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THE ORIGIN AND UNIQUENESS OF THE

גַּר IN DEUTERONOMY 10:18-19

by

KENNETH P. CECIL

A THESIS

SUBMITTED TO THE FACULTY OF

COVENANT THEOLOGICAL SEMINARY

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS IN EXEGETICAL THEOLOGY

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Graduation Date

Faculty Advisor
Dr. Brian Aucker



Second Faculty Reader
Dr. Robert Yarbrough



Director of the MAET Program
Dr. David Chapman



Director of the Library
Mr. Jim Pakala



ABSTRACT OF
THE ORIGIN AND UNIQUENESS OF THE
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The issue of immigration occupies a large and contentious segment of current daily news feeds in the United States with no sign of relenting anytime soon. The Old Testament topic of the גַּר (“sojourner”) is often enlisted by Christians to argue in various directions with regard to the immigration debate. While this study does not attempt to engage directly in the current debate, it does present careful considerations for those who wish to approach the debate in a serious and biblically informed manner. This study opposes the instinct to rush to Old Testament teachings regarding the גַּר to support a particular stance on immigration. However, the type of faithful exegesis presented here has the potential to supplement our understanding regarding the heart of God towards outsiders and shape the tone with which Christians approach the question of immigration.

This study focuses on the vast cultural, textual, authorial, and linguistic factors related to the Old Testament גַּר. One of the frequently cited passages regarding the גַּר is: “Love the sojourner, therefore, for you were sojourners in the land of Egypt” (Deut. 10:19). This thesis presents a study of the גַּר in Deut. 10:18-19. As with all responsible exegesis, careful consideration is given to the historical and textual setting of this passage in Deuteronomy.

Exegetical examination of the גַּר begins with the lexical study of the Hebrew term and seeks to answer questions related to the identity of the גַּר. The Hebrew word גַּר is rendered in the lexicons and English Bible translations variously as “sojourner,”

“protected citizen,” “stranger,” “resident alien,” “foreigner,” and “alien.” “Sojourner” was chosen in this study as the preferable gloss. A working definition for the Hebrew word גר in Deut. 10:18-19 was developed through the lexical study: *a non-native dwelling in Israel with certain conceded, not inherited rights for the sake of whom kindness is frequently enjoined and with respect to whom oppression is warned against.*

In order to determine when the גר emerged among the Israelites, one quickly confronts the Documentary Hypothesis, the prevalent view in academia. Contrary to the Documentary Hypothesis, this study asserts that the book of Deuteronomy was authored in the second millennium BC as an accurate presentation of the words of Moses. Once the challenges of authorship and date are accounted for, one is prepared to return to the question of when the גר appeared among the Israelites. Based upon an investigation of the biblical and historical context, the גר had most likely been living among the Israelites prior to their entrance into the Promised Land.

In comparison to other Ancient Near East societies, Israel was unique with respect to the requirements regarding attitudes and behavior towards the גר. It is clear from the Torah, and indeed the Old Testament in general, that the Lord’s attitude toward sojourners is one of kind protection. He is jealous for their sake and insistent that the Israelites love and care for them. Mistreatment of the sojourners among them is one of the major offenses inciting God’s judgment upon Israel in the prophets (Jer. 22:3; Ezek. 22:7, 29; Zech. 7:10; Mal. 3:5). In addition, it is clear from the context of Deuteronomy that love for the sojourner is of central concern in the Lord’s covenant with his people. It is not an optional add-on that may be jettisoned in favor of more weighty matters of obedience and devotion.

Because God owns all lands of the earth (Ps. 24:1) and because anyone dwelling in someone else's land is a sojourner, then all of humanity is sojourning on the earth. Therefore, the precepts regarding treatment of sojourners is not limited to an Old Testament context. The treatment of sojourners dwelling in "our" land today ought to reflect the manner in which God treats those living in his land, full of compassion and always careful to protect and provide for the weak or vulnerable (Ps. 72:13; Ps. 146:7-8). When considering our call to disciple the nations, just as the Israelites were called to remember their solidarity with the sojourners around them, Christians ought to approach outsiders with humility grounded in our kinship with and duty towards all of humanity as fellow sojourners on the earth.

This work is dedicated to my wife, Elizabeth, and my children: Malachi, Baxter, Isabel, Alaina, and Jackson. You came to St. Louis with me on this wild adventure. I love you more than words can say!

TABLE OF CONTENTS

ACKNOWLEDGMENTS	x
ABBREVIATIONS	xi
Chapter 1 – Introduction	1
Chapter 2 – Lexical Study of גר in Deuteronomy 10:18-19	4
2.1 Concept-Oriented Analysis of גר.....	4
2.1.1 Broad Range of Meaning	4
2.1.1.1 Journeying and Dwelling.....	6
2.1.2 Specific Usage in Deuteronomy 10:18-19	8
2.1.2.1 Important Syntagms.....	12
2.2 Field-Oriented Data.....	14
2.2.1 Roots and Biblical Hebrew Cognates.....	14
2.2.2 Synonyms and Antonyms of גר.....	15
2.2.2.1 Synonyms	16
2.2.2.2 Antonyms.....	19
2.2.3 The Septuagint.....	21
2.2.4 Commentaries, Modern English Versions, and Other Scholars.....	23
2.3 Conclusions	29
Chapter 3 – Date and Authorship of Deuteronomy	30
3.1 Documentary Hypothesis	31
3.1.1 Overview of the History of the Documentary Hypothesis.....	31
3.1.1.1 A Summary of Wellhausen’s Argument	34
3.1.2 Current State of the Documentary Hypothesis.....	37
3.2 Brief Response to the Documentary Hypothesis.....	38
3.2.1.1 Wellhausen and the Torah	42
3.2.2 Documentary Hypothesis and Deuteronomy	45
3.2.3 Documentary Hypothesis and the גר	50
Chapter 4 – Origin and Uniqueness of the גר.....	53
4.1 Origin of the גר in Deuteronomy 10:18-19	53
4.1.1 Foreigners in Other Ancient Near Eastern Nations.....	53

4.1.1.1 The Roles of Foreigners	54
4.1.1.2 Attitudes towards Foreigners.....	56
4.1.2 The גר in Israel	59
4.2 Uniqueness of the גר in Israel.....	62
4.2.1 The גר in Legal Documents	62
4.2.2 Centrality of the גר	65
4.2.2.1 Broader Literary Context.....	65
4.2.2.2 Immediate Context	67
Chapter 5 – Conclusion.....	70
5.1 Who is the גר?.....	70
5.2 When Did the גר Appear in Israel?.....	71
5.3 How Does the Lord Feel Toward the גר?	71
5.4 What Place Does the גר Have in the Covenant?.....	72
5.5 Broader Implications	72
5.6 Summary	75
Bibliography	76

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Thank you Liz, my faithful wife and best friend. You have endured much and all with such cheerfulness. I love you with all my heart.

ABBREVIATIONS

ANE	Ancient Near East
BDAG	Walter Bauer, F.W. Danker, W.F. Arndt, and F.W. Gingrich. <i>A Greek-English Lexicon of the New Testament and Other Early Christian Literature</i>
BDB	Francis Brown, S.R. Driver, and C.A. Briggs. <i>Hebrew and English Lexicon of the Old Testament</i>
BHS	Biblia Hebraica Stuttgartensia, 2 nd ed., 1983
DCH	D.J.A. Clines and John Elwolde, eds. <i>The Dictionary of Classical Hebrew</i>
DH	Documentary Hypothesis
ESV	English Standard Version of the Bible
HALOT	Ludwig Koehler and Walter Baumgartner. <i>The Hebrew and Aramaic lexicon of the Old Testament</i>
LXX	Septuagint
NASB	New American Standard Bible
NIDOTTE	W.A. VanGemeren, ed. <i>New International Dictionary of the Old Testament Theology and Exegesis</i>
NIV	New International Version of the Bible
NKJV	New King James Version of the Bible
NRSV	New Revised Standard Version of the Bible
TWOT	R.L. Harris, G.L. Archer, Jr., and B.K. Waltke, eds. <i>Theological wordbook of the Old Testament</i>

Chapter 1 – Introduction

The rights of immigrants and the appropriate policies for their treatment are a contentious issue in the United States in our time. And the issue of immigration rights is a significant issue for those ministering the Gospel in settings where there are large numbers of immigrants, whether in Latino contexts, Asian contexts, or otherwise. Christian scholars from varying political points of view have studied the Old Testament injunctions regarding treatment of the גר (“sojourner”) in an attempt to apply biblical teaching to the immigration debate.¹

Faithful exegesis of the OT גר would most certainly prove to be profitable in understanding the immigration debate from a Christian perspective. And though I anticipate some fruit from the current work would be applicable to the immigration issue generally, it is not the purpose of this thesis to delve into the immigration debate. The distance between the modern immigration debate and the OT גר passages is vast and one should not think that application from then to our current situation is a simple matter. There are immense cultural, textual, authorial, and language factors that would need to be carefully sorted out with wisdom and humility.

The questions with which this thesis concerns itself involve who the גר is, when did he show up in Israel, how does the Lord feel about him, and what place does he have in the covenant? After developing a definition of precisely who it is the גר refers to in

¹ As examples, see M. Daniel Carroll R., *Christians at the Border: Immigration, the Church, and the Bible* (Grand Rapids, MI: Brazos Press, 2013) and James K. Hoffmeier, *The Immigration Crisis: Immigrants, Aliens and the Bible* (Wheaton, IL: Crossway Books, 2009).

Chapter 2, Chapter 3 will proceed to answer the question of when he likely appeared in Israel, as part of the controversial study of the date, authorship, and the Documentary Hypothesis. The heart of the thesis is detailed in Chapter 4 and regards the Lord's affection for and protective attitude toward the גר and his place of centrality in the covenant.

Chapter 2 presents a lexical study of the גר, exploring the range of biblical and extra-biblical meaning for the word and establishing a definition for the term that is utilized through the rest of the thesis. The analysis in Chapter 2 is organized in two parts, a concept-oriented study focusing on its meaning in Deuteronomy 10:18-19 and a field-oriented study focusing on a broader study of the term, including its usage outside Biblical Hebrew.

In Chapter 3 the questions of date and authorship of Deuteronomy 10:18-19 are taken up. This text is chosen for the focus of this thesis because it is a broad statement of the command to love the גר and it is located textually at the center of the Lord's giving of his covenantal requirements to the new nation. This necessitates an examination of the Documentary Hypothesis. An analysis of the Documentary Hypothesis is presented from an evangelical perspective and this author's considered opinion is presented regarding date and authorship.

Chapter 4 develops the central ideas of this thesis regarding when the גר likely first appeared in Israel. We will proceed to compare and contrast the גר in Israel to the foreigners in the nations that surrounded Israel. We will see in Chapter 4 that the גר was present early in Israel's history and that the גר was unique in Israel in various ways as compared to the foreigners dwelling in other nations.

Chapter 5 reviews the ground covered in Chapters 2, 3, and 4, focusing on the conclusions. Based on cues from the exegetical analysis in the thesis, a direction for further Biblical Theology study is suggested.

Chapter 2 – Lexical Study of גר in Deuteronomy 10:18-19

2.1 Concept-Oriented Analysis of גר

This section focuses on how the specific lexical term גר is used in its biblical context. The following Section 2.2 will broaden the discussion beyond the specific lexeme as used in Deut. 10:18-19, including its root and cognates, synonyms, antonyms, and usage outside of Biblical Hebrew. For the purposes of this thesis, concept-oriented analysis relies upon biblical lexicons and analysis of the term's usage elsewhere in the Bible to first establish the spectrum of biblical meaning and, subsequently, to determine its specific meaning in the context of our passage.

2.1.1 Broad Range of Meaning

The general glosses in the lexicons of Biblical Hebrew provide a basic sense for גר in the OT.² BDB gives “sojourner” as the basic meaning of the term.³ HALOT and DCH add the following general glosses: “protected citizen,” “stranger,” and “resident

² Moisés Silva, *Biblical Words and Their Meaning: an Introduction to Lexical Semantics* (Grand Rapids, MI: Zondervan, 1994), 101-114. When discussing the meaning of the various Biblical Hebrew cognates, it is important to keep in mind some basic, though surprisingly complex, concepts regarding words and meaning. I am here using the basic distinctions from Ogden and Richards as presented by Silva. *Symbol* is the word (or words) in its phonetic form; *sense* is the mental content or response invoked by the symbol; and *referent* is the extra-linguistic thing that a symbol stands for. Take the following sentence as an example: “He climbed the corporate ladder.” The arrangement of the English letters l, a, d, e, and r assembled in a group is the symbol. A progression of vocational advancement is the sense. And a wood or metal object with two runners and spaced rung used for climbing to some height is the referent. A cursory review of lexical semantics studies presented by Silva demonstrates that we could spend a lot of time and energy refining our understanding of lexicography as it applies to our lexical study of גר. However, for the purposes of this thesis, it will suffice to acknowledge that we must not make the common mistake of prioritizing referential or “dictionary” meaning. Rather, we should understand that the meaning of almost all words is dependent more on their *sense* (or contextual usage) than on their *reference*.

³ BDB, s.v. “גר.”

alien.”⁴ BDB and HALOT add further qualification to the meaning particular to specific biblical usages, which will be discussed in section 2.1.2.

Before narrowing the definition to the context of Deut. 10:18-19, however, an evaluation must be made of the broad range of meanings presented in the lexicons and a determination made regarding a working definition for the broader use of the term in the OT. Beginning with the BDB gloss, many English speakers may not have a clear notion of what the word “sojourner” means. And if they do, they may be likely to believe it emphasizes the act of journeying which is through a place that is not his home, perhaps passing through to a place and then back home again. However, this is not consistent with *Webster’s Third New International Dictionary* definition which says a sojourner is “one who sojourns,” and it defines the verbal form sojourn as, “to stay as a temporary resident.”⁵ The emphasis of this definition is not on journeying but on staying. The temporary nature of the residence implies some aspect of journeying but not necessarily as part of the current status of the resident. Looking ahead to the more specific uses provided for גר in BDB, it never assumes the word describes one currently on a journey but instead focuses on the agent as one who dwells or stays.⁶

HALOT defines גר as a “protected citizen” or “stranger.”⁷ Again, it is conceivable that this person might be one passing through, but HALOT’s glosses do not require the

⁴ HALOT, s.v. “גר”; DCH, s.v. “גר.”

⁵ *Webster’s Third International Dictionary of the English Language* (Springfield, MA: Merriam-Webster, Inc., 1986), “sojourner.”

⁶ See Anna Grace Gallant, “How Does the Sojourner Teach the Character of God?” (M.A.E.T. thesis, Covenant Theological Seminary, 2007), 49 for more discussion of the modern English rendering of גר.

⁷ HALOT, s.v. “גר.”

idea of movement. Rather, the diagnostic component that is prevalent is that the person is non-native in the place of his residing. DCH renders it “sojourner” or “resident alien,”⁸ both of which are consistent with what has been observed already in BDB, HALOT, and in Webster’s. The prevalent sense of the term corresponds to the dwelling/staying and secondarily on the journeying/moving. The general usage of the term, therefore, according to the lexicons, appears to refer to a person who is dwelling in a land that is not his own by inheritance or birth.

