ABSTRACT

“He Loves the Immigrant”: Deuteronomy’s Theological and Social Vision for the יִשְׂרָאֵל

The aim of this dissertation is to present a more nuanced and comprehensive understanding of the noun יִשְׂרָאֵל “immigrant” in the book of Deuteronomy (D), which contains more יִשְׂרָאֵל occurrences than any other Old Testament (OT) book. After making a case for the translation “immigrant” in most biblical contexts, I then trace predominant approaches to interpreting this noun in the OT: lexico-syntagmatic, sociological, sociohistorical referential, theological and related methods. I seek to employ a variegated approach, one that intersects textual investigation, sociological implications, and other dynamics in order to understand D’s יִשְׂרָאֵל figure and legislation. The primary questions that have preoccupied researchers are: who is the יִשְׂרָאֵל in a given biblical corpus? How do biblical texts, especially Pentateuchal laws, expect Israelites to treat the יִשְׂרָאֵל? To what extent do biblical texts attempt to integrate the יִשְׂרָאֵל into the Israelite community? A history of research demonstrates that scholars have attempted to answer these questions by focusing on, one, historical and social provenance, two, delineating compositional strata, and three, ancient Near Eastern comparisons. This study attempts to remedy certain gaps and conflicts in the secondary literature.

The foundation of this study is a systematic analysis of the 12 passages that mention the יִשְׂרָאֵל in D, along with a discussion of Deut 23:2-9, which does not use the noun יִשְׂרָאֵל, but I argue is central to D’s יִשְׂרָאֵל conceptuality. These analyses incorporate germane textual critical inquiries and synchronic interpretive constraints, such as lexical and grammatical data, semantic relationships, terminological usage in D, and determinatives.
from the immediate context. On the basis of this foundation, I appraise scholarly endeavors to subdivide D’s Ḩ texts by theme or by distinct historical referents. I then proffer a response to the leading views of the ethnicity of D’s Ḩ, and I present a series of indicators for my own conclusions on the Ḩ’s ethnic origins. I then show how D represents the Ḩ uniquely in the legal core (chs. 12-26) and the prologue-epilogue (chs. 1, 5, 29, 30).

The study next investigates two of D’s formulae, “for you were an immigrant the land of Egypt” and “remember that you were a slave in the land of Egypt,” and offers a validation for reading these formulae as semantically distinct motivational clauses. According to the data, I seek to nuance our comprehension of the meaning of these clauses, identify parameters for ascertaining their literary origins, and critique a hypothesis on the Pentateuch’s transmission history. This diachronic approach naturally raises questions for other diachronic factors, such as inner-biblical exegesis. I, therefore, turn to investigate D’s interpretation of other Tetrateuchal Ḩ laws. After arguing for the advantages of a relative dating approach to D’s laws over a reconstructive approach, I consider the advances of recent discussions on inner-biblical interpretation, the relationship between D’s laws and other legal corpora, and signs for the direction of literary influence. I contend that D revises certain Ḩ laws in Exodus 20-23, but stands lexically and, in most cases, ideationally independent of H’s register of Ḩ laws. Exploring D’s revision of the Covenant Code and comparing D with H reveals D’s redemptive and accommodative tendencies in the drafting of its Ḩ laws.

I culminate the dissertation by exploring sociological, comparative (ancient Near
Eastern), theological, and missiological aspects of D’s גָּרִים. These aspects clarify our understanding of D’s vision for Israel to integrate the גָּרִים socially and religiously. These aspects also provide a framework for discussing the implications of Israel’s election for its responsibility toward the גָּרִים who lived in Israel’s towns.
This dissertation, entitled
“He Loves the Immigrant”:
Deuteronomy’s Theological and Social Vision for the ḥōw
written by
Mark Abraham Awabdy
and submitted in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy in Biblical Studies

has been read and approved by the undersigned members of
the Faculty of
Asbury Theological Seminary

Dr. Bill T. Arnold, Mentor
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May 2012
“He Loves the Immigrant”:
Deuteronomy’s Theological and Social Vision for the הָלַע

A Dissertation
Presented to the Faculty of
Asbury Theological Seminary
Wilmore, Kentucky

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Requirements for the Degree
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Dissertation Committee:
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By
Mark Abraham Awabdy
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ABBREVIATIONS

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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>G</td>
<td>Old Greek (a majority of Septuagint mss)</td>
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<tr>
<td>GA</td>
<td>Codex Alexandrinus</td>
</tr>
<tr>
<td>GAmb</td>
<td>Codex Ambrosianus</td>
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<tr>
<td>Gc</td>
<td>Codex Coislianus</td>
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<tr>
<td>GB</td>
<td>Codex Vaticanus</td>
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<tr>
<td>GS</td>
<td>Codex Sinaiticus</td>
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<tr>
<td>Gl</td>
<td>Lucianic Recension</td>
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<tr>
<td>GS48</td>
<td>Old Greek fragment, Rahlf's no. 848 (first century BCE)</td>
</tr>
<tr>
<td>MT</td>
<td>Masoretic Text</td>
</tr>
<tr>
<td>MTL</td>
<td>Leningrad Codex of the Masoretic Text</td>
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<tr>
<td>Q</td>
<td>Qumran</td>
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<tr>
<td>Smr</td>
<td>Samaritan Pentateuch</td>
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<tr>
<td>S</td>
<td>Syriac</td>
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<tr>
<td>T</td>
<td>Targums (major Targums)</td>
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<tr>
<td>Tj</td>
<td>Targum Jonathan</td>
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<td>TN</td>
<td>Targum Neofiti</td>
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<tr>
<td>To</td>
<td>Targum Onkelos</td>
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<tr>
<td>TPj</td>
<td>Targum Pseudo-Jonathan</td>
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<td>V</td>
<td>Latin Vulgate</td>
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Preface

