

Mini-dissertation

Embrace the foreigner: the נָכְרִי in the Pentateuchal Law

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Abstract

Immigrants and refugees are one of the most controversial topics worldwide. This topic was already important in Ancient Israel, and occurs throughout the Old Testament. Investigating this topic in the Old Testament may help us to have useful theological insight to discuss this critical issue. In the Old Testament, some texts are very positive towards accepting foreigners into the Israelite society or the faith community (Deut. 24:14, 17; Isaiah 56:1-7). But some are very negative and try to exclude foreigners (Deut. 23:3-6; Ezra 9-10). In order to discuss the issue constructively, the texts in the Old Testament should be sorted by the character of the treatment of foreigners. In this mini-dissertation, at first the studies on foreigners in Old Testament are surveyed in Chapter 2. And then, to make it possible to handle, the problem investigated is limited to the גר in the Pentateuch. In Chapter 3, the laws concerning the גר in the Pentateuch are grouped by their functions (not by the sources) according to the grouping suggested by Ramírez Kidd (1999:130). In Chapter 4, in order to detect some of the perspectives included in the laws addressed to the Israelites for the protection of the גר, the two characteristic motive clauses (“you were a slave in Egypt” and “you were גר in Egypt”) are focused on.

Contents

Chapter 1: Introduction.....	- 5 -
1.1 Introduction.....	- 5 -
1.2 The problem and the method	- 5 -
Chapter 2: Survey of the studies on foreigners	- 7 -
2.1 Words used for a foreigner	- 7 -
2.1.1 “גַּר” in theological dictionaries	- 7 -
2.1.2 “נֹכַר” in theological dictionaries.....	- 8 -
2.1.3 “תּוֹשֵׁב” in theological dictionaries.....	- 8 -
2.1.4 “זָר” in theological dictionaries	- 9 -
2.1.5 Studies on these words together.....	- 10 -
2.2 Studies on “גַּר”	- 11 -
2.3. Other studies on foreigners in the Old Testament.....	- 20 -
2.3.1 Studies on inclusive texts	- 21 -
2.3.1.1 Studies on the Pentateuch as inclusive texts	- 21 -
2.3.1.2 Studies on other inclusive texts	- 24 -
2.3.2 Studies on exclusive texts.....	- 27 -
2.3.3 Studies on the relationship between inclusive texts and inclusive texts	- 32 -
2.3.4 Application for the recent situation of immigration	- 34 -
Chapter 3: Grouping the laws concerning the גַּר.....	- 36 -
3.1 Why focus on the גַּר in the laws of the Pentateuch.....	- 36 -
3.2 Identification of the גַּר.....	- 36 -

3.3 Grouping the references to the גר.....	- 39 -
3.3.1 Group (1) laws addressed to the Israelites for the protection of the גר ..	- 39 -
Group (1-1) with the motive clause “you were a slave in Egypt”	- 40 -
Group (1-2) with the motive clause “the Lord bless you”	- 41 -
Group (1-3) with the motive clause “you were the גר in Egypt”	- 42 -
Group (1-4) with other motive clauses.....	- 43 -
3.3.2 Group (2) laws compulsory for both Israelite and גר, in order to preserve the holiness of the community	- 45 -
Group (2-1) גר + אזורח.....	- 45 -
Group (2-2) גר + בית ישראל	- 47 -
Group (2-3) גר + בני ישראל	- 47 -
3.3.3 Group (3) references which cannot group into (1) or (2)	- 48 -
Chapter 4: The characteristic motive clauses in the laws for the protection of the גר	- 51 -
4.1 Focus on the motive clauses in the laws for the protection of the גר.....	- 51 -
4.2 Comparison between the motive clauses, “you were a slave in Egypt” and “you were the גר in Egypt”	- 53 -
4.2.1 The two separate periods.....	- 54 -
4.2.2 The memory used in Egypt-עבד motive clause	- 55 -
4.2.3 The memory used in Egypt-גר motive clause.....	- 57 -
4.2.4 Conclusion	- 59 -
4.3 Functions of the motive clause “you were a slave in Egypt”	- 60 -
4.3.1 Deut. 5:14-15: Egypt-עבד motive clause mentioning YHWH’s redemption ...	- 61 -

4.3.2 Deut. 24:17-18: Egypt-עבר motive clause mentioning YHWH's redemption . -	63 -
4.3.3 Deut. 16:11-12: Egypt-עבר motive clause alone..... -	64 -
4.3.4 Deut. 24:19-21: Egypt-עבר motive clause alone..... -	66 -
4.3.4 Conclusion..... -	67 -
4.4 Functions of the motive clause “you were the גר in Egypt”	68 -
4.4.1 Exod. 22:20 (21 in English translation); 23:9..... -	69 -
4.4.2 Lev. 19:33-34..... -	72 -
4.4.3 Deut. 10:19..... -	74 -
4.4.4 Deut. 23:8-9 (7-8 in English translation)..... -	76 -
4.4.5 Conclusion..... -	77 -
Chapter 5: Conclusion..... -	79 -
Bibliography..... -	82 -
Theological/ Biblical Dictionary..... -	90 -

Chapter 1: Introduction

1.1 Introduction

Immigrants and refugees are one of the most controversial topics worldwide although the situations are various depending on the regions or the countries. How resident foreigners should be treated is currently a typical issue in our world. But this is not a new issue. This topic was already important in Ancient Israel, and occurs throughout the Old Testament. Investigating this topic in the Old Testament may help us to have useful theological insight to discuss this critical issue.

1.2 The problem and the method

In the Old Testament, some texts are very positive towards accepting foreigners into the Israelite society or the faith community (Deut. 24:14, 17; Isaiah 56:1-7). But some are very negative and try to exclude foreigners (Deut. 23:3-6; Ezra 9-10). Just in the Pentateuch alone, some texts order the Israelites to protect the poor foreigners (Deut. 24:14, 17, 19-21), while other texts require foreigners to obey the same law that the Israelites obey (Lev. 18:26; 22:18). The treatment of foreigners in the Old Testament does not seem to be coherent. In order to discuss the issue constructively, the texts in the Old Testament should be sorted by the character of the treatment of the foreigners.

In this mini-dissertation, at first the studies on foreigners in the Old Testament will be surveyed (Chapter 2). The main four Hebrew words meaning foreigners will be surveyed in theological dictionaries in order to have an overview of the wording concerning foreigners in the Old Testament. And then the history of studies on the most important word גר will be surveyed. And also recent studies focusing on foreigners in the Old Testament will be surveyed in order to have an overview of current scholarship on this issue.

To make it possible to handle, the problem investigated in this dissertation is limited to the גר in the Pentateuch. Many scholars have tried to reconstruct the historical גר according to the sources in which the law concerning the גר appears. But there is no consensus about the reconstruction of the historical גר among scholars (2.2). In Chapter 3, the laws concerning the גר in the Pentateuch are grouped by their functions according to the grouping suggested by Ramírez Kidd (1999:130). According to his grouping, references to the גר in the Pentateuch are divided into two groups: (1) laws addressed to the Israelites for the protection of the גר, and (2) laws compulsory for both Israelite and the גר in order to preserve the holiness of the community. In Chapter 4, in order to detect some of the perspectives included in the laws addressed to the Israelites for the protection of the גר (Group (1)), the two characteristic motive clauses (“you were a slave in Egypt” and “you were גר in Egypt”) are focused on. And finally a brief theological reflection for today’s world is offered as the conclusion in Chapter 5.

Chapter 2: Survey of the studies on foreigners

2.1 Words used for a foreigner

The words which indicate a foreigner in the Old Testament are mainly “גר” (92 times), “נכר” (81 times, including “נכרי” 45 times), “תושב” (14 times), and “זר” (71 times; this word is an adjective.) (Konkel 1997: “גור”, “נכר”, “תושב”, and “זר”) though some other words can mean a foreigner (cf. Exo 12:44-45). To have an overview of these words, their explanations in theological dictionaries will be surveyed.

2.1.1 “גר” in theological dictionaries

The verb “גור” (sojourn) occurs 81 times in qal and 3 times in hitp (Martin-Achard 1997: “גור”). The noun, “גר”, occurs 92 times in the OT, always in the sense of a sojourner or alien (Konkel 1997: “גור”). 36 examples are found in P (21 times in Lev alone) and 22 in Deuteronomy (Kellermann 1975: “גור”). It often occurs as a synonym with “תושב” (Konkel 1997: “גור”). But it is distinguished from the foreigner in general, “נכרי” or “זר”, in that s/he is the stranger who has settled, who has established herself/himself for a particular period in the land and to whom a special status is granted (Martin-Achard 1997: “גור”).

The most frequent reason why people become “גר” in the OT is famine, and the second reason is military encounters. In addition individual distress or bloodguilt can be the reason (Kellermann 1975: “גור”).

Regarding the social status of “גר”, s/he is usually poor, and it appears with the orphan and the widow as deserving of justice and charity. The “גר” in Israel does not possess land and is generally in the service of an Israelite who is his master and protector (Konkel 1997: “גור”). In the Monarchical period, David and Solomon make them burden-bearers and stonecutters. But they can have family and be admitted into the Israelite army (Kellermann 1975: “גור”). From a religious perspective the same prescriptions are valid for Israelites and “גרימ” (Martin-Achard 1997: “גור”).

The status of the “גר” evolved over time: in Covenant Code placed under YHWH’s protection, in Deuteronomy given special treatment alongside the widow and the orphan as Israel itself was once “גר”, and finally in the Priestly tradition made a member of the community by imposing requirements upon him (Martin-Achard 1997). This kind of changing of status of “גר” in the various sources will be mentioned in 2.2.

2.1.2 “נכר” in theological dictionaries

The noun, “נכר”, (36x) and the noun/adjective, “נכרי”, (45x) appears in Old Testament (Konkel 1997:“נכר”). Priestly circle and Ezekiel use “בן נכר” while Deuteronomic and Deuteronomistic circles use “נכרי”. The Chronicler’s history uses both “נכרי” and “בן נכר” (Lang 1998:“נכר”).

For Deuteronomy foreigners appear to fall into two groups: “גר” who are receptive to the religion of YHWH, and “נכר” for whom this is not the case (Lang 1998:“נכר”). “נכר” may refer to those outside the covenant and are frequently used of idolatry in terms of foreign gods (Konkel 1997:“נכר”). It refers consistently to the ethnically strange. The expression “בן נכר” (19x) indicates the (ethnically) strange; it occurs in priestly texts concerning the status of the foreigners in the cult (Martin-Achard 1997:“נכר”). “Only in the eschatological vision of Isaiah are foreigners given a positive relationship (56:3, 6) and role (60:10; 61:5)” (Konkel 1997:“נכר”), but the role is hard works which may mean the exclusion of foreigners (Lang 1998:“נכר”).

Although already attested in the pre-exilic period, both “נכר” and “נכרי” seem to have acquired great significance only in the post-exilic period when the problem of the relationship to foreigners confronted Israel (Martin-Achard 1997:“נכר”).

2.1.3 “תושב” in theological dictionaries

This noun, “תושב”, appears 14 times in the MT. It occurs 7 times in Lev 25 (Konkel 1997:“תושב”).

“תושב”, discussed in post-exilic priestly texts in particular, often parallels the “גר”. “The social status of the toshab is comparable, if not identical, with that of the ger” (Martin-Achard 1997:“גר”). At the same time, “תושב” appears in conjunction with “שכיר” in Exo 12:45; Lev 25:6, 40; 22:10 (Kellermann 1975:“גר”).

2.1.4 “זר” in theological dictionaries

“זר” is a verbal adjective but often substantivized (Martin-Achard 1997:“זר”). It is used 70 times in the Old Testament excluding Prov 21:8 as it is textually faulty (Martin-Achard 1997:“זר”; Konkel 1997:“זר”). Concentrations lie in the Prophets (29 times), wisdom (17 times), and the priestly literature (Exo-Num 15 times) (Martin-Achard 1997:“זר”). It is often used with “נכרים, נכריה) נכר” (Snijders 1980:“זר”).

From the meaning of the root verb “זור” II (turn aside, deviate, go away), the participle “זר” must be translated “one who distances or removes himself” (Snijders 1980:“זר”). But the meaning of “זר” varies depending on the books or the traditions. In the Prophets, it means “stranger” in the ethnic or political sense, thus usually “non-Israelite” (Martin-Achard 1997:“זר”), or “enemy, destroyer” who despoils Jerusalem and its sanctuary (Snijders 1980:“זר”). In the post-exilic priestly tradition, “זר” indicates that which is contrary to something holy or to a cultic prescription, someone who does not belong to the Aaronide priesthood, to the Levites, or to the cultic community (Martin-Achard 1997:“זר”). In the wisdom literature, it means “belonging to another” in a neutral meaning or with overtones of animosity or illegitimacy (Martin-Achard 1997:“זר”). The strange woman “אשה זרה” in Prov 1-9 seems to be less the ethnic stranger or the devotee of an Astrate cult than the (Israelite) wife of another, a lascivious wife against whom the wise warns students (Martin-Achard 1997:“זר”; Snijders 1980:“זר”).

2.1.5 Studies on these words together

Some scholars studied these words together in their research. Guttmann mainly studied “נכרי” in the Law of Pentateuch and in the Jewish tradition (Guttmann 1926). He gives us the distinction between “נכרי” and “גר” as follows: “What is characteristic of נכרי therefore is the fact that he maintains the connection with his native country or with the country which he left. In this he differs from the גר who in reality had also come from afar, but has severed the connection with his former country. While the גר thus seeks to become a member of the new community, the נכרי persists in keeping, politically and socially, his former status.” (Guttmann 1926:1).

Neufeld sees that “נכרי” in the biblical period is a legal term to denote an alien or a foreigner in contrast to the “זר” which is a general expression to denote a stranger in the widest sense (Neufeld 1955:389). And he defines “גרים” as independent members of a family or of a tribe to which they did not belong (Neufeld 1955:391).

Achenbach surveyed גר, נכרי, זר, תושב in the Pentateuch (Achenbach 2011). He shows the historical changing of the treatment of foreigners in the Preexilic Tradition and Covenant Code, Deuteronomistic Deuteronomy, Deuteronomistic Deuteronomy and Priestly Code, Postexilic Redaction (5th century B.C.E.), the Holiness Code, and Late Postexilic Priestly Additions. But he is only successful in showing the transition of status of the גר as we will see later. Regarding the other terms, he cannot show the clear transition because of the shortage of references to these terms in the Pentateuch.

Wuench studied the three major words: זר, נכרי, and גר (Wuench 2014). He categorizes זר as a neutral stranger. נכרי is categorized by him as a dangerous stranger who is outside of the cultic and social community of Israel. The גר is a positive stranger. And as an important example, Ruth became the גר from נכרי (Ruth 2:10). It suggests that a foreigner's status can change from one which is indicated by one term to another. His distinction between the terms which indicate foreigners is simple and helps us to get the overview of each word for foreigners. But he suggests, “These terms are not “labels” in a strict sense of the word or definitions for a

particular kind of people. They are terms used to describe strangers (and sometimes not only foreigners) from different angles.” (Wuench 2014:1149). He uses the methodology based on a canonical and literary critical approach (Wuench 2014:1129). Therefore he does not mention that each of these words changes its meaning depending on the context of the traditions where the word is used.

2.2 Studies on “גר”

The most important word among the words which indicate foreigners is probably “גר” (Rendtorff 1996:77). It appears in the Old Testament most frequently (92x), especially in the Pentateuch: Deut 22x, Lev 21x, Exod 12x, Num 11x (Martin-Achard 1997:“גור”). Many scholars have studied “גר”. Most of them refer to the transition of status of “גר” according to the sources or the redactions in the Pentateuch.

Some writers of the article on “גר” or “sojourner” in theological/biblical dictionaries put Meek’s article (Meek 1930) in their bibliography (Mauch 1962; Kellermann 1975; Spencer 1992). Meek distinguishes the usages of “גר” (1) in J and E, (2) in the Book of the Covenant, prefaced by the Ten Commandments, and D, and (3) HP. He sees that (1) in J and E “גר” should be translated as “immigrant.” It is the root meaning of גר, which has reference to “one who has come to live with an alien people where he lacks the protection of his own kin and so puts himself under the protection of a particular clan or chieftain of that people.” (Meek 1930:172). It is used exclusively of the Hebrews as immigrants in Palestine or in Egypt (Gen 15:13; Exo 2:22; 18:3). (2) In the Book of the Covenant, prefaced by the Ten Commandments, and D, “גר” should be translated as “resident alien.” They are the indigenous population of Palestine conquered by the Hebrews (Meek 1930:173). And (3) in HP, “גר” has the meaning “proselyte.” “(T)he גר is a naturalized alien and hence, in so far as his rights and privileges are concerned, he is on exactly the same footing as the Hebrew.” (Meek 1930:174). In addition Meek detects that Greek translators use different words for גר as they suit the contexts, which match each different meaning of the sources. His dating of sources is outdated, but his style of

observing the changing of the usage of “גר” in the variant sources is kept in the recent studies (Van Houten 1991; Achenbach 2011; Albertz 2011; Nihan 2011).

Horner also surveys the occurrences of this term in chronological order. He regards 2Sam 1:13 as the oldest reference to “גר” (Horner 1960:49). Before the monarchic period (in J and E), the verb root of “גר” seems to mean “to stay for a time” in someone else’s land (50). In Twelve Curses (Deut 27:15-26) and the Covenant Code (Exod 20:22-23:33), “גר” implies “the outsider” but one with some kind of civil rights such as must have been denied the Israelites during their sojourn in Egypt (50). In Deuteronomy, “גר” is mentioned always with a humanitarian attitude towards him (51). None of the eighth century prophets had used “גר”, but two occurrences in Jeremiah (7:6 and 22:3) look as if the influence comes from its contemporaneous Deuteronomy instead of from the prophet (51). Ezek 47:22f and 14:7 have interest in equal treatment and responsibility between the native and the stranger (51). In the Holiness Code (Lev 17-26), “גר” is enjoined to observe Israelite laws (51). The Israelites themselves are called “גרִים” for the first time (Lev 25:33) (52). In the Priestly material which he dates between 450 and 350, the acceptance of the “גר” as a full member of the community is even more noticeable (52). “גר” is accepted within “qahal” (assembly, congregation) of YHWH (Num 15:15, 16; Exod 12:49; Num 15:29, 30) (52). In the final stage, the Chronicler, David prays “we are strangers (גרִים) before thee, and sojourners, as all our fathers were” (1Chron 29:15). It is made personal in two psalms (119:19; 39:12) (52). Horner summarizes his survey that “we see how the ger is taken more and more into the community until finally there is no distinction between him and the native as far as rights and privileges are concerned.” (52). His dating of the materials has to be revised, but this recognition of the change to gradual inclusiveness is kept in recent studies (Van Houten 1992; Achenbach 2011) though he does not mention the historical situation which influenced this changing.