2.1.1.1 Journeying and Dwelling

Does the biblical usage of גר support the assertion that the sojourner is to be understood primarily as one who “dwells” rather than on one who “journeys?” This question will be further examined under the field-oriented study presented in section 2.2 where the verbal root גור is analyzed. This section is limited to the particular lexeme גר and its plural גרים.

A survey of the 92 occurrences of גר in the OT indicates that the sojourner does not typically refer to one passing through on a journey but someone whose “temporary” dwelling was more long-lasting in duration and more firmly established in quality.⁹ The breakdown of these occurrences by book is shown in the following table. Deuteronomy and Leviticus contain the largest number of occurrences, followed by a substantial percentage in Exodus and Numbers. The remainder of the occurrences are distributed mostly among the prophets and the Psalms.

⁸ DCH, s.v. “גר.”

⁹ Occurrences from searching the text of BHS using Logos Bible Software 4, June 2015.

Book	Occurrences	Percent	Book	Occurrences	Percent
Deuteronomy	22	25.3	1 Chronicles	2	2.2
Leviticus	21	22.8	2 Chronicles	2	2.2
Exodus	12	13.0	Genesis	2	2.2
Numbers	11	12.0	2 Samuel	1	1.1
Ezekiel	5	5.4	Isaiah	1	1.1
Psalms	4	4.3	Job	1	1.1
Jeremiah	3	3.3	Malachi	1	1.1
Joshua	3	3.3	Zechariah	1	1.1

The first time the word occurs in Gen. 15:13, the Lord uses it to refer to the future Israelites, predicting that they would be sojourners in Egypt for 400 years. Abraham, as a sojourner, asked the Hittites to sell him property to bury Sarah in the land of Canaan (Gen. 23:4); and Moses symbolized that he was a sojourner by naming his son Gershom which is built on the root word גר (Exod. 2:22). In both of those cases, Abraham and Moses dwelt for a significant time as sojourners. They did not pass through quickly as journeying foreigners.

Throughout Exodus and Leviticus, the sojourner is portrayed as participating in the ceremonial life of Israel, even having the option to be circumcised and join in the celebration of the Passover (Exod. 12:48). The Lord states repeatedly throughout the *Torah* that the sojourners are to be regarded similarly as the native Israelites, both in benefits and obligations (Exod. 12:49, 20:10; Lev. 17:10, 19:34; Num. 15:15, Deut. 1:16, 27:19). Leviticus 25:47 presents a sojourner not only dwelling in Israel, but becoming rich, even to the point where a native Israelite sells himself to the sojourner. The Israelites were to empathize with the sojourner out of their national memory of the Egyptian captivity (Exod. 23:9). The sojourners are included in the term “all Israel” when

Joshua gathers them to renew covenant in Josh. 8:30-35. In Ezekiel 47:22-23, the sojourner is one who has had children among them and the Lord requires that he receive an inheritance along with the tribes of Israel.

Job 31:32 indicates that the “sojourner” in that passage is a “traveller,” as also in Jer. 14:8. However, the sojourner is not presented as one in transit outside of these two verses. Rather, the picture in the OT of the sojourner is one who is joined semi-permanently or permanently to the nation of Israel. He participates in national life with little distinction being made in the level of participation and equality of justice.

2.1.2 Specific Usage in Deuteronomy 10:18-19

As stated previously, Deut. 10:18-19 is an important text in studying the גר because it occurs at the heart of what the Lord expected of his people as a newly constituted nation. In addition, these two verses are a clear statement of the Lord’s kindly affection toward the גר, along with the widow and orphan. It is also a clear statement that Israel’s past as sojourners in Egypt should provide good motivation for them to love the גר. The following discussion focuses in on the use of the term in these verses.

Returning to the lexicons, BDB distinguishes the abstract sense of the term into two categories. The first category typically applies to particular Israelites or Israel as a people, referring to them as “sojourner,” “temporary dweller,” or “new-comer,” and indicates that they had no inherited rights in their sojourning context. Examples cited in this category by BDB include Abraham in Hebron (Gen. 23:4); Moses in the desert (Exod. 2:22 and 18:3); and Israel in Egypt (Gen. 15:13; Exod. 22:20 and 23:9). The second category in BDB is used in reference to foreign-born, non-natives who are “dwellers in Israel with certain conceded, not inherited rights.” These are the גרים and are

to share in Sabbath rest (Exod. 20:10), have similar obligations as the Israelites (Exod. 12:19 and elsewhere), and enjoy similar rights and privileges as home-born Israelites (Deut. 1:16; 16:11, 14 and elsewhere). BDB points out that, with regard to obligation and permissible food, there is rarely any distinction between the גר and the native Israelites. BDB lists our passage under both categories, specifically in two locations: with passages where BDB notes that the sojourner is he whom the Israelites are required to treat with kindness; and with passages where BDB notes that the Israelites were sojourners in Egypt.¹⁰ This thesis focuses on the usage of גר and גרים as non-natives dwelling in Israel. However, the duties towards the sojourner in Deuteronomy are very much related to the experience of the Israelites as גרים in Egypt. The Lord reminds them repeatedly in the verses listed by BDB under this second category that their experience as sojourners should motivate them to treat the sojourners in their midst well (e.g., Exod. 22:20; Lev. 19:34; and Deut. 10:19).

BDB also notes in the second category, where the sojourner is one who is foreign-born and dwelling in Israel, that the גרים referred to those gathered during the time of David and Solomon and required to perform manual labor in the building of the temple (1 Chron. 22:2; 2 Chron. 2:17). However, BDB indicates that this should not necessarily be attributed to a lasting change in Israelite treatment of the sojourner because hundreds of years later, when Hezekiah calls for the Passover observance, the גרים are included in those who participated in the celebration (2 Chron. 30:25).¹¹

¹⁰ BDB, s.v. “גר.”

¹¹ BDB, s.v. “גר.”

**“He executes justice for the fatherless and the widow,
and loves the sojourner...”**

Deut. 10:19

ואהבתם את־הגר כִּי־גרים הייתם

**“Love the sojourner, therefore, for you were
sojourners...”**

Deut. 14:29

והגר והיתום והאלמנה...ואכלו ושבעו

“...and the sojourner, the fatherless, and the widow...shall
come and eat and be filled...”

Deut. 24:19

לגר ליתום ולאלמנה

“...for the sojourner, the fatherless, and the widow...”

Deut. 24:20

לגר ליתום ולאלמנה יהיה

“It shall be for the sojourner, the fatherless, and the
widow.”

Deut. 24:21

לגר ליתום ולאלמנה יהיה

“It shall be for the sojourner, the fatherless, and the
widow.”

Deut. 26:12

ונתתה ללוי לגר ליתום ולאלמנה ואכלו...ושבעו

“...giving it to the Levite, the sojourner, the fatherless, and
the widow, so that they may eat...and be filled...”

Deut. 26:13

נתתיו ללוי ולגר ליתום ולאלמנה

“...I have given it to the Levite, the sojourner, the
fatherless, and the widow...”

As Anna Grace Gallant has pointed out, the Hebrew scriptures do not provide a direct explanation as to who the גר is.¹⁵ The sojourner in these passages is often portrayed as a fixture in society who needs kindness shown to them, either by leaving the extras from harvest for them or by treating them with equality of justice. Often they are grouped

¹⁵ Gallant, 6.

together with other fixtures in society—the widows and orphans—who likewise stand in great material and social need, which the native Israelites were required to help meet. BDB’s definition (i.e., a “sojourner” and a “dweller in Israel with certain conceded, not inherited rights” to whom “kindness is frequently enjoined”) help us form a preliminary definition for נָכַר in Deut. 10:18-19: a non-native dwelling in Israel with certain conceded, not inherited rights to whom kindness is frequently enjoined. It should be noted that the passages speaking about the Israelites’ experience in Egypt lend lexical and exegetical support to the emphasis on dwelling in this definition in light of the fact that their sojourning was a semi-permanent event lasting 400 years.

2.1.2.1 Important Syntagms

Several syntagms—words or series of words that make up discrete bundles of meaning—¹⁶ are observed in the BDB list of verses above as follows:

1. “the sojourner, the fatherless, and the widow”
2. “love the sojourner”
3. “for the poor and for the sojourner”

These syntagms will be investigated below for possible contextual links between our passage and other passages and may aid in drawing conclusions regarding our preliminary definition.

The first syntagm to be analyzed is “the sojourner, the fatherless, and the widow.”¹⁷ There are a number of OT passages that contain these three Hebrew terms

¹⁶ This definition from Todd J. Murphy, *Pocket Dictionary for the Study of Biblical Hebrew* (Downers Grove, IL: InterVarsity Press, 2003), 164.

¹⁷ Referred to as the “Deuteronomic triad.” Mark A. Awabdy, *Immigrants and Innovative Law: Deuteronomy's Theological and Social Vision for the נָכַר* (Tübingen, Germany: Mohr Siebeck, 2014), 30; José E. Ramírez Kidd, *Alterity and Identity in Israel: The נָכַר in the Old Testament* (Berlin/New York: Walter de Gruyter, 1999), 35; Christiana van Houten, *The Alien in Israelite Law* (Sheffield, England: Sheffield Academic Press, 1991), 95.

together (גר, “sojourner”; יתום, “fatherless” or “orphan”; and אלמנה, “widow”). These three words occur together in 18 verses, 11 of which are found in Deuteronomy: Deut. 10:18, 14:29, 16:11, 16:14, 24:17, 24:19, 24:20, 24:21, 26:12, 26:13, 27:19; Jer. 7:6, 22:3; Ezek. 22:7; Zech. 7:10; Mal. 3:5; Ps. 94:6, 146:9.

The first thing to be observed in the list above is the overwhelming percentage of times (61%) this syntagm occurs in Deuteronomy. Care of these three classes of persons is a recurring theme in the book of Deuteronomy.

The references may be grouped into 4 categories: verses commending general love and care; verses requiring that they be included in religious celebrations; prophetic challenge directed to God’s people; psalms for corporate worship. Care of the sojourner, fatherless, and widow were at the heart of covenant faithfulness as presented in Deuteronomy. These classes of people were to be present together with God’s people in their religious celebrations. The judgment or blessing of God’s people in the prophets was contingent upon how Israel treated these people. This is clearly seen in Jer. 7:5-7 where the Lord tells the people of Judah through the prophet Jeremiah that he would let them remain in the land if they would amend their ways, which included ceasing to oppress the sojourner. Similar warnings and exhortations are given in Ezek. 22:7, Zech. 7:10, and in Mal. 3:5. The Israelites were reminded in corporate psalm-singing of their duty to care for all three of these groups of people—sojourner, orphan, and widow (Ps. 94:6 and 146:9).

It may be obvious, but worth stating, what these three classes of people had in common. These people were vulnerable for their lack of connection to family and land. The Lord cares for them in their vulnerability and wants Israel to be sensitive to their

plight. Five of the verses in Deuteronomy are followed by a reminder to Israel of their vulnerability when they themselves were in slavery in Egypt.

The second syntagm, “love the sojourner,” is present in our passage and in one other, Lev. 19:34. Leviticus presents the requirement to love the גר along with all the other ways in which the people of God are to demonstrate holiness and consecration to God. This verse ends with a reminder that Israel had been slaves in Egypt.

The final syntagm is “for the poor and for the sojourner.” This phrase occurs five times in the OT, twice in Leviticus (19:10, 23:22), once in Deuteronomy (24:14), once in Ezekiel (22:29), and once in Zechariah (7:10). The context is either an injunction not to oppress but to provide for the poor and sojourner, or it is threatened judgment for oppressing them.

Based primarily on this last syntagm, it would be judicious to add to our working definition that there is not only an entreaty to treat them kindly but that the converse is also present: a warning not to oppress them.

2.2 Field-Oriented Data

2.2.1 Roots and Biblical Hebrew Cognates

This section explores various field-oriented data, beginning with the root of the lexeme גר. According to BDB, גר is related to the trilateral root גור, which the lexicons agree has three meanings. The meanings are members of distinct semantic domains, do not share common diagnostic components, and therefore do not provide obvious insight

into the meanings of one another.¹⁸ BDB lists the nominal גר under only one of these verbal root definitions, which is to “sojourn, dwell, abide.”¹⁹

Terms listed as nominal cognates within the same גור entry include גרות, which is a feminine noun meaning “lodging”; מגור, a masculine noun meaning “sojourning-place, dwelling-place,” or “sojourning;” and מגורה and ממגרות which are, respectively, singular and plural feminine nouns meaning “store-house, granary.” The other terms listed by BDB are limited to location proper names.

The meanings of each of the three common nouns above indicate a place where a person or perhaps animal dwells or where objects are stored. The first and third of them, גרות and מגורה, have as their lexical referents places that could be temporary or more permanent. Depending on contextual issues, such as how long the lodger stays or what is being stored in the store-house, the lexical sense of “lodging” and “store-house” could be include a greater or lesser degree of permanence.

2.2.2 Synonyms and Antonyms of גר

Wigram,²⁰ Kohlenberger and Swanson,²¹ and Even-Shoshan²² were consulted to identify synonyms and antonyms that might prove helpful in further refining the meaning of the term גר. Even-Shoshan did not contain a קרובים (synonyms) entry for our term.

¹⁸ Gallant, 18.

¹⁹ BDB, s.v. “גור” (I).

²⁰ George V. Wigram, *The Englishman's Hebrew Concordance of the Old Testament* (Peabody, MA: Hendrickson Publishers, 2006), s.v. “גר.”

²¹ John R. Kohlenberger III and James A. Swanson, *The Hebrew English Concordance to the Old Testament* (Grand Rapids, MI: Zondervan, 1998), s.v. “גר.”

²² Abraham Even-Shoshan, *A New Concordance of the Old Testament Using the Hebrew and Aramaic Text* (Jerusalem: Sivan Press Ltd., 1989), s.v. “גר.”

However, Wigram's Hebrew-English and English-Hebrew indexes and Kohlenberger and Swanson provided a sufficiently thorough list of synonyms and antonyms.

In discussing synonyms and antonyms, it needs to be acknowledged that words can have multiple meanings (what linguists refer to as polysemy). Few words have absolute synonymy, rather synonyms exist on a spectrum of closeness in meaning. This will be seen by the fact that some of the words listed as synonyms in the following section seem, upon further analysis, not to be synonyms after all.

2.2.2.1 Synonyms

English synonyms for גר were identified using the Wigram indexes and Kohlenberger and Swanson's concordance. Biblical Hebrew synonyms were then identified by cross-referencing between the Hebrew-English and the English-Hebrew indexes. The English words indexed to גר are "alien," "sojourner," "foreigner," and "stranger." From these three English words, relevant cross-referenced biblical Hebrew synonyms are זור, תושב, נכר, נכרי, ערב, and ממזר, each discussed below. The lexical meanings of the synonyms are also cross-referenced to those found in the *New International Dictionary of Old Testament Theology and Exegesis* (NIDOTTE).

According to BDB, זור means "to be a stranger,"²³ related to the adjective זר, often translated substantively in the English versions as "stranger" or "alien." NIDOTTE glosses זור as "turn away, turn aside," "disengage oneself from," or "be estranged, alienated."²⁴ Neither the verbal nor the substantival form of this word contain the idea of dwelling that גר contains.

²³ BDB, s.v. "זור."