The seedbed for this project was cultivated in 2007, when my masters’ program advisor, David Livermore, insisted I read Christopher Wright’s *The Mission of God*. Already committed to joining God in his mission, I was captured by the idea that the whole Bible, not just the NT, evinced God’s missional vision for all creation to magnify his glory. Upon entering the Ph.D. Biblical Studies program at Asbury Theological Seminary in 2008, I set out with the intention of studying Isaiah’s magisterial ingathering-of-the-nations motif (Isaiah 2, 14, 56, 66, et al.). I discovered quickly, however, that many scholars have studied this topic, and although no one can exhaust the Scriptures (this may be especially true of Isaiah!), dissertating requires one to select a research domain that contains important gaps or conflicts in the secondary literature. In 2009, I found myself resonating deeply with the Pentateuch, and also with my advisor, Dr. Bill Arnold, who has saturated his mind with the Pentateuch, most recently, with Deuteronomy. The book of Deuteronomy is well known for God’s repeated commands to Israel to annihilate the inhabitants of Canaan and to abhor their practices (ch. 7, 12, 13, 17, etc.). But does that end the discussion on Israel’s relationship with the nations within this culminating book of God’s tôrâ “instruction” to his people? No. Equally characteristic of this book are the repeated directives to provide for and protect the “immigrant, orphan and widow,” and ch. 10 culminates with this remarkable statement: “He [YHWH] both does justice for the orphan and widow, and loves the immigrant. Therefore you must love the immigrant, for you were immigrants in the land of Egypt” (10:18-19). However, before I started writing this dissertation on the immigrant in
Deuteronomy, I had to surrender my resolve to discover in this topic God’s missional vision. Textual analysis must always shape our theology, and not vise versa. Yet, various clues throughout Deuteronomy indicate that, indeed, this topic displays a unique expression of God’s mission through Israel to the nations.

I am grateful to the people who, by God’s profound generosity, have enriched my life during my dissertation writing. I express deep gratitude to Dr. Bill Arnold, who supervised this project. He compels me by his example and insights to be a faithful exegete of Scripture, and embodies the kind of pastor-teacher to which I aspire. He guided and critically reviewed my research, and countless times he spoke life-giving words that strengthened my soul when I needed it most. I thank Dr. Lawson Stone for sharing with me his mind and friendship; each encounter with him motivated me to persevere with delight in my biblical research. I thank Drs. John Cook (reader) and John Oswalt (examiner), who were always glad to respond to my questions, and whose comments on this manuscript have forced me to sharpen my argumentation. I appreciate Drs. Fredrick Long and Michael Matlock for exuding excitement for me and my work. I thank my parents, wife’s parents and grandparents, my siblings and friends who have supported me emotionally and interceded to God on my behalf. My three precious sons, Weston, Ty, and Jakob, you remind me every day what really matters. What a joy it was to play with you and hear your words before I left the house to go research, “Write your book, Dad!” “Win chapter 3!” My deepest appreciation belongs to my best friend and most loyal ally, my beautiful wife, Leslie. You teach me every day what it means to obey Deut 6:5, “You shall love the LORD your God with all your heart, and with all your soul,
and with all your might.” All praise goes to the Lord Jesus Christ, who gave me purpose in my writing, empowered me by his Spirit to persevere through anxiety and fatigue, and granted me every insight in this study. All deficiencies belong to me alone.

אין כאל ישׁרון רבב שׁנים באורך ובגאותו شكهيم

There is no one like God, O Jeshurun, who rides through the sky to help you, through the clouds in his majesty. (Deut 33:26)
The noun גֵּר (gēr) in the Old Testament (OT) has attracted considerable attention in the past two decades.¹ Most popular English translations are inadequate, and others require qualification. “(Resident) alien,” along with its cognates “to alienate” and “alienation,” has a negative connotation that גֵּר does not.² “Foreigner” is better reserved for נכיר (נָכָר), a class that is often delineated from the גֵּר class; and to call a גֵּר a foreigner would be a misnomer in some biblical texts where גֵּר (singular and plural) designates an Israelite immigrant from the Northern Kingdom, and the plural form גֵּרִים regularly refers to the Israelites’ status in Egypt.³ “Stranger” has its own term (“זָר,” HALOT 1:279); likewise, “sojourner” (תּוֹשָׁב,” HALOT 4:1712).⁴ These classes typically do not have a conferred legal status.⁵ Not every גֵּר is a “refugee,” but this term does fit certain contexts.⁶ “Expatriate” (Latin expatriātus: ex “out of” + ablative patriā “country,” “fatherland”) is too broad and again inaccurate for a Northern Kingdom Israelite גֵּר. “Non-indigenous resident” is accurate,

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

² JPS [1985]; NIV.
³ TNIV; NLT; at times, NET “resident foreigner.”
⁴ “Stranger” in HALOT כָּר 1:201; RSV; KJV; ESV; JPS [1917]; JPS [1985] “resident stranger.”
⁵ Although cf. זָר as simply a layperson in P/H.
⁶ See גֵּר, HALOT 1:201.
and I have used it elsewhere, but it is neither concise, nor memorable. One might argue for “client” on etymological grounds, that is, that the deverbal noun derives from ’gr “to hire, rent,” or that the noun derives from Phoenician’s gēr “client.” On contextual grounds, others submit “client” or similarly in Dutch, dagloner. However, this classification is only appropriate for select passages (see §3.1.2; yet against dagloner see 3.1.8), and it fails to convey the semantic component of non-indigenous origins. Some proffer “guest” by the Arabic cognate jār (“guest, protégé”). William Robertson Smith traces both Hebrew and Arabic words back to the ancient Semitic convention of guest-friendship. Although רָבָּנ sometimes connotes one who should be treated as a guest (see §4.3), Smith’s etymological reconstruction must yield to synchronic analysis of other texts that do not evince this connotation.

