243, 244, 250
23:5 78, 84, 148
23:5a 67, 68
23:5-6 68
23:5-7 67
23:5b-7 67
23:6 53
23:7 68, 147
23:7-8 148
23:8 4, 5, 28, 29, 39, 41, 66, 67, 68, 79, 109, 110, 124, 127, 128, 135, 143, 145, 146, 147, 148, 152, 153, 154, 155, 161, 162, 246, 253
23:8a-b 154
23:8b 144, 145, 146, 153
23:8c-d 154
23:8d 154, 163
23:8-9 72, 75, 81, 82, 83, 116, 147
23:9 5, 67, 70, 71, 72, 79, 82
23:9-14 71
23:10 71, 99
23:10-15 68, 71, 123
23:11 71, 99
23:12 71, 99
23:13 71, 99
23:13-27 209
23:14 223
23:15 71, 99
23:15-16 71
23:16-17 48, 49
23:17 49, 64, 65, 187
23:17-18 108
23:19 92
23:20 179
23:21 76, 78, 79, 151
23:25 71
23:25-26 149
24 108
24:1 47
24:1-5 91
24:1-21 112
24:2 47
24:3 47

24:4 156
24:5 47, 185
24:6 87, 156
24:6-14 84
24:9 143
24:10 47, 91
24:10-11 149
24:10-13 87
24:12 86
24:12-13 86
24:14 2, 5, 25, 26, 28, 40, 43, 44, 46, 48, 49, 54, 59, 85, 86, 89, 99, 106, 107, 109, 119, 121, 122, 145, 153, 182, 187, 188, 201, 222, 225, 227, 234
24:14-15 113, 114, 115, 243
24:14-22 83, 84, 91, 98, 117
24:15 85, 86, 114, 156, 237, 240
24:16 86
24:17 5, 25, 28, 46, 49, 54, 86, 87, 92, 93, 94, 95, 106, 107, 108, 109, 114, 118, 119, 120, 127, 182, 213, 225, 229
24:17-18 17, 24, 93, 108, 114, 143, 151
24:17-22 31, 32, 87, 239
24:18 25, 87, 127, 128, 135, 142, 143, 148, 149, 150, 151, 152, 155, 156, 162, 192, 193, 195, 204, 246, 253
24:18-22 204
24:19 5, 25, 28, 49, 50, 59, 88, 89, 91, 93, 95, 101, 106, 108, 118, 119, 120, 151, 152, 155, 181, 214, 222, 239
24:19e 88
24:19-20 88
24:19-21 46, 54, 87, 88, 121, 181
24:19-22 17, 23, 24, 82, 83, 88, 89, 107, 108, 114, 122, 124, 143, 151, 181, 227
24:20 5, 25, 28, 49, 59, 88, 91, 95, 101, 106, 108, 118, 119, 120, 214, 222
24:20-21 25, 49
24:21 5, 25, 28, 49, 59, 88, 91, 95, 101, 106, 108, 118, 119, 120, 214, 222
24:22 25, 29, 87, 88, 127, 128, 142, 143, 148, 149, 151, 152, 155, 156, 162, 192, 193, 195, 204, 246, 253
25 248
25:5 77
25:9 92
25:10 92
25:14 91
25:17 143
25:17-19 248, 255
25-26 248
26 106, 112, 248
26:1 223
26:1-10 223
26:1-11 89
26:1-19 224, 226, 246, 250
26:2 90, 223
26:3 223
26:4 90
26:5 3, 11, 40, 90, 97, 136, 160
26:5-6 135, 162
26:5-10a 89, 90
26:6 136, 223
26:7 144
26:8-9 135
26:9 223
26:10 97, 223
26:10-13 89, 98, 112, 118, 124, 208, 209, 227
26:10b-11 89
26:11 5, 25, 28, 64, 65, 89, 90, 91, 92, 99, 106, 107, 119, 179, 201, 209, 223, 248, 255
26:11-13 46, 54, 115
26:12 5, 23, 25, 28, 49, 50, 60, 65, 88, 90, 91, 95, 101, 106, 107, 108, 118, 119, 120, 145, 179, 187, 209, 223, 248, 255
26:12a 91
26:12-13 28, 61
26:12-15 17, 24, 59, 90, 207, 222
26:13 5, 25, 28, 46, 49, 65, 88, 91, 95, 97, 101,