²⁴ J.A. Thompson, "זור," in *NIDOTTE*, 1:1092.

The second synonym, תושב, is listed by BDB as a noun that refers to a “sojourner,” similarly to גר and often appearing in the same immediate context with גר. However, תושב seems to be indicating someone of a more temporary and dependent nature.²⁵ Lev. 22:10 commands that the תושב כהן (“sojourner of a priest”) should not eat of a ceremonially holy thing. Lev. 25:6 stipulates that during the year of Jubilee the תושב should receive food that comes from the land while it is not being worked and harvested. In both verses, the תושב is grouped most immediately with an Israelite’s hired worker, evidence of BDB’s assertion that he is more temporary and dependent than the גר. A clearer contrast is observed in Exod. 12:43-49, which presents requirements for partaking in the Passover. In verse 45 the תושב is prohibited from eating of the Passover, whereas the גר in verse 48 is allowed to eat, so long as his males are circumcised. Perhaps this passage suggests that the most significant distinction between the תושב and the גר is that the latter has been circumcised and in this way joined himself permanently to the people of God. NIDOTTE glosses תושב as “alien” or “settler” and states that it is from the verb יָשַׁב, meaning “sit, dwell.”²⁶ תושב is close to גר, containing the idea of dwelling, but as we have seen it is distinguished from גר in the degree of permanence, autonomy, and religious privileges allowed to the sojourner/foreigner.

The third synonym identified is נכר, which is listed by BDB as a noun that means “that which is foreign” or to “foreignness.”²⁷ It is often used to describe gods that were foreign to Israel (e.g., Deut. 31:16, Jer. 5:19). It is used elsewhere to refer to the

²⁵ BDB, s.v. “תושב.”

²⁶ A.H. Konkel, “תושב,” in *NIDOTTE*, 4:284.

²⁷ BDB, s.v. “נכר.”

foreigner, often using the euphemism בן־נכר (“son of a foreigner”) rather than simply נכר (“foreigner”) (e.g. Gen. 17:12, Exod. 12:43, Isa. 60:10, Ps. 18:44). It is also used in a variety of other combinations to refer to items that are foreign. NIDOTTE glosses נכר similarly to BDB as “foreign, foreigner” and says that it represents an alien who is to be excluded and is usually perceived as dangerous or hostile.²⁸ As with נכר, זור does not have the component of dwelling in its sense. The overlap with גר is limited to the quality of being non-native.

נכרי is simply the adjectival form of נכר and is often used to refer to a person from another land or may be used to describe foreign land (ארץ נכריה).²⁹ It is used in Gen. 31:15 to refer to someone who is outside of one’s family. It is used euphemistically in Proverbs to refer to mean “harlot.” Elsewhere it is used figuratively to mean “unfamiliar” or “unknown,” as in Job 19:15 where he says that he has become נכרי to those in his house; or in Ps. 69:8 where the psalmist has become נכרי to his brothers. The dissimilarity of נכר and נכרי to גר consists in the formers’ emphasis on that which is foreign and therefore unknown. In contrast, what we have seen lexically and more clearly in biblical Hebrew usage, is that the emphasis of גר is on “dwelling,” and dwelling in such a way that the differences are diminished by an assimilation and acceptance into Israel’s national, cultural, and religious life.

According to BDB, ערב refers to a “mixture” or “mixed company.”³⁰ The ESV translates it “mixed” in Exod. 12:38 and “mixed tribes” in Jer. 25:20 and 25:24.

²⁸ A.H. Konkel, “נכר,” in *NIDOTTE*, 3:108.

²⁹ BDB, s.v. “נכרי.”

³⁰ BDB, s.v. “ערב.”

However, the ESV translates it “those of foreign descent” in Neh. 13:3 and “foreign tribes” in Jer. 50:37. NIDOTTE defines ערב as “associate with, mingle with, be intermixed with.”³¹ The emphasis of the biblical word is on the foreignness or the mixed nature of the ethnicities of a body of people with no reference to their dwelling place.

ממזר is glossed by BDB as “bastard” or “child of incest.”³² ESV renders it in Deut. 23:2 as “one born of a forbidden union” and in Zech. 9:6 as “a mixed people.” Although NIDOTTE glosses it as “bastard,” it says that it does not refer to one born out of wedlock, rather to one born of incestuous union.³³ The term appears to be used as a pejorative for certain types of foreigners or descendants of an Israelite marriage to certain types of foreigners. Again, there is no reference to dwelling place.

2.2.2.2 Antonyms

English antonyms of גר were identified by beginning with “native” and using a similar procedure as was used for synonyms in Section 2.2.2.1. Relevant Biblical Hebrew antonyms that were identified are מולדת, אזרח, אה, and משפחה. As with synonyms, antonyms may exist on a spectrum of antonymy and should not necessarily be expected to occur as binary opposites. Each of these antonyms is discussed in this section.

מולדת is an antonym of גר that means “kindred,” “birth,” or “offspring.”³⁴ It is often found used with ארץ, many times to express “the land of one’s kindred.” It is used to connote “birth,” but is also used to connote the circumstances of one’s birth (Ezek.

³¹ W.A. Bailey and E. Merrill, “ערב,” in *NIDOTTE*, 3:520.

³² BDB, s.v. “ממזר.”

³³ V.P. Hamilton, “ממזר,” in *NIDOTTE*, 2:971.

³⁴ BDB, s.v. “מולדת.”

16:3-4). One might expect, *prima facie*, that the concept behind this word is in basic opposition to the non-native component of גר. It is possible at this point in our study, however, that the sojourner could have become assimilated into Israelite culture to the point that another Israelite would naturally include him in the concept of the place and constitution of his kindred. Caleb could be an example of a foreigner who had assimilated into Israelite culture and become viewed as part of another Israelite's kindred. Although there is debate regarding the ethnicity of Caleb, it appears that he was a descendant of Kenaz, an Edomite chieftain descended from Esau (Gen. 36:9-15, 42). Block asserts that he was among a number of Kenizzite proselytes who had "so thoroughly integrated into the faith and culture of the nation that Caleb could represent the tribe of Judah in reconnaissance missions, and all model the life of Yahwistic faith in the face of the Canaanite enemy."³⁵

Perhaps the most significant antonym is אֹרֶחַ, glossed by BDB as "native." It always connotes a native Israelite with one exception in Psalm 37:35, where it refers to a "native tree."³⁶ Out of the 17 total occurrences of אֹרֶחַ, 14 of those times it occurs contextually with גר, sometimes in contrast and sometimes in comparison. In Exodus 12:48, the גר can eat of the Passover like the אֹרֶחַ of the land, if he becomes circumcised. Many times a regulation is given that is said to apply equally to the גר and the אֹרֶחַ (Lev. 16:29, 17:15, 24:22; Num. 15:29). At times it seems that the two are used together to indicate the inclusion of everyone in Israel, as in Josh. 8:33 where it says, "And all Israel,

³⁵ Daniel I. Block, *Judges, Ruth*, New American Commentary 6 (Nashville: Broadman and Holman Publishers, 2002), 97.

³⁶ BDB, s.v. "אֹרֶחַ."

sojourner as well as native born.” אֲזֶרַח is the preferred antonym of גֵּר in biblical Hebrew. It refers to one who was born an Israelite versus the foreign-born גֵּר dwelling in Israel.

Another antonym is אָח, biblical Hebrew for “brother.”³⁷ It refers to another male, biological sibling and can be a full or half-brother. It can also be used to indicate a relative, a member of one’s own tribe or, even wider, a member of one’s own people. According to BDB, Leviticus 19:17-18, 34 extends אָח to include not only someone of my own people but also the גֵּר. So in this word we can see both antonymy and synonymy at work.

BDB’s general gloss of the final antonym מִשְׁפָּחָה is “clan.”³⁸ The term most often refers to individuals with family connection and can be narrow, referring to those who would eat the Passover in the same house, or it can be broad, referring to a tribe of Israel or even a people or nation. Occasionally it has the meaning of “guild,” like with the office of scribe which was originally hereditary in 1 Chronicles 2:55. It can also mean “species” or “kind,” referring to kinds of judgments, animals, or classes of people (e.g., aristocratic “families” in Job 31:34).

2.2.3 The Septuagint

When looking to the Greek LXX for insight into our Old Testament term, it is important to acknowledge the inevitable limitations posed by its historical and cultural distance from the original biblical Hebrew. At the same time, we can be hopeful for profitable insight from the LXX in part because the thirty-plus centuries wide gulf

³⁷ BDB, s.v. “אָח.”

³⁸ BDB, s.v. “מִשְׁפָּחָה.”

separating us and the writing of Deuteronomy is more than cut in half by the seventy elders³⁹ believed to have translated the Pentateuch into Greek.⁴⁰ It is most likely that a group of Greek-speaking Jews in Alexandria, Egypt produced the Septuagint translation of the Pentateuch in the time of Ptolemy's reign in the third century BC. Most Jews during this time lived as part of the Diaspora outside of Israel and they no longer spoke Hebrew but Greek, the common language of Hellenistic culture. It was for this reason that they needed the Hebrew Bible to be translated into Greek for use in their worship. The Septuagint was later combined with the Greek New Testament to become the Bible of most Christians during the early years of the church.⁴¹ A relevant detail in biblical studies is that the Septuagint was translated from Hebrew texts that predated the Hebrew text we use today.⁴²

So how did this third century BC work translate the Old Testament word גר? The Septuagint uses the Greek προσήλυτος, where the English word “proselyte” comes from, to render the Hebrew word גר in Deut. 10:18-19. Muraoka translates προσήλυτος as “one who has arrived at a place as foreigner.”⁴³ In contrast, BDAG glosses it “one who has

³⁹ There has been historical debate as to whether there were seventy or seventy-two elders were involved in the translation of the Pentateuch. For more discussion, see Karen H. Jobes and Moisés Silva, *Invitation to the Septuagint* (Grand Rapids, MI: Baker Academic, 2000), 36-37.

⁴⁰ This statement assumes an early date for the composition of Deuteronomy, which will be taken up in Chapter 3 in discussion of the Documentary Hypothesis.

⁴¹ Jobes and Silva, 20 and 33-35.

⁴² Jobes and Silva, 21.

⁴³ T. Muraoka, *A Greek-English Lexicon of the Septuagint* (Leuven, Belgium: Peeters, 2009), s.v. “προσήλυτος.”

come over from polytheism to Judean religion and practice, convert.”⁴⁴ However, BDAG is a lexicon of the New Testament and early Christian literature whereas Muraoka is a lexicon specific to the Septuagint. Muraoka says that in some cases it may refer to a “coreligionist,” either recent immigrant or someone in transit. So far in our study, we are not prepared to assign a meaning that goes as far as to say the $\gamma\lambda$ is one who is a convert, though in some cases this is appropriate (e.g., Exod. 12:48). But neither does the Muraoka definition suffice when we compare it to the lexical and contextual evidence observed up to this point. The sojourner is not one who has merely “arrived,” as Muraoka has it, but one who dwells in the midst of Israel in semi-permanence. He has, in some manner, settled into the life of Israel.

2.2.4 Commentaries, Modern English Versions, and Other Scholars

We turn now to the commentators and modern English versions to observe how their treatment of $\gamma\lambda$ informs our meaning of the term. We note the range of translations by various commentators and English versions. The term in Deuteronomy 10:18-19 is translated as follows:

⁴⁴ Walter Bauer, Frederick W. Danker, William F. Arndt, and F. Wilbur Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, 3rd ed. (Chicago: University of Chicago Press, 2000), s.v. “προσίλυτος.”

<u>Gloss</u>	<u>Commentator(s)</u>	<u>English Version</u>
“stranger”	Weinfeld, ⁴⁵ Tigay ⁴⁶	NKJV, NRSV
“outsider”	McConville ⁴⁷	
“sojourner”	Christensen ⁴⁸	ESV
“resident alien”	Craigie ⁴⁹	
“foreigner”	none	NIV
“alien”	none	NASB

The biggest outlier as compared to our lexical study so far is McConville’s use of “outsider” to render the term. This gloss is vague in terms of context and could be used in many situations that have nothing to do with national identity. A person might be an outsider at school because he is not included in a clique. A person might be an outsider in society, not because he is from a different country but because his lifestyle is shunned by society.

Considering the table above, we might place the most confidence in “stranger” and “sojourner” as the most appropriate glosses for נָכַר in Deut. 10:18-19. These are the

⁴⁵ Moshe Weinfeld, *Deuteronomy 1-11*, The Anchor Bible (New York: Doubleday, 1991), 429.

⁴⁶ Jeffrey H. Tigay, *Deuteronomy*, The JPS Torah Commentary, ed. Nahum M. Sarna (Philadelphia: The Jewish Publication Society, 1996), 108.

⁴⁷ J.G. McConville, *Deuteronomy*, Apollos Old Testament Commentary (Downers Grove, IL: Intervarsity Press, 2002), 193.

⁴⁸ Duane L. Christensen, *Deuteronomy*, Word Biblical Commentary (Nashville: Thomas Nelson Publishers, 2001), 199.

⁴⁹ Peter C. Craigie, *The Book of Deuteronomy*, The New International Commentary on the Old Testament (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1976), 203.

only glosses that are represented in both the commentators and in the major English translations.

Others have suggested that the sense of גר has evolved throughout the biblical text.⁵⁰ This assessment is usually based upon, or used in support of, the Documentary Hypothesis (DH).⁵¹ The fact that many authors interpret the identity of the גר in terms of the DH complicates the question of its contextual sense because where someone not holding to DH may be searching for the identity of the sojourner in the second millennium BC, someone who does hold to the DH may be looking for the sojourner's identity in the seventh or eighth century BC. I will take up the issues related to DH in Chapter 3 and the historical context of the גר in Chapter 4. At this point, it will suffice to say that the statements I will present here from authors regarding the sojourner's identity may be significantly influenced by their DH perspectives.

Theophile James Meek, assuming a DH framework, contends that in the D source (consisting largely of Deuteronomy) the גר refers to “the indigenous population of Palestine conquered by the Hebrews.”⁵² In support of this rendering, Meek points to the use of the suffix “your” in five D citations, the occurrence of the sojourner alongside others in positions of dependence, Deut. 29:11 where the גר are servants of the Hebrews, and Deut. 14:21 where an animal that has died naturally may not be eaten by a Hebrew but may be eaten by a גר. However, it is not necessary that sojourners be identified as those originally native to Palestine for any of these citations to make sense. The use of

⁵⁰ van Houten, 158.

⁵¹ For further discussion regarding the Documentary Hypothesis, see Chapter 3.

⁵² T.J. Meek, “The Translation of gēr in the Hexateuch and its Bearing on the Documentary Hypothesis,” *Journal of Biblical Literature* 49, no. 2 (1930): 173.

the possessive suffix could easily have been used for any number of foreign ethnicities who had joined themselves to an Israelite household for protection and, in the process, found themselves in subjection to the household authority. And anyone from a foreign land, whether from conquered tribes or outside of Palestine, in ANE contexts would most likely find themselves in positions of inferiority and dependence to one degree or another. Finally, being household servants or being viewed as unclean religiously would not necessarily be exclusive traits of Palestinian conquered tribes. Meek's assertion that the sojourner referred exclusively to a member of indigenous Palestinian tribes does not have the biblical support he argues it does.