While רָבָּנ may be deverbal, derived from רָבָ (ָ) “to dwell as an alien and dependent,” the verb and noun are not precisely interchangeable semantically. The

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8 Akkadian agāru “hire,” iĝRu “rent, wages”; Ugaritic agr; Arabic ’ajara.
13 James Barr (The Semantics of Biblical Language [Oxford: Oxford University Press, 1961], 116) has taught Hebrew Bible readers to interpret a word synchronically, unless a given text demonstrably intends for its readers to appreciate a word’s etymological sense.
14 The primitiveness of the verb over the noun is difficult to determine given the antiquity and widespread use of the term, and given that it is an agentive noun (אִדָּמָא is one who does אִדָּמָא). HALOT (“מ” 1:201) regards the verb as a denominative probably due to the verb’s absence in Old Aramaic inscriptions (“ norsk,” TDOT 2:441). This hollow, verbal root norsk > gār (HALOT “נָרָּם ה” 1:184) in West Semitic may have been a loan word for Akk. gurr meaning “to settle” (“נָרָּם," NIDOTTE 1:836-39) or “to allot” (CAD 5:140). Ugaritic cognate gwr and deverbal noun gr are both attested: consult Johannes Cornelis de Moor.
verb expresses the activity of residing outside the boundaries of one’s original territory; this includes both the emigration of Israelis outside Israel and the immigration of the גר within Israel. ¹⁶ Whereas the noun predominantly “designates the legal status granted to those (strangers and foreigners) who came to sojourn and were ruled by the internal regulations of an Israeliite community. It expressed rather the idea of immigration” (italics

An Anthology of Religious Texts from Ugarit (Leiden: Brill, 1987); John C. L. Gibson, Canaanite Myths and Legends (2d ed.; Edinburgh: T. & T. Clark, 2004). K. R. Veenvolfs comments (“An Aramaic Curse with a Sumero-Akkadian Prototype,” BO 20 [1963]: 144) on the Aramaic curse of Sefire II C shows the difficulty of discerning whether ‘gr (lines 1.8, 9) derives from gûr “to reside” or ‘gr “to hire, rent.” Are גר II “to attack” (HALOT “גָּר II” 1:184; cf. Akk. gerû “to be hostile”: CAD, ”gerû,” 5:61-62) and גר III (HALOT “גָּר III” 1:184-85) “to be afraid” independent homonymic roots, or do they each specialize the meaning of the same root? D. Kellerman (“gûr,” TDOT 2:439-40) believes the latter is possible: “If in antiquity, ‘to be foreign’ and ‘to be hostile’ can be simply two different observations about the same person, one must admit the possibility that Akk. gerû, ‘to be hostile’ (occurring esp. as the ptcp. gârû, ‘enemy, opponent’), can be regarded as the etymon of Heb. gwr.”¹⁵ The noun is used 92 times (see n. 20 below), and the verb גר (“to dwell…”) 83 times: Gen 12:10; 19:9; 20:1; 21:23, 34; 26:3; 32:5; 35:27; 47:4; Exod 3:22; 6:4; 12:48, 49; Lev 16:29; 17:8, 10, 12, 13; 18:26; 19:33, 34; 20:2; 25:6, 45; Num 9:14; 15:14, 16, 26, 29; 19:10; Deut 18:6; 26:5; Josh 20:9; Judg 5:17; 17:7, 9; 19:1, 16; 2 Sam 4:3; 1 Kgs 17:20; 2 Kgs 8:1, 2; Isa 5:17; 11:6; 16:4; 23:7; 33:14; 52:4; Jer 30:23; 35:7; 42:15, 17, 22; 43:2, 5; 44:8, 12, 14, 28; 49:18, 33; 50:40; Ezek 14:7; 47:22, 23; Hos 7:14; Ps 5:5; 15:1; 61:5; 105:12, 23; 120:5; Job 19:15; 28:4; Ruth 1:1; Lam 4:15; Ezra 1:4; 1 Chr 16:19; 2 Chr 15:9. On the most basic level, the verb and noun are not interchangeable in each context due to different subjects and locations of residence, as Matty Cohen (“Le ‘ger’ biblique et son statut socio-religieux,” RHR 207 [1990]: 136) notes: “Les passages textuels suivants sont à même de corroborer que le verbe גר ne s’applique pas exclusivement aux étrangers mais aux Israélites sur leur sol: Dt 18, 6…Juges 17.7…19.1,….” Similarly, Paul-Eugène Dion identifies the distinction between the גר residing in Israel (i.e., Deut 5:14; 29:10; 31:12), and the Israelites residing as גרים in Egypt (i.e., Deut 10:19): “Israel et l’Étranger dans le Deutéronome” in L’Altérité. Vivre ensemble différents. Approches Pluridisciplinaires: actes du Colloque pluridisciplinaire tenu à l’occasion du 75e anniversaire du Collège (Montreal/Paris: Cerf, 1986), 223.

¹⁵ José E. Ramírez Kidd (Alterity and Identity in Israel: The גר in the Old Testament (BZAW 283; Berlin; New York: Walter de Gruyter, 1999), 20-26) distinguishes the emigrant character of the verb גר from the immigrant character of the noun גר. The data do not support this semantic bifurcation. Regarding the verb, first, the גר persona, according to the priestly conception, is one who does גר within Israel’s borders (Exod 12:48, 49; Lev 16:29; 17:8, 10, 12, 13; 18:26; 19:33, 34; 20:2; Num 9:14; 15:14, 15, 16, 26, 29; 19:10; 20:9; Ezek 17:7; 47:22, 23). Second, the Levite resides (גר) at various sites within Israel (Deut 18:6; Judg 17:7, 8, 9, 19:1). Third, other Israelites resided (גר) outside their home, but within Israel (Judg 19:16; 2 Sam 4:3; 1 Kgs 17:20; probably Judg 5:17); or specifically on Mt. Zion or יהוה’s sanctuary (Ps 5:5; 15:1; 61:5). Fourth, Egyptian women reside (גר) in houses in their own country (3:22). As for the noun, Israelites are called גרים (and singular גר) in Egypt (Exod 22:20; 23:9; Lev 19:34; Deut 10:19; 23:8; similarly Gen 15:13), and גר denotes Moses’ status as one living in Midian (Exod 2:22; 18:3; see §4.2.1.). The bifurcation, instead, is between the activity (verb) of residing allochthonously and the social or legal status (noun) of one who resides allochthonously.
mine).\(^{17}\) Consequently, in many biblical texts “immigrant” (Latin *immigrans*, present participle of *immigrare* “to go into”) is an appropriate translation for גֵּר insofar as it conveys an allochthonous resident who was subject to voiced and unvoiced societal boundaries (including, but not limited to, an official *lex terrae*).\(^{18}\) This word’s modern ethno-political connotations, however, must not be superimposed onto גֵּר in the OT.\(^{19}\) “Immigrant” will be used in this study’s translations of biblical texts; גֵּר will be used everywhere else.