	106, 107, 108, 109, 118, 119, 120, 179, 209, 223, 248, 255
26:13-15	91
26:14	223
26:15	223
26:16	52
26:17-18	98
26:17-19	248, 255
26:19	46, 223, 224
27	92, 114, 120, 167
27:1-10	78
27:1-14	93
27:3	175
27:7	97
27:9	209
27:9-10	98
27:11	94
27:11-26	156
27:12	209
27:12-13	94
27:14	94, 100, 209
27:15	94
27:15-26	93
27:16	94
27:17	94
27:18	93, 94
27:19	5, 28, 30, 42, 46, 49, 54, 86, 88, 92, 93, 94, 95, 98, 106, 107, 108, 109, 114, 118, 119, 120, 121, 122, 182, 225, 227, 229
27:20	94
27:22	94
27:23	94
27:24	94
27:25	43, 51, 94
27:29	86
28	115
28:9	98
28:10	86
28:11	95
28:12	95
28:12b	95, 96, 115, 121
28:12c	95
28:12-13	94, 95, 115
28:12b-13	94, 121
28:13a	95
28:13b	95
28:13c-14	95
28:15	94
28:15-68	156
28:20	91
28:27	87
28:28	153
28:29	84
28:33	84
28:42	95
28:42-43	120, 121
28:43	5, 28, 46, 64, 65, 90, 94, 95, 96, 99, 108, 115, 118, 119, 121
28:43-44	94, 95, 98, 115, 118, 120, 121, 181, 218
28:44a	95, 96, 115, 121
28:44b	95
28:44c-d	95
28:45	94
28:45-47	94, 95
28:48-68	94
28:52	47, 187
28:55	187
28:57	187
28:58	175
28:60	87
28:61	175
28:68	87, 134
28:69	96, 97, 101
28-29	175
29	26, 77, 100, 101, 115, 116, 125, 225, 243, 253
29:1	87, 96, 134
29:1-2	96, 104, 195
29:1-3	97
29:1-7	96, 97
29:1-20	195
29:3	96
29:4	50, 97
29:4-5	96
29:5	97
29:6-7	96, 97, 104
29:8	97, 101
29:8-12	10, 66, 79, 96, 97, 104, 109, 118, 122, 124, 243, 244
29:8-13	227
29:9	97, 98, 100
29:9-10	25, 98, 100, 243
29:9-11	58, 101, 120
29:9-12	194
29:9-13	98, 104, 105
29:9-14	74

29:10 3, 5, 26, 27, 28, 44, 46, 79, 85, 99, 106, 107, 108, 118, 119, 121, 122, 123, 188, 243, 255
29:10-12 242
29:11 95, 97, 104, 116, 179
29:12 97, 101, 160
29:15 87
29:15-16 104, 195
29:19 175
29:20 175
29:21 78
29:21-23 104
29:21-28 78, 95, 245
29:24 78, 87, 245
29:26 175
30:1 104
30:2 104
30:6 54, 243
30:7 104
30:10 175
30:16 54
30:20 54, 160
31 101, 125, 175, 225, 253
31:9 102, 175
31:9-11 209
31:9-13 74, 93, 105, 116, 227
31:10 104
31:10-13 10, 66, 78, 79, 101, 102, 104, 106, 107, 109, 118, 122, 124, 243, 244
31:11 73, 97, 102, 104, 116
31:11-12 74, 120
31:12 3, 5, 25, 26, 27, 28, 44, 46, 74, 79, 85, 99, 100, 102, 103, 105, 106, 107, 108, 116, 119, 121, 122, 123, 179, 187, 188, 243, 244, 255
31:12-13 243
31:12b-13 105
31:16 78
31:19 175
31:20 60
31:22 175
31:24 175
31:24-26 102
31:25-26 209
31:26 175
31:28 74
31:30 74, 79
32:3 86
32:6 194
32:7 143
32:12 78
32:16 77
32:27 11, 40
32:46 105
33:22 11, 40
34 184
34:4 160
34:11 87, 134

Joshua
1:7-9 168
1:14 104
2:1-24 75
2:9 75
8:30-33 93, 114
8:30-35 25, 227
8:32-33 116
8:33 5, 93, 120, 188, 200, 213, 255
8:34-35 93
8:35 5, 93, 114, 116, 120, 188, 213, 255
9 26, 100, 116
9:15 77
9:21 100, 116
9:23 100, 116
9:27 100, 116
10:24 100
13:1b-6 168
13:14 61
13-19 141
14 213
14:4 213
18 213
20:9 3, 5, 120, 133, 179, 188, 213, 255
21 213
21:3 213
21:8 213
21:34 213
21:41 213
23 168
24 158
24:4 160
24:17 135
24:20 78
24:23 78
24:32 141

Judges
1 75
1:1 3
1:1-2:5 168
1:17 168
1:20-21 168
1:23 168
3:12-13 68
5:17 3
6:8 135
7:8 100
10:6 68
10:7-8 68
10:16 78
10:17 75
17 213
17:7 3, 113, 213
17:8 3, 113, 213
17:9 3, 113, 213
17-19 213
17-20 213
19:1 3, 113, 213
19:16 3, 16
20:11-12 100
21:5 72
21:8 72

Ruth
1:1 6
1:4 82
1:7 83
1:15-17 82
1:16-17 83
1:22 83
2:8 82
2:10 82
4:5 82

1 Samuel
6:15 213
8:3 43, 51
8:10-21 24
8:15 207
8:17 207
10:18 146
11:15 100
12:8 146
14:22 100
19:13-16 146
22 160

2 Samuel
1:13 5, 188, 213
4:3 3, 6
6 203
8 68
10 68
15:19-20 78
15:24 213

1 Kings
8:1-2 100
8:4 213
8:41-43 78
8:65 203
11 39
12:3 72
12:31 25, 213
17:20 3

2 Kings
3 68
8:1 3
8:2 3
11:17 42
17:7 135
17:24-26 240
17:24-28 207, 240, 243, 254
17:24-41 81
18 108
21:7-8 156
21:11-15 156
22:11-20 156
22-23 108, 174, 204, 227
23 100, 108
23:2-3 100
23:19 156
23:21-23 203
23:21-27 109
23:26-27 156