De Vaux takes up “resident aliens” (mainly ger) in his study about the life and institutions of Ancient Israel (De Vaux 1961). He does not mention the changing of social status of “גר” depending on the sources, but he thinks that when the Israelites had settled in Canaan, the former inhabitants became gerim, and to

these were added immigrants (74), and that at the end of the monarchy the number of gerim in Judah had increased probably because of an influx of refugees from the former Northern Kingdom, which influenced all the passages written shortly before the Exile in Deuteronomy, Jeremias and the Law of Holiness in Leviticus (75). His dating of the sources has to be revised, but his understanding of the historical social situation of “גר” is discussed in recent studies (Van Houten 1991:37; Martin-Achard 1997:“גר”).

Spina’s study is remarkably original (Spina 1983). He sees “גר” as the origin of Israel. The ger-tradition which is mentioned prior to the settlement in Canaan is related to the ‘ibri-tradition. They constitute similar memories of the past which were preserved by some of the groups which eventually made up Israel (331). He also discusses the possibility that the experience of the Exile led to the invention of the ger-tradition, but he denies it because (1) the composition of the JE Corpus would have to be re-dated to the exilic period, (2) some explanation for the silence of the sources on Israel’s being gerim in Babylon is required, and (3) accepting Meek’s article in 1930 the Deuteronomist portrays gerim as indigenous Palestinians, and the Priestly editors portray them as proselytes (329-330). In recent studies, both the dating of JE redaction and Meek’s characterization of “גר” have been revised. We should reconsider the influence of the Exile on the ger-tradition prior to the settlement.

The combination of the three words, גר, orphan, and widow, appears typically in Deuteronomy eleven times and in other texts (Ps. 94:6; 146:9; Jer. 7:6; 22:3; Ezek. 22:7; Zech. 7:10; Mal. 3:5) which warn not to mistreat the גר as one of the poor people. Gowan surveyed all of the verses mentioning sojourners, orphans, and widows who were typically poor people (Gowan 1987). His main concern was the poor, but he provides some insight concerning the גר. He uses Smith’s classic description of the גר, “a man of another tribe or district, who, coming to sojourn in a place where he was not strengthened by the presence of his own kind, put himself under the protection of a clan or of a powerful chief.” (Smith 1894:75-76; Gowan 1987:343). He portrays the general situation of the גר, orphan, and widow, and indicates that immigrants (the גר) were dependent on the good will of others

because they had no natural ties to the social structure and may have been obviously different because of their customs and accents (Gowan 1987:344). Obviously the גר had no inheritance when they first settled in Israel and were completely dependent on some landowner even for a place to live. They had the potential to gain prosperity, but initially an immigrant's life may have been very difficult (Gowan 1987:345). He indicates that the four groups of the גר, orphan, widow, and the poor were commonly in a precarious social status, and says, "They were weak, for various reasons, and thus the plight of which the Old Testament most often speaks is not hunger or lack of shelter; it is their inability to maintain their rights, so that it is possible for others to oppress them." (Gowan 1987:347).

Lohfink studies poverty in the laws of the Pentateuch, but provides unique insight about the גר (Lohfink 1991). At first he indicates the fixed word-pair "widow and orphan" was already in the Mesopotamian law codes. But, in spite of Hammurabi's advice to the oppressed (the orphan and the widow) to read his stela and attempt to set their mind at ease, there was no single occurrence of the words "poor" or "oppressed" in his law code (Lohfink 1991:36-37). In the Covenant Code, the stranger (the גר) was added to the traditional group of *personae miserae* although the triad formula was not yet fixed (Lohfink 1991:40). In Deuteronomy, he indicates, the fixed series of the words for stranger, orphan and widow is never used with the words for the poor. He sees that Deuteronomy intended to create a world in which one could be a stranger, an orphan, or a widow without being poor through laws that provided support for them as they lived without owning their land (Lohfink 1991:44).

Van Houten's doctoral thesis on "גר" in Israelite law gives us a large amount of information (Van Houten 1991). She shows the change of the legal status of the alien: (1) in the Covenant Code, a stranger needing hospitality and justice, (2) in Deuteronomy and the first level of redaction in the Priestly laws, a class of vulnerable, landless people who need support for economic stability, and (3) in the second level of the Priestly laws, aliens as outsiders and inferiors who are allowed to join the community and to be on equal terms with the Israelite (Van Houten 1991:164). She denies the identity of the alien referred to in the Covenant Code as

the indigenous population of Palestine which had been conquered by the Israelites (Van Houten 1991:59). This identification has been accepted by some scholars (Pedersen 1926:40-41; Meek 1930:173; Mauch 1962: Sojourner; Cf. de Vaux 1961:74; Kellermann 1975: גור). She regards the identity of the alien in that period as that of an individual or perhaps a family, not that of any larger group of people (Van Houten 1991:67). She regards (1) this first stage of the historical situation to be reflected in the law in the Covenant Code, which coincides with the period of the Judges (1991:164). (2) The second stage, reflecting the period of the monarchy, was addressed to the responsible citizens of the city in Deuteronomy and the first level of redaction in the Priestly laws (1991:164). (3) And regarding the third stage, she identifies the alien and the “people of the land” in the post-Exilic period as those Israelites, and perhaps others, who were re-located to Judah during the years of Babylonian domination, and who joined the cultic community created by those who returned to Judah (1991:155). She recognizes the development of increasing inclusiveness in the laws, but she also says that the Priestly laws which derived from the late restoration community are not concerned with making an elite upper class sympathetic to the plight of the poor. “Rather, it is to create a stable community composed of two distinct sub-groups who live in the same land” (Van Houten 1992:239).

Rendtorff briefly compares גר and חושב, and גר and אזרח (native) in the Priestly laws (Rendtorff 1996:78-84). And then he surveys גר in the “Book of the Covenant,” and in Deuteronomy, where the גר is mentioned exclusively in a social connection (1996:84-85). Interestingly, he notes concerning the laws codes in these sources, “They never use the term אזרח; possibly they do not know it at all. But they also never compare the גר with the Israelite, as the priestly laws constantly do. There is just the opposition of “you” and “the גר.” (1996:85).

There is another doctoral thesis by Ramírez Kidd (Ramírez Kidd 1999). He divides the references to the individual גר in the laws of the Pentateuch into two groups: (1) laws addressed to the Israelites for the protection of the גר in the Covenant code, the Deuteronomic code and in the older strata of the Holiness code, and (2) laws compulsory for both Israelite and the גר in order to preserve the

holiness of the community—laws found exclusively in the priestly writings. The first group of laws is addressed to the Israelite in the second person while the *גר* is referred to in the third person (1999:55). In the second group of laws, the object is not the *גר* but the community which should be holy (1999:58-59). He thinks the first group of laws reflects the need for the status of immigrants to be settled in Israel after the fall of Samaria in 721 BC. “This noun functioned, on the one hand, as an internal boundary between the native members of the Israelite community and those newly accepted and, on the other hand, as a sort of external boundary of the community in relation to other immigrants, whose religious practices were commonly perceived as a threat to their own material security and religious purity.” (1999:131). The second group of laws expresses the concern of the Jewish authorities for the unification of the law, to which members of Jewish communities in the different provinces of the Persian empire were to be submitted during the Persian period (1999:131). The uniqueness of his study is “Israel as *גר*”. The noun *גר* accomplishes a religious role metaphorically in the Old Testament. The self-designation of *גרים* allowed them to transfer the hopes, formerly pinned on the land, to Yahweh. The status of “the individual *גר*” finds its prototype in the former experience of the Israelites as *גרים* in Egypt, and the status of “Israel as *גר*” finds its prototype in the former experience of the patriarchs as *גרים* in the land of Canaan (1999:132-133).

Sneed investigates the *גר*, orphan, and widow from the sociological point of view that the Hebrew Bible is a product of the ethos of the elite and upper class who were responsible for the final form of the canon (Sneed 1999). He believes that the term *גר* “designates nothing about ethnicity, but rather that a person has left her place of origin (hometown).” (Sneed 1999:500). Protection of the *גר* was self-interest of the royal or priestly rule since they needed their cheap labor (2 Chr. 2:17f; Sneed 1999:504). And the assumed audience of these laws are power-holding male land-owners. He concludes that the monarchy or hierocracy shifted the responsibility to other upper class factions competing for power (Sneed 1999:505-506). “At any rate, none of the laws would conflict with the class interests of those who were responsible for the final form of the canon.” (Sneed 1999:507).

Bennett's study is on the Deuteronomic laws mentioning the גר, widows, and orphans (Bennett 2002). He regards the גר as a person who immigrated into a village or city in Israel from elsewhere in Syria-Palestine, and was a member of a host community in a spatial sense, but adhered to the culture of his/her ethnic group: customs, language, religion, and so on. "(T)he major issue was that this person was not integrated into the society in a cultural sense." (Bennett 2002:46). But he treats the גר as one of the oppressed listed with widows and orphans in his study, and does not investigate the issue of the גר itself any more. He uses critical theorization about law to show that the laws, including ones which mention the גר, widows, and orphans, represent specific interests of people who have the power (Bennet 2002:13-14). He concludes that the purpose of these laws is the establishment of a system that creates an influx of produce for the officials in the Yahweh-alone movement in the North kingdom in the period of Omrides BCE 9 century, and charity for vulnerable people is a pretext (Bennet 2002:166, 171).

Krauss studies the word גר in the Torah and the transition that occurs during the integration process of foreigners (Krauss 2006). He defines גר in the Torah as "a non-Israelite stranger who lives and works in Israel. He gains the privilege of full citizenship if he undergoes circumcision" (Krauss 2006:266). But his main focus is the transition of lineage between the Judeans and foreigners from patrilineal descent to matrilineal descent, which began during the latter years of Ezra and became normative in the Diaspora rabbis of the Talmudic period (Krauss 2006:269).

Yan surveys the noun גר in Deuteronomy (Yan 2009). He observes that all the occurrences of the noun גר are in the singular except in 10:19b, which is appropriate for the legal context. He regards the גר as the Israelite from the northern kingdom who has migrated and settled in Judah, which fits with "the nationalistic and martial spirit that permeates Deuteronomy" (Yan 2009:113). He says this identification of the גר with fellow Israelites finds support in other parts of the OT (Judg. 19:16; 2 Chron. 15:9), though he does not mention 2 Chron. 2:16-17 (17-18 in English), in which King Solomon assigned the גר to heavy labours.

The book, “The foreigner and the Law: perspectives from the Hebrew Bible and the Ancient Near East,” edited by Achenbach, Alberts and Wöhrle, provides several studies concerning the גר (Achenbach, Alberts & Wöhrle 2011). Achenbach’s survey on זר, תושב, נכרי, גר in the Pentateuch, which is mentioned above, is also included in this book (Achenbach 2011). He shows the historical changing of the treatment of foreigners in the Preexilic Tradition and the Covenant Code, in the Deuteronomic Deuteronomy, in the Deuteronomistic Deuteronomy and the Priestly Code, in the Postexilic Redaction (5th century B.C.E.), in the Holiness Code, and in the Late Postexilic Priestly Additions. In his research of the גר, he shows that the acceptance of foreigners is historically increasing, and says “as a result of the exilic experiences of Israel, the attitude concerning the status of the gerim has changed during early postexilic period, because Israel had to remember its own status as ger during the exile and afterwards, as it was unable to achieve any political sovereignty again” (Achenbach 2011:35). He sees that because of this changing, in the Holiness Code the גר has the right of religious participation; therefore another term, תושב, must be added to denote those people who just enjoy the traditional right of protection for non-resident aliens (Achenbach 2011:47).

In another study in this book, “The foreigner and the Law,” Albertz surveys the changing of the social status and treating of ger in the Pentateuch: (1) in the Covenant Code and Deuteronomy, social integration of poor resident aliens and their religious assimilation; (2) in the Holiness Code, a legally regulated co-existence with the foreign inhabitants of the province Jehud, and (3) in the Holiness redaction and the later priestly legislation, controlled religious integration (Albertz 2011). In the Pentateuch, ger is not the proselyte in any case, but this change in the concept of treating strangers opens up the possibility of developing the concept of proselytes.

Another scholar in this book, “The foreigner and the Law,” Nihan agrees that ger is not the proselyte in the Pentateuch. He surveys the גר in the Holiness legislation (Nihan 2011). The גר is no longer a dependent person in H, different from the Covenant Code and Deuteronomy, but appears as a free, non-dependent member of the Judean society in the majority of instances. At the same time Nihan

clarifies the distinction between the resident alien, גר, and the native, אזרח, in the legal status and the sacral status. He especially emphasizes that the גר may not be allowed to own land (Lev 25), and writes in a footnote that Ezekiel 47:22 is the only exception which we find to the notion that the resident alien is entitled to a portion of the land (Nihan 2011:123-124). There is not an “equal” status between the גר and the Israelites in the Holiness legislation. The requirements addressed to the גר in H’s sacral legislation are intended to prevent them, like the Israelites, from profaning the sanctuary or to pollute the land. The גר remains a guest in the sacral community, will never become a full member of holy community defined by H (Nihan 2011:130; contrary to Van Houten 1991:164).

Awabdy’s doctoral dissertation focuses on the גר in Deuteronomy (Awabdy 2012a). He indicates that historical reconstruction of the גר laws devoted less attention to synchronic features, and he presents a thorough synchronic analysis of each of the גר texts (Awabdy 2012a:42-140). It leads him to indicate the גר’s non-Israelite and non-Judahite ethnic origins (Awabdy 2012a:123-132). He examines גר-Egypt and עבד-Egypt formulae in the light of the Genesis and Exodus narratives, and shows that the גר-Egypt formula uses the tradition of Jacob’s family’s גור experience in Egypt (Gen. 45-Exod. 1:5), and the עבד-Egypt formula uses the tradition of Israel’s עבד activity in Egypt (Exod. 1:9-14:31) (Awabdy 2012a:141-185). He adopts a “relative” dating approach in his diachronic study instead of a “reconstructive” dating approach, and argues that Deuteronomy has revised the גר laws from the Covenant Code, but has diverged both lexically and often conceptually from גר laws of the Holiness collection (Awabdy 2012a:186-255). And he describes the development from the social integration of the גר in the Deuteronomic Code (Deut. 12-26) to the social and religious integration in the Prologue and Epilogue redaction (Awabdy 2012a:274).

Thiessen investigates the translation of the גר in the LXX (Thiessen 2013). Under the strong influence of W. C. Allen’s article (Allen 1894), through K. G. Kuhn’s TDNT entry on προσηλυτος, most modern discussions on προσηλυτος rely on his conclusion that “the LXX translators distinguished carefully between two different uses of גר in the Hebrew Bible: the Greek word παρικός translates the

first meaning and appears in contexts that do not envisage a convert to Judaism; the Greek word προσηλυτος translates the second meaning of גר and occurs in contexts that can conceivably refer to a convert to Judaism." (Thiessen 2013:334). Allen lumps together texts from all over the LXX in his analysis, but, according to the results of recent LXX scholarship, each individual book of the LXX reflects a distinctive translation technique. Thiessen analyses separately Exodus, Deuteronomy, Isaiah, Ezekiel, and 1-2 Chronicles, which have both προσηλυτος and παροικος and related verbs for the translation of גר/גר. He concludes: (1) Deuteronomy, Ezekiel, and 1-2 Chronicles treat προσηλυτος and παροικος as synonyms; (2) Exodus, Leviticus, Deuteronomy, Ezekiel, and 1-2 Chronicles use προσηλυτος in contexts where it can only mean "sojourner"; (3) not one of the various translations of the LXX books enables us to judge that the original meaning of προσηλυτος was "proselyte" (Thiessen 2013:349-350). His argument clarifies that even in the LXX translation the גר was not regarded as the proselyte.

These studies show that there are transitions or differences in the status of the גר between the sources or the redactions of the Pentateuch. But there is no consensus among scholars about the status of the גר in each source mainly because their reconstructions of the historical situation are different from each other. But at least we can have an overview of the differences of the prescriptions concerning the גר as follows: (1) in the Covenant Code and Deuteronomy, the גר is regarded as one of the poor people who need support and Israel is commanded to protect the גר with hospitality and justice, (2) in Priestly sources and redactions, the גר is still regarded as people who need support probably in the old sources, but in the some sources is allowed to join the religious community and is required to preserve the holiness of the community under the same conditions as Israel.

2.3. Other studies on foreigners in the Old Testament

We saw the main words for foreigners in theological dictionaries, and surveyed the studies on the most important word, גר. In order to understand the Biblical attitude toward foreigners, researching the words for foreigners is not the only way. There

are many remarkable references to foreigners in the Old Testament. The studies below are comparatively recent investigations focusing on foreigners. Unfortunately there are not so many studies on foreigners which can cover all the references to foreigners exhaustively.

These recent studies on foreigners in the Old Testament can be divided into two groups. The first group investigates the texts which have an inclusive attitude toward foreigners. The other group investigates the texts which have an exclusive attitude toward foreigners.

2.3.1 Studies on inclusive texts

Inclusive texts are positive towards accepting foreigners into Israel's society and cult. Some are inclusive regarding the social community of Israel, and some are inclusive regarding the religious cult of Israel.

Studies on the Pentateuch will be introduced first, and then studies on the other part of the Old Testament will be introduced.

2.3.1.1 Studies on the Pentateuch as inclusive texts

Past studies of the נג mainly treated it in the Pentateuch. They show that the laws in the Pentateuch are basically inclusive to foreigners as we saw. The Pentateuch includes many inclusive texts other than the ones concerning the נג.

Schwartz starts with Gen. 18 and 32, and argues with a philosophical approach (Schwartz 1998). He identifies a stranger with God in some sense, and says, "God, the Lord of Heaven and [E]arth, is the ultimate stranger! God is the absolute other; and strangers are as other as one may be." (Schwartz 1998:42). He sees that God is among the weak like strangers. He says, "surely in our world God is One among the despised, abandoned, abused, victimized, locked into prisons of our own devising, framed, tried, condemned, crucified, and, if possible, burned in ovens." (Schwartz 1998:39). This concept leads us to accept a stranger, "the other." "Our

enactment of loving kindness, in fact, compels us to overlook whatever oddness or perversion we may otherwise attach to the other. We are not driven to despise, reject, eliminate the other because he or she or they supposedly threaten our security, our food stocks, or whatnot.” (Schwartz 1998:39).

Cole surveys the laws on the Sabbath in Exod. 20:10; 23:12; Deut. 5:14 (Cole 2000). Rabbinic Judaism traditionally identified the גַּר in these passages as the circumcised “righteous alien,” rather than the uncircumcised “sojourning alien” (Cole 2000:223). He agrees that “while the word גַּר sometimes does refer to the alien in general, at other times to refer exclusively to the alien who has been circumcised.” (Cole 2000:224). He, however, concludes that the גַּר in Exod. 23:12 and Deut. 5:14 include the uncircumcised alien through an exegetical survey of these texts. The גַּר’s rest and refreshment is a part of the purpose of the Sabbath. It implies a universal dimension to the weekly Sabbath (Cole 2000:227-228).