1.1. Investigative Methods on the גֵּר in the Old Testament

1.1.1. Lexico-Syntagmatic Approach

The available data on the גֵּר (pl. גֵּרָיוֹן) are biblical texts, predominantly legal materials in Exodus through Deuteronomy (D).\(^{20}\) Consequently, most researchers begin

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\(^{17}\) Ramírez Kidd, *Altery* , 24.


\(^{19}\) James K. Hoffmeier (*The Immigration Crisis: Immigrants, Aliens, and the Bible* [Wheaton, Ill: Crossway Books], 2009) offers a pertinent study, and he rightly exhorts: “we must recognize the vast differences that exist between the cultural, economic, and social milieu of ancient Israel three thousand years ago and present western culture” (p. 25). Nonetheless, he concludes “The ger in the Bible, I maintain, corresponds to a legal alien” (p. 156), but does not clarify the differences between the two. Also, the גֵּר resided within the community of Israel, the covenant people of Yhwh, which may have greater implications for treatment of non-indigenous persons residing within a majority Jewish or Christian context, than immigrants living within the borders of a modern, political country.

by analyzing lexical, syntactical and contextual aspects of the term in each of its more or less circumscribed corpora. Consider, for example, how a basic paradigmatic analysis (synonyms and antonyms) in Leviticus constrains one’s interpretation of גר in this book. The גר class in Leviticus is, with other non-priestly Israelites, hyponomously included in the זר “unauthorized” (10:1) or “lay person” class (22:10; “lay person” meaning one unauthorized as a priest). The גר is also distinct from the בר נכר “foreigner” (22:25) and גשׁב “sojourner,” and possibly contradistinct, along with the Israelites, from הגרים “the nation(s)” (chs. 18-20).

The Holiness Code (HC; Leviticus 17-26) frequently pairs גר with its counterpart, אזרח “native” Israelite. Germane are the constituent members of בן יישרואל אחיכם “your brothers, all the house of Israel” (10:6) and כל־ביתישרואל “Israelites.” Did these include or preclude the גר? Other identities in Leviticus, not to mention those outside the book, that share גר’s broad semantic domain and nuance include: נפשׁקנין “person as property” (22:11); שׁפחה “slave-girl” (19:20); עבד “(male) slave” (25:42); ושׁכיר “day-laborer” (22:10). Lexico-syntagmatic analysis is foundational to those who examine inner-biblical exegesis or allusion, the phenomena of how the lemmas of a text interplay with lemmas from an external text, sometimes called an intertext. Few, however, have explored in any depth inner-biblical revision in the גר texts of the Pentateuch.


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

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

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different geographical or cultural group than the dominant cultural group and whose right of landed property, marriage, and participation in jurisdiction, cult, and war has been restricted.”

This nuance, which still stresses unaffiliated alterity, opens the possibility that the גֵּר, specifically as reflected in Israelite law, is “not a foreigner nor a fully enfranchised member of the tribe of Israel.”

The sociological approach could answer the following question if one were able to reconstruct a text’s historical and social background: What was the גֵּר’s actual status and experience, rather than his idealized or legal status envisaged in biblical law, within a given Israelite or Judean community?

As a subcategory of the sociological approach, comparison and contrast of the גֵּר in the OT with homologous Near Eastern literature – proximate in time, geography and spheres of cultural contact, such as language – is a fruitful avenue, pursued by some, for identifying cross-cultural influence or merely a shared cultural heritage.

Comparison and contrast with analogous literature – not genetically or genealogically connected – may reveal a similar or distinct sociology to that of other unrelated cultures (e.g., D’s גֵּר with Alexandria’s προσήλυτος), but does not typically reveal influences on the OT’s conceptuality of the גֵּר.

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29 M. Matlock and B. Arnold, “Stranger,” NIDB 5:384-85. This is a modification of “גֵּר,” HALOT 1:201: “a man who (alone or with his family) leaves village and tribe because of war 2S 4, famine Ru 1, epidemic, blood guilt etc. and seeks shelter and residence at another place, where his right of landed property, marriage and taking part in jurisdiction, cult and war has been curtailed.”


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

In 1930, James Theophile Meek made the case for three primary גֵר referents corresponding to the historical contexts of the OT’s source documents: גֵר in JE referred to a non-Israelite immigrant with partial tribal membership; in the Book of the Covenant (BC) and D, a resident alien, that is, a member of the indigenous population of Palestine conquered by the Hebrews; in H and P, a naturalized alien, that is, a proselyte to Judaism. Today, many are convinced that D’s גֵר refers to a post-722 Northern Kingdom Israelite immigrant to Judah (see §2.1.1), and HC’s גֵר, a postexilic, non-indigenous – maybe ethnically non-Israelite – cultic member. Pentateuchal laws, therefore, reflect the changing origins and socio-legal positions of the גֵר:

Die soziale und rechtliche Stellung des Fremden (gēr) – so können wir hier zusammenfassend feststellen – hat sich im Lauf der Geschichte Israels gewandelt: vom Schutz vor wirtschaftlicher Ausbeutung in den ältesten Texten des Bundesbuches über ein umfassendes Reformprogramm zur wirtschaftlichen und