1 Chronicles
16:3 100
16:19 3
22:2 5, 82, 85, 188
28:8 72, 73, 74
29:15 5, 188, 255

2 Chronicles
2:16 5, 188
6:32-33 78
11:13 16, 25

11:14 25
15:9 3, 16
29-31 108
30:1-27 109
30:25 5, 16, 188, 240
33:15 48, 192
34-35 108, 204

Ezra
1:2-4 82
1:4 3
4:1-3 70, 81, 109, 225
4:2 82
7:12 70, 81
7:25-26 70, 81
9:1-2 82, 109, 225
9:1-10:44 82
9-10 82
10:10-14 39
10:44 82

Nehemiah
1 51
1:5 51
13 70
13:1-3 70, 82
13:1-4 241
13:1-9 109, 225
13:28 241
9 51
9:32 51

Esther
9:27 241

Job
19:15 3
24 88
24:3 87
28:4 3
31:32 5, 188, 255

Psalms
5:5 3
8:3-4 56
15:1 3
38:13 255
39:12 255
39:13 5, 188
61:5 3
67:3 194
67:7 194
67:7-8 194
67:8 194
72:1-4 32
72:12-14 32
94:6 5, 49, 188, 255
105:12 3
105:23 3
114:6 30
119:19 5, 188
120:5 3
136 50
136:2-3 50
145:15-16 53
146:7-10 32
146:9 5, 30, 49, 56, 188, 255

Proverbs
11:25 88
22:22 32
28:27 88

Isaiah
2:1-4 197
2:2-4 250
6:13 82
5:17 3
11:6 3
13:1 197
14 196, 197, 250
14:1 5, 125, 188, 197, 241
14:1-2 197, 225
14:1-3 197
14:1-4 197
14:2 197
14:3 197
14:4 197
15-16 68
16:4 3, 6
23:7 3
27:9 5, 188
33:14 3
40-48 197
40-55 197
45:14-17 250
49:22-26 250
52:4 3
56 125, 197, 198
56:1-7 125, 197, 250
56:1-8 70, 125, 198, 250
56:2 197
56:3 80, 241
56:4 197

56:6 197, 241
56:7 250
56-66 250
60-62 250
66 125, 250
66:18-21 197
66:18-24 125, 250
66:23 250

Jeremiah
4:4 56
7:1-15 30
7:6 5, 30, 49, 109, 182, 188, 255
14:8 5, 188, 255
22:3 5, 30, 49, 109, 182, 188
22:16 108
22:23 255
26:17 72
30:23 3
32 51
32:18 51
34:8 27
34:13 135
35:7 3
42:15 3
42:17 3
42:22 3
43:2 3
43:5 3
44:8 3
44:12 3
44:14 3
44:28 3
48 68
49 68
49:18 3
49:33 3
50:40 3

Lamentations
1:10 70
4:15 3
5:3 52

Ezekiel
14:7 3, 5, 133, 179, 188, 255
17:7 3
22:7 5, 30, 49, 182, 188, 255
22:9 255
22:29 5, 182, 188
25:2-10 68
25:8-11 68
44 172
44:7-9 172
44:9 80
47:22 3, 5, 133, 188, 200, 255
47:22-23 109, 121, 225
47:23 3, 5, 133, 188, 255

Daniel
9 51
9:4-5 51

Hosea
7:14 3

Joel
2:16 72

Amos
1:13 68
2:1-2 68
4:4 207

Micah
1:2-2:11 72
2:5 72, 73
2:7 73
2:12-13 72
3:1-12 72
4:1-5:4 73
5:2 72, 74
6:1-7:7 72
6:4 135
7:8-20 73

Zephaniah
2:8-9 68

Zechariah
1-8 180
2:15 241
7:10 5, 30, 49, 182, 188, 255

Malachi
3:5 5, 30, 49, 84, 182, 188, 255

Matthew
5:17 170

Acts
7:29 132

Ephesians
2:12 255
2:19 255

Hebrews
11:13 255
13:2 255

1 Peter
2:11 255

Other Ancient Sources

'Aqhatu Legend
CTA 16 230, 236
CTA 17 230, 236
CTA 19 230, 236

CIS
ii 209 48
ii 39724 2, 48
ii 4035[4] 2, 48
ii 4218[5] 2, 48
J 12[4, 5, 6] 2, 48