Van Houten, also writing from a DH framework, concludes that most of the references to the גר in Deuteronomy refer to "people who are needy and who are non-Israelites."⁵³ She discerns a separate category of aliens who were "party to a covenant renewal ceremony," though in an inferior position to Israelites.⁵⁴ Her second category of aliens as participants in a covenant renewal ceremony is not contrary to our working definition—a non-native dwelling in Israel with certain conceded not inherited rights. A גר who is party to a covenant renewal ceremony is simply a subset of how we have seen it used, albeit the גר has entered into religious life more fully. However, her definition of the גר simply as one who is economically needy and non-Israelite is anemic. As we have seen, the several distinct Hebrew terms we have analyzed as synonyms fall into her broad rendering. She does not emphasize the idea of dwelling or staying. Rather she refers to

⁵³ van Houten, 108.

⁵⁴ Ibid.

them as those “who have found their way into Israelite territory” without a sense that they are dwelling in any significant manner or for any significant length of time. It seems that they could only be passing by momentarily.⁵⁵ Although van Houten presents them as needy, she does not include any rights that they possess in Israelite society. She indicates vaguely that Israel is supposed to treat them generously, but not because of formal, legal rights that they possess; only because of how Israel’s God has treated the Israelites in their past. From our study thus far, however, possessing certain rights was a central element of what it meant to be a גר in Israel in Deuteronomy 10:18-19.

Carr asserts that the primary difference between the תושב and the גר is the duration of their stay. He says the תושב is a temporary resident whereas the גר is a more permanent resident. He also states that the גר is the class of foreigner who enjoy the largest degree of incorporation into the covenant community of Israel, though they are not Israelites. The distinctives that Carr points out are much the same as what we have observed up to this point.⁵⁶

In his recent study of the גר in Deuteronomy, Awabdy contrasts the noun with the verb, asserting that the verb refers to the action of residing outside of one’s original territory and includes both “emigration” and “migration.” The noun, he argues, primarily refers to the legal status of those who came to Israel as sojourners. He quotes from Ramírez Kidd when he states that the substantive גר predominantly “designates the legal status granted to those (strangers and foreigners) who came to sojourn and were ruled by

⁵⁵ van Houten, 108.

⁵⁶ William W. Carr, Jr., “Charity under the Covenant as Reminder of Redemption,” *Concordia Journal* 24, no. 4 (October 1998): 360.

the internal regulations of an Israelite community.”⁵⁷ Awabdy suggests it be translated “immigrant,” with two caveats: first, that the modern ethnic and political connotations not be imposed on the OT גר; and second, the modern association of birth language, culture, and duration of stay with the “immigrant” should not be read into the OT’s use of the word גר. Awabdy’s emphasis on the legal status of the גר affirms our observations regarding the legal protections granted to the גר, although Awabdy seems to emphasize the sojourner’s legal obligations. The expectation that the גר be subject to the *lex terrae* can be safely assumed from our study so far. In certain texts we have examined, the participation of the גר in religious ceremonies is subject to his subjection to the same obligations as the Israelite אִזְרָה (e.g., circumcision in Exod. 12:48). However, Deut. 10:18-19 and similar texts emphasize the rights of the גר and the obligations of the native Israelites toward him.⁵⁸

The *Theological Word Book of the Old Testament* (TWOT) states that the verbal root for גר means “to live among people who are not blood relatives,” in dependence upon the hospitality of the Israelites. It goes on to say that the גר had imposed duties and enjoyed rights, one of which was the right not to be oppressed by the Israelites.⁵⁹ NIDOTTE says that the verbal root means “dwell as a stranger,” “become a refugee” or, in the hitpolel, “stay or stop as a stranger” and the nominal as “sojourner” or “alien.” It goes on to explain that, “The sojourner is distinguished from the foreigner in that he has

⁵⁷ Ramírez Kidd, 24, quoted in Awabdy, 4.

⁵⁸ Awabdy, 3-5.

⁵⁹ H.G. Stigers, “גר,” in TWOT: 155.

settled in the land for some time and is recognized as having a special status.”⁶⁰ The sense that TWOT and NIDOTTE give is consonant with how we have rendered the contextual sense of גר in Deut. 10:18-19.

2.3 Conclusions

We have considered the data within and outside of the biblical context in an attempt to formulate a working definition of the Hebrew term גר. We considered the Hebrew lexicons, other similar OT uses of the term, the term’s linguistic cognates, synonyms and antonyms, use in the Septuagint, and translation by commentaries, scholars, and modern English versions. Our observations in these various areas either support or at least do not undermine the following working definition for the גר: *a non-native dwelling in Israel with certain conceded, not inherited rights for the sake of whom kindness is frequently enjoined and with respect to whom oppression is warned against.*

⁶⁰ A.H. Konkel, “גר,” in *NIDOTTE*, 1:836.

Chapter 3 – Date and Authorship of Deuteronomy

The main question we will attempt to answer in this chapter is, what is the historical referent for the \aleph in Deut. 10:18-19? Answering this question will necessarily involve engagement with the dominant theory of Pentateuchal authorship, the Documentary Hypothesis (DH). This chapter will interact with DH and provide a defense for disagreement with its conclusions regarding authorship of Deuteronomy.

Many scholars believe that the laws concerning the \aleph did not come about until the time of Josiah in the seventh century BC in response to events in the national life of Israel. Speaking of the book of Deuteronomy, Moshe Weinfeld writes:

When was the book written? Two answers have been given to this question. According to the first, the book was written in the time of Josiah, and its amazing discovery was nothing but a pious fraud. This opinion, which was prevalent among scholars of the nineteenth century and the beginning of the twentieth, claims that the priests of the period of Josiah wrote the book and were interested in conferring on it an aura of holiness so that it would be accepted by the people. They therefore put it in *[sic]* a hidden place in the Temple. In recent years, no one has supported this view.

The second answer claims that the book was written during the time of Hezekiah, was concealed in the time of Manasseh, and was only rediscovered during the period of Josiah. This opinion is accepted today by the majority of scholars.⁶¹

Those who believe Deuteronomy was written in the time of Hezekiah or Josiah come about this conclusion from within a DH framework. In order to develop the historical context related to the \aleph in Deut. 10:18-19, we must first attempt to situate Deut. 10:18-19 in a time frame. Was it written in response to events in the seventh or eighth century BC? Or was it written sometime near the time of Moses in the thirteenth to fifteenth centuries BC? After contending with these questions, we can establish a

⁶¹ Weinfeld, *Deuteronomy 1-11*, 83.

conclusion regarding when Deut. 10:18-19 was given to the Israelites. From there we will be ready to move on in Chapter 4 to investigate other particularities pertaining to the גר, in Israel and in other ancient Near East cultures at that time.

Therefore, we will begin this chapter by summarizing the broad strokes of DH, interacting with its conclusions regarding this portion of Deuteronomy, and presenting a defense for an earlier date for Deuteronomy. Then we will attempt to sketch out a portrait of foreigners and sojourners in the ancient Near Eastern world around 1450 to 1250 BC.

3.1 Documentary Hypothesis

3.1.1 Overview of the History of the Documentary Hypothesis

Whybray provides a broad but helpful description of DH as follows: “The Documentary Hypothesis is simply an attempt to unravel the extant text: to show that the material is composite and to explain how it came to be arranged in its present form.”⁶² The DH developed based on source criticism, the first of four primary methods of Pentateuchal research developed during the past 250 years.⁶³ Source criticism is a method that seeks to discern the literary (i.e., written) sources used in the composition of a written work. In broad terms, the DH proposes “that four distinctive source documents

⁶² R.N. Whybray, *The Making of the Pentateuch: A Methodological Study* (Sheffield, England: JSOT Press, 1987), 138.

⁶³ The other three primary methods are form criticism, traditio-historical criticism, and literary criticism. Literary criticism as used here is different than form criticism. Literary criticism focuses on the unified, coherent form of the Pentateuch as opposed to focusing on the component parts allegedly used in its construction. See T.D. Alexander, *From Paradise to the Promised Land, an Introduction to the Pentateuch* (Grand Rapids, MI: Baker Academic, 2012), 5.

were combined during a period of five or six centuries to produce the Pentateuch as we now know it, the end of this process coming in the fifth century BC.”⁶⁴

Early Jewish and Christian sources assign authorship of the Pentateuch to Moses. However, early observation of a number of anachronisms and perceived inconsistencies gave rise to doubts with regards to Mosaic authorship.⁶⁵ The Pentateuch itself contains passages that were evidently written after Moses’ death (Deut. 34:6, 10). Statements in Genesis (12:6 and 13:7) that Canaanites were dwelling in the Promised Land “in those days” indicate that the writer is speaking from a time after the conquest. These and other apparent problem passages were most certainly recognized by theologians going back to the earliest times.

Serious challenges to Mosaic authorship did not gain widespread traction, however, until the Enlightenment and its emphasis on human rationality and the attendant de-emphasis of the supernatural and divine revelation.⁶⁶ The roots of modern DH scholarship and source criticism may be traced to the seventeenth and eighteenth centuries AD with Jewish philosopher Spinoza and the French medical professor Jean Astruc. Astruc’s work is part of what is referred to as the “Older Documentary Hypothesis.” Astruc began the early efforts in source criticism by making two significant observations about the book of Genesis. First, he noted that some events in Genesis were recorded more than once (e.g., the repetition of the creation account in Genesis chapter 1

⁶⁴Alexander, *From Paradise to the Promised Land, an Introduction to the Pentateuch*, 4.

⁶⁵ B.T. Arnold, “History of Pentateuchal Criticism,” in *Dictionary of the Old Testament: Pentateuch*, eds. T.D. Alexander and D.W. Baker (Downers Grove, IL: Intervarsity Press, 2002), 622.

⁶⁶ Arnold, 622 and R.K. Harrison, *Introduction to the Old Testament* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1969), 497-498.

and then again in chapter 2). Secondly, Astruc observed that God is sometimes referred to by the name Yahweh and sometimes by the name Elohim. This can be seen in comparing Gen. 1:1-2:3, where God is referred to as אֱלֹהִים, to the remainder of chapter 2, where God is referred to as יְהוָה אֱלֹהִים. Astruc's primary emphasis was on the criterion of the divine names for source analysis and it set the stage for the course of source criticism during the following centuries. It should be noted, however, that Astruc did not deny Mosaic authorship of Genesis; rather he believed he was discerning various sources Moses had used in composition.⁶⁷

Eichorn expanded on Astruc's work, applying source criticism to all of the Pentateuch and eventually rejecting Mosaic authorship. Astruc's earlier two-document theory eventually gave way in the early nineteenth century to the idea that a mass of document fragments—as many as thirty-eight or more—were combined to form the Pentateuch. In 1805, W.M.L. de Wette presented the notion that the book of Deuteronomy should be tied to Josiah's religious reforms undertaken about 621 BC, a radical theory that eventually became foundational in OT critical scholarship. Building on the earlier idea of multiple authors, scholars concluded that the composition of the Pentateuch could be traced to four main documents.⁶⁸

In the late 1800's, after a century of source critical scholarship, the question remained how the Pentateuch became a unified composition. Julius Wellhausen "gave

⁶⁷Arnold, 622-623, and Alexander, *From Paradise to the Promised Land, an Introduction to the Pentateuch*, 8.

⁶⁸ T.D. Alexander, "Authorship of the Pentateuch," in *Dictionary of the Old Testament: Pentateuch*, eds. T.D. Alexander and D.W. Baker (Downers Grove, IL: Intervarsity Press, 2002), 61-62.

culminating expression to the documentary approach” and appeared to have solved the puzzle of compositional unity, bringing forth a “general consensus” regarding the source documents and their dating.⁶⁹ Wellhausen’s four sources have been broadly known since his time by the acronym J-E-D-P. His J source was named after the word Yahweh (or Jahweh). The E source was named after the word Elohim. The D source was named after Deuteronomy (or the Deuteronomist). And the P source was considered to be the “priestly” source. Relying to a great degree on Wellhausen’s dating of the four sources, DH theory asserted a compositional date for the Pentateuch long after the time of Moses. Wellhausen was not firm on the exact source dating, but those in the “Wellhausen school” dated the sources as follows:⁷⁰

J	Yahwist	c. 840 BC
E	Elohist	c. 700 BC
D	Deuteronomy	c. 623 BC
P	Priestly	c. 500-450 BC

The development of source criticism and specifically DH lead to a situation where, by 1890, Mosaic authorship was rejected by all but the most conservative biblical scholars.⁷¹

3.1.1.1 A Summary of Wellhausen’s Argument

Because German theologian Julius Wellhausen was highly influential in the development of modern DH, I will briefly trace out the main tracks of his argument as presented in his *Prolegomena to the History of Ancient Israel*, originally written in

⁶⁹ Arnold, 623-626.

⁷⁰ Alexander, *From Paradise to the Promised Land, an Introduction to the Pentateuch*, 17.

⁷¹ Alexander, “Authorship of the Pentateuch,” 62.

German in 1878 and translated into English in 1957. The question Wellhausen takes up is “whether the law is the starting-point for the history of ancient Israel, or not rather for that of Judaism.” He defines Judaism as “the religious communion which survived the destruction of the nation by the Assyrians and Chaldæans.”⁷² Wellhausen will argue that the Pentateuch (actually he prefers to speak of the Hexateuch, including the book of Joshua), and the Priestly Code in particular, were not old in their composition but were written during the post-exilic period of Judaism.⁷³ His argument focuses on the relative date of composition of the Priestly Code. He states that his principal assumptions for which he will present “ever-recurring justification” are that the Jehovist composed in the Assyrian period (i.e., seventh to ninth centuries BC) and Deuteronomy belongs to the end of the Assyrian period.

If the Priestly Code had instilled “Mosaism” early in Israel’s history, then we would expect to see it reflected in their national life throughout the centuries between the settlement and the exile. According to Wellhausen, however, evidence of “hierocratic Mosaism” is absent throughout the prophets and historical books and only emerges “into prominence everywhere” in post-exile Judaism. This is why Wellhausen affirms de Wette’s conclusion that the “alleged starting point” of Israel’s history is starkly disconnected from their actual history.⁷⁴ Wellhausen maintains that it was the introduction of the Law (i.e., composition of the Priestly Code) that re-wrote history and

⁷² Julius Wellhausen, *Prolegomena to the History of Ancient Israel*, trans. J.S. Black and A. Menzies (Cleveland: Meridian Books, 1957), 1.

⁷³ *Ibid.*, 12.

⁷⁴ *Ibid.*, 4-5.

remolded Israelite cultic practice into conformity with a new hierocratic order.

Wellhausen's aim is to demonstrate, *contra* academic consensus of his day, that the dating of the Priestly Code ought to be placed after the Jehovist and Deuteronomy.⁷⁵

Wellhausen's argument proceeds in three broad steps, each built upon the previous ones. The three steps are: 1. establish the history of worship as Wellhausen discerns it to have unfolded in the Old Testament; 2. establish the history of tradition (i.e., Israel's history as they themselves conceived it to be, by their own "successively prevailing ideas and tendencies"), and; 3. sum up the first two sections and answer particular objections to his argument. Wellhausen asserts that comparison between the historical "facts" of Israel's *cultus* in the historical and prophetic books with the theological traditions of the Pentateuch leads naturally and logically to the conclusion that the laws of the Priestly Code came about after the Babylonian exile.⁷⁶

It is important to note at this point a broad implication of Wellhausen's argumentation, an implication which also appears in the work of scholars since Wellhausen, including many today. According to DH, the Pentateuch was composed as an apologetic for the legitimacy of the house of David, a justification for Josiah's reforms, and a basis for the centrality of the post-exilic temple.⁷⁷ The Pentateuch's establishment of the legitimacy of the house of David sometimes appears as a conclusion from DH theory and sometimes, with circular reasoning, is used as evidence itself in support of DH findings.