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34 Bultmann (Der Fremde, 216) describes the change of the גֵר’s social status within seventh century Judah to a one outside fifth century Israel’s religious community who desired to join it: “Mit dem Wechsel des Bezugsrahmens: vom jüdischen lokalen Milieu zum Konzept eines weit ausgreifenden religiösen Zusammenhalts, hängt der wortgeschichtliche Bedeutungswandel zusammen, in dem die Bezeichnung ger, wohl kaum vor der zweiten Hälfte des 5. Jahrhunderts, ihren sozialen Sinn verliert und zur Bezeichnung derjenigen Gestalt wird, deren Verhältnis zu Israel eigentlich problematisch ist, des Fremden, der von außerhalb der Religionsgemeinschaft kommend ihr zugehörig werden will. Die Fremdheit liegt bei diesem zweiten Strang der Belege für die Bezeichnung ger in der Relation zu Israel als der Gesamtgröße, die durch die jahwistische Religion und ihr Sakralrecht definiert ist, und weil dieses Israel sowohl in der persischen Zeit Juda als auch in der Diaspora lebt, ist sie nicht auf das jüdische Territorium und die konkreten sozialen Möglichkeiten des Lebens in ihm bezogen. Der Fremde ist nicht-israelitischer, d.h. nicht-jüdischer Herkunft und wird erst durch die Beschneidung zum ger (Ex 12:48).”
sozialen Integration im 8. und 7. Jahrhundert, der Zeit des Deuteronomium, bis hin zur völligen Gleichberechtigung in der exilisch-nachexilischen Gemeinde.\textsuperscript{35}

Many affirm that the postexilic Jewish congregation integrated circumcised גרים (Exod 12:48-49), but who exactly were they?\textsuperscript{36} Should we call them proselytes to Judaism in the post-exilic era?\textsuperscript{37} Perhaps they were, like D’s גרים, Northern Kingdom Israelites who yielded to Judean domination after Samaria fell.\textsuperscript{38} Or were they Samaritan hierarchs,\textsuperscript{39} that is, Israelites who stayed in Palestine and joined the exiles who returned;\textsuperscript{40} or conversely, Judean exiles who returned to Palestine?\textsuperscript{41} Or instead were they diaspora Jews traveling to Jerusalem to celebrate the festivals?\textsuperscript{42} All such hypotheses are subject to a reexamination of old evidence and an appropriation of new evidence. One must remember, too, that the differences between the status of the גר in each law corpus may not be the result of different historical conditions or distinct referents or meanings for the term גר, but may simply reflect the theological and ideological differences between one


\textsuperscript{36} Ross H. Cole (“The Sabbath and the Alien,” AUSS 38 (2000): 223-29) argues, with John Calvin, that the Sabbath participants enumerated in Exod 23:12 and Deut 5:12 would have included uncircumcised גרים. If so, then weekly Sabbath provides an exception to the norm of only permitting circumcised aliens to observe Israel’s sacred customs.

\textsuperscript{37} Alfred Bertholet, Die Stellung der Israeliten und der Juden zu den Fremden (Frieburg/Leipzig: J. C. B. Mohr, 1896), 152-78.


\textsuperscript{40} J. G. Vink, “The Date and Origin of the Priestly Code in the Old Testament,” The Priestly Code and Seven Other Studies (ed. P. A. H. de Boer; OtSt 15. Leiden: Brill, 1969), 1-144;


\textsuperscript{42} P. Grelot, “La Dernière Étape de la Rédaction Sacerdotale,” VT 6 (1956): 174-89.
corpus and another.\textsuperscript{43}

1.1.4. Theological and Related Approaches

Interpretive strategies are also needed to expound the theological and religious shape of the germaine texts. What are YHWH’s disposition and actions toward the \( בה \)? Does YHWH metaphorically assume Near Eastern divine or human social roles to compel, by his own example, Israel’s obedience to the \( בה \) injunctions? A subcategory of theology and religion is missiology, yet this field’s popular categories of \textit{centripetal} and \textit{centrifugal} mission must be nuanced when applied to the \( בה \) who resided in Israel’s midst.\textsuperscript{44} The governing questions are two: first, was a \( בה \) by definition one in covenant with YHWH; that is, one who before he entered covenant with YHWH, would have been called a \( נכרי \) “foreigner” (or perhaps a \( זור \) or \( תושב \)); and second, was the \( בה \) incorporated meaningfully into the Israelite community?\textsuperscript{45}

Even if one answers yes to both, some would contest any missional vision since “texts where captives, slaves, and strangers (\( גרים \)) are integrated into Israel present us not with mission but with the normal process of assimilation. Mission implies a community’s conviction of responsibility toward the rest of humankind.”\textsuperscript{46} It is true that

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{44} For this distinction, consult Christopher J. H. Wright, \textit{The Mission of God: Unlocking the Bible’s Grand Narrative} (Downers Grove, Ill.: InterVarsity, 2006), 501-05.
\end{itemize}
\end{footnotesize}
Israelites did not show Near Eastern *hospitality* to גרים since they were not strangers.\(^47\) However, it is also true that the גר must be carefully distinguished from captives, slaves, foreigners, strangers, among other classes, and the codified גר laws suggest a level of humanitarian concern and the intention to protect the גר’s cultic prerogatives.\(^48\) This brief survey indicates the necessity of a multifarious approach to understanding the גר in whichever biblical corpus this figure occurs. An adequate study must navigate between literary, sociological, and theological components.

1.2. This Study’s Aim and Structure: Incentives of a Composite Hermeneutic

The purpose of this study is to provide a more nuanced and exhaustive understanding of the noun גר in the book of Deuteronomy (D). D contains the largest number of גר references in the HB (22, followed closely by Leviticus’ 21 references; n. 20 above), including the distinctive גר-orphan-widow occurrences, that have engendered several essays and monograph chapters. As we will see in the next chapter on the history of research, certain interpretive factors need to be revisited, and in some cases, investigated for the first time. The chapter contents detailed below mark my intention to employ the gamut of methods highlighted in this introduction.

Chapter 2 “Studies on the גר in Deuteronomy” presents a *Forschungsgeschichte*, organized around three foci that recur in the secondary literature: historical and social

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\(^48\) The גר in Exodus may celebrate Passover (12:48-49), in Numbers has the prerogative to sacrifice (15:13-16), and in Deuteronomy celebrates the festivals of Weeks and Booths (16:10-15) and participates in the covenant ceremonies (29:8-12; 31:10-13).
provenance; delineating compositional strata; and ancient Near Eastern comparisons. The chapter concludes with a survey of scholarship’s deficiencies that this study attempts to remedy.