Code of Hammurapi 15, 30, 32, 34, 52, 172, 237, 238, 253

Cylinders of Gudea 230

El-Amarna Letter 162 231

Hittite Laws 231, 232

Hymn to Shamash 230

Instruction/Wisdom of Amenemope 31, 236, 237

KAI
37A 16 2, 48
B 10? 2, 48

Kirta Epic
KTU 1.19:21-24 230, 236

Laws of Eshnunna 233, 234

Laws of Lipit-Ishtar 34, 233, 234, 238

Laws of Ur-Namma/u 34, 232, 233, 238

Mesha Inscription 48

Ritual for National Unity
KTU 1.40 234, 235
KTU 1.40:18, 35ff. 22

RS 6.13.22.29 22

RS 18.115 22

School Text
KTU 5.22.28 235

Authors Index

Aaron, David. 171, 185
Achenbach, Reinhard. 8, 40, 41, 59, 68, 70, 78, 109, 120, 121, 123, 124, 171, 181, 189, 205, 206, 224, 225, 242, 244
Aharoni, Yohanan. 137, 139
Albertz, Rainer. 8, 41, 59, 70, 78, 123, 189, 205, 206, 224, 225, 242, 244, 246
Alter, Robert. 71
Altmann, Peter. 29, 109, 110, 174, 198, 199, 200, 202, 203, 204
Arnold, Bill. 6, 41, 42, 50, 53, 54, 55, 63, 72, 92, 94, 97, 103, 104, 134, 136, 139, 143, 196
Averbeck, Richard. 159, 230
Avi-Yonah, Michael. 137, 139
Awabdy, Mark. 1, 172, 177, 178, 198, 199, 215, 255
Bächli, Otto. 15, 112
Baly, Denis. 139, 140
Barr, James. 2
Barthes, Roland. 174, 175
Baumgartner, Walter. 69
Beentjes, Pancratius. 169
Begg, Christopher. 22
Bellefontaine, Elizabeth. 93, 109
Bennett, Harold. 24, 207
Berger, Yitzhak. 178, 179, 180
Bertholet, Alfred. 6, 8, 15, 58, 69
Bertrand, Marianne. 16, 58, 82, 95, 100, 127, 128, 129
Biddle, Mark. 31, 71
Blomquist, Tina. 47
Blum, Erhard. 166
Boda, Mark. 169, 170, 196
Bodi, Daniel. 231, 234
Braulik, Georg. 45, 51, 54, 55, 65, 66, 71, 88, 149, 200, 201, 246, 247
Brooke, Alan. 57, 89
Brueggemann, Walter. 69, 164, 189, 193, 194
Buis, Pierre. 15
Bultmann, Christoph. 8, 18, 19, 20, 21, 22, 76, 84, 110, 113, 224, 225
Cairns, Ian. 68
Cardellini, Innocenzo. 9, 16, 128, 129, 132, 134, 135, 146, 158
Carmichael, Calum. 69, 73
Carr, David. 136, 161, 168, 169, 173
Carson, D. A. 70
Cassuto, Umberto. 188
Cazelles, Henri. 9, 75
Černý, Jaroslav. 236
Childs, Brevard. 73, 153, 174, 185, 195, 200
Choi, John. 41, 42, 50, 53, 54, 63, 72, 92, 94, 97, 103, 104, 134, 143, 198, 199
Christensen, Duane. 50
Cohen, Matty. 3, 9, 15, 17, 221, 222
Cole, Ross. 8, 46, 48
Cook, John. 41
Corcoran, Jenny. 101, 244
Cott, Jeremy. 246
Craigie, Peter. 33, 50, 56, 68, 70, 80, 86
Cross, Frank Moore. 168
Crüsemann, Frank. 9, 17, 18, 23, 45, 90, 202, 207, 209
de Moor, Johannes. 3
de Pury, Albert. 12, 158, 159, 160, 161, 163
de Vaux, Roland. 2, 6, 16, 228
de Wette, W. M. L. 165, 173
Dearman, Andrew. 48
Dietrich, Walter. 168
Dion, Paul-Eugène. 3, 22, 26, 27, 28, 43, 48, 84, 100, 110, 111, 123, 247, 248
Douglas, Mary. 7, 19, 111, 124
Dozemann, Thomas. 195
Driver, Samuel R. 6, 112
Eissfeldt, Otto. 157
Enger, Philipp. 19, 29, 109, 112, 122, 202, 203, 204, 211, 224, 225, 230, 248
Epsztein, Léon. 26
Eslinger, Lyle. 174, 177