Steinberg starts from Deut. 10:19 and shows that the friendship toward strangers is required throughout the Jewish tradition (Steinberg 2002). He follows Ramban, a medieval Bible scholar, and states that God takes care of widows and orphans and loves the גַּר. Therefore, “you go and do likewise – *imitatio dei*. One lesson to draw from this is that ethical action has a religious grounding.” (Steinberg 2002:131-132). And then, he picks up from the Talmud and other sources in the Jewish tradition texts which instruct that strangers and enemies must be treated well.

Gottschalk shows that Lev 19:33-34 was interpreted in the later Jewish tradition as the way in which a convert should be accepted in Judaism (Gottschalk 2009). Interestingly the Sifra, a midrashic work of halakha to the Book of Leviticus, interprets the phrase, “like a native born” (19:34), as a requirement that the convert should accept the entire Torah. Even in the post-Biblical period, Judaism seems to require the proselytes to preserve the holiness of the religious community.

Wöhrle surveys Gen 17 and Exo 12 and, shows that circumcision is not only a dissociating ritual by which the descendants of Abraham dissociate themselves from foreign nations, but also the minimal requirement for the integration of alien

persons into the community (Wöhrle 2011). Circumcision might function both to be inclusive and to preserve the holiness of the community.

S. Kim investigates the beneficiaries in the Sabbatical Year in Lev. 25:6 (Kim, S. 2011). He shows that the list of beneficiaries in Lev. 25:6 does not clarify the vague definition of the beneficiaries in Exod.23:11, nor is an amalgam of Exod. 23:11 and Deut. 15:17-18. The Sabbatical law in Leviticus relies on the creation theology of the Priestly/Holiness Code (Kim, S. 2011:75). And he concludes that the inclusion of foreigners as family members, reflects the universalism of the Holiness Code (Kim, S. 2011:80-81).

Kelly investigates the inclusion of the גר into the Passover in Exod. 12 and Num. 9 (Kelly 2013). He analyses Exod. 12:1-20, 43-47 and 13:1-2 literarily and historically, and says “By incorporating instructions for a developed ritual observance of the Passover to Yhwh into the etiological narrative of that ritual, the inclusion of the גר in cultic celebration is embedded in and becomes a part of the liberative act of God.” (Kelly 2013:161). In order to interpret the inclusion of the גר into the Passover, he uses the texts which include the motive close, “for you were גרים in the land of Egypt,” (Exod. 22:20(21); 23:9; Deut. 10:19; Lev. 19:33-34) as the Golden Rule analogy (Matt 7:12; Luke 6:31) (Kelly 2013:162-163). He concludes that the motivations for the Israelites to include the גר in the Passover are the Golden Rule analogy and the imitation of God (Kelly 2013: 165-166).

Jacobson R. A. & Jacobson K. N.’s study is on the neighbour in the Old Testament (Jacobson & J 2017). They start their discussion with the conversation between Jesus and the legal expert in Luke 10, and then survey “who is my neighbour?” in the Old Testament. They indicate that the word “re’a” (neighbour) in Lev. 19:17-18 originally referred to a fellow Israelite (Jacobson & J 2017:18-19). But, they say, “neighbour” in Exod. 11:2 clearly refers to the non-Israelite Egyptians, and Lev. 19:33-34 tells us that “as God showed love for Israel when it was a ger in Egypt, Israelites must show love for the foreigner – the neighbour who is not like us, the neighbour who is from a different race and ethnicity, the neighbour who worships a different god.” (Jacobson & J 2017:20). They conclude that in the Pentateuchal Law, the “neighbours” whom God’s people are commanded to love are

not just members of one's own tribe, faith, or country. They also survey "neighbour" in the Psalms and the Prophets. Although the stranger is mentioned as one of the powerless in the survey of the Prophets, they do not focus on the foreigners in that section.

2.3.1.2 Studies on other inclusive texts

In addition to the verses in the Pentateuch, there are many references to foreigners in the Old Testament. Some of them are inclusive towards foreigners; others are not. In this section, studies on inclusive texts outside the Pentateuch are surveyed in the canonical order of the Hebrew Bible.

Wyatt focuses on Jezebel, Elijah, and the widow of Zarephath in 1 Kings 17-19 (Wyatt 2012). She indicates that reading תושב (temporary resident) as the nominal form of מתשבי in 1 Kgs. 17:1 leads us to the possibility that Elijah was a foreigner who came to reside in Gilead and then took up Yahwistic faith (Wyatt 2012:444-445). In Zarephath, Elijah stayed as a foreign resident (גר) with a widow and an orphan, who are often grouped in Deuteronomy. Both the foreign women, Jezebel and the widow of Zarephath, lead Elijah to face God (1 Kgs. 17:17-24; 19:2-18; Wyatt 2012:457).

Some of the texts are positive towards including foreigners into Israel's religious community. One of the typical texts is Isaiah 56:1-8. Gosse investigates Isaiah 56:1-8, and shows that keeping the Sabbath is the way the eunuch and the foreigner join the people of God (Gosse 2005). Yet, he indicates, this is not universalism in the modern sense. The foreigners in this passage are proselytes who keep the Sabbath (Gosse 2005:369).

Ezekiel 47:22-23 can be understood as one of the socially inclusive texts. Warren sees Ezekiel as an innovator and says, "Ez 47,22.23 may represent the seminal proclamation of the equality of the גר and the אזרח in the Hebrew Bible, and his allowance of landholdings to גרים is certainly the most extreme gesture of this ideology recorded therein. While Ezekiel's concern for righting past wrongs committed against גרים (22,7.29) would certainly be accomplished through the gift of

land, presiding cultural taboos against the alienation of ancestral lands required Ezekiel to find an innovative solution in the adoption of the foreigner.” (Warren 2014). He mainly researches the adoptions in ANE, which were used for irregular transmission of land to outside of the kinship group, and he concludes that it is the background of the expression of adoption, “They shall be to you as native-born children of Israel.”

The book of Ruth is one of the important materials which refer to the positive acceptance of foreigners into Israelite society. Moore reads the book of Ruth as fundamentally the story of a foreigner who blesses and is blessed by God’s chosen people (Moore 1998). He refers to the blessing poems from Melchizedek, Jethro, Balaam, and the Sabean queen, and believes that the blessing of Boaz in Ruth 3:10 and the blessing of the women of Bethlehem in Ruth 4:14-15 are in the tradition of a blessing-of-foreigner trajectory, although one of the earliest Jewish commentaries on Ruth, the Targum to Ruth, reads it as a xenophobic diatribe against Israel’s enemies.

Ching reads the book of Ruth from an Asian perspective (Ching 2009). She introduces a recent interpretation of Ruth in Asia and among other minority communities, which focuses on the question of whether Ruth acts as a “faithful” redeemer of Jews or a betrayer of her Moabite origin (Ching 2009:99). She indicates that the story of Ruth has a subversive intent with the Levirate law applied to a Moabite woman, covenantal *hesed* with which a Moabitess is praised, and the marriage which resolved the sociopolitical tension introduced by the unwelcoming presence of the foreigner in the community (Ching 2009:101-103). She concludes, “One of the valuable lessons of the story of Naomi and Ruth is its ability to recognize the contribution of minorities to a dominant society and the willingness to reconcile rivalries between communities.” (Ching 2009:109).

Siquans regards the book of Ruth as the response to Ezra's exclusion of foreign wives (Siquans 2009). The author of the book of Ruth uses Deuteronomic law to show the acceptance of the Moabite woman Ruth. גַּר is one of the social statuses in Deuteronomic law, but appears only in the masculine form in this book. Ruth is never called a גַּר in the book of Ruth, but is given the status of a גַּר. Ruth

calls herself נכריה in 2:10, which has the negative meaning of adulterous foreign women or foreign wives leading Israelite husbands astray from God in the Bible. The author of the book of Ruth tries to show that Ruth the Moabite is not such a dangerous woman. S/he uses “levirate marriage” to solve the problem of Ruth and Naomi's social status because poverty is caused by problems of social status in the Ancient Near East.

The books of Chronicles mention foreigners many times. Siedlecki surveys the relationship between Israel/Judah and the other countries around it like Edom, Moab, Ammon, Aram, and the Philistines (Siedlecki 1999). He says, “Israel/Judah requires the other in order to define its own position as a distinct sub group within the larger Persian empire.” (Siedlecki 1999:234). Military victory by King David defines the geographical and ideological boundaries of David’s kingdom, but the list of David’s warriors includes a number of non-Israelites, and also, the name of Obed-Edom exists within the Levites (1Chron. 15:18, 21) as a Gittite (Philistine) (13:13). He says, “the boundaries between Israel and nations are more ambiguous than one might suspect” (Siedlecki 1999:246). In Solomon’s era, Israel had relationships with foreign countries through international trade. Solomon’s Egyptian wife as a foreigner was kept away from the Ark of the Covenant (2Chron. 8:11; Siedlecki 1999:251), the sojourners whom he regards as people who had been conquered by David, were forced into labour (2:16-17; 8:7-9; Siedlecki 1999:252). Regarding the divided kingdom era, he focuses only on the countries around Judah.

Tan focuses on the name “Obed-edom” in the books of Chronicles (Tan 2007). This name occurs fifteen times in Chronicles, which first appears in 2 Samuel 6 as a distinctly foreign name, but becomes a household name in the Levitical priesthood in the Chronicles. Obed-edom is the host of the Ark, who was blessed (1Chron. 13:13, 14; 15:25), the gatekeeper (15:18, 24), and the musician (15:21) of the Davidic cult. She says, “the ‘inclusiveness’ of the Chronicler seems to extend beyond accepting foreigners into the Israelite community, for it even encompasses accepting classes of people into the Levitical priesthood” (Tan 2007:227). She concludes that by the repetitive occurrences of the name Obed-edom, the readers cannot forget the grace

extended by this faithful servant in the Levitical priesthood, who hosts the Ark (Tan 2007:228-229).

Solomon's prayer in the dedication of the Temple (1 Kings 8:41-43; 2 Chronicles 6:32-33) is also inclusive. Cezula sees that "2 Chr 6:32 can be resourceful for the discourse on the biblical paradigm for a (South) African reconstruction process" (Cezula 2016:277). He compares 1 Kings 8:50-51, 53 and 2 Chronicles 6:41-42. Chronicles omits the reference to the Exodus and Moses and adds Psalm 132:8-10 which emphasizes the Davidic covenant, and which shows the existence of the Chronicler's theological intention. And he compares 1 Kings 8:41-42 and 2 Chronicles 6:32, and shows the Chronicler's inclusive theology.

Other texts can be regarded as inclusive texts, for example: the inclusion of the גר in Joshua's renewal of the Covenant (Josh 8:30-35), the existence of the Kenite in Israel society (Num12:1ff; Judge 4:11; 1Sam 15:6; 30:29), the inclusion of the Amalekite soldier in Israel's army (2Sam 1), the inclusion of the aliens who had come from Israel and Judah in Hezekiah's Passover (2Chro 30:23-27), and the combination of Is 14:1, Ez 47:22-23, Zech 2:15 (cf. Ramírez Kidd 1999:21). We need much more study on these texts focusing on foreigners.

2.3.2 Studies on exclusive texts

There are some exclusive texts in Old Testament. None of the exclusive texts are concerned whether the Israelites should protect poor foreigners. Some of them seem to relate to religious matters, but this needs to be carefully investigated. In this section, studies on exclusive texts are surveyed in the order of the canonical Hebrew Bible.

Deut. 17:15 can be regarded as one of the exclusive texts even though it is in the Pentateuch. Nicholson argues that this clause, "you may not set a foreigner over you, one who is not a brother Israelite," has the historical situation of the mid-eighth century BCE as its background (Nicholson 2006). In the case of Judah, there is no evidence that the Assyrians interfered with traditional cultic customs, but various cults were practiced under the influence of Assyrian hegemony – of the

rule of “the Great King” (Nicholson 2006:58-59). He concludes, “When therefore the authors of Deut 17,15b formulated in such an emphasized manner that Israel must “not dare to set a foreigner over” them, there lay behind this interdict a bleak and all too recent memory of what this had entailed and wrought in the history of Israel and Judah.” (Nicholson 2006:60-61).

Olyan surveys some content relating to the stigmatizing of the alien (Olyan 2011). Abomination, illegitimate profanation of holiness, sin, pollution, ritual annihilation, manipulation, separation, and dysfunction have association with aliens. But he takes note that “though the males of select alien groups are abominated in a pre-exilic, Deuteronomic context (Deut 23:4-9), the wholesale, permanent exclusion from the community of anyone of either gender understood to be an alien is not evidenced until the fifth century,” and “texts of the Priestly / Holiness corpus, whatever their particular date, tend not to abominate alien groups” (Olyan 2011:25-26).

Joshua 2-12 can be seen as an inclusive text because both Rahab and the Gibeonites were included in the Israelite community. But Rahab was kept “outside the camp of Israel” (Joshua 6:23; Sharp 2012:147), and the Gibeonites were sentenced to perpetual slavery (Joshua 9:22-23; Sharp 2012:148). Sharp investigates this text from the perspective of feminist and postcolonial analysis (Sharp 2012). She says that Rahab is an example of “the sexual-cultural danger of outsiders mingling with “pure” Israelite seed and leading the Israelite community into apostasy” which the Deuteronomists most fear (Sharp 2012:146). Although her family and offspring lived in Israel (Joshua 6:25), they were not welcomed or embraced by Israel, but merely tolerated in a marginal position (Sharp 2012:147). According to Sharp, the story of the Gibeonites uses similar language and plot as the story of Rahab (Sharp 2012:148). Rahab and the Gibeonites, who are outsiders, “obey” and “confess,” and remain with Israel even though they are marginalized. On the contrary, Achan, who is an insider male, “disobeys,” and hyperbolically obliterated from the community (Sharp 2012:151). She concludes, “the community learns that its own potential for malfeasance is a constant threat to its triumphalism.” (Sharp 2012:151). “The book of Joshua here authorizes our own

critical interrogation of the relationships that constitute ‘community’ and ‘Other’ in our communities of conviction.” (Sharp 2012:152).

Foreign wives of the kings of Judah are typically described as problematic persons who lead the kings into venerating foreign gods. Sergi focuses on the three Davidite kings, Solomon, Jehoram and Abiam, who have negative evaluations from the author of Kings but the kingdom was kept because of the “nir” (a royal estate, according to Sergi) granted to David by YHWH (Sergi 2014). The occurrence of the “nir” theme seems related to foreign women including ones from the Northern Kingdom to explain the continuity of the Davidic dynasty in spite of the serious threat. He asserts that, in the eyes of the author of the Book of Kings, the presence of women who practiced a foreign cult as chief wives of the House of David was interpreted in light of the reign of Athaliah – temporal discontinuity of the Davidic dynasty – as an immediate threat to the rule of the House of David (Sergi 2014:204).

Ezekiel 44:7-9 is usually regarded as one of the exclusive texts (Achenbach 2011:39). Awabdy proposes that Ezekiel 44:7-9 functions as an inner-biblical exegesis of Lev 22:25 (Awabdy 2012b:687). Nineteenth-century scholars argued that H was dependent on Ezekiel, but before the century ended, scholars argued conversely that Ezekiel knew and used an earlier form of H that was nearly identical to its canonical form (Awabdy 2012b:689). In Ezekiel 44:7-9, for the first time in the Hebrew Scriptures foreigners, not Israelites, are innovatively said to be physically and spiritually uncircumcised, which develops D’s precautionary foreigner ideology (Awabdy 2012b:698). In addition, he infers that the doubly uncircumcised foreigners were classified with Aaron’s physically defective descendants who by their presence would profane YHWH’s sanctuaries (Lev 21:16-23; Awabdy 2012b:699-670). He does not conclude that all foreigners (בן נכר) are excluded from the temple precincts. He does not determine whether the neologism “uncircumcised in heart and flesh” identifies the status of all foreigners (בן נכר) or merely a subset (Awabdy 2012b:702). In the latter case, this text is not exclusive with respect to foreigners but just concerns the purity of YHWH’s sacred space (Awabdy 2012b:703).

In a different way, Warren approaches Ezekiel 44:7-9 which is seen as the precursor to the general attitude of xenophobia characterizing the postexilic and Second Temple eras (Warren 2015). He shows that the word **מקדש** in Ezekiel as well as in P refers to the inner court, and the exclusion of **בני נכר** from the **מקדש** is not “a categorical exclusion of all classes of foreigners from the temple complex in general” (Warren 2015:322). It can be seen as a reaction against a specific violation of sacral space where only the priests and the Levites are allowed to enter, and “As far as Ezekiel and the priestly literature are concerned, there is no tangible distinction between the foreigner and the native Israelite laity pertinent to their cultic privileges within the temple” (Warren 2015:323).

Another typically exclusive text is Proverb 1-9. Tan challenges the “foreignness” of the foreign women in Proverb 1-9 in her doctoral thesis (Tan 2008a). She argues that its roots are the Deuteronomic and Deuteronomistic association of foreign women with apostasy – the “foreign wives” of King Solomon, Queen Jezebel, and so on. She also surveys this motif throughout the Old Testament, and other wisdom literature in 4Q184, Septuagint, and Apocrypha.

In another article, Tan indicates that LXX translators omitted foreignness of foreign women in Proverb 1-9 in MT (Tan 2008b). They most frequently use **αλλοτρία** to translate **זרה** and **נכריה**, but the basic sense of **αλλοτρία** is “belonging to another” (Tan 2008b:700-701). She shows that the contexts in Proverb 2:16, 17; 5:20; and the additions to 9:18 do not denote “foreignness” even though the word **αλλοτρία** is used frequently. Interestingly, “it is evident that the LXX translator removed any notion of ethnic foreignness from the foreign woman, contrary to what is attested in the Hebrew text.” (Tan 2008b:708).

The most typical exclusive texts must be those concerning mixed-marriage in Ezra 9-10 and Nehemiah 13:23-31. Usue challenges the expulsion of women as foreigners in Ezra 9-10 (Usue 2005; Usue 2012). In his doctoral work he investigates the Abrahamic covenant and the Mosaic covenant, and clarifies that not only Israel but also all other nations, languages, tribes and people could become “Yahweh’s people” through appropriate covenant means (Usue 2005:23). He sees that the books of Ezra and Nehemiah understood that returnees from the exile were the only

ones who were “Yahweh’s people” and “the people of the land” who were Jews who did not go into exile but stayed in Palestine were excluded (Usue 2005:189-190). He shows that the author(s) or editor(s) of the books of Ezra and Nehemiah re-interpreted certain passages from the Pentateuch (cf. Deut 7:1-3; 23:3-9) and from deuteronomic-deuteronomistic history (cf. the end of life of King Solomon) to support the exclusive religious and social reforms of Ezra and Nehemiah (Usue 2005:235).