⁷⁵ Wellhausen, 12, 365-366.

⁷⁶ Ibid., 366-367.

⁷⁷ Richard Hess, *Israelite Religions, An Archeological and Biblical Survey* (Grand Rapids, MI: Baker Academic, 2007), 46-48.

3.1.2 Current State of the Documentary Hypothesis

The first half of the twentieth century saw modifications of Wellhausen's hypothesis and refinements of the results of nineteenth century scholarship. The second half of the twentieth century, however, brought about the disintegration of the consensus that had developed regarding the DH, though the DH itself has not totally collapsed.⁷⁸ Many scholars continue to rely on the methodologies, if not the conclusions of the theory or one of its numerous offspring.⁷⁹ Since DH was first advocated there have been significant challenges to it, but by 1970 any Old Testament scholar who wanted to be taken seriously needed to believe in the division of authorship into J,E,D,P and the consensus dates assigned to them. As will be seen when we consider the DH more specifically in relationship to Deuteronomy, many if not most of the modern scholars who have written on the *ג* do so from firmly rooted DH assumptions.

This confidence in the DH persists even in the face of considerable objections, such as those raised by German theologian Rolf Rendtorff: "We possess hardly any reliable criteria for dating Pentateuchal literature."⁸⁰ In 2007 Wenham wrote, "Among those writing most prolifically about the Pentateuch today there is thus no consensus."⁸¹

⁷⁸ McConville wrote in 1984 that "a rigid documentary view of Pentateuchal source analysis no longer exerts the influence which it once did." J.G. McConville, *Law and Theology in Deuteronomy* (Sheffield, England: JSOT Press, 1984), 2.

⁷⁹ Arnold, 626-630.

⁸⁰ As quoted in Gordon J. Wenham, "The Date of Deuteronomy: Linch-Pin of Old Testament Criticism," *Themelios* 10, no. 3 (1985): 15.

⁸¹ Gordon J. Wenham, "Pondering the Pentateuch: The Search for a New Paradigm," in *The Face of Old Testament Studies: A Survey of Contemporary Approaches*, ed. David W. Baker and Bill T. Arnold (Grand Rapids, MI: Baker Books, 1999), 119.

Wenham also asserts that there is a current trend to read the text as a unity instead of traditional source criticism's practice of dissecting the text. Another trend in Pentateuchal research within the last several decades is the emergence of synchronic methods in contrast to the traditional prominence of diachronic methods.⁸² A relatively rare approach is to attempt a synthesis of diachronic and synchronic analyses.⁸³ Wenham argues that the road ahead for Pentateuchal studies must consist of appreciation for newer critical methods (e.g., recognition of unity in biblical narratives and focus on the final form) combined with continued use of "sober" historical criticism.⁸⁴

3.2 Brief Response to the Documentary Hypothesis

A detailed and exhaustive response to DH is beyond the scope of this study. I will in the remainder of Chapter 3 present a brief response to DH and outline the foundation of my argument for the historical context of the נא in Deuteronomy 10:18-19.

First, it is important to acknowledge the assumptions that shape how one interprets the biblical data. As has been noted, DH was birthed in an Enlightenment context where many academics elevated reason such that they believed humans were capable of viewing data in a completely objective manner. They trusted themselves to be unaffected by bias as they conducted purely scientific investigation. But I would take

⁸² Diachronic methods refer to a type of textual criticism that attempts to discern the development of the text over time. Synchronic methods, in contrast, focus on the shape of the text at a point in time, discussing its literary form and meaning without reference to its earlier stages.

⁸³ An example of this synthesis is R.W.L. Moberly, *The Old Testament of the Old Testament* (Minneapolis: Fortress, 1992).

⁸⁴ Wenham, "Pondering the Pentateuch: The Search for a New Paradigm," 144.

issue at precisely this point: their reticence to question their own objectivity when approaching the biblical text. V. A. Harvey noted,

all of our judgments and inferences [including historical ones] take place...against a background of beliefs. We bring to our perceptions and interpretations a world of existing knowledge, categories, and judgments. Our inferences are but the visible part of an iceberg lying deep below the surface.⁸⁵

Perhaps if some scholars acknowledged their own presuppositions they would be more cautious with major DH tenets. Because as Hess observed, there is a major “lack of empirical evidence” that the types of manuscript sources proposed by DH ever existed.⁸⁶ Keil observes the modern theologian’s bias against the reality of supernatural revelation or events when he writes:

The widespread naturalism of modern theologians, which deduces the origin and development of the religious ideas and truths of the Old Testament from the nature of the human mind, must of necessity remit all that is said in the Pentateuch about direct or supernatural manifestations or acts of God, to the region of fictitious sagas and myths, and refuse to admit the historical truth and reality of miracles and prophecies.⁸⁷

I am not maintaining that DH scholars ought not have presuppositions. As Wenham helpfully points out, it is legitimate and in fact inevitable that we rely on our preconceptions and worldview when evaluating new pieces of evidence. Often the conclusions a scholar reaches regarding dating of the biblical text are pre-conditioned based upon what they already believe about “ultimate issues.” What I am challenging here is the refusal of many DH scholars to acknowledge the validity of others’ presuppositions. Although they may acknowledge their own presuppositions, they

⁸⁵ V.A. Harvey, *The Historian and the Believer* (New York: The Macmillan Company, 1966), 115, quoted in David W. Baker and Bill T. Arnold, eds., *The Face of Old Testament Studies: A Survey of Contemporary Approaches* (Grand Rapids, MI: Baker Books, 1999), 166.

⁸⁶ Hess, 49.

⁸⁷ C.F. Keil and Franz Delitzsch, *The Pentateuch*, translated by James Martin, *Commentary on the Old Testament*, vol. 1 (Peabody, MA: Hendrickson Publishers, Inc., 1996), 15.

proceed as though their own preconceived convictions are the only ones permitted at the table while variant convictions are excluded as biased without a fair dialogue.⁸⁸

As evidence of this commitment to ultimate issues by scholars, let us consider a general inconsistency observed in contemporary OT scholarship. On the one hand, we have already observed that one must affirm J, E, D, P and their respective dating to be considered a serious scholar. On the other hand, with regard to these same issues we have observed statements from serious scholars that there is “no consensus,” and “hardly any reliable criteria” with respect to the Pentateuch and its dating. How can it be that a scholar could be dismissed summarily for refusing to consent to a theory that is supported by such a dearth of reliable data?⁸⁹

Before proceeding to the specific relationship between Deuteronomy and DH, I will state the grounded convictions with which I approach the dating of the Pentateuch and Deuteronomy. First, I am persuaded that the Bible, including Deuteronomy, is not ultimately the work of man but of God’s intentional revelation of himself and that it consists of God’s very words. As 2 Peter 1:21 says of scriptural prophecy, “Men spoke from God as they were carried along by the Holy Spirit.” Secondly, God is completely trustworthy and does not lie (Num. 23:19, Titus 1:2). Putting the divine inspiration of the

⁸⁸ Wenham, “The Date of Deuteronomy: Linch-Pin of Old Testament Criticism,” 17.

⁸⁹ A recent example of the lack of consensus on the topic of Pentateuch formation is illustrated by the results of a study group of eight leading scholars in the field. Regarding the year-long study for the Institute of Advanced Study, Joshua Berman summarizes the conclusions of conference organizer and eminent scholar Bernard M. Levinson by saying, “No progress had been made on a single one of the issues to which the study group had devoted itself. Bolder still, was his conclusion that no progress on these issues is even possible.” Among the complexities Berman points to in explanation of scholars’ reticence to admit the inadequacies of the prevailing theories is that it is difficult to discard a paradigm one has built their career on, especially when professional credentials depend on maintaining the paradigm. See Joshua Berman, “Diachronic Study of the Hebrew Bible: A Field in Crisis,” *HIPHIL Novum* 1, no. 1 (2014): 59-60.

Bible together with God's truthfulness leads to a third conviction. The Bible as God's words does not use trickery or deception, as is required if we are to believe that Deuteronomy pretends to be written many hundreds of years prior to when it actually was.

Another important conviction I bring to my study of Deuteronomy is the affirmation that God reveals himself progressively through history. This approach is referred to in hermeneutics as the redemptive-historical approach. Looking at scripture redemptive-historically, I do not expect the worship of God to express itself identically throughout all time. However, I do expect it to remain consistent with the unchanging God who lies at the center of that worship.

In the following discussion, these assumptions will be at play in my analysis of the data regarding a major tenet of traditional DH theory. I state them here straightforwardly because, as already asserted, presuppositions are inevitable and it is important that we honestly acknowledge ours when presenting our reasoning.

Of course it will not suffice to dismiss DH scholarship solely on the basis of differing presuppositions and consider the matter settled. The findings of DH must be evaluated by detailed study of proponents and opponents alike. As the literature makes clear, this is a huge undertaking and the dominant issue in OT scholarship for at least the past 150 years. As indicated already, it is not the purpose of this study to evaluate DH in an exhaustive manner. In the following section, I will interact with one of the major components of the DH argument which has significant ramifications for DH in general but also for the study of Deuteronomy in particular.

3.2.1.1 Wellhausen and the Torah

One of the pillars of Wellhausen's argument was that the Book of the Torah—which consists of Deuteronomy for Wellhausen—was not written down until the time of Josiah's reforms in the seventh century BC.⁹⁰ He maintains this in part because of the supposed disconnect between the ideals set forth in the Torah as opposed to the characteristics of Israel's early national life in the promised land.⁹¹

The religious community set up on so broad a basis in the wilderness, with its sacred centre and uniform organisation, disappears and leaves no trace as soon as Israel settles in a land of its own, and becomes, in any proper sense, a nation. The period of the Judges presents itself to us as a confused chaos, out of which order and coherence are gradually evolved under the pressure of external circumstances, but perfectly naturally and without the faintest reminiscence of a sacred unifying constitution that had formerly existed.⁹²

Wellhausen explained this dissimilarity by concluding that the Torah was not the motivation for the reforms of Josiah. Rather the Torah was the product of current events and was invented for the purpose of justifying the reforms of Josiah and providing divine sanction for social and religious innovations (e.g., centralized worship, sacrificial context, priestly authority). This notion is prevalent in much of OT scholarship. Wellhausen explains of the Torah's contents that "These had been put in a book just in time in Deuteronomy, with a view to practical use in the civil and religious life of the people."⁹³

At the heart of this argumentation is that the only explanation for the inconsistencies between Deuteronomy and Israel's early national life in Canaan is that Deuteronomy could not have existed in written form during that early period of time. Is

⁹⁰ The Hebrew term Torah (תורה) in OT studies typically refers to the Pentateuch, the five books of Moses. Wellhausen, however, uses Torah in reference to Deuteronomy only. Wellhausen, 402.

⁹¹ Wellhausen, 3-4, 402, 487.

⁹² Ibid., 5.

⁹³ Ibid., 402.

this the best and only explanation? First of all, was Wellhausen correct in the way he imagined that the general *ethos* in Israel at the time was one of chaotic idolatry? Secondly, if the characterization is valid what else might have caused this state in Israel? Is there another explanation for the change in religious and social life between Israel's entry into Canaan and the time of Josiah? I maintain that there are certainly other explanations.

Wellhausen's beliefs about the state of early Israelite life had been propounded by others prior to his 1878 *Prolegomena* (e.g. Nachtigal, Vater, De Wette, and Bertholdt, among others). E.W. Hengstenberg, who defended Mosaic authorship, described in 1839 the novel position of his opponents regarding Israel's portrayal in Judges this way: "But it is asserted, that this age could not have been as there [in Judges] represented, because then the age of the Judges must have exhibited quite a different character."⁹⁴ In response to Vatke's assertion that morals and religion during the time of the Judges were well below the standards in the Pentateuch, Hengstenberg maintains, "The general religious and moral state of the people, notwithstanding numerous melancholy appearances, presented much that was cheering."⁹⁵ As one proof he affirms that the book of Ruth, which is set in the period of the Judges (Ruth 1:1), presents us with indications of faithfulness in the religious and civil state of Israel during the time of the Judges. He states, "This lovely history includes a representation of all those virtues which are required in household and social life." He describes a prevalence of modesty, equity,

⁹⁴ E.W. Hengstenberg, *Dissertations on the Genuineness of the Pentateuch*, trans. J.E. Ryland (Eugene, OR: Wipf and Stock Publishers, 2004), 2:4.

⁹⁵ *Ibid.*, 91.

kindness, and fairness portrayed of the people in Israel. Another proof he offers is Elkanah and Hannah's piety in the first chapters of 1 Samuel. Yet another proof Hengstenberg offers is the song of Deborah in Judges 5, which affirms theocracy, mourns idolatrous violation of the covenant, and celebrates God's gracious deliverance of his people.⁹⁶ He goes on to provide many more points of evidence in favor of his argument. Hengstenberg's argument is not that unfaithfulness did not exist in the time of the Judges. The Judges narrative demonstrates evident concern for corporate unfaithfulness in Israel during this period. However, he reminds us that those instances of infidelity in the book of Judges were recorded preferentially in accordance with the didactic purpose of the author, which was to present the "intimate connection between departure from the Lord and misery, and between return to the Lord and well-being." He says that to conclude that Israel was in the main characterized by unfaithfulness because Judges does not present much in the way of faithfulness is to succumb to an argument from silence. And it is to expect from Judges that which the author never intended.⁹⁷

Secondly, the chaos and lack of conformity to Deuteronomy's requirements can be imagined to exist even though the requirements were present in written form. De Wette could not conceive of the Israelites worshiping foreign gods if Moses had already provided a ritual that satisfied the senses. Hengstenberg provides a more sober evaluation of the condition shared by all humans, ancient Israelites included. He notes, "The tribe of Levi were unable completely to check the inclination to idolatry that was so deeply

⁹⁶ Hengstenberg, 91-121.

⁹⁷ Ibid., 16-17.

rooted in the people.”⁹⁸ Deuteronomy itself makes it clear that Israel would forsake God and his laws. As a result he says, “Then my anger will be kindled against them in that day, and I will forsake them and hide my face from them, and they will be devoured. And many evils and troubles will come upon them, so that they will say in that day, ‘Have not these evils come upon us because our God is not among us?’ And I will surely hide my face in that day because of all the evil that they have done, because they have turned to other gods” (Deut. 31:17-18). In short, a more plausible explanation for much of the dissonance between Deuteronomy and Israel’s experience was that it resulted from idolatrous and disobedient hearts on the part of the Israelites.⁹⁹

The dissimilarities that Wellhausen observed between Deuteronomy and life in Israel from their entrance into the promised land to the exile are significant. I have here argued that those dissimilarities have been over-emphasized and, where they exist, the dissimilarities may be accounted for by recognizing that Israel was at times living in rebellion against the law of God as revealed in Deuteronomy. We should consider these possibilities alongside Wellhausen’s explanation which, as we have seen, lacks empirical evidence.