Fensham, F. Charles. 32
Fishbane, Michael. 174, 176, 177, 179, 184
Foster, Benjamin. 230
Frankel, David. 245, 250
Frese, Daniel. 47, 48
Friedman, Richard. 195
Fumerton, Richard. 170
Galil, Gershon. 228
Galling, Kurt. 69, 72, 75, 157
Galvin, Garrett. 140
Gertz, Jan. 12, 157, 158, 160
Gibson, John C. L. 3
Grabbe, Lester. 82
Grelot, P. 9
Guillet, Jacques. 28, 129, 131, 247
Hagedorn, Anselm. 160
Hall, Gary. 70, 72
Hartland, P. J. 173
Havice, Harriet. 33, 238, 239
Hedlund, Roger. 10
Herzog, Ze'ev. 47
Himbaza, Innocent. 184
Hobbs, T. R. 10, 31, 37, 228
Hoffmeier, James. 4, 149
Houtman, Cornelis. 186, 188
Hundly, Michael. 167
Hurvitz, Avi. 172
Jacob, Benno. 188
Japhet, Sara. 82, 207, 239, 240, 241, 243, 249, 252
Jobes, Karen. 190
Joosten, Jan. 1, 5, 9, 216, 217
Joüon, Paul. 1, 93, 223
Jürgens, Benedikt. 214
Kaminsky, Joel. 82, 147, 225, 241, 247, 248, 250, 254
Kaufman, Stephen. 71, 149
Kaufmann, Yehezkel. 9
Kellermann, Diether. 3, 15, 16, 17, 18, 20, 21, 28, 48, 110, 221
Kidd, José E. Ramirez. 3, 4, 12, 15, 28, 29, 30, 31, 32, 36, 45, 54, 68, 69, 76, 93, 108, 109, 124, 127, 129, 131, 132, 133, 135, 142, 143, 144, 145, 146, 148, 153, 197, 203, 229, 230, 237
King, Philip. 45, 46, 47, 52, 55, 61, 248
King, Thomas. 200
Kloppers, M. H. O. 21
Knauf, Ernst. 20
Knight, Douglas. 174
Knohl, Israel. 179, 195, 200
Krapf, Thomas. 30, 47, 109, 120, 128, 229
Krauss, Stuart. 7
Kristeva, Julia. 174
Kuhrt, Amélie. 140, 232, 235
Lacheman, Ernest. 22
Laisney, Vincent. 236, 237
Lane, Edward. 2
Lapsley, Jacqueline. 55
Leclercq, Jacques. 15
Leonard, Jeffrey. 178
Leuchter, Mark. 87, 213
Levine, Baruch. 216
Levinson, Bernard. 17, 29, 36, 109, 171, 172, 173, 178, 184, 188, 198, 199, 201, 203, 209
Lohfink, Norbert. 33, 34, 71, 85, 89, 109, 114, 115, 120, 121, 155, 166, 167, 168, 181, 184, 185, 190, 191, 193, 196, 201, 214, 237, 238
Lyons, Michael. 177
MacDonald, N. 169
Malchow, Bruce. 6, 23, 24, 167
Manley, G. T. 69
Markl, Dominik. 171, 185
Matlock, Michael. 6
Mayes, Andrew. 22, 26, 30, 31, 32, 42, 67, 68, 69, 75, 76, 100, 229
McCarthy, Carmel. 49, 57, 84, 86
McCarthy, D. J. 120, 121, 167
McConville, J. G. 31, 32, 67, 70, 71, 75, 112, 173, 198, 238, 239
McKenzie, Steven L. 166, 169
McLean, Norman. 57, 89
Meek, James. 7, 15
Meyers, Carol. 4, 112, 128, 131, 132
Milgrom, Jacob. 9, 22, 184, 195, 196, 216, 217
Millar, J. Gary. 69
Millard, Alan. 229
Miller, Patrick. 76, 124, 166, 185, 190, 192, 193
Moran, William. 55, 184, 185
Moyise, Steve. 174
Na‘aman, Nadav. 16, 19, 20, 110, 111, 112, 113, 114, 115, 116, 120
Nardoni, Enrique. 34
Nelson, Richard. 16, 32, 41, 48, 62, 87, 90, 99, 120, 129, 144, 184, 185, 191, 193, 199, 202, 208, 247
Nicholson, Ernst. 25, 65, 157, 165
Nihan, Christophe. 8, 205, 216, 217
Norrback, Anna. 33, 239

Noth, Martin. 157, 168, 218
Nurmela, Risto. 180
O'Connor, Michael. 4, 49, 50, 51, 53, 54, 59, 72, 73, 92, 97, 98, 112, 128, 131, 135, 143, 194, 222, 223, 243
Okoye, James. 10, 245, 246
Olson, Dennis. 71, 108, 184
Olyan, Saul. 70, 80, 120
Oswalt, John. 250
Otto, Eckart. 18, 42, 57, 68, 101, 158, 196, 241
Patrick, Dale. 173
Pedersen, Johannes. 6
Perlitt, Lothar. 54, 85, 121, 166
Person Jr., Raymond. 169
Phillips, Anthony. 45
Provan, Ian. 196
Puech, Émile. 228
Rainey, Anson. 137, 139
Rashi, Yehoshua. 240
Rasmussen, Carl. 211
Redford, Donald. 149, 237
Rendtorff, Rolf. 157, 158, 196
Renkema, Johan. 52
Reventlow, Henning. 184
Richter, Sandra. 167
Riecker, Siegbert. 22, 23, 76, 77, 79, 80, 111, 116, 146, 244
Rofé, Alexander. 149
Rollston, Christopher. 229
Römer, Thomas. 12, 158, 160, 168
Rost, Leonhard. 15, 16, 17, 18, 19, 28, 110, 221
Roth, Martha. 231, 232, 233, 234, 238
Rubenstein, Eliezer. 223
Rudolph, Wilhelm. 157
Russell, Stephen. 138
Safrai, Ze'ev. 137, 139
Sarna, Nahum. 174
Sasson, Jack. 7
Schearing, Linda. 166
Schloen, David. 6, 46
Schmid, H. H. 166
Schmid, Konrad. 12, 130, 157, 158, 159, 160, 161, 163
Schmidt, Peter. 2, 15, 18, 85, 128
Schniedewind, William. 183
Schwienhorst-Schönberger, Ludger. 8, 18, 23, 146, 224, 225
Seitz, Gottfried. 15, 96, 100, 105, 112, 208, 209, 241, 247
Sigismund, Marcus. 52
Silva, Moisés. 190
Skweres, Dieter. 91
Smend, Rudolf. 168
Smith, Ralph. 73
Smith, William R. 2, 6, 228
Sommer, Benjamin. 177, 178, 179
Sparks, Kenton. 21, 242
Spencer, John. 6
Spieckermann, Hermann. 129, 142, 144
Spina, Frank. 4, 111, 128, 131
Spreafico, Ambrogio. 20, 21
Stackert, Jeffrey. 36, 169, 170, 171
Stager, Lawrence. 2, 6, 45, 46, 47, 52, 55, 61, 213, 248
Sternberg, Meir. 170
Sumner, W. A. 147
Thiselton, Anthony. 170
Thompson, J. A. 55
Tigay, Jeffrey. 31, 32, 83, 239
Tov, Emanuel. 64
Turner, Max. 170
Ulrich, Eugene. 64, 67, 84, 101, 105
van der Toorn, Karel. 213
van Houten, Christiana. 9, 22, 25, 26, 31, 48, 69, 79, 84, 100, 111, 112, 113, 115, 116, 153, 155, 191, 205, 206, 225, 240
Van Seters, John. 36, 130, 157, 160, 166, 172, 173, 198, 200
Veenhof, K. R. 3
Veijola, Timo. 168
Venema, G. J. 102, 175
Vink, J. G. 9
Vogels, Walter. 4, 17, 21, 128, 129, 151
Vogt, Peter. 34, 43
Volz, Paul. 157
von Rad, Gerhard. 15, 56, 65, 69, 76, 79, 92, 157, 165, 241
von Waldow, Hans. 7, 23, 172
Vroom, Jonathan. 169, 170
Waltke, Bruce. 49, 50, 51, 53, 54, 59, 72, 73, 92, 97, 98, 135, 143, 194, 222, 223, 243
Weinfeld, Moshe. 9, 17, 30, 36, 45, 58, 59, 63, 65, 88, 94, 100, 105, 166, 184, 185, 194, 207, 216, 220, 221, 223, 225, 229
Wells Jr., Roy. 197, 198
Wenham, Gordon. 120, 121, 167, 206
Wénin, André. 135, 224
Wijngaards, J. N. M. 167
Williamson, H. G. M. 70, 81, 82, 196, 197
Wilson, Robert. 166