G. Kim reads the book of Ezra from the point of view of Asian women in the USA (Kim, G. 2014). She sees the racially exclusivist mentality of the returnees from the exile in the phrase ‘holy seed’ and sexism in the fact that only the ‘strange wives’ were divorced but the returnee’s daughters who married foreign husbands were not mentioned despite Deut. 7:3.

Vinueza studies Ezra 9-10 to get insight for the current situation concerning immigration especially in the USA¹ (Vinueza 2017). She regards the historical context of the book of Ezra as the reconstruction of Israel’s identity after the Exile experience as Israel deals with the underlying threat and fear of disintegrating as a people again. That situation explains “their constant effort to separate themselves from all impurity and stay faithful to God at all costs.” (Vinueza 2017:87). She says that the definition of the “people” is reflected in the lists of those who returned from Babylon, and of those who agreed to send away their foreign wives. Therefore the separation is not based only on lineage, rather on a context and on specific interests (Vinueza 2017:88, 91-92). She indicates, “utilizing an attitude of rejection toward the Other as a means of protection has been common in societies throughout history, especially during times of economic and social crisis.” (Vinueza 2017:89). She suggests negative impacts of immigrants are small in comparison to the benefits related to immigration, a fact which helps to overcome the typical fear underlying Ezra 9-10 (Vinueza 2017:92-98).

¹ Her study can be included in 2.3.4. But because she mainly focuses on this exclusive text, Ezra 9-10, it is placed in 2.3.2.

Even in Deuteronomy which has many inclusive texts such as the ג-orph-an-widow triad, there are exclusive texts: 23:3-7, 21; 15:3. In the Books of Chronicles, which include many inclusive texts (2.3.1.2), David and Solomon assigned the ג to heavy works (1Chr 22:2-4; 2Chr 2:16-17). Sometimes it is not easy to determine whether a certain text is inclusive or exclusive. In 2.3.3, studies which try to interpret the relationship between inclusive texts and inclusive texts are surveyed.

2.3.3 Studies on the relationship between inclusive texts and inclusive texts

As we have seen, the Old Testament includes both inclusive texts and exclusive texts. Some scholars study the relationship between them.

Douglas tries to interpret the inclusiveness of Leviticus and Numbers and the exclusiveness of the books of Ezra-Nehemiah (Douglas 1994). She regards the ג not as a foreigner but as a descendant of Jacob who had been defeated and scattered by invaders and still lived in Canaan during and after the exile in Babylon (Douglas 1994:286). She argues that “Leviticus and Numbers counted all the sons of Jacob as heirs to God’s promises, while the government followed an anti-Samaria *real-politik*, did not even include all the descendants of Judah, but only those who had been in exile and returned, plus those who would support them.” (Douglas 1994:290). She assumes that the purge of inter-marriage with outsiders really occurred in the period contemporaneous with the final editing of Leviticus although the Book of Ezra is a wishful retrospective act of imagination published first in the Chronicler’s time (Douglas 1994:288, 292). She concludes that the regulations of sex in Leviticus 18 and 20 are a rhetorical strategy against Ezra’s purge of inter-marriage with outsiders, in which, by limiting the range of permitted marriages, it supports inter-marriage in silence (Douglas 1994:293, 295).

Smith-Christopher (Smith-Christopher 1996) surveys the transition from (1) the texts which were excluding the foreigner (the mixed marriage crisis in Ezra-Nehemiah, the examination of judges in Susanna), and (2) the texts which were transforming the foreigner (transforming the king in Daniel 1-6, the Jonah

story), to (3) the texts which were including the foreigner among the people of God (Bel and the Dragon, “Proselytes” in the Greek texts, the phrase “those who join with/to you.” He indicates this *co-existence* of three attitudes (exclusion, transformation, and inclusion) in the post-Exilic biblical theology.

Ruppert surveys the foreigner and association with the foreigner in the Old Testament and New Testament (Ruppert 1997; originally lectured in 1992). He indicates the inclusive attitude of the laws in the Pentateuch. He sees that the Deuteronomic movement late in the monarchy recognized the danger of a marriage with the Baal-worshipping Canaanite population. He writes, “From this negative experience came the conviction in the late pre-exilic era that YHWH wanted, indeed commanded Israel before their entry into the Promised Land, to consign the idol-worshipping Canaanites to destruction (Deuteronomy 7:2; 20:16-18)” (Ruppert 1997:154). The distancing of Israel was not ordered for ethnic or racial reasons, but for a religious reason based upon sad historical experience. He believes that Ezra-Nehemiah’s decisive action against mixed marriage was also taken to protect Israel’s religious identity (Ruppert 1997:154, 158-159).

Haarmann surveys Isa 56:1-8, Lev 22:25, Ezek 44:6-9, 2 Kgs 5, and Jonah 1 which are all in Post-Exilic texts (Haarmann 2011). He concludes that gentiles were generally excluded from the Temple (Ezek 44), however this does not mean gentiles were excluded from YHWH worship (2 Kgs 5; Jonah 1). Gentile Yhwh-worshippers who were not the גר or proselytes included in the people of Israel, were allowed to offer their sacrifice on “alters of the Gentiles” from abroad.

Reiss compares the inclusive attitude in the Old Testament and the exclusive attitude in the post-biblical period. He surveys the “Secondary Matriarchs,” Bilhah, Zilpah, Tamar, and Asenath in the pseudepigraphic writings, and shows that a pro-endogamy/ anti-exogamy view is found in the Maccabean and Herodian times (Reiss 2014). Jacob’s wives Bilhah and Zilpah are Aramean; Judah’s son’s wife Tamar is Canaanite; and Joseph’s wife Asenath is a pagan priest’s daughter in Egypt. These marriages do not pose problems in Genesis. But in the Talmudic period, Bilhah and Zilpah are claimed to be either Laban’s daughters or perhaps distant cousins; Tamar is labelled as an Aramean; Asenath is claimed to be

Dinah's daughter, Jacob's granddaughter. But the population of the Jewish people increased from 60,000-70,000 in the period of Ezra and Nehemiah to eight million, including those in diaspora lands, during Hasmonean and Herodian rule [c. 170 BCE-70CE] in significant part by active proselytization. "The pro-endogamy/anti-exogamy view of Ezra and Nehemiah was ignored by the wider population (Reiss 2014:322). Remarkably he says, "The mixed seed/ holiness concept in Ezra and Nehemiah may derive from Ezekiel" (Reiss 2014:318).

Considering the existence of both inclusive texts and exclusive tests, more studies which investigate the relationship between them are definitely needed.

2.3.4 Application for the recent situation of immigration

The recent situation of immigration in the world requires scholars to connect the Biblical texts to the reality of life.

Moucarry briefly surveys the whole Old Testament concerning foreigners, and tries to provide insight for the debate over immigration in the Western world (Moucarry 1988). He starts with Abraham who sojourned as a foreigner, and picks up issues in the Law, Psalms, and Chronicles. He concludes, "A review of the biblical passages concerning the alien shows that God's Word calls believers to adopt a hospitable attitude toward immigrants." (Moucarry 1988:19). And he adds a comment on the problem of Palestinians in Israel. Finally he says, "the presence of immigrants is in itself, for believers, a sign: a sign that believers themselves are aliens and immigrants before God." (Moucarry 1988:20).

Hoffmeier writes a book to suggest how the Church should engage in helping immigrants in the context of the USA mainly through guidance from the Old Testament (Hoffmeier 2009). He surveys the Pentateuch and the ancient near eastern social situation. He identifies the α with modern legal immigrants, and suggests how to help foreigners to stay legally.

Carroll R. is an Old Testament scholar who also writes a book to suggest how immigrants especially from Hispanic countries should be treated in the United

State (Carroll R. 2013)². He surveys the history of Hispanic immigration, and then tries to get guidance from the Old and New Testament. He starts by referring to the image of God in Genesis 1 to treat the problem of immigration. He surveys people who experienced going across borders in the Old Testament, and surveys the α mainly in the Law. He objects to Hoffmeier's distinction between "legal" and "illegal" immigrants because nothing in the laws suggest this distinction (93). And he also surveys some parts of the New Testament. This book is not for academic purposes, but it suggests a welcoming attitude to the immigrant, and shows the possibility that the study of the Bible provides meaningful suggestions relating to the problem of immigration.

Gallagher studies the Abraham story as a missiological study (Gallagher 2013). She shows how Genesis 12:3 is realized in Abraham's life as an immigrant. She picks up (1) Gen 14:1-24; (2) 12:10-20, 20:1-18; and (3) 21:22-34 to show the blessing and the cursing fulfilled through Abraham.

Conversely Dube uses the current situation of immigrants to interpret the Bible. He reads the stories of Abraham and Jesus from the perspective of the immigrants (Dube 2016). He shows the similarity of these stories and the current immigration from African countries. And this perspective helps us to understand the social situation in the period of Abraham and Jesus.

The current situation of immigrants requires many more studies which give good suggestions to show the way or attitude that we should choose to treat this kind of problems.

² It is 2nd edition. 1st edition was published in 2008.

Chapter 3: Grouping the laws concerning the גר

3.1 Why focus on the גר in the laws of the Pentateuch

In this dissertation, the noun גר in the Pentateuch will be focused on. According to Ramírez Kidd, the verb גור is mainly used for the Israelites who sojourn outside of their land. The usage and designation of the noun גר are not straightly derived from the verb גור. The noun גר is used for a foreigner or a stranger sojourning in Israel (converse to the usage of the verb), and is a technical term which designates not a person but a legal status (Ramírez Kidd 1999:13-33). By focusing on the legal status, the noun גר, it will be understood how the laws of the Pentateuch demand the Israelites treat foreigners.

3.2 Identification of the גר

In this dissertation, there will be no attempt to identify the ethnicity of the גר. Scholars do not agree about the identification of the ethnicity of the גר. Regarding the גר in Deuteronomy, Meek says they are the indigenous population of Palestine conquered by the Hebrews (Meek 1930:173). Van Houten denies this. She identifies them as individuals or family strangers but not any larger group of people (Van Houten 1991:67). Ramírez Kidd and others see them as the Israelite refugees from the North after the fall of Samaria in 721 B.C. (Ramírez Kidd 1999:45-46, 115; cf. Awabdy 2012a:15-18). And some scholars regard them as the Judahites who lived outside their clan and did not own land (Awabdy 2012a:19-21). In addition, regarding the גר in the Priestly sources, Meek says they are proselytes (1930:174). Van Houten thinks that they are the Judeans who remained in the land during the Exilic period (Van Houten 1991:129-130; 1992:239). Ramírez Kidd regards them as people who have joined Jewish communities during the Persian period in the different provinces of the Persian Empire (Ramírez Kidd 1999:68; 131). Matty Cohen argues that the law codes of D and P are contemporaneous, and the גר in both of D and P is the Israelite refugee (Awabdy 2012a:17). These disagreements

show the difficulty of any reconstruction of the historical situation³. And some of their identification of the גר with the Israelite or the Judean (Ramírez Kidd 1999; Van Houten 1991) arouses a question: Why the writers/composers of D and P used the גר instead of the Israelite, the Judean, or other words which would have clarified their ethnicity?

Israel had a long history of having persons of other ethnicities in their midst (Carroll R. 2013:84). For example, Israel included mixed people when they left Egypt (Exod. 12:38; cf. Num. 11:4), in which Black Africans from Cush might be included (Hays 2003:68); Moses's Cushite wife (Num. 12:1), Ruth the Moabite (Ruth 2:2). Even among the army of Israel and the close associates of the kings, there were the גר or the נכרי people (1Sam. 21:8; 2Sam. 11:3; 15:19-20; 1Chro. 29:15). King Solomon's census reports the existence of 153,600 גרים in the land of Israel (2Chro. 2:17), which shows that it was already not so small a percentage of the population that the גר had in Israel during the Monarchic period (Moucarry 1988:17). It is natural to think that there was always a considerable amount of mixed ethnic people as the גר in the land of Israel (Moucarry 1988:18; Sneed 1999:504).

There were probably specific historical situations which influenced the composing of the laws in the Pentateuch. For example, in the period of the redaction of Deuteronomy, there must have been an influx of refugees from the northern kingdom (Nelson 2002:7; Ramírez Kidd 1999). But by using the term גר the specific historical situations seem to be generalized (cf. Birch, Brueggemann, Fretheim, and Petersen 2005:157-158). In the writers/composers' mind, the גר can include the people of Israelite ethnicity because this word is sometimes used for the Israelite or the Judean from other regions (Judg. 19:16; 2Chron. 15:9) (Yan 2009:114; Awabdy 2012a:16). Despite some inclusion of the Israelite or the Judean ethnicity, however, it is not realistic to identify the גר with a specific ethnicity in a specific historical period, because of the constant existence of large numbers of ethnically mixed

³ More varieties of historical and social reconstruction regarding the גר are introduced by Awabdy (2012a: 15-26).

people in their land. Rather this term seems to be used to generalize the specific needs in the specific historical situation.

Therefore the גר can be regarded as people who are in the land of Israel but are not identified with the Israelites who are the receivers of the Law (not ethnical meaning). Bennett says, “The major point is that he/she shared a proximity with the in-group but maintained cultural distance from this entity. Although the ger in the DC (Deuteronomic Code) was a member of a host community in a spatial sense, he/she adhered to the culture of his/her ethnic group: he/she had customs, language, religion, and ideas about moral behavior that opposed understandings of these phenomena among the mainstream in the village, city, or tribe in Israel into which he/she immigrated.” (Bennett 2002:46). He indicates that the גר was not integrated into the society in a cultural sense from the point of view of the גר. And it should also be viewed from the Israelite side. The Israelites shared the land spatially, but they did not accept the culture of the גר as their own. Therefore the גר was not identified with themselves. “The immigrant (the גר) is the person who “doesn’t belong” because of being different from the rest.” (Gowan 1987:344). The גר is “the other” for the Israelite.

The גר is not the Israelite, but exists not far from them. Many references to the גר especially in Deuteronomy appear with the phrase, “אשר בשׁרִיד (who is within your gate)” (Exod. 20:10; Deut. 5:14; 14:21, 29; 16:11, 14; 24:14; 31:12). The גר is the people who exist closely to the Israelites in the society. They do not own the land as their heritage, but remarkably the גר shares the Promised Land with the Israelites in practical ways even though possession of the land is the great privilege of the religious Israelite community (Wright 1990:101).

From these arguments, the גר can be considered as “the other” for the Israelite, who is in the same society and is sharing the Land with the Israelite in some sense but is not identified with the Israelite especially in a cultural sense rather than ethnical lineage. “The other” is the people who exist as our close neighbor, but whom we have some difficulty to love. We tend to attach oddness to them and to think that they might threaten our security, our food stocks, our jobs,

and so on (cf. Schwartz 1998:39). The גר can be one of the representatives of such a kind of people for the Israelite.

3.3 Grouping the references to the גר

Some scholars group the references to the גר by the sources such as the Covenant Code, Deuteronomy, the old redaction in the Priestly laws, and the late redaction in the Priestly laws, and try to show the historical development of the legal status of the גר (Van Houten 1991; Achenbach 2011; Alberts 2011). Although some kind of historical development could possibly have existed, the details of scholars' understandings of the status of the גר in the each historical stage are different. In addition, the dating of each source which is definitely necessary to show the historical development, is quite difficult to have consensus in these days (Wenham 2003:176-183). Therefore there will be no attempt to reconstruct the historical development of the status of the גר by grouping the references to the גר in this dissertation.

But grouping the references to the גר itself is useful to understand the intention of each law. Ramírez Kidd groups the references to the גר not by the sources but by the functions of the laws which refer to the גר. His grouping helps us to understand the intention and function of the laws. He divides the references to the גר in the laws of the Pentateuch into two groups: (1) laws addressed to the Israelites for the protection of the גר, and (2) laws compulsory for both Israelite and the גר, in order to preserve the holiness of the community (Ramírez Kidd 1999:130). Though he does not provide a list of all the references in the Pentateuch, we can easily sort them as below.

3.3.1 Group (1) laws addressed to the Israelites for the protection of the גר

Twenty laws are included in this groups of laws. According to Ramírez Kidd, the laws in this first group are in the Covenant Code, the Deuteronomic code, and older strata of the Holiness code (Ramírez Kidd 1999:130). As it will be discussed, the

motive clauses attached to them are one of the important characteristics of these laws. For convenience of the later discussion, they are sorted by the motive clauses attached to each of them.

Group (1-1) with the motive clause “you were a slave in Egypt”

Deut. 5:14-15; 16:11-12; 24:17-18; 24:19-22; 26:11 are grouped into Group (1-1) laws addressed to the Israelites for the protection of the גר, with the motive clause, “you were a slave in Egypt.” All of them have this phrase or a similar reference.

Deut. 5:14-15 is included in the Sabbath commandment in the Decalogue. This law commands the Israelites to observe the Sabbath day in order to let the גר rest with other people, especially the lowest of social classes (Cook 2015:65; Miller 2009:129). Therefore it can be regarded as one of the laws which protect the גר.

Deut. 16:11-12 is in the regulations of the Feast of Weeks. This Feast is a celebration of the harvest at the conclusion of the grain harvest in early summer (Christensen 2001:344), and the גר is listed with the orphan and the widow as one of the poor people who do not have their own land and with whom the harvest should be shared at the Feast (Nelson 2002:202). In this way, the גר is protected as one of the poor.

Deut. 24:17-18 is one of a variety of laws concerning the community welfare in chapter 24 (Nelson 2002:286). It prohibits the perversion of the justice due to the גר and the orphan. And in the next phrase, it is also prohibited to take the widow’s garment in pledge. In this law, the גר is protected from prejudicial judgment against an outsider (Nelson 2002:292), or is protected as one of the typical vulnerable people who are landless (Brueggemann 2002:239).

Deut. 24:19-22 is also in the list of various laws concerning the community welfare in chapter 24 (Nelson 2002:286). Three times it orders leaving the harvest for the גר, the orphan, and the widow. The first order concerns the grain harvest, the second one the olive harvest, and the third one the grape harvest. The motivation clause, “you were a slave in Egypt,” is with the third order. With the first

order, another motivation clause, “the Lord your God may bless you in all the work of your hands,” is attached⁴. By preserving the legal right to access the most important products of the land (grain, oil, wine), the גר, the orphan, and the widow are protected (Nelson 2002:292).

Deut. 26:11 is in the instruction for the celebration of the firstling. In a similar way to the regulation of the Feast of Weeks in Deut. 16:11 (Nelson 2002:306), it orders to rejoice and share the firstling (“all the good”) with the Levite and the גר who do not have their own land, and cannot celebrate the firstling harvest without the provision from the Israelite land owner. Unlike the other laws in this group, it does not have the motive close immediately after the order. This order follows the confession which includes Israel’s sojourning and their oppressed slavery life in Egypt. This confession can be regarded as a kind of motivation which prompts obedience to the order.