3.2.2 Documentary Hypothesis and Deuteronomy

A late date for the composition of Deuteronomy in the seventh or eighth centuries BC is foundational to basic DH thought and the majority of Pentateuchal scholarship in

⁹⁸ Hengstenberg, 5.

⁹⁹ Also see discussion in Keil and Delitzsch, 195.

the past 150 years or so.¹⁰⁰ Some scholars however object to the reasoning behind, if not the conclusion of, a necessarily late date for Deuteronomy. In the previous section we observed the weaknesses in one of the main pillars of late date argumentation, the alleged absence of effect that would otherwise be expected on the religion and morals of the early Israelite nation. C.F. Keil strongly objects to a late date when he observes that the discovery of the book of the law in 2 Kings 22 and 2 Chron. 34 “cannot be construed, without a willful perversion of the words, into historical proof, that the Pentateuch or the

¹⁰⁰ According to Nicholson, other nineteenth-century scholars maintained that Deuteronomy was composed as late as exilic or post-exilic times. Scholars who advocated this view are referred to as part of the Gramberg school, after C.W.P. Gramberg, thought to be the first to advocate the theory. Interaction with the specifics of this view are outside the scope of the current study, although much of the argumentation in this study would apply. Weinfeld cautions that when the book of Deuteronomy was written is an invalid question to begin with because authors in the ancient Near East were typically collectors and compilers rather than creators. He points to the period of Hezekiah and Josiah as the time when it was likely written down. Tigay appears to generally agree with the conclusions of DH scholarship regarding the date and circumstances of authorship, though he favors the curious possibility that the book resulted from a reform movement in the northern kingdom just prior to the fall of Samaria in 722 that may have been put in writing during the reign of Hezekiah (715-686). Neither Weinfeld or Tigay believe, for different reasons, that the book found in 622-621 included all of today’s version of Deuteronomy. McConville argues in his commentary against composition during the time of Josiah’s reform and presents an alternative early date based on “a comprehensive view of the setting and purpose of Deuteronomy.” He says this setting is “a real political and religious constitution of Israel from the pre-monarchical period.” Though he prefers not to assign an exact date and he does not defend Mosaic authorship, McConville advocates an early date and suggests that it may have been written just prior to Israel entering Canaan. In his 2002 *Dictionary of the Old Testament* article, however, McConville appears to allow for either a late date or an early date. S.R. Driver asserts that Deuteronomy must have originated later than the age of Moses based on the use of the phrase *בְּעֵבֶר הַיַּרְדֵּן* in various Deut. passages, suggesting the author was west of the Jordan, and based on Deuteronomy’s insistence that sacrifices be conducted at a single sanctuary in contrast to Exod. 20:24. Driver concludes based on 2 Kings 22-23 that Deuteronomy must have existed prior to 621. He says it is more difficult to determine how much earlier it was but presents a case for dating it during the reign of Manasseh (686-642) or the early years of Josiah’s reign (640-609). E.W. Nicholson, *Deuteronomy and Tradition* (Philadelphia: Fortress Press, 1967), 4. Weinfeld, *Deuteronomy 1-11*, 83-84. Tigay, xix-xxv. McConville, *Deuteronomy*, 33-40. J.G. McConville, “Book of Deuteronomy,” in *Dictionary of the Old Testament: Pentateuch*, ed. T.D. Alexander and D.W. Baker (Downers Grove, IL: Intervarsity Press, 2002), 190-191. S.R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (New York: Charles Scribner’s Sons, 1895), xlii-xlix.

book of Deuteronomy was composed at that time, or that it was then brought to light for the first time.”¹⁰¹

Wenham outlined six areas of DH argumentation regarding the date of Deuteronomy that he challenges: language; ancient legal texts; the central sanctuary; religious ideology; marriage laws; and its use in Jerusalem. Wenham does not believe the evidence provides a water-tight case for an early date of composition. Rather, his conclusion is that an early date is at least as likely given the data as is a late date.¹⁰²

DH scholars have observed that the language of Deuteronomy is similar to that of Jeremiah and 2 Kings and should therefore be dated to the seventh century. However, it is characteristic for religious writings to retain older, conservative vocabulary and style long after the broader cultural language has changed. Wenham points out the modern example of how the language of the Authorized Version was retained in England’s religious usage for 350 years, long after it had gone out of popular usage. In addition, it was common in the Near East for literary language to remain unchanged for centuries though the spoken language changed. Keil argues *contra* DH that “The difference between the language of the books of Moses on the one side, and on the other of the writings of the age of David and Solomon, and of the writings of the older prophets, is as great as one could ever

¹⁰¹ Keil and Delitzsch, 8. Other notable scholars to defend traditional Mosaic authorship of Deuteronomy include E.W. Hengstenberg and H.A.C. Hävernick.

¹⁰² The following interacts with the six areas identified by Wenham in a two-part series of articles: Gordon J. Wenham, “The Date of Deuteronomy: Linch-Pin of Old Testament Criticism,” *Themelios* 10, no. 3 (1985): 15-20, and Gordon J. Wenham, “The Date of Deuteronomy: Linch-Pin of Old Testament Criticism: Part 2,” *Themelios* 11, no. 1 (1985): 15-18.

expect, considering the peculiar structure of the Shemitic languages and the historical relations of the Israelites.”¹⁰³

Some scholars have argued for a late date of composition based on similarities between Deuteronomy and seventh and eighth century BC Assyrian legal treaties.¹⁰⁴ Other scholars have pointed out, however, that Deuteronomy has more in common with older second millennium Hittite treaties.¹⁰⁵ M.G. Kline argues that, “Deuteronomy is a covenant renewal document which in its total structure exhibits the classic legal form of the suzerainty treaties of the Mosaic age.”¹⁰⁶ On the other hand, other scholars doubt the value of comparing ancient treaties at all for dating Deuteronomy.¹⁰⁷

¹⁰³ Carl Friedrich Keil, *Manual of Historico-Critical Introduction to the Canonical Scriptures of the Old Testament*, 2nd ed., trans. George C.M. Douglas (Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 1952), 1:194. Also see his detailed analysis of Hebrew language development on pages 1:43-61 upon which he bases this conclusion (sections 14 through 16).

¹⁰⁴ For example, Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (New York: Oxford University Press, 1972), 59-157.

¹⁰⁵ Craigie points particularly to work by K.A. Kitchen and M.G. Kline as among the first to discern a similarity of form between ancient Near Eastern treaties and the Hebrew covenant and to apply them to Deuteronomy's form and date of composition. Craigie prefers the argument favoring more similarity between Deuteronomy and earlier second millennium Hittite treaties than later first millennium Assyrian treaties. His reasons for his preference include the following differences presented by Kitchen between earlier treaties and those from the first millennium: normal placement of divine witnesses between stipulations and curses in the early treaties, but not in extant first millennium treaties; a historical prologue was characteristic in second millennium treaties but no longer a standard component of first millennium treaties; the blessings were presented regularly in balance with the curses in the second-millennium treaty whereas the later treaty texts do not contain corresponding blessings; a more consistent ordering of elements in early treaties than in the first-millennium treaties. See Craigie, 22-27. Though Craigie cautions that treaty form should not be relied upon alone to prove or verify dating Deuteronomy in the Mosaic era, he believes it provides “reasonable grounds” for doing so if other evidence is considered in the argument. For the more detailed and updated argument see K. A. Kitchen, *On the Reliability of the Old Testament* (Grand Rapids, MI: William B. Eerdmans, 2003), 283-94.

¹⁰⁶ M.G. Kline, *The Structure of Biblical Authority*, 2nd ed. (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1975), 132.

¹⁰⁷ Mayes states, “It is in fact doubtful if the attempt to isolate one particular phase of the treaty tradition as offering the closest parallel to Deuteronomy serves any very useful purpose.” He explains that this is because the larger tradition to which early and late treaties belong outweighs differences that may or may not be present in the early and late manifestations of the treaty tradition and, more importantly to Mayes, he does not view Deuteronomy as a treaty document but rather a final testament speech. See A.D.H. Mayes,

Deuteronomy's insistence on worship in the location chosen by the Lord is what Wenham calls the "chief" argument for a seventh century dating.¹⁰⁸ The wording "the place which the Lord will choose" is assumed to be code for Jerusalem and is taken as evidence that the book is meant to be justification or a roadmap for Josiah's centralization of worship, especially since the book was found during Josiah's reforms. Wenham asks why the writer would think it necessary to disguise his knowledge that the place would be Jerusalem, since pseudonymous authorship is supposed by liberal scholars to have been acceptable; and besides, the great prophet Moses would certainly have been considered able to predict the location. More significantly, Deuteronomy 27 actually records Moses commanding the people to build an altar and offer sacrifices at a different place, Mount Ebal. If Deuteronomy was intended to support Josiah's program of centralized worship in Jerusalem, why would chapter 27 have been included. In fact, 2 Kings 22 and 23 indicate by their structure that Josiah's centralization measures were not motivated by discovery of the law book.¹⁰⁹

The religious ideology of Deuteronomy included warnings of judgment and exile which many scholars have taken as evidence that it was written during the seventh century when Judah was facing Assyrian and Babylonian threats on Jerusalem. And although Deuteronomy was applicable to the impending Babylonian exile, its more dominant themes apply to much earlier events: patriarchal promises, the covenant, the

Deuteronomy, The New Century Bible Commentary (Grand Rapids, MI: William B. Eerdmans, 1979), 33-34 and van Houten, 69.

¹⁰⁸ See section 3.1.2.2 for additional discussion related to DH dating of Deuteronomy.

¹⁰⁹ Wenham, "The Date of Deuteronomy: Linch-Pin of Old Testament Criticism: Part 2," 15-16.

kingship of God, holy war, and the conquest. In this it resembles the Song of the Sea in Exodus 15, which is undeniably early in its grammar. And though this does not prove an early date for Deuteronomy, it demonstrates that its themes are not inconsistent with an early date.¹¹⁰

Marriage laws in Deuteronomy have been said to resemble later Near East customs and, therefore, cited in support of a seventh century date. However, the sex and marriage laws in Deuteronomy 22 appear to resemble those of the second-millennium more closely than they do to what is known of fifth century Jewish practices.¹¹¹

DH scholars have asserted that the composition of Deuteronomy was motivated by a program to centralize worship in Jerusalem. And though we have seen that this is an inappropriate conclusion, Wenham points out that the book found in 2 Kings did at least contain Deuteronomy. It has been argued that the account in 2 Kings 22:3-23:2 only makes sense if the book that was discovered was old, authentic, and considered authoritative by the authorities in Jerusalem.¹¹²

This section has provided analysis of the main arguments in favor of a late date for Deuteronomy and shown that for each the data can support a second millennium date at least as consistently as it can a first millennium date.

3.2.3 Documentary Hypothesis and the גר

There is much that can be investigated regarding the relationship between DH and the גר. For the purposes of this study, however, the focus will be on the question of the

¹¹⁰ Wenham, "The Date of Deuteronomy: Linch-Pin of Old Testament Criticism: Part 2," 1, 16.

¹¹¹ Ibid., 16-17.

¹¹² Ibid., 17.

historical referent for the גר, which is strongly influenced if not determined by conclusions regarding the authorship and date of Deuteronomy. DH scholars locate the גר consistently with the assumed *Sitz im Leben* of the book of Deuteronomy in the sixth to eighth centuries BC. For van Houten this means that the monarchy created a hierarchical social structure and economic policies that made life more precarious for the lower class, of which the גר was a member. She believes that the גר in Deuteronomy is a financially and socially needy non-Israelite of non-specific ethnic identity.¹¹³ Kidd argues, on the other hand, that the גר was an Israelite who immigrated from the northern kingdom to Judah after the fall of Samaria in 721 BC. He relates the laws requiring care for the גר to the social needs created by eighth century urbanization. This urbanization replaced family solidarity with individualism, which created the need for legal protection and care in place of what used to be provided by family structures.¹¹⁴

How would these DH interpretations of the identity of the גר compare to traditional, early date interpretations? The question of the historical context of the גר will be taken up in the following chapter. But whatever else an early date has to say about the גר, it must include the basic assumption that the term made sense to Moses and to his original listeners (i.e., that they understood from their context what it meant for someone to be a non-native dwelling in a foreign land with certain legal rights). We will attempt in the following chapter to determine whether their experience included sojourners living among them or if they simply knew of sojourners from stories or observations of sojourners living among other people groups. Either way, we will proceed with the

¹¹³ van Houten, 93 and 108.

¹¹⁴ Ramírez Kidd, 115 and 131.

natural assumption that the term had meaning to them in their present context. Therefore, we conclude that for the Israelites the term would have brought to mind “sojourners” living either inside or outside of Israel during the time of Moses.

Chapter 4 – Origin and Uniqueness of the גר

4.1 Origin of the גר in Deuteronomy 10:18-19

I have argued in Chapter 3 that we are not compelled necessarily to assign the sojourner's origin in Deut. 10:18-19 to the seventh or eighth century based on the assumptions of the DH. So, when did the sojourner first appear among the Israelites? We will begin by investigating the גר's historical context outside of Israel, then move on to the existence of the גר dwelling inside Israel.

It is appropriate at this point to remark on our use of the term גר and the various glosses used in the following discussion. Our working definition for the גר in Chapter 2 refers to a non-native dwelling in Israel. Because we are investigating the broader historical context, we will be broadening our view to include non-natives dwelling in other societies as well as non-natives in Israel who may have enjoyed fewer rights than the sojourner in Deuteronomy 10. We will also be broadening our view out from this chapter to other portions of scripture. I hope that the degree of divergence from our Deuteronomy 10 definition will be sufficiently clear in the context of my argumentation.

4.1.1 Foreigners in Other Ancient Near Eastern Nations

First, we begin our historical context study by investigating evidence for the גר in ancient Near Eastern societies outside Israel. Van Houten presumes that “the existence of aliens was not confined to the people of Israel, nor to the land of Canaan. The causes of leaving one's homeland which are described in the Old Testament, i.e. famine, war,

family conflict and blood guilt, are common to all peoples.”¹¹⁵ There is a close historical connection between ancient Israel and the other civilizations in the ancient Near East. In part, the similarities to other civilizations was due to geography. Palestine was situated between Egypt and Mesopotamia along a travel route connecting the two and forming a point of contact between these two dominant cultures. This geographical contact is attested in the archaeological and written remains.¹¹⁶

4.1.1.1 The Roles of Foreigners

In Mesopotamia, foreigners were generally settled on land, used in temple service, or employed as royal bodyguards, mercenaries, or labor force. Mesopotamian literature from the late third millennium attests to foreigners moving into the land and working in a variety of roles, from harvest laborers to city governors and generals. Although the “native” Assyrian populace at large tended to view them as intruders, the official attitude toward foreigners was one of inclusion in order to build the Assyrian population. Amorites who migrated into Mesopotamia assimilated fully into Mesopotamian culture. One way in which this assimilation is evident was the exchange of their ancestral west Semitic tongue for the east Semitic Akkadian.¹¹⁷

In Mesopotamia and Hatti, foreign merchants were quite welcome to benefit their host society with their business activities. Protection of the well-being of foreign businessmen is documented in a mid-thirteenth century letter from Hittite King Ḫattušili

¹¹⁵ van Houten, 34.