Witte, Markus. 157
Wöhrle, Jakob. 8, 41, 59, 70, 123, 189, 205, 206, 224, 225, 242, 244
Woudstra, Marten. 93, 186
Wright, Christopher. 10, 70, 250
Wright, David. 172
Wright, Paul. 137, 138, 139
Yan, Yu Suee. 16, 106
Zehnder, Markus. 22, 47, 58, 101, 107, 110, 112, 113, 240, 244
Zenger, Erich. 214
Zimmerli, Walther. 194

Subject Index

Assembly of YHWH (קהל יהוה) 66, 67, 69, 70, 71, 72, 73, 74, 76, 77, 103, 123, 145, 148, 242, 244
Alien 1, 2, 4, 7, 8, 22, 25, 26, 32, 33, 49, 50, 58, 76, 101, 109, 111, 114, 120, 231, 239, 244, 248
bêt-'āb 44, 45, 46, 47, 48, 61, 62, 64, 90, 91, 92, 104, 112, 121, 149, 192, 199, 203, 208, 211, 214, 219, 227, 249
Carcass Consumption 26, 57, 107, 180, 222, 228
Charity 24, 25, 155, 200, 201, 240
Class 1, 5, 11, 19, 22, 23, 30, 31, 34, 43, 45, 46, 47, 66, 76, 77, 78, 79, 81, 84, 85, 89, 104, 106, 109, 110, 113, 115, 118, 123, 134, 145, 149, 156, 192, 227, 230, 231, 233, 234, 249, 253
Covenant Code (CC) 12, 17, 20, 24, 33, 34, 36, 42, 45, 114, 143, 145, 153, 154, 155, 156, 163, 165, 166, 169, 171, 172, 173, 177, 179, 181, 182, 184, 188, 190, 192, 204, 206, 209, 210, 224, 225, 226, 229, 251, 254
Covenant Community 26, 69, 70, 123, 124, 227, 228, 243, 245
Covenant Inclusion 26, 30, 31, 65, 104, 161, 209, 236
Cult(ic) 6, 7, 8, 10, 17, 24, 25, 28, 29, 37, 65, 69, 71, 74, 75, 76, 79, 92, 95, 97, 107, 108, 109, 122, 155, 166, 167, 173, 195, 196, 198, 199, 200, 201, 202, 203, 204, 209, 213, 214, 219, 220, 222, 223, 224, 226, 237, 241, 242, 243, 253, 254
Deuteronomic Code (DC) 12, 17, 22, 24, 25, 28, 30, 36, 42, 43, 45, 46, 54, 66, 74, 75, 79, 93, 104, 107, 108, 109, 110, 112, 113, 114, 119, 120, 121, 122, 123, 124, 125, 145, 149, 169, 171, 172, 182, 195, 196, 200, 201, 202, 203, 204, 206, 207, 209, 214, 219, 222, 223, 225, 226, 227, 228, 234, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 248, 249, 252, 253, 254
Direction of Literary Influence 12, 116, 170, 176, 177, 225, 254, 255
Disenfranchised 25, 26, 56, 192, 224, 240, 250
Egalitarian(ism) 74, 106, 184, 206, 225
Election (of Israel) 1, 27, 37, 75, 221, 224, 227, 243, 245, 246, 247, 248, 249, 250, 252, 254, 255
Ethnicity 11, 27, 40, 66, 79, 112, 113, 114, 147, 189, 220, 232, 235
Ethno-geographic 95
Ethno-political 4, 22
Foreigner (נכרי) 1, 3, 4, 5, 6, 7, 10, 11, 15, 18, 19, 21, 22, 26, 37, 39, 40, 43, 57, 58, 59, 70, 76, 77, 78, 79, 80, 81, 82, 83, 95, 98, 104, 105, 111, 112, 114, 123, 124, 125, 145, 172, 180, 189, 197, 198, 201, 220, 222, 224, 225, 228, 233, 234, 235, 236, 240, 242, 245, 249, 250, 252, 253, 255
גר
– client 1, 2, 6, 46, 48, 85, 99, 104, 105, 113, 121, 122, 123, 192, 195, 213, 218, 227, 234, 243, 252
– countryman 11, 40, 41, 42, 43, 79, 83, 84, 85, 106, 110, 113, 115, 117, 122, 227, 243
– day laborer 34, 118
– expatriate 1
– immigrant 1, 3, 4, 5, 7, 16, 17, 18, 21, 22, 26, 27, 28, 39, 40, 41, 42, 43, 44, 46, 48, 49, 50, 52, 53, 54, 57, 59, 60, 61, 62, 63, 64, 65, 66, 76, 77, 79, 80, 82, 83, 84, 86, 89, 90, 91, 92, 93, 94, 95, 96, 99, 100, 102, 103, 104, 107, 110, 111, 112, 113, 114, 115, 117, 118, 121, 122, 127, 128, 130, 131, 132, 135, 136, 142, 144, 145, 147, 148, 151, 163, 180, 181, 182, 186, 187, 188, 190, 192, 200, 205, 206, 216, 217, 218, 219, 220, 222, 223, 231, 235, 243, 248, 255