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

Chapter 4 “Immigrant-in-Egypt and Slave-in-Egypt Formulae: Demarcations, Import and Origins” introduces these formulae and presents evidence that indicates a semantic distinction between them. In this regard, the chapter develops and critiques the

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49 Paradigmatic relations, that is synonyms, antonyms and hyponyms in D, include the: ‘orphan’ (אָלָמן), ‘widow’ (יהוֵ Unidos), ‘Levite’ (לוּי), ‘foreigner’ (נָכֹר), ‘sojourner’ (רָשָׁף), ‘Hebrew’ (עִבְרִי), ‘countryman’ (אָח; Leviticus’ term is ‘native’ [אָבָרָאכְוָה]), ‘stranger’ (זר), ‘nation’ (גּוֹי), gentilic nouns (chs. 2, 7, 23, et al.), among other classification nouns.

50 גָּר “to sojourn” has as its subject: the Levite (18:6) and Israel’s ancestors in Egypt (26:5); the latter text will be discussed in chapter 3. גָּר II, an unrelated root, means “to be afraid” (1:17; 18:22; 32:27), and גָּר III, a second unrelated root, means lion’s “cub” (33:22).
work of several scholars, especially, Jose E. Ramírez Kidd.\textsuperscript{51} The chapter’s penultimate section posits literary origins for these formulae. The chapter closes by demonstrating how the formulae offer a critique to developments of the theory of the separation between pre-P Genesis and pre-P Exodus.\textsuperscript{52}

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

Chapter 6 “Social and Religious Integration” proffers a discussion on the extent to

\textsuperscript{51} Ramírez Kidd, Alterity, 86-98.

\textsuperscript{52} Thomas Römer (Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition [OBO 99; Fribourg: Editions Universitaires and Göttingen: Vandenhoek & Ruprecht, 1990), Albert Pury (“Le cycle de Jacob comme légende autonome des origines d’Israël,” in Congress Volume Leuven 1989 [ed. by J. A. Emerton; VTSup 43; Leiden: Brill, 1991), 78–96) and others have argued that there are no pre-P connections between Genesis and Exodus. Developing the work of these studies, Konrad Schmid (Erzväter und Exodus: Untersuchungen zur doppelten Begründung der Ursprünge Israels innerhalb der Geschichtsbücher des Alten Testaments [WMANT 81; Neukirchen-Vluyn: Neukirchener, 1999) demarcates Genesis from Exodus: Genesis presents an autochthonous view of Israel’s origins, whereas Exodus an allochthonous view. Independent of Schmid, Jan Christian Gertz (Tradition und Redaktion in der Exoduserzählung: Untersuchungen zur Endredaktion des Pentateuch [FRLANT 186; Göttingen: Vandenhoek & Ruprecht], 2000) arrives at a similar conclusion.
which D’s laws endeavor to integrate the Ḫū into the Israelite community. With respect to
social integration, the chapter offers comparative material from ancient Near Eastern law
regarding treatment of non-indigenous residents, and then compares and contrasts that
material with the Ḫū laws of the Deuteronomic Code (DC). As for the Ḫū’s religious
integration, research on Deuteronomy 23, and D’s prologue and epilogue are apropos.

The study ends by considering Israel’s election as YHWH’s covenant people and its
concomitant responsibility, or perhaps inchoate mission, to the Ḫū who resided within its
settlements.

Chapter 7 “Conclusions” identifies how this study has attempted to remedy some
of the deficiencies in scholarship, summarizes the results of this study, and suggests areas
for further research.
Chapter 2  

STUDIES ON THE גֵּר IN DEUTERONOMY

2.1. Historical and Social Provenance

2.1.1. Seventh Century Israelites

Conventionally, scholars have viewed the גֵּר in Deuteronomy (D) as a non-Israelite living in Israel with partial citizenship.¹ Or more specifically, D’s גֵּר was a member of the indigenous population of Palestine conquered by the Hebrews; hence, the translation “resident alien.”² So the relationship between Israel and the גֵּר was thought to be analogous to that of the conquering Amorites (awîlum in Hammurapi’s Code) and conquered Babylonians (muškēnum) in the Old Babylonian Empire.³ Otto Bächli believed D’s גֵּר included foreigners and Israelites,⁴ but the watershed theory belongs to Diether Kellermann, who in 1973 identified D’s גֵּר with the Northern Kingdom refugees (Flüchtlinge) who fled to Judah after Samaria fell in 721 BCE.⁵ For instance, the

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³ Meek, “Gêr,” 173.
⁴ Otto Bächli (Israel und die Völker: Eine Studie zum Deuteronomium [ATANT 41; Zürich: Zwingli Verlag, 1962], 128) suggests “daß er sowohl israelitischer Volksgenosse als auch Fremder sein kann.”
Northern Israelites participated in Hezekiah’s Passover in Jerusalem: “The whole assembly of Judah, and the priests and the Levites, and the whole assembly that came out of Israel, and the immigrants who came out of the land of Israel, and who lived in Judah (גרים הבאים מארץ ישראל והיוושבים יהודה), rejoiced (2 Chr 30:25).”