Group (1-2) with the motive clause “the Lord bless you”

Deut. 14:29; 16:14; 26:12-13 are grouped into Group (1-2) laws addressed to the Israelites for the protection of the גר, with the motive clause, “the Lord bless you.”

Deut. 14:29 is in the Law of the Tithe. It orders the Israelite to stock the tithe of the produce every three years in order to provide it to the Levite, the גר, the orphan, and the widow (Nelson 2002:184). It has the motive clause, “the Lord your God may bless you in all the work of your hands that you do.”

Deut. 16:14 is in the instruction of the Feast of Booths. It orders the Israelite to share the produce with the family, the slave, the Levite, the גר, the orphan, and the widow to celebrate together (Nelson 2002:203). This law is one of the laws which help and protect the גר as one of the poor people. Its motive clause is not directly attached to the order. The clause, “the Lord your God will bless you in

⁴ Therefore this law can be grouped into Group (1-2).

all your produce and in all the work of your hands,” is attached to the next order which commands keeping the feast for seven days. But it can also be regarded as the motive clause of all the instruction of the Feast of Booths (cf. Brueggemann 2001:175).

Deut. 26:12-13 is also in the law of the Tithe, which commands giving the tithe of the produce every third year to the Levite, the גר, the orphan, and the widow. This order does not have the same motive clause as the other laws listed above. But it has a prayer which requests a blessing from the Lord (Deut. 26:15) which can work as motivation.

Group (1-3) with the motive clause “you were the גר in Egypt”

Exod. 22:20; 23:9; Lev. 19:33-34; Deut. 10:18-19; 23:8 are grouped into Group (1-3) laws addressed to the Israelites for the protection of the גר, with the motive clause, “you were the גר in Egypt.” All of these texts have the phrase, “because you were גרים in the land of Egypt,” or a similar one.

Exod. 22:20 (in the English translations, 22:21) is in the Covenant Code (Exod. 20-23). This order prohibits oppressing the גר. It is one of a parallel set of prohibitions along with a prohibition against mistreating the widow and the orphan in the next verse (22:21), and a prohibition against treating the poor severely if you lend money in 22:24-26 (Sprinkle 1994:167). Therefore, this order is a law which protects the גר as one of the poor in a weak social status.

Exod. 23:9 is also in the Covenant Code, and it is also prohibits oppression of the גר. Although it uses the verb, “לחץ,” which is one of the two verbs in Exod. 22:20, this order can be understood as a law which intends to protect the גר especially in the legal court because it is in the context of instructions concerning lawsuits (Meyers 2005:201; Sprinkle 1994:184).

Lev. 19:33-34 is in the Holiness Code (Lev. 17-26). It not only prohibits oppressing the גר, but also orders treating him as a native and to love him as oneself.

It is a law which protects the גר and requires the Israelite to accept him positively (Gerstenberger 1996:279).

Deut. 10:18-19 is in Moses' parenetic speech. It orders the Israelite to love the גר, as an emulation of the Lord who loves Israel (v. 15; Brueggemann 2001:131) and loves the גר (v. 18; Cook 2015:100; Weinfeld 1991:439; Steinberg 2002:131-132). In verse 18, it also mentions that the Lord executes justice for the orphan and the widow. The גר is protected and loved as one of the poor and weak by the Lord, but interestingly only the גר is focused on as one to be loved by the Israelites.

Deut. 23:8 (7) is in the list of the people who are not allowed to join the assembly of the Lord. It prohibits abhorring an Egyptian who is probably present as a גר within the community of Israel (Miller 1990:175), with the motive clause "because you were גר in his land." An Egyptian is distinct from an Ammonite and a Moabite because of historical reasons (Wright 1996:247). Even though Egyptians are treated better, they are not allowed to enter the assembly until the third generation.

Group (1-4) with other motive clauses

Exod. 20:10; 23:12; Lev. 19:10; 23:22; Deut. 1:16-17; 14:21; 24:14; 27:19 are grouped into Group (1) laws addressed to the Israelites for the protection of the גר, but do not have the motive clauses of Group (1-1), (1-2), or (1-3).

Exod. 20:10 is in the Sabbath Commandment of the Decalogue. Unlike the Sabbath Commandment in the book of Deuteronomy, it does not have the motive clause, "you were a slave in Egypt." This commandment in the book of Exodus has a description of the Lord's six-day creation and His rest on the seventh day as its motive clause. It orders the Israelite house-holder to let all in his house, including the ,גר to rest on the Sabbath day.

Exod. 23:12 is included in the Covenant Code. It is also the Sabbath Commandment. The גר is referred to in the motive clause of this commandment. That the rest on the seventh day lets the son of the female slave and the גר be

refreshed, is the motivation of this Sabbath commandment, in which the intention of the Sabbath is clearly the protection of the גר and the slaves.

Lev. 19:10 is in the Holiness Code. This law is very similar to Deut. 24:19-22. Both of them order leaving the harvest to the גר and the poor in order to protect them. The motive clause of this law is “I am the Lord your God” which is characteristically repeated in chapter 19 (Gersternberger 1996:261).

Lev. 23:22 is also in the Holiness Code, and very similar to Lev. 19:10. It orders leaving the harvest to the poor and the גר with the motive clause, “I am the Lord your God.”

Deut. 1:16-17 is in the context of the appointment of leaders by Moses. He instructs the leaders to judge righteously even between the Israelite and the גר. It has the same intention as that of Exod. 23:9, which protects the גר in the lawsuit, but the emphasis of this instruction seems to be put on the righteous judgment in this instruction. The motive clause is “for the judgment is God’s,” which reminds the leaders that what they administer is the justice of God (Brueggemann 2001:27).

Deut. 14:21 is in the laws of clean and unclean food. It prohibits the Israelite from eating any dead animal. It instructs the Israelite to give it to the גר or to sell it to the נכרי. It is difficult to say that this law clearly intends to protect the גר. The motive clause, “for you are a people holy to the Lord your God,” shows that the main intention of this law is the holiness of the Israelite (Nelson 2002:176). But the food is given to the גר, and on the other hand, it is sold to the נכרי.⁵ It can, therefore, be understood as a law which includes the intention of protecting the גר as one of the poor.

⁵ Awabdy suggests from a grammatical point of view that this sentence should be translated, “You [The Israelite] *must* give it to the immigrant who is in your gates, so that he may eat it or [*he* may] sell it to a foreigner” (Awabdy 2012:65). If it is correct, this law clearly intends to protect the גר.

Deut. 24:14 is one of a variety of laws concerning the community welfare in chapter 24 (Nelson 2002:286). It prohibits oppressing the poor and needy hired worker no matter who he is, the Israelite or the גר. And in the next verse, it prohibits postponing a payment until the next day concretely. Two motive clauses are attached to this law. The first one is “for he is poor and counts on it,” which is an ethical reason explaining the reality of the poor. The second one is “lest he cry against you to the Lord, and you be guilty of sin,” which is a theological reason possibly reflecting Israel’s historical experience (Exod. 2:23-24). Not only the Israelite but also the גר can cry out to the Lord (Van Houten 1991:95).

Deut. 27:19 is in the liturgical confession of the laws (Brueggemann 2001:252). It is very similar to Deut. 24:17. Both of them prohibit perverting the justice due to the גר, as well as to the orphan and the widow. No motive clause is attached to this law, but the warning of being cursed can be a strong motivation to obey it.

3.3.2 Group (2) laws compulsory for both Israelite and גר, in order to preserve the holiness of the community

Sixteen laws are grouped into this set of laws. According to Ramírez Kidd, the laws in this second group are found exclusively in the Priestly writings (Ramírez Kidd 1999:130). The motive clause is not always attached to them, unlike the laws in Group (1). But the laws in Group (2) always have a word or phrase which indicates the Israelite because these laws are compulsory for both the Israelite and the גר. They are divided according to these sets of words and phrases.

Group (2-1) גר + אזרח

Exod. 12:19, 48-49; Lev. 16:29; 17:15; 18:26; 24:16, 22; Num. 9:14; 15:29-30 are grouped into Group (2-1), which are compulsory for both the Israelite and the גר, in order to preserve the holiness of the community, with the word אזרח (native) which indicates the Israelite.

Exod. 12:19, 48-49 are in the instruction of the Passover. The law in Exod. 12:19 prohibits both the גר and “the native of the land” from eating what is leavened. The law in Exod. 12:48-49 allows the גר to keep the Passover after all his males are circumcised. The גר who is circumcised is treated the same as “the native of the land”. And the comment that one Torah exists for both “the native” and the גר is added in 12:49.

Lev. 16:29 is in the instruction for the Day of Atonement. Both “the native” and the גר are required to deny themselves and not to work on the tenth day of the seventh month.

Lev. 17:15 is in the Holiness Code. It concerns eating a dead animal, but is quite different from Deut. 14:21. In Lev. 17:15, both “the native” and the גר seem to be allowed to eat it though both of them would be unclean. Both of them shall be clean after they wash themselves with water and wait until the evening.

Lev. 18:26 is at the end of one of the lists concerning unlawful sexual relations in the Holiness Code (Another list is in chapter 20). It emphasizes that he has to avoid these unlawful sexual relations whether he is “the native” or the גר.

Lev. 24:16, 22 occurs in the context of a case of blasphemy by a person who is half-Israelite and half-Egyptian in the Holiness Code. In the judgment from the Lord, it is said that the גר as well as “the native” shall be put to death when he blasphemes in 24:16. It is emphasized that the same legal decision is applied to both the גר and “the native.”

Num. 9:14 is in the addition to the instruction for the Passover in the first month of the second year in the wilderness. It commands that if the גר wants to keep the Passover, he shall keep it according to the same statute that “the native” follows.

Num. 15:13-16 is in the laws for the offering given to fulfill a vow or given as a freewill offering. “The native” shall follow these instructions. And if the גר wishes to offer an offering, he shall follow the same instructions. The comment that the Israelite and the גר shall follow the same law is repeated twice in verses 15-16. In addition it is said that the Israelite and the גר shall be alike before the Lord.

Num. 15:29-30 is in the laws concerning unintentional personal sin and intentional personal sin. Regarding unintentional sin, both “the native” and the גר will be forgiven through atonement (15:29). Regarding intentional sin, both “the native” and the גר will be cut off from among his people (15:30).

Group (2-2) בית ישראל + גר

Lev. 17:8-9, 10; 22:18-19 are grouped into Group (2-2), which are compulsory for both the Israelite and the גר, with the phrase בית ישראל (the house of Israel) which indicates the Israelite.

Lev. 17:8-9 is in the laws concerning the place of sacrifice in the Holiness Code. It requires both “the house of Israel” and the גר to bring a burnt offering or sacrifice to the tent of meeting to offer it to the Lord.

Lev. 17:10 is in the laws against eating blood in the Holiness Code. It forbids both “the house of Israel” and the גר to eat any blood.

Lev. 22:18-19 is in the laws concerning offerings acceptable to the Lord in the Holiness Code. It requires both “the house of Israel” and the גר to present a burnt offering without blemish.

Group (2-3) בני ישראל + גר

Lev. 17:12-13; 20:2; Num. 15:26, 29; 19:10; 35:15 are grouped into Group (2-3), which are compulsory for both the Israelite and the גר, with the phrase בני ישראל (the son of Israel) which indicates the Israelite.

Lev. 17:12-13 is in the laws against eating blood in the Holiness Code. It first tells “the son of Israel” not to eat blood, and then it says that the גר shall not eat blood in Lev. 17:12. In 17:13, both “the son of Israel” and the גר are instructed to pour out blood of an animal which is hunted.

Lev. 20:2 is among the laws with a death penalty in chapter 20 in the Holiness Code. It requires the death penalty for anyone who gives his children to Molech whether he is “the son of Israel” or the גר.

Num. 15:26, 29 are in the laws concerning unintentional communal sin and unintentional personal sin. They are in the same context as the laws with the word “the native” in Num. 15:29-30 mentioned above. Regarding unintentional communal sin, both the whole congregation of “the sons of Israel” and the גר will be forgiven through atonement (15:26). Regarding unintentional personal sin also, both “the son of Israel” and the גר will be forgiven through atonement. Both the word “the native” and the phrase “the son of Israel” are used in 15:29 to indicate the Israelite.

Num. 19:10 is in the laws for purification, which instruct how to make the ashes for the water of purification. It says that this law is a perpetual statute for both “the son of Israel” and the גר.

Num. 35:15 is in the statute of cities of refuge. Both “the son of Israel” and the גר who killed a person without intent can flee to the cities of refuge.

3.3.3 Group (3) references which cannot group into (1) or (2)

The word גר is referred to in Gen. 15:13; 23:4; Exod. 2:22; 18:3; Lev. 25:23; 25:35; 25:47; Deut. 28:43; 29:10; 31:12, but they cannot be grouped into Group (1) or (2).

Gen. 15:13; 23:4; Exod. 2:22; 18:3 are not in the laws. These references to the גר are in the narrative. In these texts, Abram’s offspring, Abraham, and Moses are called the גר.

Lev. 25:23 is in the laws of the year of Jubilee. The reason why the land shall not be sold without the right of repurchase is that the land is God’s and the Israelites are the גרים and the תושבים (sojourners) with Him in his land.

Lev. 25:35 is in the laws for protection of the poor Israelite. The premise of this law is that the גר and the תושב (sojourner) shall be supported in the society of Israel. It is said that the poor Israelite shall be supported as the גר and the תושב.

Lev. 25:47 is in the laws of redemption of the poor Israelite. It refers to the case in which the גר and the תושב become rich, and the poor Israelite sells himself to them. In Lev. 25, the גר always appears with the תושב in parallel. In these references to the גר, the laws have no intention to protect him, nor are they compulsory for both the Israelite and the גר.

Deut. 28:43 is in the curses which are issued in the cases of Israel's disobedience. As one of the curses, it is said that the גר shall rise higher and higher, and the Israelites shall sink lower and lower.

Deut. 29:10 is in the context of the renewal of the Covenant in Moab. The גר are standing among the Israelites to swear to follow the terms of the covenant.

Deut. 31:12 is similar to 29:10, and in the context of the reading of the Torah. The גר are called to gather among the Israelites to hear the reading and to learn to fear the Lord⁶.

The majority of the references to the גר in the Pentateuch can be grouped into Group (1) and (2). Only 10 references to גר among 66 references cannot be

⁶ In Deut. 29:10 and 31:12, the גר is treated the same as the Israelite. Especially the gathering to listen to the Torah every seven years in 31:12 can be understood as a law compulsory for both the Israelite and the גר, in some sense, in order to preserve the holiness of the community. But Ramirez Kidd does not include it in Group (2) (Ramirez Kidd 1999:131).

grouped into either of them⁷. The most important point of this grouping is not the historical development according to the dating of the sources. It shows the different concerns and functions of the two groups of the laws. The concern of Group (1) is the social order in which the Israelites protect the גר (Ramírez Kidd 1999:130; Birch, Brueggemann, Fretheim, & Petersen 2006:157). That of Group (2) is the holiness of the religious community (Ramírez Kidd 1999:130; cf. Birch, Brueggemann, Fretheim, & Petersen 2006:135). In other words, the concern of Group (1) is social welfare⁸, and that of Group (2) is ritual and ethical holiness.

Group (1) is addressed to the Israelites (Ramírez Kidd 1999:130). These laws are not intended to function as an order to the גר to do something. They are basically addressed to “you” the Israelites (Rendtorff 1996:85). It is the Israelites who obey these laws, in contrast with the laws in Group (2) which are compulsory for both Israelite and גר (Ramírez Kidd 1999:130).

⁷ Regarding the references in narrative (Gen. 15:13; 23:4; Exod. 2:22; 18:3), Ramirez Kidd discusses “the Israelites as גרים” using these references (Ramirez Kidd 1999:85-108).

⁸ It does not mean that Deuteronomy does not have religious concern about foreigners. Deut. 29:10; 31:12 can be understood as Deuteronomy’s religious concern for גר’s participation in the cult. The orders for the destruction of other peoples with the reasoning to avoid idolatry (Deut. 7:1-5 (reasoning: v. 5); 7:16-26 (vv. 16, 25-26); 12:2-3 (vv. 2-3); 12:29-31 (vv. 30-31); 20:13-20 (v. 18)) can be understood as a concern for religious purity. Even Israelites should be destroyed if they serve other gods (Deut. 8:19-20; 13:6, 7-11, 13-18; 17:2-7; 29:17-27).

Chapter 4: The characteristic motive clauses in the laws for the protection of the גר

4.1 Focus on the motive clauses in the laws for the protection of the גר

In this chapter, Group (1), the laws for the protection of the גר, is focused on. One of the remarkable characteristics of Group (1) is the motive clauses. Except Deut. 27:19, all the laws in this group have the motive clauses. Not a small number of the laws in the second group, the laws compulsory for both Israelite and the גר, do not have the motive clauses (Exod. 12:48, 49; Lev. 17:15; 24:16; Num. 9:14; 15:14, 15, 16, 26, 29; 19:10; 35:15).

Chirichigno summarizes the percentage of the occurrences of the motive clauses in the law codes, which three scholars, including Chirichigno himself, provide: Gemser, 33% in the Decalogue, 17% in the Covenant Code, 65% in the Holiness Code, and 60% in the Deuteronomic Code; Rifat Sonsino, 45% in the Decalogue, 16% in the Covenant Code, 51% in the Holiness Code, 20% in the Priestly Code, and 50% in Deuteronomy; Chirichigno, 50% in the Decalogue, 30% in the Priestly code, 16% in the Covenant Code, 80% in the Holiness Code, and 56% in the Deuteronomic Code (Chirichigno 1981:306; cf. Gemser 1953:51; Sonisino 1980:86-101,230-297). Because their methods of counting the motivations are different from each other, the percentages are different. However we can find tendencies in these percentages: a low percentage in the Covenant Code, and a high percentage in the Holiness Code and the Deuteronomic Code.

Two references to the גר in the Covenant Code (Exod. 22:20; 23:9) are included in the laws for the protection of the גר. Though the percentage of the motive clauses is low in the Covenant Code, both of these two references have the motive clauses. Many motive clauses in the laws for the protection of the גר are in the Deuteronomic Code. The percentage of the motive clauses in the Deuteronomic Code is 50% to 60%. Compared to the percentages of the motive clauses in other

codes, it is high, but much lower than the 95% (19 of 20) in the laws for the protection of the גר.

This high percentage of the motive clauses in the laws for the protection of the גר is one of the remarkable characteristics of this group of the laws. It shows the decision of the composers that this group of the laws strongly needs the motive clauses while there was not such a decision for the second group, the laws compulsory for both Israelite and the גר. According to Ramírez Kidd, the laws of this first group, the laws for the protection of the גר, guide the conduct of the Israelite towards the גר, and they are addressed to the Israelites in the second person while the גר is referred to in the third person (Ramírez Kidd 1999:130). In order to stimulate and urge the Israelite to protect the גר, “the other” in their society, the motive clauses would be strongly needed.