– indentured servant 48
– indigenous 7, 12, 15, 21, 37, 61, 113, 114, 121, 131, 144, 195, 231, 235, 239
– *individuum* 45, 99, 117, 118, 119, 121, 123, 127, 144, 188, 201, 239
– landless 6, 19, 26, 92, 132, 203, 207, 209, 214, 224, 239, 240, 241, 249
– land ownership 19
– laws/texts 5, 10, 11, 12, 22, 25, 33, 35, 36, 39, 40, 80, 93, 106, 107, 108, 117, 120, 129, 169, 170, 171, 173, 179, 180, 184, 196, 205, 206, 224, 225, 226, 227, 229, 236, 240, 242, 249, 250, 251, 252, 254, 255
– non-indigenous 1, 2, 4, 8, 141, 159, 230, 231, 237, 249, 253
– proselyte 2, 7, 8, 216
– refugee 1, 15, 16, 17, 18, 19, 20, 21, 31, 75, 110, 113, 221, 229, 255
– resident alien 7, 15, 33, 49, 70, 101, 189, 213, 216, 217, 228, 234, 244
– sojourner 1, 6, 11, 26, 80, 111, 112, 113, 114, 115, 130, 181, 218, 235, 242
– stranger 1, 4, 7, 10, 11, 22, 23, 26, 31, 32, 34, 37, 43, 47, 91, 109, 115, 120, 229, 230, 235, 236, 246, 255
God's People 65, 73, 111, 156, 241, 253
Hezekiah 15, 16, 20, 69, 108, 109, 146, 166, 167
Holiness Code (HC) 1, 5, 7, 23, 33, 35, 93, 172, 177, 179, 216, 238
Holiness Laws (H) 12, 114, 169, 182, 184, 196, 206, 214, 251, 254
Hospitality 2, 10, 31, 37, 80, 147, 203, 228, 244, 249
Imitatio Dei 54, 151, 162, 206, 227, 239, 246, 249, 253
Immigration 4, 20, 36
Integration 12, 37, 46, 66, 76, 104, 109, 122, 123, 167, 189, 196, 224, 227, 239, 242, 243, 244, 250
Inversion Principle 151, 162, 246, 253
Israelite Household 6, 45, 46, 55, 60, 61, 62, 75, 90, 91, 92, 140, 192, 195, 199, 200, 207, 208, 211, 213, 227, 248
Israelite Society 6, 19, 20, 25, 28, 31, 33, 34, 36, 47, 48, 87, 89, 93, 109, 115, 163, 203, 207, 214, 227, 230, 245, 255
Josiah 17, 25, 27, 28, 34, 100, 108, 109, 110, 115, 156, 167, 173, 195, 203, 204
Justice 23, 25, 32, 33, 48, 49, 50, 52, 53, 83, 86, 87, 92, 93, 106, 107, 110, 120, 151, 182, 198, 205, 213, 225, 229, 230, 231, 232, 233, 236, 237, 238
Kontingenttext (Kt) 177, 178, 179, 188, 210
Levite, גר, Orphan, Widow 45, 46, 58, 115, 121, 203, 227, 249, 253
Love 27, 32, 49, 50, 51, 53, 54, 55, 56, 59, 67, 107, 110, 111, 120, 145, 205, 206, 222, 225, 238, 243, 246, 247, 248, 249, 250, 252, 255
Matzoth 131, 182, 194, 198, 199, 200, 202, 204, 214, 226, 254
Membership 7, 21, 69, 75, 101, 123, 219, 242
Mission 9, 10, 83, 246, 250, 255
Oppression 114, 121, 129, 132, 135, 136, 144, 147, 153, 156, 162, 163, 182, 195, 197, 205, 226, 227
Orphan-Widow Dyad 30, 32, 49, 120, 237, 253
Paterfamilias 44, 45, 46, 47, 48, 52, 55, 60, 61, 62, 64, 82, 90, 91, 92, 115, 118, 149, 192, 193, 194, 203, 204, 206, 207, 208, 211, 248, 254
Patron 46, 48, 99, 104, 110, 121, 123, 195, 213, 227, 230, 253
People of Israel 100, 102, 140, 221, 244, 247
People of the Land 17, 207
Personae Miserae 19, 24, 30, 31, 33, 34, 42, 43, 46, 48, 60, 61, 75, 86, 88, 104, 106, 108, 109, 115, 121, 123, 124, 142, 144, 148, 149, 156, 192, 195, 201, 202, 205, 207, 218, 223, 224, 226, 227, 229, 230, 231, 234, 237, 238, 239, 246, 248, 249, 252, 253, 254
Pesach 26, 63, 109, 131, 149, 156, 182, 194, 198, 199, 200, 201, 202, 203, 204, 214, 219, 226, 242, 254
Poor 23, 24, 31, 34, 43, 65, 83, 84, 85, 86, 89, 106, 108, 109, 113, 114, 115, 118, 121, 122, 181, 182, 218, 219, 227, 229, 230, 236, 238, 240
Poor and Needy 43, 83, 84, 85, 106, 108, 109, 113, 114, 118, 121, 122, 182, 227, 240
Poverty 28, 35, 52, 85, 86, 122, 219, 227
Protected Residence 6
Quellentext (Qt) 177, 178, 179, 190, 199, 209, 210
Redaction 27, 67, 112, 120, 123, 155, 156, 158, 160, 162, 168, 188, 195, 196, 197,