¹¹⁶ Ibid., 23-24.

¹¹⁷ See Gary Beckman, “Foreigners in the Ancient Near East,” *Journal of the American Oriental Society* 133, no. 2 (2013): 205 and Mu-chou Poo, *Enemies of Civilization* (Albany, NY: State University of New York Press, 2005), 101-104.

III to the Babylonian King Kadašman-Enlil II. Foreign merchants were allowed in the third and second millennia to take up residence outside their host city in commercial districts. Other categories of foreigners who were generally welcomed in the ancient Near East included diplomats, technical experts (e.g., physicians, exorcists, and builders), guest “professors” or scribes, brides and grooms of marriage alliances, and mercenaries. Yet additional categories of welcome foreigners, though involuntary immigrants, were captives, often used as slaves, and mass deportees resettled after being conquered by their host empires. And of course there were would-be foreign conquerors who were unwelcome in the host society.¹¹⁸

Susanne Paulus presents the second millennium BC Kassites as an example of the treatment of foreigners in ancient Babylonia. As she explains, Babylonia was always subject to concerns regarding foreigners, either infiltration of nomadic groups or the possibility of conquest by neighbors. The Kassites provide a typical example of the treatment of foreign groups in Babylonia, “with the potential social status of foreigners running the gamut from feared enemy to full integrated member of the society.”¹¹⁹

In Egypt, on the other hand, the ethnic composition was not as diverse and foreigners were generally employed as slaves and low-level craftsmen. They were found less often in higher status positions. The worldview of the Chinese included China at the concentric center and everyone else on the outskirts as barbarians. As a result, foreigners

¹¹⁸ Beckman, 205-210.

¹¹⁹ Susanne Paulus, “Foreigners under Foreign Rulers,” in *The Foreigner and the Law, Perspectives from the Hebrew Bible and the Ancient Near East*, ed. Reinhard Achenbach, Rainer Albertz, and Jakob Wöhrle (Wiesbaden, Germany: Harrassowitz Verlag, 2011), 1-4.

in ancient China were usually prisoners of war and held in very low regard, often being sacrificed like animals.¹²⁰

Marriages were an important means of promoting diplomacy in the ancient Near East. Although diplomatic marriages brought only a small number of foreigners into an ancient state, it placed those foreigners very near the highest places of power in their host nations. The beliefs associated with these marriages varied from culture to culture. For example, Hittite and Mesopotamian rulers highly valued the position of father-in-law that resulted from giving daughters and sisters away to foreigners. On the other hand, the Pharaoh in Egypt viewed these unions differently, gladly accepting prestigious foreigners into his harem while completely rejecting the idea of sending a daughter to foreign lands.¹²¹

Another example of foreigners operating in an ancient Near East host culture is the employment of mercenaries. Assyria, Babylonia, and Egypt made use of foreign mercenaries. Egypt engaged Greek and Carian mercenaries in their armies and engaged Libyan troops for warfare and Nubians for work as police in internal matters.¹²²

4.1.1.2 Attitudes towards Foreigners

Poo states, “In the records of the ancient civilizations, foreigners and foreign countries were very often considered as sources of hostility.”¹²³ The Sumerian word for

¹²⁰ Poo, 105-114.

¹²¹ Beckman, 208.

¹²² Ibid., 209.

¹²³ Poo, 68. In this section 4.1.1.2 I rely heavily throughout on Poo’s Chapter 4, “Relations and Attitudes.”

foreigner, *kur*, was also used to mean “enemy,”¹²⁴ indicating a tendency to identify foreigners with enemies in early Mesopotamia. Foreigners were sometimes viewed as the gods’ instruments of wrath against Mesopotamian cities. In official documents, foreign enemies were depicted as representing “everything that was opposite to the Assyrian ideology. They were seen as the antithesis of Assyria.”¹²⁵ Foreigners and foreign countries were represented using certain literary topoi that described the world beyond Assyria, the landscape, daily life, their material culture, their sociopolitical institutions, personal behavior, etc. Assyria was a land of low plains. Foreign lands were characterized by features most alien to the Assyrian landscape: mountains, seas, marshes, and deserts. “These qualifications of the habitat and the culture of the foreigners disclose the Assyrian ideology that enemies are fundamentally ‘abnormal.’ Moreover, abnormality is connected with moral debasement.”¹²⁶

According to Poo, Egypt generally held a militarized animosity toward foreigners. “The image of foreigners as enemies was very much ingrained in the Egyptian mentality and expressed through both public and private literature.”¹²⁷ The Egyptian king Sesostri III mentions foreigners “in the same class as wild animals.”¹²⁸ However, during the New

¹²⁴ Poo, 68.

¹²⁵ Ibid., 70.

¹²⁶ Ibid., 68-71.

¹²⁷ Ibid., 75.

¹²⁸ Ibid., 74.

Kingdom period (1558-1085 BC) foreigners were sometimes seen as allies, friends, and partners.¹²⁹

In ancient China, something of the Shang (1600-1066 BC) view of others can be seen by how they treat foreign prisoners, mentioned earlier. They were often sacrificed to ancestors or deities during religious ceremonies. “An extraordinary record has one thousand prisoners sacrificed on one occasion, as bloody a scene as one can imagine, if the record bears any truth.”¹³⁰ It can be seen during the Zhou Dynasty (1066-771 BC) that, though their relationship to foreigners generally remained one of opposition and warfare, there was also some amount of cooperation as seen in the tribute system.¹³¹

Poo argues that hostility and warfare did not characterize the totality of the ancient view of the foreigner. He explains that though it appears from official documents that relationship to the foreigners was hostile, in reality there was much more cooperation and acceptance. “The seemingly intensive animosity toward foreigners might have been confined to officially proclaimed policies and representations. The day-to-day interactions between a people and foreigners could not have been in a constantly hostile situation.”¹³² Although Mesopotamian documents present the Amorites as barbaric and uncivilized, a diplomatic relationship existed between the Ur III Dynasty and the Amorite kingdom. And there is evidence that Amorites and Mesopotamians intermarried. There are various examples of cooperation between Egypt and Nubians, Libyans, Syrians, and

¹²⁹ Poo, 72-75.

¹³⁰ Ibid., 76.

¹³¹ Ibid., 76-79.

¹³² Ibid., 85.

“Asiatics.” “The Egyptians are not necessarily hostile to all foreigners, and certainly many foreigners received fair treatment living in Egypt, as exemplified by the Nubian mercenaries who owned their own tombs and proudly proclaimed their status as good citizens in Egypt.”¹³³ The relationship between the Chinese and the Rong was adversarial at times, but also diplomatic in nature.¹³⁴

Poo argues that the Mesopotamians, Egyptians, and Chinese exhibited an appreciation of foreign culture. “The above discussion of the relationships and attitudes toward foreigners reveals that, in different ways, evidence of a sympathetic understanding of foreign culture can be found in all three ancient civilizations.”¹³⁵ So although many of the attitudes in ancient civilization appear to be characterized by hostility, there is reason to believe that sympathy was also present.¹³⁶

4.1.2 The גר in Israel

This study approaches the question of historical context with the conviction that reference to the גר in Deut. 10 made sense to Moses and his listeners. This means that the Israelites on the plains of Moab understood what it meant for a non-native to live among a foreign people with certain conceded, not inherited, rights. So far, what we see is that the societies surrounding ancient Israel had experience with numerous types of foreigners living in their land. Because Israel dwelt in Egypt for hundreds of years and, in the time leading up to Deuteronomy, wandered on the outskirts of Palestine at the travel nexus of

¹³³ Poo, 95.

¹³⁴ Ibid., 80-95.

¹³⁵ Ibid., 99.

¹³⁶ Ibid., 93-100.

Egypt and Mesopotamia, it is safe to assume that Israel knew of the phenomenon of people living in the midst of a foreign people. Therefore, we start with the basic assumption that the Israelites had experienced, observed, or at least heard of גר, whether in their own nation or others.

But were there sojourners living among the Israelites when they received the command in Deut. 10:18-19? The current archaeological and extra-biblical textual record appears to be silent regarding a direct answer to this question. Although this silence should give us pause, the silence is not sufficient in itself to conclude that there were no sojourners present in Israel during the second millennium.¹³⁷ My argument in favor of the presence of the גר in second millennium Israel relies primarily on the testimony of scripture as interpreted with evangelical convictions. However, I will argue that this conclusion is supported by reasonable inference of the historical record described so far.

As already observed, it is well-documented that foreigners of various kinds were present in the societies surrounding Israel. Some of these foreigners were relatively prosperous and protected by their host culture, whereas some of them were poor and vulnerable. There is little reason to believe that things would be radically different in Israel such that they would have no foreigners residing with them. There was no commandment given by God to Israel forbidding the Israelites from resembling the surrounding nations in this respect. As already discussed, the Israelites would have been intimately familiar with their neighbors' practices. Furthermore, in an area of national life

¹³⁷ With respect to the textual and archaeological evidence, the conclusion may be drawn only if one is willing to rely on an argument from silence, a logical fallacy. This is not to say that the lack of evidence may not be considered inductively as it is combined with other evidence. But the possibility of sojourners in early Israelite history may not be ruled out *as a deduction* from this lack of evidence.

that was not regulated by Mosaic law it would have been quite natural for the Israelites to resemble their neighbors in various ways. When one considers that Israel's corporate memory was dominated by their own experience as sojourners and that the Lord had commanded them to love the sojourner as a result (Deut. 10:19), it would have been odd indeed for them not to have had foreigners living in their midst. It would have been especially odd because, based on their legal documents as opposed to the other nations' legal documents, they should have been more likely than the other nations to show hospitality to foreigners.

How does the scriptural testimony relate to what we expect to see in Israel based on the practices of the surrounding people? Moses' charge to the heads of tribes recounted in Deut. 1:16 shows that sojourners were living in their midst prior to the rebellion and consequent wandering in the wilderness: "And I charged you at that time, 'Hear the cases between your brothers, and judge righteously between a man and his brother or the alien [גֵּר] who is with him.'" The Lord's instructions for Passover observance also indicate that sojourners were living in their midst (Exod. 12:19, 48-49). About a generation after Moses charged the heads of Israel in Deut. 1:16, at Israel's first incursion into the land of Canaan in the mid- to late second millennium BC, Rahab the Canaanite prostitute became a protected resident of Israel (Josh. 6:22-25). Also in the early days of the conquest, Joshua spared the lives of the Gibeonites and made them servants of the Israelites and for the altar of the Lord (Josh. 9: 22-27, 11:19). In the cases of both Rahab and the Gibeonites, the text uses the phrase "to this day," indicating that they dwelt in Israel for a significant length of time. The Gibeonites, also referred to as the Hivites (Josh. 11:19), remained in the land during the time of Solomon (2 Chron. 8:7-8).

Joshua 8:33 and 8:35 further demonstrate that in the early days of the conquest of Canaan sojourners were dwelling with Israel. By the time of Solomon near the beginning of the first millennium BC, 2 Chron. 2:17 states that there were 153,600 sojourners living in Israel. Sojourners were dwelling in Israel at least by the time the covenant was renewed in Joshua 8. It seems most likely from Deut. 1:16 that they had sojourners with them much earlier, during their time in the wilderness.

4.2 Uniqueness of the גר in Israel

From the previous section, we see that both Israel and its neighboring societies had experience with sojourners. The working definition developed in Chapter 2 for the גר in Deut. 10:18-19 is: *a non-native dwelling in Israel with certain conceded, not inherited rights for the sake of whom kindness is frequently enjoined and with respect to whom oppression is warned against*. The descriptions of the foreigners in the non-Israelite literature, especially the Mesopotamian literature, are consonant with several aspects of our definition. The sojourner is non-native; the sojourner is characterized primarily as one who is dwelling rather than journeying; and the sojourner enjoys, to varying degrees, rights that were not inherited. It is not clear from my research to what extent kindness was enjoined. It is clear that nothing has emerged approximating the type of recurring and imploring command for the Israelites to love and care for the sojourner in their midst.

4.2.1 The גר in Legal Documents

So far we have considered the treatment of foreigners in the general literature of ancient Near Eastern societies. What about law documents? Various scholars have

compared legal documents of ancient Near Eastern cultures to Old Testament law.¹³⁸

Because Egyptian law proceeded from the mouth of the current Pharaoh, who was believed to be God, ancient Egyptian law was spoken, not written, and is therefore absent from the textual record. Hittite laws are believed to share little in common with Old Testament laws. The evidence suggests that there was no independent body of laws in Syria-Palestine. This leaves us with Mesopotamian law documents.¹³⁹

Mesopotamian laws regarding the foreigner appear to be few in number and do not provide regulations for how an outsider is treated by the citizens of the host land. Rather, they provide requirements from the perspective of the family that is left behind in the alien's homeland while there are no laws regarding the legal status of the foreigner in the host culture. Van Houten suggests that the contrast between Old Testament and Mesopotamian law with respect to treatment of the foreigner is not because the Babylonians and Assyrians were unconcerned about the welfare of the foreigner. She believes the difference may be found in the Israelites' history as sojourners in Canaan and Egypt. There was an emphasis in Israel's laws on caring for foreigners in their midst because they should empathize with them, remembering that they themselves have a significant heritage as sojourners. Van Houten is correct in her observation regarding

¹³⁸ Examples include: T.J. Meek, *Hebrew Origins* (New York: Harper & Row, 1936); R. Westbrook, "Biblical and Cuneiform Law Codes," *Revue Biblique* 92 (1985): 247-285; S.M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (Leiden, Netherlands: Brill, 1970); G.E. Mendenhall, "Ancient Oriental and Biblical Law," *Biblical Archaeologist* 17 (1954): 26-46; Albrecht Alt, *Essays on Old Testament History and Religion*, trans. R.A. Wilson (Oxford: Basil Blackwell, 1966).

¹³⁹ van Houten, 24-25.

Israel's history; however, we will see that the Old Testament emphasis on care for the sojourner runs deeper than their own experience as sojourners.¹⁴⁰

Treatment specific to the sojourner is absent from the legal collections of surrounding societies, but treatment of other categories of needy persons is observable. As was discussed in chapter 2, Old Testament passages regarding treatment of the sojourner frequently refer also to the fatherless, the widow, or the poor. Requirements for treatment of the needy generally and, more specifically, the fatherless, the widow, and the poor occur in other ancient Near Eastern law and wisdom literature. Fensham asserts, "The protection of widow, orphan, and the poor was the common policy of the ancient Near East."¹⁴¹ Examples of this ethic are found in the prologue and epilogue of the stele of Hammurabi.¹⁴² In contrast to the Old Testament, the extra-biblical references to protection of the needy are not formulated as laws but are instead found in the prologue and epilogue of the laws.¹⁴³

A significant similarity emerges between the Torah and other ancient Near East law collections. Like the Lord's commands, other societies were required by law to protect widows, orphans, and the poor. However, a significant dissimilarity also becomes evident. Although these other nations were careful to provide for protection and justice toward other vulnerable categories of people, care and protection of the sojourner was not

¹⁴⁰ van Houten, 24-25, 34-36.