In addition, we can know the intention of YHWH that he does not want his people to obey this group of laws only superficially. The motive clauses in the Law generally show “Jahweh wants obedience, admittedly; but he also wants men who understand his commandments and ordinances, that is, men who assent inwardly as well.” (Von Rad 1975:198). The high percentage of the motive clauses in this group of the laws shows YHWH’s desire that the Israelites should protect the גר with an inward understanding of the intention of the law and the appropriate motivation.

This kind of the motive clause which requires obedience with their heart seems to be unique in the Ancient Near Eastern laws. Laws of Hammurabi and Middle Assyrian Laws have the motive clauses, but they are all “repetitive” (they simply repeat a key element within the law and underline it as the motive of the law), and are “formulated impersonally, totally lacking the second person address” (Sonsino 1980:224). In this sense, these motive clauses attached to the laws for the protection of the גר show the uniqueness of the Israelite laws in the Ancient Near Eastern world.

Chirichigno says that motivation reveals YHWH himself. “Motivation did not necessarily protect the letter of the law but rather impressed one with the

thought behind the law: Yahweh.” And it reveals His character, plan, and demand. “Motivation reveals the character of God and his plan to make us like him. Motivation points to God’s holiness and his demand for it from Israel.” By motivation revealed in the motive clause, “Law then would no longer be just an external form but truly an inward disposition.” (Chirichigno 1981:312).

4.2 Comparison between the motive clauses, “you were a slave in Egypt” and “you were the גר in Egypt”

Among the Group (1) laws addressed to the Israelites for the protection of the גר, four of them have the motive clause “you were a slave in Egypt”⁹ (Egypt-עבד), and five of them have the motive clause “you were the גר in Egypt”¹⁰ (Egypt-גר). These two motive clause are characteristic of the laws in Group (1).

The Egypt-עבד motive clauses (Deut. 5:15; 16:12; 24:18; and 24:22) appear only in the book of Deuteronomy. The verb “זכר” (remember), and the verb “היה” in second person singular are always used. The noun “ארץ” is used in two of them (Deut. 5:15; 24:22) but not used in the rest of them (Deut. 16:12; 24:18). The difference between these four appearances is only the use of “ארץ”. This very close similarity lets us infer that the same tradition was in each writers/composers’ mind.

⁹ I do not count Deut. 26:11 in these four laws. As I mentioned in 3.3.1, Deut. 26:11 does not have this same motive clause as other laws grouped in this Group (1-1). I grouped it into this group because it has the confession which includes the sojourning life and the slavery life of Israel in Egypt.

¹⁰ Four of the five (Exod. 22:20; 23:9; Lev. 19:34; and Deut. 10:19) have exactly the same phrase, “כי גרים הייתם בארץ מצרים” (because you were (plural) גרים in the land of Egypt), but the motive clause in Deut. 23:8-9 is “כי גר היית בארצו” (because you were (singular) גר in his land). However “his land” is apparently Egypt.

The Egypt-גר motive clauses appear in three books of the Pentateuch (Exod. 22:20; 23:9; Lev. 19:34; and Deut. 10:19; 23:8-9). All are in the law code (Covenant Code, Holiness Code, and Deuteronomic Code) except for Deut. 10:19. None of them uses the verb “זכר” (remember), but all of them use the preposition “כי” (because). Except Deut. 23:8-9, they use the verb “היה” in second person plural, and “גרים” (plural). Exactly the same phrase “כי גרים הייתם בארץ מצרים” is used in four of them (Exod. 22:20; 23:9; Lev. 19:34; and Deut. 10:19). These closely similar phrases imply that the writers/composers of the Egypt-גר motive clauses used the same tradition, and the differences from the Egypt-עבד motive clause imply that this tradition was different from the one used in the Egypt-עבד motive clauses.

4.2.1 The two separate periods

Ramírez Kidd shows the Egypt-עבד motive clause and the Egypt-גר motive clause use traditions distinct from each other (Ramírez Kidd 1999:86-93). According to Ramírez Kidd, the Egypt-גר motive clause refers to a positive idea of Israel’s initial sojourning in Egypt, and the Egypt-עבד motive clause refers to a later negative experience oppressed as slaves in Egypt. He finds that the two separate moments in Israel’s overview of the history: initial sojourning in Gen 15:13a, and later oppression in 15:13b; initial sojourning in Deut. 26:5, and later oppression in 26:6a. He concludes “The motive clauses Egypt-עבד and “Egypt-גר” do not represent, then, two different interpretations of the same event but refer to two different stages of Israel’s past.” (Ramírez Kidd 1999:93).

Nelson seems to accept this view (Nelson 2002:278). But he does not distinguish the two periods in his comment on Deut. 26:5-6 (Nelson 2002:308). Brueggemann distinguishes the themes in v. 5 and vv. 6-8. The theme in v. 5 is that the providential power of YHWH transformed Jacob’s situation of risk (“wandering”) to one of profound well-being (“became a nation, great, mighty and populous”). The theme in vv. 6-8 is the Exodus (Brueggemann 2001:246). In addition, grammatically the first person singular and the third person singular

“my father”) in v. 5 change into the first person plural (“us”) in vv. 8f. Therefore Deuteronomy seems to distinguish the two periods of Israel in vv. 5-6.

Awabdy also agrees with Ramírez Kidd that the two motive clauses refer to different stages of Israel’s history (Awabdy 2012a:144-185). He shows the distinction between Gen. 45-Exod. 1:5 and Exod. 1:8/9-12:51. The verb גור is used for the life from Abraham’s family to Jacob’s (Gen. 12:10; 20:1; 21:23, 21:34, 19:9, 26:3; 32:5; 35:27; 37:1; and 47:9). These גור activities in Canaan are collectively recalled in Exod. 6:4. And in Gen. 47:4, Joseph’s brothers refer to their גור activities in Egypt. In Exod. 1:9-12:51, the verbal form גור or nominal form גר are not used for Israel’s residence in Egypt. As for the root עבד, it is never used of Jacob’s family in Egypt as forced labourers, but only as a self-appellative in deference to the Pharaoh (Gen. 46:34; 47:3, 4). The first portrait of Israel’s ancestors as עבדים, with the negative connotation of forced labourers, occurs in Exod. 1:13. At that point, “the Pentateuchal language is consistent in marking a fundamental status transition from גר (גור) to עבד.” (Awabdy 2012a:147)¹¹.

4.2.2 The memory used in Egypt-עבד motive clause

Ramírez Kidd interprets that the Egypt-עבד motive clause motivates the Israelites with gratitude for deliverance from Egypt by YHWH. “The principle behind these commands is that of gratitude: the memory of the salvific acts of Yahweh in history, what Yahweh has done for Israel.” (Ramírez Kidd 1999:89).

Awabdy, however, indicates that two of the five¹² instances of the Egypt-עבד motive clause mention nothing of YHWH’s redemption from Egypt

¹¹ Miller mentions that the background of the Egypt-עבד motive clause with YHWH’s deliverance in the Fourth Commandment is Israel’s own experience as recorded in Exodus 5 (Miller 2009:130).

¹² It includes Deut. 15:15 in which the גר is not mentioned.

(Awabdy 2012a:169). He divides the laws with the Egypt-עבד motive clause into two groups: (1) עבד-Egypt formula mentioning YHWH's redemption (Deut. 5:15; 15:15; 24:18), (2) עבד-Egypt formula alone (Deut. 16:12; 24:22). The motive clauses in the first group suggest "a principle of *imitatio dei* with gratitude." (Awabdy 2012a:172). He says, "YHWH redeemed Israel from exploitation, therefore Israel must redeem others from the same by: promoting rest for one's workers on the Sabbath (5:12-15), furnishing one's Hebrew slaves with abundant provisions upon their release (15:12-15), and promoting justice for the גר, orphan, and widow (24:17-18)." Both laws of the second group enjoin the Israelite landowner to provide food for the גר-orphan-widow triad in the context of the feast of Shavuot and gleaning provisions. In this group of the laws, Awabdy sees "an inversion principle: the memory of intensive labour for food in Egypt was to be inverted by Israel's landowners when they give away food to those who have not worked for it." (Awabdy 2012a:172).

Bennett regards the Egypt-עבד motive clause as a threat of becoming enslaved again. He says, "It is possible to interpret the reference to deliverance as a veiled threat of renewed enslavement." (Bennett 2002:96). His dating of the laws with the גר-orphan-widow triad is ninth century BCE during the Omride administration in the Northern Kingdom. In his view, probably this threat is not from YHWH but from the officials in the Yahweh-alone movement (c.f. Bennett 2002:166, 171).

At first glance, it seems possible that the Egypt-עבד motive clause functions as a threat of enslavement. The historical situation of the writers/composers affects their intended function of this motive clause. If this clause was written/composed in the period of King Hezekiah or Josiah, the threat of Assyria might be behind it. And the interpretation as a threat can harmonize with the warning of the blessing-or-curse in the canonical edition of Deuteronomy 28-30. But the Egypt-עבד motive clause always appears with oppressed people: a male slave, a female slave, and a גר (Deut. 5:14-15); a Hebrew male or female sold (5:12-15); the גר-orphan-widow triad (16:11-12; 24:17-18; 24:21-22). As Bennett himself indicates (Bennett 2002:94-95), other prescriptions about the Feast of Weeks do not mention a list of participants except for adult males (Exo. 23:16-22; 34:22; Lev. 23:15-22; and Num. 28:26-31), but

Deut. 16:9-12 mentions a list of participants that includes oppressed people (your male slave, your female slave, the Levite, the גר, the orphan, and the widow) with the Egypt-עבד motive clause. Therefore it is plausible that this motive clause was written/composed in the context of a close relation with oppressed people. What was intended by the Egypt-עבד motive clause is sympathy with the oppressed people, and probably is not a threat of being forced back into enslavement.

Awabdy indicates the difference between the Israelites' עבד status in Egypt and the עבד status in the Israelite society. He says, "Israelites in Egypt were never slaves proper, but forced government laborers probably composed of various subclasses." (Awabdy 2012a:169). He suggests that this broadness of the Israelites' עבד status in Egypt broadens the beneficiaries of the Egypt-עבד motive clause. "The Hebrews' עבד status in Egypt as conscripted builders was much broader than a *paterfamilias*' עבד "male slave" or אמה "female slave," so D's עבד-Egypt formula impels observance of commands that integrate or assist not merely foreign slaves proper, but various groupings of *personae miserae*: *bêt-'āb* workers and non-*bêt-'āb* working גר (5:14-15); liberated Hebrew slaves (15:15); triad גר-orphan-widow alone (24:22) or among other vulnerable persons (16:12); and the גר-orphan dyad with the widow (24:18)." (Awabdy 2012a:169-170). Therefore the Egypt-עבד motive clause is not only for the גר or the עבד but for all the oppressed people mentioned in the relevant laws.

4.2.3 The memory used in Egypt-גר motive clause

Ramírez Kidd regards the life of Israel as the גר in Egypt positively, and interprets the Egypt-גר motive clause as motivating the Israelite with a principle of reciprocity: do to the גר the good things which others have done for Israel (Ramírez Kidd 1999:89-90).

Awabdy does not see that Israel's גר experience in Egypt was simply positive. He indicates that the phrase "you know the life (נפש) of the גר" in Exod. 23:9, which is followed by the Egypt-גר motive clause, is not completely negative (Awabdy 2012a:163). If the experience of the גר was completely negative, the noun

“לחץ” (oppression), which describes Israel’s experience as עבד in Egypt (Exod. 3:9; Deut. 26:7), could be used here. By using “נפש” here, Awabdy suggests, “what is meant is the feeling of life as non-indigenous residents dependent on the good will of those in power.” (Awabdy 2012a:163). He also says, “The Patriarchs’ גור experiences were not inherently negative (or positive), but depended on how they were treated by indigenous leaders (cf. Gen 19:9 and 21:32-34; 23:4).” (Awabdy 2012a:145; also Ruppert 1997:157). It is plausible that the Egypt-גר motive clause intends to remind the Israelite of the unstable life of the גר experience of their ancestors whose lives were dependent on the good will of the indigenous people.

But the verb “לחץ” (oppress), which is from the same root as that of the noun “לחץ” (oppression), is used twice as one of the main verbs in the laws with the Egypt-גר motive clause (Exod. 22:20; 23:9). This word is used for the oppression of the Israelites in Egypt in Exod. 3:9 (verb and noun) and historical Creed in Deut. 26:7 (noun) (Lohfink 1991:42; Sprinkle 1994:169), which are strong reminders of Israel’s negative experience as עבד in Egypt as Awabdy himself indicates (Awabdy 2012a:163). The word “לחץ” (oppress) in Exod. 22:20 and 23:9 is used in the main clause of the command “do not oppress (לחץ) the גר,” which connects the גר and the word “לחץ.” Therefore it is impossible to separate the Egypt-גר motive clause from Israel’s experience as עבד in Egypt completely. The Egypt-גר motive clause reminds the Israelites of the unsettled life experience which depended on the good or bad will of the indigenous people whose oppression easily turned the lives of the Israelites into a negative experience. What the Egypt-גר motive clause reminds of, must include their oppressed עבד experience in Egypt.

Sneed uses the term “the golden rule” to explain the mores of Exod. 22:20-22. He says, “if they oppress a stranger they would be no better than their arch-enemies the Egyptians.” (Sneed 1999:502). Kelly also uses the term “the Golden Rule.” He comments on Exod. 22:20 and 23:9, “The kind of ethical thinking behind this legislation belongs to the stream of tradition known as the Golden Rule, which appears in the NT (Matt 7:12; Luke 6:31)” (Kelly 2013:162). The Golden Rule, “whatever you wish that others would do to you, do also to them,” (Matt. 7:12), lets

us reflect on our experiences and motivates us to do good things for them, whether our experiences are positive or negative.

In addition, using the same stem of גר for both the Israelite and the גר increases the Israelite's sympathy with the גר. The גר was basically not a slave in Israelite society. Therefore the Egypt-גר motive clause might make the indigenous Israelites see the reality of the life of the גר with sympathy and imagine their ancestors' unsettled lives, and this effectively motivates them to follow the laws to protect the גר.

Although Gowan does not distinguish the Egypt-גר motive clause and the Egypt-עבד motive clause, his insight in his study concerning the גר, orphan, and widow is remarkable. He indicates that the purpose of these motive clauses is to “restore some of the sense of equality which the loss of dignity due to poverty has destroyed” and “to remind and persuade those with power that these are people like them, worthy of the same respect as they.” (Gowan 1987:351-352). He adds that “these people have dignity in the sight of Yahweh” (Deut. 10:18-29; Gowan 1987:352).

4.2.4 Conclusion

As a conclusion of this section, scholars' contributions can be summarised as follows. The Egypt-גר motive clause and the Egypt-עבד motive clause use distinct traditions. The laws with the Egypt-עבד motive clause use the tradition of the Israelites' historical experience as עבד in Egypt. This status of עבד is broader than the גר or the עבד in Israelite society. This tradition compels sympathy for all oppressed people who have dignity the same as the Israelites. In addition, the Egypt-עבד motive clause with deliverance from Egypt by YHWH urges the Israelites to gratitude and to protect the גר and other oppressed people as *imitatio dei*.

The Egypt-גר motive clause uses the tradition of the sojourning of Jacob's family in Egypt (and sojourning lives of other ancestors in Canaan in its background) although Israel's negative experience as עבד in Egypt cannot be

excluded from that tradition. The Israelites' ancestors' lives as the **גר/גרים** were unsettled and depended on the good or bad will of the indigenous people. This **גר-Egypt** motive clause promotes sympathy for the unsettled real life of the **גר** in Israelite society with reflection on their ancestors' lives, and urges the Israelites, as indigenous people whose good will with the spirit of the Golden Rule is crucial for the **גר's** life, to protect the **גר**.

4.3 Functions of the motive clause “you were a slave in Egypt”

The motive clause “**וזכרת כי עבד היית ב(ארץ) מצרים**” (And remember that you were a slave in (the land of) Egypt)” occurs five times in the Old Testament (Deut. 5:15; 15:15; 16:12; 24:18; 24:22). All are in Deuteronomy. And except for Deut. 15:15¹³, all appear with the laws for the protection of the **גר**.

The phrases in these four appearances are almost exactly the same. The exception is whether “**ארץ**” is used or not (“**ארץ**” is in Deut. 5:15; 24:18, but not in 16:12; 24:22). Using almost the same phrases shows that these texts have the same tradition in the writer/ composer's mind. This tradition, “remember that you were a slave in Egypt,” reminds the people of Israel of their historical experience, in which they (or their ancestors) were oppressed as slaves. But the **עבד** status in Egypt is broader than the **גר** and **עבד** in Israelite society (4.2.2). Therefore this historical experience compels the Israelite to have sympathy not only with the **גר** but also with all oppressed people in Israel, and urges them to obey the law which protects the **גר**.

The phrase, “you were a slave in Egypt,” is sometimes interpreted as related to the deliverance of Israel from Egypt by the Lord (Ramírez Kidd 1999:89). However the actual reference is only in two of them (Deut. 5:15; 24:18; Awabdy 2012a:169). The difference of the functions of the motive clause mentioning/not

¹³ This motive clause in Deut. 15:15 appears with the law for the protection of Hebrew slaves.

mentioning the deliverance of Israel from Egypt should be discussed in the concrete context of each law. At first, the concrete functions of these two laws with the Egypt-עבר motive clause mentioning YHWH's redemption are analyzed in 4.3.1 and 4.3.2, and the other two laws with the Egypt-עבר motive clause alone are analyzed in 4.3.3 and 4.3.4.

4.3.1 Deut. 5:14-15: Egypt-עבר motive clause mentioning YHWH's redemption

Deut. 5:14-15 is in the Decalogue. This Commandment on the Sabbath has remarkable differences from that in Exodus 20:8-11. Though the historical process of redaction can explain these differences, this dissertation will not get involved in that kind of discussion. Rather just the differences and their influences will be focused on. By a close look at the two versions, Miller detects two parts woven together in the commandment: keeping the Sabbath and not working on the seventh day (Miller 2009:118). The focus will be on the latter, "rest," in this study.

The differences between the Fourth Commandment in the Decalogue of Exodus and that of Deuteronomy are five. The first one is that the composer(s) of Deuteronomy replaced the first verb, "remember," with "keep (or observe)." According to Nelson, it is because the verb, "remember," is used only to recall historical experience in Deuteronomy (Nelson 2002:81; also Weinfeld 1991:303). The second one is the addition of the phrase, "as the Lord your God commanded you," in Deuteronomy. The phrase, "the Lord your God commanded you," is also added at the end of this commandment (Deut. 5:15) so that it makes an *inclusio* (cf. Nelson 2002:81). In this way, the law emphasizes that this commandment is from the Lord, and urges the Israelites to obey it. The third difference is the addition of "your ox" and "your donkey." This addition may create a linkage to the final commandment (Deut. 5:21; Nelson 2002:81).