Substantiating his view, even if unintentionally, archaeologists have argued Jerusalem and Judah expanded at that time to accommodate a dramatic population increase, and other biblical texts identify Israelite tribespersons as גרים in Judah. Thus remarks Innocenzo Cardellini, גרים were to the Judeans “brothers in the faith” and therefore worthy of humanitarian care:

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

Judeans, however, may not have been so eager to serve their northern brothers. After all, in this reading D commands Judeans to be generous to Israelite refugees, who until

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


8 Yu Suee Yan (“The Alien in Deuteronomy,” BT 60 (2009): 114) recounts these texts: “In Judg 19:16, an Ephraimite who settled at Gibeah among the Benjamites is called a ger (de Vaux 1961, 74). Second Chronicles 15.9 describes the inhabitants from Ephraim, Manasseh, and Simeon who migrated to Judah during the reign of Asa as gerim. In addition, gerim from Israel who lived in Judah participated in Hezekiah’s Passover festival.”

recently had been wealthier, more powerful, bitter enemies.\(^{10}\)

Matty Cohen affirms that the authors of D have Israelite refugees in view (\textit{a la} Kellermann), but they do \textit{not} show these refugees any generosity.\(^{11}\) He argues that the law codes of D and P are contemporaneous (\textit{a la} Moshe Weinfeld) and concludes: “Les vérifications prolongées et méthodiques auxquelles nous nous sommes livré nous ont permis de retrouver cette définition du \textit{ger} non seulement dans le code sacerdotal mais également dans le Deutéronome.”\(^{12}\) Since D and P share the same historical \(גר\) referent, each one’s distinctive formulation of the carcass (\(נбалת\)) law (Deut 14:21; Lev 17:15-16), for example, highlights each one’s unique ideology: P has adopted an \textit{integrationist} attitude toward \(גרים\), whereas D, a \textit{segregationist} attitude.\(^{13}\) However, isolating one text, Deut 14:21, as evidence that D’s ideology toward the \(גר\) is best characterized as segregationist sits uncomfortably among the DC’s recurring benevolence toward the \(גר\).\(^{14}\) Frank Crüsemann stresses this humanitarianism by analyzing DC’s inner-biblical legal revision of the CC (Exodus 20-23).\(^{15}\) Deut 14:22-29 and 26:12-15 expands the older language of 12:15-19 (offering and allocating tithes); Deut 16:9-15 revises Exod 23:14-17 (cultic feasts); Deut 24:17-18 develops Exod 22:21-24 and 23:9 (legal protection); and

\(^{10}\) Marianne Bertrand (“L’étranger dans les lois bibliques” in \textit{L’Étranger dans la Bible et Ses Lectures} [ed. Jean Riaud; Paris: Cerf, 2007], 78-80) comments: “Juda peut se montrer généreux avec des gens venant d’un pays qui a été plus riche, plus puissant que lui, avec lequel les rapports ont été souvent conflictuels, voire haineux, mais un pays qui n’existe plus maintenant, vaincu, humilié et ruiné.” Similarly, Matty Cohen (“Le ‘ger,’” 156-57) stresses these \(גרים\) were subject to Judean domination and ostracism, as evidenced by Deut 14:21.


\(^{12}\) Cohen, “Le ‘ger,’” 156.

\(^{13}\) Cohen, “Le ‘ger,’” 152, 156-58.

\(^{14}\) Which I later argue is even the purpose of Deut 14:21 (see §5.2.2.2.).

Deut 24:19-22 reworks Exod 23:10-11 (gleanings). Those responsible for these legal reformulations were the עם הארץ “people of the land” during Josiah’s reign in the late seventh century. Such an authorship explains why Deut 14:22-29 and 26:12-15 required no one to give tithes from their produce, livestock, oil, and wine, to a monarchical institution, but only to the deity, YHWH. The עם הארץ subclass was motivated by a philanthropic agenda to enhance the quality of life for the underprivileged.

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

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19 Schwienhorst-Schönberger, “den Fremde,” 112.
2.1.2. Seventh Century Judahites

Bultmann set out to discover “ob die Bezeichnung *ger* (גר) im Alten Testament einen Fremden meint, der nichtisraelitischer Herkunft ist…” and concluded that in D the *גר* is of Israelite descent, but in the Priestly writings, non-Israelite descent. D’s *גר* was therefore not a foreigner or an immigrant (*contra* Kellermann), but was a Judahite who lived outside his clan and did not own land. Thus the *גר* defined by his socio-economic dependent status, in contrast to the economically independent “foreigner” (*נכרי*) who was usually a trader or merchant: “Nach seiner sozialen Lage ist der *גר* eine Gestalt, die über keine Mittel zur Erzielung und Sicherung ihres Lebensunterhalts verfügt, während der *nçkrî* eine ökonomisch selbständige Existenz hat.” The transition in Palestine in the early seventh century from a tribal- or clan-based society to an exclusively village-oriented society intensified the plight of the *גר*, orphan, and widow. This transition perpetuated a new class of landless, temporary workers, *גרים*, who were employed by and reliant on landowning farmers for their sustenance. These social substrata were not a uniquely urban phenomenon, not limited to the capital of Jerusalem,
“sondern gilt für den gesamten judäischen Bereich.”

27 Bultmann, Der Fremde, 214.


29 Enger, Adoptivkinder, 249, 255.
assumption that the kingdom of Judah would accept masses of refugees in flight from the kingdom of Israel, thus risking a clash with the Assyrian empire and undermine its own domestic stability… Even a limited number of refugees could upset the internal order in the kingdom, requiring strict supervision of their movements and actions, while a mass immigration could easily bring down the host kingdom. Finally, I emphasized that Israel and Judah had very different systems of government, economy, administration, society and culture, and questioned whether Hezekiah would have agreed to open the gates of his kingdom to masses of refugees from Israel, especially in the perilous aftermath of Israel’s annexation by Assyria. While it is not impossible that a limited number of refugees arrived in Judah from Israel, but some no doubt returned to Israel once the internal state of affairs stabilized there, and only a small number, mainly, of course, from the poorer strata who had not left behind them lands and properties, remained in Judah and gradually integrated in their new home.  