¹⁴¹ F. Charles Fensham, "Widow, Orphan, and the Poor in Ancient Near Eastern Legal and Wisdom Literature," *Journal of Near Eastern Studies* XXI, no. 2 (1962): 129.

¹⁴² James B. Pritchard, ed., *Ancient Near Eastern Texts* (Princeton, NJ: Princeton University Press, 1955), 164 and 178.

¹⁴³ van Houten, 35.

present in their law codes. This study has not revealed a single reference to the sojourner in the law codes of other ancient Near Eastern societies. In contrast, love specifically commanded for the sojourner occurs over and over again in the Torah. The גר appears in the Pentateuch 68 times in 59 verses. Of those 59 verses, 32 of them are either directly requiring or indirectly implying kindness and care toward the sojourner.

The uniqueness of Israelite requirements for treatment of the sojourner may be partially explained, as van Houten does, by recognizing the history of the Israelites in Egypt. Whatever it is that accounts for these differences, the Israelite requirements towards sojourners dwelling in their midst was unique. It was unique among the nations that surrounded them. Even though care for the vulnerable was customary in the broader ancient Near Eastern context, the explicit, repeated command to care specifically for the sojourner was unique to Israel.

4.2.2 Centrality of the גר

The uniqueness of the sojourner in Israel is further highlighted by the location of the requirements for his treatment within the text of Deuteronomy. We will see in this section that the commands in Deuteronomy 10 regarding the גר are centrally located within the text. We will begin by studying the literary context in which Deut. 10:18-19 occurs.

4.2.2.1 Broader Literary Context

The book of Deuteronomy is presented as a series of three speeches that Moses delivered to the Israelites as they waited to enter the Promised Land, on the east side of the Jordan in the land of Moab (Deut. 1:5). The whole of the Pentateuch has been leading up to this moment when the Israelites would enter the land promised to their father

Abraham. It is important to reflect on what is getting ready to happen and the significance of this moment. The Israelites are preparing to enter the Promised Land. But the Promised Land contains many adversaries for them. They are getting ready for the conquest of the land of Canaan and in so doing are preparing to face bitter enemies. It is for this reason that the Lord seeks to reassure their hearts in Deut. 31:6: “Be strong and courageous. Do not fear or be in dread of them, for it is the LORD your God who goes with you. He will not leave you or forsake you.”

The message of the book of Deuteronomy was described by C.F. Keil in this way: “A hortatory description, explanation, and enforcement of the most essential contexts of the covenant revelation and covenant laws, with emphatic prominence given to the spiritual principle of the law and its fulfilment, and with a further development of the ecclesiastical, judicial, political, and civil organization, which was intended as a permanent foundation for the life and well-being [*sic*] of the people in the land of Canaan.”¹⁴⁴

Moses’ first speech is a recitation of the history that had brought them from Mount Sinai (also referred to as Mount Horeb) to where they were currently encamped. His second speech specifies the obligations required by God of the Israelites as part of the covenant he made with them in Horeb. Moses’ third speech describes potential blessings if Israel obeyed the covenant obligations and curses if they disobeyed them.

A broad outline of the book of Deuteronomy is as follows:

1. Introduction (1:1-5)
2. Moses’ First Address: Historical Prologue and Call to Obedience (1:6-4:40)

¹⁴⁴ Keil and Delitzsch, 846.

3. Interlude: Cities of Refuge East of the Jordan (4:41-43)
4. Moses' Second Address: the Law (4:44-26:19)
5. Moses' Third Address: Curses for Disobedience, Blessings for Obedience (27:1-29:1)
6. The End of Moses' Life and Joshua's Succession (29:2-34:12)

Our pericope occurs within Moses' second address and consists of 10:12-22.

Immediately prior to the pericope of our passage, Moses recounted how the people had made a golden calf as an idol, the Lord had been merciful and not destroyed them, and the Lord re-writes the Ten Commandments on a second set of stones. Our pericope is followed by strong motivation to obedience. This motivation consists in reminders of what the Lord did for them in the land of Egypt, encouragement that he will be similarly faithful to them in the future, and promises that their obedience will result in blessings on their future land.

4.2.2.2 Immediate Context

The centrality of the command to love the יְיָ is indicated by its immediate context. The command occurs in a pericope of Moses' second speech that consists of a conclusion and summing up of the general obligations of the covenant. Moses is exhorting the Israelites to fear, love, and obey the Lord with all their hearts (Deut. 10:12-13). It is an essential distillation of the requirements Moses has been expounding. Moses says, "What does the Lord your God require of you, but to fear the Lord your God..." (Deut. 10:12). Moses indicates by the phrasing of this question that the entirety of the Lord's covenantal requirements for his people is nothing more than the things he proceeds to list in summary form. In other words, the preceding detailed requirements may be summarized in the following general principles: 1. fear the Lord; 2. walk in all his ways and love him; 3. serve the Lord with all your heart and soul; 4. keep his

commandments and statutes. The requirement to love the sojourner occurs in the immediate context of this distillation. Whereas most other particularities that are presented in subsequent chapters are absent, the particular requirement to love the גר is present in verse 19, along with an implied obligation to imitate the Lord in administering justice to the orphan and widow (and the גר). When a person wishes to communicate the most important issues of their heart, they limit their words to the most important ideas they wish to communicate. Similarly, Moses confines his words to what is most central to the covenant here. And loving the גר occurs as one of several particulars that are central elements of covenantal love and obedience.

The admonition for the Israelites to love the גר in 10:19 flows out of a description of the character of God in 10:17-18. God has just been described in verse 17 as all-powerful and impartial, a God who does not take bribes. In verse 18 he is described as one who provides justice and provision for the orphan, widow, and sojourner. Then in verse 19 Moses leaves out the orphan and widow and focuses the command to the Israelites on the sojourner. He gives the Israelites' experience as sojourners in Egypt as a motivation clause for their love towards the sojourner. In verse 20 Moses returns to the earlier exhortations that the Israelites fear and serve the Lord. He then provides as context for this fear and service the awesome things that God has done for them and the praiseworthy God he has been to them (v. 21). In verse 22 Moses explains that the awesome things God had done refer to their fathers having gone to Egypt as seventy people and the Lord multiplying them "as numerous as the stars of heaven." The second half of verse 19 through verse 22 are an explication of the command in verse 19 to love the sojourner. In the following three and a half verses Moses expounds what lies behind

the command, the Israelites' experience in Israel, their duty to fear and serve the Lord, and God's mighty deeds in multiplying them while in Egypt and bringing them out as numerous as the stars. In this way, we see that when Moses gets to the command to love the sojourner, the camera focuses in and things slow down in order to emphasize the significance of the command and its historical moorings.

As argued above, the requirement to love the sojourner occurs in a summary exhortation, as if the summary section as a whole is being highlighted in bright color. Within this summary exhortation, love for the גר is then narrowly focused in upon, as if it is then double highlighted in even brighter color. We can safely conclude from literary contextual considerations, therefore, that the command to love the sojourner lies in a significant place of centrality in the covenant between the Lord and the Israelites.

Chapter 5 – Conclusion

This thesis undertook to investigate four main questions: (1) who is the גר, (2) when did he first appear in Israel, (3) how does the Lord feel towards him, and (4) what place does he have in the covenant? This chapter will summarize what has been concluded in these four areas and go on to explore broader implications built on these conclusions.

5.1 Who is the גר?

Chapter 2 provided a foundational orientation for the identity of the גר in Deut. 10:18-19. The chapter began by focusing on the biblical context, relying on BDB and other lexicons to help evaluate the usage of the Hebrew term גר. We also considered extra-biblical usage and consulted the commentaries, scholarship, and modern English versions.

Our lexical study established the most likely glosses for גר as either “stranger” or “sojourner.” “Sojourner” was chosen, in accordance with BDB, as the preferable gloss. After studying the biblical usage of the term several aspects of meaning stood out as significant, including the non-native character of the person, the emphasis on the spectrum of journeying versus dwelling, and the degree of permanence and religious participation. The synonyms identified for גר in Chapter 2 provided further clarity. All of the synonyms contain the idea of foreignness; but some, like זר (“stranger”), do not contain the idea of dwelling. תושב (“sojourner”) is the only synonym identified that also contains the idea of dwelling, but its usage suggests a lesser degree of permanence, autonomy, and religious privilege than the גר.

The definition developed for גר based on the work of Chapter 2 is: *a non-native dwelling in Israel with certain conceded, not inherited rights for the sake of whom kindness is frequently enjoined and with respect to whom oppression is warned against.* This working definition provided an orientation from which to approach questions related to the identity of the גר in our passage.

5.2 When Did the גר Appear in Israel?

The question of who the גר was relates naturally to consideration of when and how they came to exist in Israel. In order to answer this question, it was necessary to work through issues related to date and authorship of Deuteronomy. Chapter 3 investigated the development of the Documentary Hypothesis (DH) and its bearing on the date and authorship of the book in which our passage appears. Chapter 4 then relied on the Chapter 3 conclusions to determine when the גר originated in Israel.

We concluded our study of DH with the conviction that Deuteronomy was authored in the second millennium BC near the time when Israel came into the land of Canaan, as opposed to the DH belief that it was written in the seventh or eighth century BC. After considering the biblical and historical context and investigating evidence regarding foreigners in the historical records of other ANE peoples, we asserted it was most likely that the Israelites had גר living among them during the wilderness years.

5.3 How Does the Lord Feel Toward the גר?

Of the 92 occurrences of גר in the OT, many of them are directives from the Lord commanding justice, care, and provision for the sojourner. It is clear from this that the Lord's attitude toward the גר is one of kind protection. Does one need to go further than our passage where it states plainly that the Lord loves the גר and gives him food and

clothing (Deut. 10:18)? In a lengthy description of his people's sin in Ezekiel, mistreatment of the גר is catalogued among the offenses inciting the Lord to judge them (Ezek, 22:29). It is as if the holy Lord is saying, "If you mess with them, you mess with me!"

5.4 What Place Does the גר Have in the Covenant?

The conclusion in Chapter 4 regarding the sojourner's place in the covenant was that the treatment of the גר is central, not on the periphery as some obscure regulation. As we noted, it appears contextually in passage of Moses' second speech which summarizes Israel's covenantal obligations. It is clear from Deut. 29:10-15, where Moses officiates the covenant renewal at Moab, that the גר is included in "the sworn covenant of the Lord your God."

5.5 Broader Implications

We have seen that care for the גר is rooted in the Israelites' Egypt experience. But what else might treatment of the גר be founded on? It may be that it is rooted much more deeply in the Lord God's establishment of the created order from the beginning and the revelation of his own character.

Several verses prior to our passage in Deut. 10:18-19 it reads, "Behold, to the Lord your God belong heaven and the heaven of heavens, the earth with all that is in it" (Deut. 10:14). The law regarding redemption of property in Lev. 25:23 says, "The land shall not be sold in perpetuity, for the land is mine. For you are strangers and sojourners with me." We see here the natural and logical connection between the sojourner and the possession of land. Wherever the land is not owned by an individual living in that land, the individual is a "stranger and a sojourner." In the law regarding redemption of

property, that meant that Israelites had no right to sell inherited land permanently because it did not belong to them but to the Lord. They were ultimately merely sojourners in the Lord's land.

Land is a prominent theme in Deuteronomy. The lemma ארץ occurs 197 times in Deuteronomy. We know from the promises the Lord made to Abraham and his descendants that the land was to be a central blessing of the covenant (e.g., Gen. 12:7). The Lord gave the land to the Israelites to possess. And yet, as we saw in Lev. 25:23, the land did not ultimately belong to them but remained in the Lord's possession. McConville states, "In fact, there is a sense in which the land never becomes fully Israel's, for even though Yahweh gives it, it remains ultimately his, and is twice called his 'inheritance.' Israel's possession, then, is derivative. Von Rad describes the relation of Israel to the land as one of enfeoffment, and von Waldow believes its status is really that of *gēr*."¹⁴⁵ By enfeoffment von Rad is referring to that feudal institution in the Middle Ages whereby a person is granted land in exchange for a pledge of service. Therefore, the land of Canaan belonged to the Israelites, but because it ultimately belonged to the Lord, they were sojourners in it. Therefore, it would make no sense for them to look downstream at sojourners in their land and mistreat them.¹⁴⁶ They were required to imitate the Lord's treatment of sojourners in his land in the way they treated sojourners in their land. As McConville explains, "The whole concept of the behavior of

¹⁴⁵ McConville, *Law and Theology in Deuteronomy*, 11.

¹⁴⁶ This would be equivalent to the wicked servant who, after being forgiven much, beat a fellow servant who owed him much less (Matt. 18:21-35).

Israelite man towards his fellow-man in Deuteronomy is explicated by the analogy of the behavior of Yahweh towards his people.”¹⁴⁷

To restate the principle generally, when a person owns land others who dwell in the land are sojourners. Psalm 24 teaches us that the whole earth belongs to the Lord by virtue of the fact that he created it: “The earth is the Lord’s and the fullness thereof, the world and those who dwell therein, for he has founded it upon the seas and established it upon the rivers” (Ps. 24:1). This verse explicitly ties the Lord’s possession of all the earth to the fact that he created it using the clausal conjunction כִּי (“for”) to assert that the earth belongs to the Lord *because he created it*.¹⁴⁸ But if the Lord owns all the earth, then all those dwelling in it are in fact sojourners according to the principle we have observed in Lev. 25:23 and at work in Dt. 10:18-19. Since the creation of the world all humanity has dwelled on this earth and will continue to dwell on this earth as sojourners. Therefore, sojourning is part of the created order.

The way we treat sojourners is to reflect the character of God.¹⁴⁹ A lot can be said about how God treats those living in his land (i.e. the whole of humanity through history). God intends to bless all the families of the earth (Gen. 12:3). He cares for and provides food for all of humanity, in fact for all creatures (Ps. 145:15-16). The Lord executes justice for the oppressed, sets the prisoners free, opens the eyes of the blind, and lifts

¹⁴⁷ McConville, *Law and Theology in Deuteronomy*, 37.

¹⁴⁸ See Ronald J. Williams, *Williams' Hebrew Syntax*, rev. ed. (Toronto: University of Toronto Press, 2007), section 444.

¹⁴⁹ Anna Grace Gallant explains the reflection of God’s character in the way we treat the sojourner when she writes, “Therefore, whether we are the ethnic native or foreigner, we are the spiritual sojourner with God, knowing that He is our gracious host and that our temporal setting is to be tended in such a way that the holiness of the God who compels our movement and has secured our relationship with Him is reflected in our lives.” Gallant, 77-78.

those who are bowed down (Ps. 146:7-8). This is how the Lord treats the vulnerable, which includes all those sojourning in his land. His overwhelming care for his creation is the basis for how the גר is to be treated.

5.6 Summary

The answer to the question regarding when the גר first appeared in Israel, that they were not products of seventh or eighth century political events but were present in Israel from its inception as a nation, provided the opportunity to consider the גר in a broader historical context. As we have just seen, this context begins to open up even more as we begin to understand that the Israelites were the Lord's guests in the Promised Land; that all of humanity are also guests on this earth which belongs to the Lord; and that we are to empathize with the גר in our midst, showing the same kind of care and protection that reflects the Lord's heart towards outsiders. Humbly remembering our kinship with and duty towards all of humanity in this way should shape our hearts as we seek to make disciples of all the nations (Matt. 28:18-20).

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