The fourth difference is the addition of the phrase, "in order that your male slave and your female slave may rest as well as you." This addition emphasizes that this commandment is not only for the Israelite house holder himself to rest but also for the people who work for him to rest (Thomson 2014:62; Miller 2009:126, 129).

“[A]t issue is the “rest” – the well-being – of even the lowest social classes” (Cook 2015:65). In other words, it is for protection of the people in a weak status.

The fifth difference is the replacement of the motivation of the creation to that of the historical memory of slavery in Egypt and deliverance from there by the Lord. “[T]he grounding of the sabbath is no longer in creation but in the Exodus” (Brueggemann 2001:68). Combined with the fourth difference, this motive clause does not motivate the Israelite himself to rest on the Sabbath day, but motivates him to have sympathy with his male slaves, his female slaves, and the *גַּר*, and compels him to let them rest. It is quite different from the case in which the creation motive clause is attached to this Sabbath commandment. The creation motive clause motivates the Israelite (and everyone) to imitate the Lord and to rest as He rested (Miller 2009:124). By this replacement of the motive clause, therefore, the emphasis was shifted from imitation of the Lord to sympathy toward the weak with gratitude for the deliverance by the Lord.

Cook believes that this motive clause in Deut. 5:15 compels empathy with slaves (not with *גַּר*) (Cook 2015:65). Although it is placed directly after the phrase “in order that your male slave and your female slave may rest like you,” the reference to this motive clause should not be limited only to male and female slaves. As Awabdy rightly indicates, Israelites in Egypt were “forced government laborers probably composed of various subclasses” (Awabdy 2012a:169), and different from the slaves in Israel society. And the intention of the fourth commandment is providing rest to all – no matter the social class (slave, alien), gender (son or daughter, male or female slave), or even species (domestic animal) (Nelson 2002:83). The motive clause of Egypt-עֶבֶד and the deliverance from there is “closely related to the concern for providing rest for those unable to secure it for themselves and liable to excessive and oppressive labor.” (Miller 2009:129). Therefore the motive clause in v. 15 should be applied to all the people (except “you”) in the list in v. 14 in order to prompt sympathy with these laborers and to provide rest to them.

The function of the Egypt-עֶבֶד motive clause in Deut. 5:15 is not only for the *גַּר* in v. 14. It compels the Israelite house owner to have sympathy with all the labourers (including even domestic animals) by the historical memory of Israel’s

heavy labour in Egypt. The memory of YHWH's deliverance from heavy labour in Egypt, urges the Israelite house owner to follow YHWH and to provide rest to labourers in his/her house. The גר is also one of the labourers who engages in labour under the control of the Israelite house owner as the suffix "your" attached to גר suggests (Nelson 2002:83). The גר should be protected by receiving rest as one of the labourers.

4.3.2 Deut. 24:17-18: Egypt-עבד motive clause mentioning YHWH's redemption

In addition to the motive clause, "Remember that you were a slave in (the Land of) Egypt," only Deut. 5:14-15 and Deut. 24:17-18 have the nearly identical phrase, "and the Lord your God brought/redeemed you out from there." However Deut. 24:17-18¹⁴, together with the other two laws with the Egypt-עבד motive clause, has the גר-orphan-widow triad which Deut. 5:14-15 does not have.

Nelson regards this Egypt-עבד motive clause in v. 18 as a general motivation for the entire "social torah" (vv. 10-17) that falls between the brackets formed by vv. 8b-9 and v. 18. "Israel's own experience with slavery is to be paradigmatic for its empathy for distressed groups (cf. v.22)." (Nelson 2002:292). Cook focuses on the repetition of the phrase "you were a slave in the land of Egypt" in v. 18 and v. 22. "Having lived through a brutish existence themselves, community members should be in a place to empathize with those still in dire straits." (Cook 2015:179). According to Brueggemann, the motivation in v. 18 belongs together with the affirmative sanction of v. 13 and the negative sanction of v. 15, and these statements together lodge economic transactions in the context of YHWH's good

¹⁴ The three words, גר, orphan, and widow, occur in Deut. 24:17, but the word, widow, is not in the phrase in which גר and orphan occur. The word, widow, is in the next phrase. Therefore strictly saying, it does not have the typical גר-orphan-widow triad form. But these three words are closely related in a similar grammatical form which can be regarded as a parallelism.

governance (Brueggemann 2002:239). Therefore the Egypt-עבד motive clause in v. 18 is functioning in the Canonical context together with the other phrases to motivate the Israelite to protect vulnerable people in general. The גר appears five times in this small section (vv. 14, 17, 19, 20, and 21), and is protected as one of the vulnerable people without any special distinction as an outsider (Van Houten 1991:94). The Egypt-עבד motive clause in v. 18 (and also v. 22) does not focus on the גר specifically.

The clause of YHWH's redemption is mentioned only in v. 18 and not mentioned in v. 22. This difference is probably related to the difference between the content of the laws. In v. 17 to which the Egypt-עבד motive clause mentioning YHWH's redemption is directly connected, the mistreatment against the גר, orphan, and widow is prohibited. Also in vv. 10-13 and 14-15 which can be motivated by this motive clause, mistreating poor people is prohibited. This kind of mistreatment easily happens in society. The Egypt-עבד motive clause mentioning YHWH's redemption not only reminds the Israelites of their historical experience of mistreatment in Egypt, but also reminds them that YHWH redeemed them from there and stopped the mistreatment and oppression. Through being reminded of this historical experience, the Israelite is prompted to imitate YHWH and obey the laws which prohibit mistreating vulnerable people. On the other hand, the laws in vv. 19-21 provide food to typical landless people: the גר, the orphan, and the widow, who cannot get food from their own lands. Empathy for these people in a vulnerable condition engendered by the Egypt-עבד motive clause is effective in prompting the Israelite to obey these food-providing laws, but there is no mistreatment nor oppression from which such vulnerable people are redeemed by these laws.

4.3.3 Deut. 16:11-12: Egypt-עבד motive clause alone

The rest of the laws with the Egypt-עבד motive clause (Deut. 16:11-12; 24:19-22) do not mention YHWH's deliverance from Egypt. Interestingly both of them are related to the harvest, and have the גר-orphan-widow triad.

Deut. 16:11-12 is in the regulations of the Feast of Weeks. This Feast is a celebration of the harvest at the conclusion of the grain harvest in early summer (Christensen 2001:344). The same celebration is termed “Harvest Festival” in Exod. 23:16 (Brueggemann 2001:174; Nelson 2002:208). The regulations include a list of the participants in the rejoicing celebration in v. 11: you, your son, your daughter, your male slave, your female slave, the Levite who is in your gate, the גר, the orphan, and the widow who are among you. The list is similar to the one in Deut. 5:14 though it includes animals and omits the Levite, the orphan, and the widow. The difference shows the character of each list: the list in Deut. 5:14 contains the labourers under the control of the Israelite land owner, and the one in Deut. 16:11 contains people in the Israelite land owner’s household and people who have no land in his/her town (cf. Brueggemann 2001:174). At the same time, the similarity of these two lists shows the same intention to include equally all people who should receive “rest” (Deut. 5:14) and who should join the celebration (Deut. 16:11). Another similar list is also in the regulations of the Feast of Booths (Deut. 16:14). The repetition of nearly identical lists may emphasize the participants in the joyfully celebrating community (Nelson 2002:204). Lohfink says, “When the levites, the strangers, the orphans, and the widows celebrated the feast of Tabernacles in the community of an Israelite neighbour family, it was not just a question of eating and drinking, but above all of full participation in Israel’s joy.” (Lohfink 1991:48).

Lohfink indicates that the Holiness Code excludes the גר from the joy of the Feast of Tabernacles in Lev. 23:42 because only “all the אזרח (native) in Israel” are required to spend joyful days in the booths. Although the word אזרח (native) is used in opposition to the גר, it is not clear whether the regulation excludes the גר, or not. What is clear is that apart from Deut. 16, other Pentateuchal legislation on Israel’s feast (Exod. 12:1-13:10; 23:14-18; 34:18-26; Lev. 23; Num. 28:16-31) does not have a similar list of participants in the joyful celebration of the Feast of Weeks and Booths (Van Houten 1991:88). McConville states that “in the case of the Feasts of Weeks and Booths, the essential aspects of the festivals have been outlined as a framework for the habitual deuteronomic themes of blessing (vv. 10, 15, 17), rejoicing (vv. 11, 15), kindness to the poor (vv. 11, 14), and the contrast of life in the land with Egypt

(v. 12).” (McConville 1984:111). In the regulations in the Deuteronomic feast, the גר is welcomed into such joyful festivals as one of the participants.

The memory of the Exodus and slavery is repeated in the regulation of the Passover which precedes that of the Feast of Weeks (Deut. 16:1, 3, 6) (Nelson 2002:202). These descriptions of the Exodus connect the historical memory with the rituals: in the month of Abib when the Lord brought them out of Egypt, the Passover should be kept (v. 1); they shall eat unleavened bread because they came out of Egypt in haste (v. 3); they shall offer the Passover sacrifice in the evening at sunset, the time they came out of Egypt (v. 6) (cf. Brueggemann 2001:173). But the Egypt-עבד motive clause in v. 12 is not connected to any ritual of the Feast of Weeks. Therefore the function of this motive clause is quite different from that of the description of the Exodus in v. 1, 3, and 6.

Nelson indicates that the two Feasts of Weeks and Booths in Deuteronomy are “liturgically thin, deritualized and humanized into joyful responses to a prosperous harvest.” (Nelson 2002:204). The focus of these two feasts is shifted to a joyful celebration of the harvest before the Lord together with the whole community. Therefore the Egypt-עבד motive clause in v. 12 supports joyful celebration which embraces the landless people who do not have a harvest from their own lands. The motive clause reminds the Israelite land owners of their historical experience as oppressed slaves in Egypt, and compels them to empathize with the landless people who cannot celebrate the Feast without receiving provision of the harvest from the land owners. This Egypt-עבד motive clause does not focus only on the גר in the list of the participants. It motivates the Israelite to help all the members of the list including the גר.

4.3.4 Deut. 24:19-21: Egypt-עבד motive clause alone

This law also concerns the harvest. Concerning three different products (grain, olive, grapes), it orders leaving the harvest for the גר, the orphan, and the widow. The three orders are very similar in form, and especially the last two form a clear

parallelism (v. 20, 21). By repeating the גר-orphan-widow triad three times, this landless class is emphasized (cf. Nelson 2002:292).

Nelson indicates that “It shall be for” could be translated “it belongs to.” This means that this is not voluntary almsgiving. The גר-orphan-widow triad have a legal right to access the three most important products of the land: grain, oil, and wine (Nelson 2002:292). The גר is protected as one of this vulnerable class.

There are two motive clauses in this law: “in order that the Lord your God blesses you in all the work of your hands” (v. 19); and “remember you were a slave in the land of Egypt” (v. 22). Both give reasons for generosity to the needy (Van Houten 1991:97). The Egypt-עבד motive clause does not focus on the גר because the law repeats the גר-orphan-widow triad to emphasize this whole class who should be protected. This motive clause functions to remind the Israelite land owners of their historical experience as עבד in Egypt, compel them to empathize with all the people in the vulnerable class, and encourage them to be generous.

4.3.4 Conclusion

The functions the motive clause “you were a slave in Egypt” in the concrete laws show us the interesting character of this motive clause. The Egypt-עבד motive clause mentioning YHWH’s redemption (Deut. 5:14-15; 24:17-18) is used in the laws to protect the people who can be easily oppressed or mistreated (labourer under the control of the Israelite house owner; the גר and the orphan in the court, and the widow in debt). This motive clause functions not only to remind the Israelites of their historical experience as עבד in Egypt and compel them to empathize with these vulnerable people, but also to urge them to stop/prevent the oppression or mistreatment of these vulnerable people in imitation of the Lord who redeemed them from their oppressed condition in Egypt.¹⁵

¹⁵ The Egypt-עבד motive clause mentioning YHWH’s redemption in Deut. 15:15 functions the same as the one in Deut. 5:14-15; and 24:17-18. The law in 15:12-15

Egypt-עבד motive clauses that do not mention YHWH's redemption appear only in the laws concerning the harvest and food provision to people (Deut. 16:11-12; 24:19-21). These laws do not order stopping/preventing oppression or mistreatment. Therefore offering a reminder of the Lord's redemption from Egypt probably is not appropriate in these laws. The Egypt-עבד motive clause functions only as a reminder of the Israelites' historical experience of difficulty as עבד in Egypt.

Both of the Egypt-עבד motive clauses mentioning/not mentioning YHWH's redemption share a common characteristic. They do not focus on the גר. They motivate the Israelite to protect all the vulnerable people mentioned in the laws. Without any specific distinctions the גר is one of those protected.

4.4 Functions of the motive clause "you were the גר in Egypt"

The Egypt-גר motive clause appears five times in the Old Testament (Exod. 22:20; 23:9; Lev. 19:34; and Deut. 10:19; 23:8-9). Exactly the same phrase "כי גרים הייתם" "בארץ מצרים" is used in four of them (Exod. 22:20; 23:9; Lev. 19:34; and Deut. 10:19). In Deut. 23:8, the גר appears in singular form, and the phrase "בארץ מצרים" (in land of Egypt) is changed into "בארצו" (in his land).

All of them appear with the laws for the protection of the גר although the word גר does not appear in the main clause of the law in Deut. 23:8-9. The law in Deut. 23:8-9 prohibits abhorring Egyptians who are probably staying in the land of Israel as the גר.

protects the Hebrew slave (one of the vulnerable people). He needs to be liberated from the oppressed (slaved) condition. Reminding Israelites of YHWH's redemption from Egypt should be motivation for their liberating the oppressed. Of course, this motive clause in 15:15 does not focus on the גר because this law does not mention the גר.

The Egypt-ג motive clause uses the tradition of Jacob's family sojourning in Egypt although the Israelites' negative experience as עבד in Egypt cannot be erased from their memory. The Israelites' ancestor's lives as the ג in Egypt were unsettled and depended on the good or bad will of the indigenous people, and in fact their lives historically changed into עבד by the oppression they endured from the indigenous people.

4.4.1 Exod. 22:20 (21 in English translation); 23:9

Both of the laws in Exod. 22:20; 23:9 are in the so-called the Covenant Code (Exod. 20:22-23:33) or, in the term of the Bible, "the Book of the Covenant" (Exod. 20:22-23:33) (Sprinkle 1994:27; Dozeman 2009:416). Although what is meant by "the Book of the Covenant" in Exod. 24:7 is not sufficiently clear (Sprinkle 1994:29), this collection of the law codes is contained in what is commonly termed the "Sinai pericope" and closely related to the making of the Covenant between YHWH and Israel (Brueggemann and Linafelt 2003:83). Durham says, "The 'Covenant Code' is Yahweh's application to the context of daily living of the fundamental requirements of those in covenant with him." (Durham 1987:318).

The style of the laws changes from the casuistic law (21:1-22:18), which tends to be stated in the more impersonal legislative style of third person discourse, to the apodictic law after 22:17 though some casuistic laws are included. Dozeman says, "The change in style, the call for psychological identification, and the absence of specific legal rights for the resident alien suggest that 22:21[20] and 23:9 are more theological statements than law, setting the tone for the social legislation aimed at the poor and the practice of lending." (Dozeman 2009:545; also Sprinkle 1994:184). The daily living of the people in covenant with YHWH is theologically directed to protect vulnerable people.

Exod. 22:17-23:19 consists of cultic regulations and regulations on social justice which are inextricably intertwined without dichotomy between the secular and sacred (Sprinkle 1994:160-161). Among the laws on social justice to protect vulnerable people, the Egypt-ג motive clause is directly attached to the laws which

mention only the גר as those who should be protected. The law in Exod. 22:20, which consists of the law protecting the גר and the Egypt-גר motive clause, is followed by the law which protects the widow and the orphan. The latter law has its own motive clause in vv. 22-23¹⁶ which warns that YHWH himself will kill the person who mistreats them. This punishment results in the wife of the oppressor becoming a widow and the children becoming orphans, which is an instance of the *Lex Talionis* (Dozeman 2009:546). Therefore the motive clause in vv. 22-23 is specifically attached to the law protecting the widow and the orphan in 22:21, and the Egypt-גר motive clause is specifically attached to the law protecting the גר in v. 20. The law protecting the גר in 23:9 has no relationship with any other group of the people though it might be related to the preceding laws concerning legal proceedings (Meyers 2005:201; Sprinkle 1994:184). Thus the Egypt-גר motive clause in 23:9 is clearly attached only to the law protecting the גר.

It is quite different from the Egypt-עבד motive clause which motivates the Israelite to protect all the vulnerable people mentioned in the laws (4.3.4). In this context, one more “גר” is mentioned in 23:12. It is, however, mentioned in the list of labourers including livestock (your ox, your donkey, the son of your female slave, and the גר). In the Sabbath commandment in Deut. 5:12-15, the Egypt-עבד motive clause is added (Deut. 5:15). But the Egypt-גר motive clause is not added to this Sabbath regulation in Exod. 23:12 despite two appearances of it (Exod. 22:20; 23:9) in this context. It supports the conclusion that the Egypt-גר motive clause motivates the Israelite to protect the גר specifically.

In the canonical context, every member of the Israelite nation hearing these words had been in the situation of aliens in Egypt only months prior (Stuart

¹⁶ The next law in Exod. 20:24-25 also has its own motive clause in v. 26. Sprinkle indicates a clear parallel structure for the three cases (vv. 20, 21-23, 24-26), each of which includes a command or commands and a motive clause or clauses (Sprinkle 1994:167). This parallel structure also supports the conclusion that the Egypt-גר motive clause in v. 20 is applied only to the law protecting the גר in v. 20.

2006:516). Many scholars point out that the Egypt-גר motive clause in 22:20 and 23:9 reminds the Israelites of their painful experience of oppression in Egypt (Durham 1987:329; Meyers 2005:200-201; Stuart 2006:516; Dozeman 2009:545). As mentioned in 4.2.3, the word “לחץ,” which strongly reminds Israelites of their negative experience as עבד in Egypt (Lohfink 1991:42; Sprinkle 1994:169), is used in the order “do not oppress (לחץ) the גר” in 22:20 and 23:9, which connect the גר and the word “לחץ” (oppress). Therefore it is impossible to exclude the memory of negative experiences as עבד from what is recalled by the Egypt-גר motive clause in 22:20 and 23:9 (contrary to Ramírez Kidd and Awabdy; 4.2.3).

But the Egypt-גר motive clause motivates the Israelites to protect the גר specifically. It does not motivate them to protect oppressed people in general. Therefore it must remind the Israelites of the גר specific experience. Awabdy's suggestion that life as a non-indigenous resident is unstable and dependent on how they were treated by indigenous people (Awabdy 2012a:145, 163) is plausible. Historically the treatment of the Israelites was negatively changed by the new Pharaoh who did not know Joseph (Exod. 1:8-14). The Israelites have this memory of the change of their treatment and its impact on their lives as non-indigenous residents.