200, 252
Reforms 28, 29, 108, 165, 203, 204, 233
Segregation 17
Shavuot 62, 63, 64, 65, 74, 79, 97, 101, 102, 106, 107, 109, 112, 122, 151, 179, 201, 202, 204, 209, 219, 226, 228, 240, 254
Slave (עבד) 5, 50, 57, 91, 94, 108, 124, 129, 130, 132, 133, 134, 142, 143, 144, 145, 147, 148, 149, 151, 162
Slave-in-Egypt (עבד-Egypt) 12, 35, 54, 65, 87, 88, 93, 108, 109, 127, 128, 129, 130, 133, 136, 142, 143, 148, 149, 150, 151, 152, 153, 155, 156, 157, 158, 161, 162, 163, 166, 173, 192, 193, 239, 246, 249, 251, 253
Social Justice 24, 124, 189, 229
Contexts
– socio-economic 60, 98, 104, 106, 151, 206, 223
– socio-judicial 106
– socio-legal 8
– socio-religious 46, 54, 60, 78, 98, 124, 223
Source Text 44, 176, 177, 178
Status 1, 4, 6, 7, 8, 9, 18, 21, 22, 26, 27, 31, 33, 34, 37, 46, 50, 51, 65, 68, 74, 77, 81, 95, 109, 112, 123, 132, 133, 147, 148, 149, 162, 163, 175, 188, 195, 206, 220, 224, 225, 226, 229, 240, 242, 252, 254
Sukkoth 63, 65, 74, 97, 101, 102, 103, 104, 106, 107, 112, 122, 179, 201, 202, 204, 226, 228, 240, 254
Suzerain 33, 163, 206, 239, 249
Tetrateuch 35, 116, 166, 186, 187, 188, 253
Tithe 12, 17, 23, 46, 58, 59, 60, 61, 62, 75, 89, 90, 91, 97, 101, 106, 112, 118, 122, 179, 203, 207, 208, 209, 211, 213, 214, 219, 222, 223
Triad 28, 30, 34, 49, 51, 65, 86, 88, 91, 93, 99, 106, 108, 110, 114, 115, 117, 118, 119, 120, 127, 149, 150, 160, 187, 192, 201, 203, 209, 228, 229, 230, 255
Unaffiliated Alterity 6, 7
Vassal 26, 55, 206
Vulnerable 23, 24, 32, 46, 86, 87, 114, 121, 123, 149, 150, 151, 156, 159, 162, 163, 193, 203, 231, 239, 246, 253
Wisdom Literature 31, 34, 105, 239, 253
Within Israel's Gates 192
Within Your Gates 43, 45, 46, 47, 57, 58, 59, 60, 61, 62, 63, 64, 80, 83, 84, 89, 102, 103, 111, 113, 114, 117, 118, 122, 145, 182, 186, 190, 192, 201, 208, 220, 222
גר, Orphan, Widow 55, 75, 87, 115, 214, 227, 229, 239, 255
גר-Egypt/Immigrant-in-Egypt 35, 54, 79, 108, 109, 127, 128, 129, 130, 133, 135, 136, 142, 143, 144, 145, 148, 151, 152, 153, 155, 156, 157, 158, 159, 161, 162, 163, 205, 206, 239, 246, 249, 251, 253, 254