In 23:9, the phrase “You know נפש of the גר” is inserted. “נפש” in this verse is usually translated “mood,” “feeling,” or “heart.” Westerman says, “Apparently the meaning ‘desire, craving’ also underlies this expression, and the idea involves the desire for humane treatment.” (Westermann 1997:746). From their experience as the גר/גרים in Egypt, the Israelites know the desire of the גר for humane treatment from the indigenous people. The Egypt-גר motive clause reminds the Israelites of their experience as the גר/גרים in Egypt whose life was dependent on the attitude of the indigenous people, their historical tragedy caused by the oppression from the indigenous people, and their desire for humane treatment at that time. This motive clause strongly compels the Israelites to prevent the oppression of the גר in Israel.

4.4.2 Lev. 19:33-34

The law in Lev. 19:33-34 is in the so-called “Holiness Code” (Lev. 17-26) (Collins 2004:139). Douglas explains that Leviticus is composed in the form of a ring and Lev. 19 is of central importance framed by Lev. 18 and 20, and functions as the centre and the turning point in the whole book of Leviticus (Douglas 1999:No.718-761, 2890-2956; followed by Kim, J. 2011:24; Milgrom 2004:No.233). In Lev. 19, ritual commands are interspersed with ethical commandments (Collins 2004:151). Through the coexistence of ritual and ethical commandments, “H [Holiness source] proclaims that holiness, hitherto limited by P [Priest source] to the sacred sphere (the sanctuary) and its officiants (the priests), is now within the reach of every Israelite provided that he or she heeds cultic prohibitions and fulfils the ethical requirements specified in this chapter.” (Milgrom 2004:No.3211; also Kim, J. 2011:38).

The calling to be holy, “You shall be holy, for I, YHWH your God, am holy,” opens Lev. 19 (19:2). This first rationale motivates all the other laws. Anyone who disobeys YHWH’s injunctions including the care of the גר is desecrating YHWH’s holiness (Milgrom 2004:No.2762, 3261). Since YHWH is the standard by which all holiness is measured, the doctrine of *Imitatio Dei* takes wider dimensions in this chapter (Milgrom 2004:No.3311). The motive clause “I am YHWH (your God)” which is also attached to the law protecting the גר in Lev. 19:33-34, is repeated 18 times in Lev. 19, and reminds the infringer that even if he is not prosecuted in a human court, he will not escape the attention of the Divine Judge (Milgrom 2004:No.2781, 3218). This repetition emphasizes the will of YHWH that the Israelites shall be holy (Gersternberger 1996:261).

The גר is contrasted with אזרח (native) in v. 34. Therefore the law in vv. 33-34 protects the גר specifically as one who has come from outside of the country or the community. J. Kim indicates two parallels: (1) the prohibition against oppressing the Israelite neighbour (v. 13) and the prohibition against oppressing the גר (v. 33); (2) the order to love the Israelite neighbour (v. 18) and the order to

love the גר (v. 34)¹⁷ (Kim, J. 2011:60). Gerstenberger regards it as a complement to vv. 17f. According to him, “love” is community-related, and refers to “the shared connection and mutual responsibility of human beings living in a community of faith” (Gerstenberger 1996:272). It means, therefore, “The foreigner is to be treated equally with natives and is to be included in the obligation to solidarity of the congregation” (Gerstenberger 1996:279). “Love” is not an emotion but a deed which includes concrete help and cherishing (Milgrom 2004:No.3296; Douglas 1999:No.630). The גר must be welcomed into the mutual helping community of the native indigenous Israelite. The Egypt-גר motive clause is attached to this law in which the גר is contrasted with the native Israelite. Therefore it motivates the protection of the גר specifically.

Some scholars construe that the Egypt-גר motive clause recalls Israel’s exploited and persecuted experience in Egypt (Gerstenberger 1996:279-280; Migrom 2004:No.2771). But Joosten carefully distinguishes the sojourning described here from the slavery condition of Israel in Egypt described elsewhere in the Holiness Code, and infers that the author has taken this clause from the Israelite legal tradition (Exod. 22:20; 23:9; Deut. 10:19) or has employed his own conception of Israel’s being גרים with YHWH (25:23) (Joosten 1996:59-60). In addition, he indicates that the גר in Israel in vv. 33-34 must be taken in its usual sense of sojourner, and that the same term would not carry a different meaning in the law-text and in the motive clause (Joosten 1996:61-62). Therefore it is plausible to construe that the Egypt-גר motive clause in v. 34 reminds the Israelites of the sojourning (not slavery) experience in the period of their initial sojourning in Egypt.

¹⁷ When Jesus spoke the parable about the Good Samaritan (Luke 10:29-37) and the apocalyptic discourse of the Last Judgement (Mathew 25:31-46), Lev. 34 might have been in his mind (Ruppert 1997:159-160). Regarding the parable about the Good Samaritan, the foreigner Samaritan shows love to the indigenous Jew, but not vice versa. In this way, Jesus challenged the Jewish listeners by showing the foreigner obeyed the Law rather than the Israelites.

The same word “גר” lets the Israelites identify themselves in their sojourning as the indigenes in Egypt with the גר in their land Israel, and motivates them to “love” the גר with concrete help.

The phrase “גר in *your* land” implies that the Israelite has authority as the indigenous one (cf. Milgrom 2004:No.3677). The lives of the non-indigenous residents are dependent on the good will of the people who have authority (Awabdy 2012a:163). To imitate the holiness of YHWH who has the ultimate authority, the Israelite must not wrong the גר but must love the גר.

4.4.3 Deut. 10:19

This law is in a rich and comprehensive sermon calling to commitment by Moses (Cook 2015:99), which is composed with an extended series of imperatives and a rich variety of motivations (Nelson 2002:132; Brueggemann 2001:128, 133).

Nelson regards Deut. 10:19 as a disruptive addition (Nelson 2002:134; also Ramírez Kidd 1999:79). But in the canonical context, it is a part of the six verses (10:14-19) which are carefully structured as a pair of matching triplets: vv. 14, 15, 16, and vv. 17, 18, 19. “In each of the two passages there is an opening, hymn-like exaltation of Yahweh with resounding superlatives (vv. 14, 17). The following verse describes something unexpected about God’s action or character (vv. 15, 18). The concluding verse is a command for Israel to respond appropriately (vv. 16, 19).” (Wright 1996:145). Therefore the law in v. 19 is not a careless addition but is a part of a well-considered composition.

The language of the motivations in this section (10:12-11:32) can be divided into hymnic theology (10:14, 17-18, 21a), lessons from history (10:15, 19b, 21b-22; 11:2-7), and references to the land (11:8b-9, 10-12, 14-15, 17, 21, 23-25). The historical motivations fall into rough chronological order (Nelson 2002:132-133). This chronological order matches the historical confession in Deut. 26:5-9 in which Ramírez Kidd finds the two separate periods of Egypt-גר and Egypt-עבד (Ramírez Kidd 1999:92; 4.2.1). In addition, the enumeration of the historical events in 10:12-32 omits what happened at Sinai the same as that in 26:5-9 (Rad 1966:159).

And both of them have the common expressions: “mighty hand” and “stretched arm” (11:3; 26:8); “a land flowing with milk and honey” (11:9; 26:9). According to this chronological order in 10:12-32, the phrase “you were the גרים in the land of Egypt” in 10:19 is placed in the sojourning period of a small number in Egypt before the Israelite was oppressed as עבד (slave). The oppression of Israel in Egypt started after Israel got to be numerous (10:22). This supports the periodical distinction by Ramírez Kidd and Awabdy (4.2). The Egypt-גר motive clause in 10:19 is used to remind the Israelite of the period of Israel’s initial sojourning in Egypt, but not of the period of Israel’s עבד experience in Egypt.

Brueggemann argues that the law in v. 19 is to protect the גר economically so that they do not end up as slaves, as did Israel (Brueggemann 2001:131). But the reason why Israel got to be slaves in Egypt was not an economical one. Affliction and oppression with forced labour made them slaves (Exod. 1:11-14). However it is clear that the order “love the גר” is intended to prevent them from ending up as slaves, as did Israel. Oppression by the indigenous people made Israel slaves in Egypt. Beyond the prohibition of oppression, “do not oppress the גר” in Exod. 22:20 and 23:9, Deut. 10:19 radically orders the Israelites to “love the גר” which is the opposite of oppression of the גר. Loving is what is needed to prevent the גר from ending up as slaves.

The verb form ואהבתם (Wow-consec, perfect, 2nd person, plural) of love in v. 19 occurs only here in Old Testament. The singular form of it appears in Deut. 6:5 and 11:1 which order to love “the Lord your God”; Lev. 19:18 which orders to love “your neighbour”; and Lev. 19:34 which orders to love “the גר” (Wright 1996:150). Deuteronomy does not have a corresponding commandment to love the brother or any other needy member of the society (Ramírez Kidd 1999:81). The command to love the גר is uniquely prominent.

It is said that in v. 18 the Lord protects the orphan, the widow and the גר. But the object of the commandment to love which is compulsory for the Israelite is only the גר. The Egypt-גר motive clause is placed directly after this commandment. Therefore the function of the motive clause in v. 18 is to remind the Israelites of

their sojourning lives in Egypt, and prompt them to love the גר (not other vulnerable people).

4.4.4 Deut. 23:8-9 (7-8 in English translation)

The form of the Egypt-גר motive clause in Deut. 23:8 is different from the rest of the Egypt-גר motive clauses. And it motivates the Israelites not to abhor an Egyptian (not the גר in general), which is another difference. Therefore what is found concerning the Egypt-גר motive clause in Deut. 23:8 cannot be generalized to apply to the rest of the Egypt-גר motive clauses.

This law is in the context of laws to exclude somebody from the “assembly of the Lord” (23:2-9). In the first two laws, some people of the Israelites are excluded (vv. 2-3). In v. 4, Ammonites and Moabites are excluded to the tenth generation or forever. On the other hand, Edomites and Egyptians are excluded only before the third generation, and their children in the third generation are included in the “assembly of the Lord” (vv. 8-9). The reason for the different attitudes toward the various foreigners is explained by historical events (vv. 5-6, 8; Wright 1996:247), but “What is surprising is that conflict with Edom and Egypt did not lead to similar prohibitions of access to the assembly of the Lord.” (Miller 1990:176). Concerning the negative attitude toward Ammon and Moab, Brueggemann indicates the obvious tension with the affirmative line in 2:9-21 (Brueggemann 2001:228).

The context of the exclusion from the “assembly of the Lord” is difficult to interpret, but in v. 8 the topic changes to a more general attitude of acceptance toward resident foreigners (Nelson 2002:278). The two commandments in v. 8 form a parallelism: “Don’t abhor an Edomite” and “Don’t abhor an Egyptian.” And each of them has a motive clause: “because he is your brother” and “because you were a גר in his land.” Therefore this Egypt-גר motive clause is only attached to the command “Don’t abhor an Egyptian,” and the motive function is limited to this command.

There seems to be a consensus among scholars that the Egypt-גר motive clause in v. 8 indicates the period of sojourning by Jacob’s family in Egypt in Joseph’s story (Miller 1990:176; Wright 1996:248; Ramírez Kidd 1999:86-93;

Brueggemann 2001:228; Nelson 2002:278). In the view of the positive idea of Israel's sojourning in Egypt, Ramírez Kidd thinks the rationale of the Egypt-גר motive clause is based on a principle of reciprocity (Ramírez Kidd 1999:89-90). But the memory of Israel's slavery experience could not be completely erased in their minds. Rather, in spite of their memory of "the abusiveness of Pharaoh" (Brueggemann 2001:228) and "the oppression of the later years of their experience in Egypt" (Wright 1996:248), the writers/composers used the Egypt-גר motive clause to remind the Israelites of their initial sojourning period in Egypt. Because they knew that the Israelite readers remembered the oppression in Egypt, it is impossible that the intention of this motive clause is based on a principle of reciprocity. Israel knew the initial peaceful sojourning had changed into the slavery experience by the indigenous Egyptians' oppression (Exod. 1:1-14; Deut. 26:5-6). Sojourners lives were unsettled and easily changed by the attitude of the indigenous people. Therefore the function of the Egypt-גר motive clause is to remind the Israelites of their peaceful initial sojourning kept by the indigenous Egyptians' hospitality and the loss of it by the indigenous Egyptians' oppression, and urge them to show hospitality to sojourning Egyptians as the indigenous people whose attitude drastically changes the life of the sojourner. In other words, the motive clause prohibits following the example of the indigenous Egyptians who changed their attitude negatively (not reciprocity) in order to stop the spiral of vengeance. It can be said that the principle of forgiveness underlies the Egypt-גר motive clause here (cf. Volf 1996:121).

4.4.5 Conclusion

The Egypt-גר motive clause shows the perspective that the גר needs specific protection and care. The Egypt-עבד motive cause compels the Israelite to protect the גר as one of the vulnerable people. But the Egypt-גר motive clause compels them to protect the גר specifically. Each category of the vulnerable people has specific needs. The גר's life is unstable and dependent on the attitude of the indigenous people. Therefore the Israelites are reminded of their (or their ancestor's) unstable and dependent lives in Egypt.

The Egypt-גר motive clause indicates the Israelites' initial sojourning period in Egypt. But the Israelite readers know the history in which their positive experience as the גר/גרים in Egypt changed into a negative one as the עבד by the oppression from the indigenous Egyptians. The Egypt-גר motive clause focuses on the positive period, and prevents the Israelites from taking the role of oppressors who make the life of the גר miserable (Exod. 22:21; 23:9; Lev. 19:33). In that way, the spiral of vengeance will be stopped (Deut. 23:7). In a more positive way, the Israelites are motivated to welcome the גר into the community of love with concrete mutual helps which effectively prevent the גר from ending up as the עבד. Loving the גר is one of the indispensable aspects of the daily life of the people of the covenant with YHWH (Deut. 10:19), and is a practice that imitates the holiness of YHWH (Lev. 19:34).

The Egypt-גר motive clause occurs across the different sources (mainly law codes) in the Pentateuch (the Covenant Code, the Holiness Code, and Deuteronomy). It means the perspectives which this motive clause carries are accepted and shared by the various traditions.

Chapter 5: Conclusion

Studies on foreigners in the Old Testament show that the Old Testament has a variety of perspectives concerning foreigners in the society of Israel (Chapter 2). Even in the inclusive (or exclusive) text group, these perspective cannot be simplified into one or two principles. This mini-dissertation only picks up some of the perspectives included in the Old Testament.

The Law in the Pentateuch is intertwined with the story of Israel's journey from slavery in Egypt to new life in the Promised Land. The Law is given to provide structure for the new society of covenant life (Birch, Brueggemann, Fretheim, & Petersen 2006:127). At the same time it provides to present-day readers an alternative imagination with a new perspective, a new possibility, and a new activity in "the world in front of the text" (Brueggemann 1997:58). The laws concerning the גר are included in this Law.

The גר/גרמים exist close to the Israelites in the society, but are not identified with the Israelites. They keep cultural differences (not ethnical differences), and also the Israelites do not accept the culture of the גר/גרמים as their own. The גר is "the other" in Israel (3.2).

The laws grouped into Group (2) laws compulsory for both Israelite and גר in order to preserve the holiness of the community (3.3.2), premise the existence of the גר in the religious community of Israel. It is said repeatedly in this law group that the same law is applied to the Israelite and the גר. In order to preserve the holiness of the community, the laws in the Pentateuch do not exclude foreigners. Holiness is preserved when both the indigenous people and the גר obey the Law. Unacceptable ethical/ritual deeds by both the indigenous Israelite and the גר have to be excluded. Excluding foreigners does not relate to the holiness of the society. What should be excluded is not the גר (the other) but uncleanness against the laws of YHWH. This perspective should be remembered when we consider accepting/refusing refugees or immigrants. If we obey the principle of these laws, we cannot use ethnicity as a reason to exclude people in order to keep the society holy

or pure. In addition, the גר is not required to obey stricter or more severe laws. This group of laws requires both the indigenous people and the foreigners to obey the same laws regarding both ritual and ethical matters. According to this principle, we cannot require foreigners to obey stricter laws to keep the society holy.

The majority of Group (1) laws addressed to the Israelites for the protection of the גר have motive clauses (4.1). Protecting the גר (the other) is not natural. But YHWH wants the Israelite to assent to his commandments inwardly (Von Rad 1975:198). The Egypt-עבד motive clause reminds them of their negative experience in Egypt (4.2). Remembering negative experiences has the danger of causing vengeance. But this motive clause is not used in the context of protecting the גר or the resident Egyptian. It is used to motivate the Israelite to protect vulnerable people in general (4.3). Their strongly negative experience as עבד in Egypt must arouse deep sympathy for the vulnerable people in Israel. The גר (the other) is included in the list of the vulnerable people without any distinctions from the rest of the vulnerable people who are Israelites. The foreigners as one group of vulnerable people in our society also should be protected with deep sympathy (not only superficial help).

The גר can be categorised as one of the vulnerable people. At the same time, the Israelites are motivated to have specific sympathy for the גר in the law with the Egypt-גר motive clause (4.4). The גר/גרים who have their own culture must have many difficulties like language barriers, misunderstandings caused by difference of custom, unaccustomed foods, isolation from the indigenous community, and so on. In this current globalized world, many people are experiencing these kinds of difficulty. To live in peace, they definitely need help from the indigenous people. The Israelites' sojourning (not slavery) experience in Egypt gives them sympathy with the גר's unstable life. It stops the spiral of vengeance toward the Egyptian גר (Deut. 23:8-9), and prevents the Israelites from being another group of indigenous oppressors who cause misery for the עבד in the same way as the Israelites themselves experienced. As indigenous people we also have to be careful not to be oppressors who cause misery for foreigners. The experience of sojourning in foreign countries can be helpful in arousing deep sympathy for foreigners.

And the most effective way to avoid being oppressors is to love the גר. Both Leviticus and Deuteronomy which belong to two quite distinct major tradition streams, have the commandment to love the גר with the Egypt-גר motive clause. This fact clearly shows that YHWH is partial to the גר. This is the holiness of YHWH that we should imitate, and obeying this command is an integral part of the life of the people of the covenant with YHWH. The motive clause lets this command be an inward disposition (4.1; Chirichingno 1981:312). Loving the גר (the other) means that we welcome them into a relationship of mutual responsibility of human beings living in a community (Gerstenberger 1996:272). This is a kind of embracing the other, and may bring about change in our community/society (Volf 1996:147). It shows that the community which is continuously changing through loving and embracing the גר (the other), is truly a holy and covenantal community. Therefore as holy people of the covenant with YHWH, we have to love and embrace the גר (the other) in this globalized world.

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