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

2.1.3. Derivative and Divergent Views

Several scholars derive their positions from Kellermann’s and Bultmann’s stances. Ambrogio Spreatico concurs with Bultmann insofar as the term גרים is not an

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32 Ernst Axel Knauf ("Observations on Judah’s Social and Economic History and the Dating of the Laws in Deuteronomy," JHS 9 [2009]: 2-8) surmises that although Deuteronomy 5-28 was shaped by the influence of neo-Assyrian law and worldview, the laws of Deuteronomy 12-26 reflect the demonetarized (depression era) of the neo-Babylonian Provence of Judah. Following 586, common law from the region of Benjamin remained in use and the Covenant Code was employed by scribes, but no laws, including Deuteronomy’s, were codified until the Persian authorization.
ethnic category; yet in D, it could have still included “non-israeliti divenuti tali a causa di migrazioni interne, come è possibile ritrovare persone delle stesse tribù israelitiche, che per motivi socio-economici si sono spostati dal luogo di origine. Tra questi ultimi si possono includere anche I rifugiati del regno del nord.”33 Similarly, Walter Vogels argues D’s גרים were Northern Kingdom and international immigrants.34 Kenton Sparks believes D’s גרים were individuals from at least three origins: “Some were foreigners displaced by Assyrian imperialism, some were refugees from the Northern Kingdom, and some were probably of the indigenous, non-sedentary variety.”35 He categorizes the various “sojourners” with respect to membership in the Israelite community:

<table>
<thead>
<tr>
<th>Category</th>
<th>Relation to Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landed Israelite (אזרחים)</td>
<td>In</td>
</tr>
<tr>
<td>Unlanded Israelite (גרים/נזרחים)</td>
<td>In</td>
</tr>
<tr>
<td>Non-Israelite on social periphery (גרים)</td>
<td>In</td>
</tr>
<tr>
<td>Non-Israelite in geographical proximity (גרים)</td>
<td>Out</td>
</tr>
<tr>
<td>Foreigner (נבדקים)</td>
<td>Out</td>
</tr>
</tbody>
</table>

D’s גרים would have included: an Israeliite who did not own land – a Northern Kingdom refugee – but who experienced membership status; a non-Israelite on the social margins, but who had membership status; or a non-Israelite in geographical proximity to the community, but without membership status.36

33 Ambrogio Spreafico, “Lo straniero e la difesa delle categorie più deboli come simbolo di giustizia e di civiltà nell’opera deuteronomico-deuteronomistica.” *RStB* 8 (1996): 119; M. H. O. Kloppers (“Die rol en funksie van die vreemdeling (ger) in Deuteronomium” *Fax Theologica* [1986]: 40) concludes in his Afrikaans article that the גר in D does not have an ethnic designation, not least because: “Israel word self as vreemdeling getipeer en dit geld ook die Leviete.”
36 Sparks, *Ethnicity and Identity*, 240-41.
Some researchers, however, diverge from Kellermann’s and Bultmann’s theories altogether and are persuaded that D’s laws presume that the נָר was neither an Israelite, nor a Judahite. 37 Christiana van Houten concludes from her study of DC’s נָר laws that “aliens are consistently characterized as people who are needy and who are non-Israelites. They are defined according to their socioeconomic status and ethnic identity.” 38 The נָר in D’s epilogue enter covenant with YHWH and refer to a specific non-Israelite group: the Gibeonites who entered covenant with Israel and YHWH (Joshua 9). 39 Likewise, Markus Zehnder deduces from D that both נָר and נָכֹר stand in contrast to the ethno-political and religious designations יִשְׂרָאֵל “people” and יִשְׂרָאֵל “Israel.” 40 He contends that Ugaritic and Nuzi constructions are analogous to D’s common נָר qualifier, בֵּית שָׁרוֹן “in your gates.” Since these comparative texts refer to ethnic strangers, it is probable that D’s נָר also designates an ethnic stranger and not an Israelite member of a socially lower class (contra Bultmann). 41 More importantly, Zehnder systematically examines each נָר text in D and finds various indicators that the נָר has ethnically foreign origins. 42 Siegbert Riecker similarly concludes that the נָר in D and throughout Pentateuchal law must have non-Israelite origins: “Trotz aller anders

38 van Houten, Alien, 108.
39 van Houten, Alien, 102-8.
40 Markus Zehnder, Umgang mit Fremden in Israel und Assyrien: Ein Beitrag zur Anthropologie des »Fremden« im Licht antiker Quellen (BWANT 168; Stuttgart: Verlag W. Kohlhammer, 2005), 357.
41 Zehnder, Fremden, 356-57.
42 Zehnder, Fremden, 355-69.
gearteten Überlegungen lässt sich nun feststellen, dass mit dem נָּא Fremden in den Gesetzestexten der Tora ausschließlich ein Nichtisraelit bezeichnet wird, der sich in Israel niederlässt. So können wir schließlich zu der Frage übergehen, inwiefern die Gebote über Fremde diesen Segen bringen können.”

2.1.4. Eighth or Ninth Century Israelites

Like Schwienhorst-Schönberger and Crüsemann, H. Eberhard von Waldow focuses on the reformulation of ancient laws for a new socio-historical setting, but that setting for von Waldow was eighth century Israel. He maintains that the Israelite monarchy worsened the condition of the personae miserae class in ancient Israel. To alleviate the exacerbated plight of society’s disadvantaged members, Northern priests reinterpreted and revised available laws that allocated tithes or produce, ordered the celebration of agricultural feasts, and distributed leftover crops to the poor. Ancient Israelite laws intended to prevent poverty were updated – Deut 14:22-29; 26:12-15 (tithes), 16:9-12, 13-15 (feasts), 24:17-18, 19-22 (remains) – to assuage the plight of those already impoverished. With von Waldow, Bruce Malchow concurs that the Northern Israelite monarchy is to be faulted for exacerbating the plight of Israel’s vulnerable subclasses. Malchow reconstructs this socio-historical context in greater detail. The formation of the state brought centralization, urbanization, and the emergence

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of both an aristocracy and a lower class. In eighth century Samaria, archaeology has uncovered the opulent houses of the wealthy, embellished with imported ivory, which suggests class divisions and the likelihood that the socially weak were maltreated. D’s laws were composed by a subgroup of Northern Israel to counter those who were oppressing the lower classes.

Harold V. Bennett claims that Deut 14:22-29, 16:9-12, 13-15; 24:17-18, 19-22, and 26:12-15 actually worsened the plight of the Northern Kingdom’s socially weak but useful personae miserae.\textsuperscript{46} The Omrides (Ahab, Jezebel, etc.) placed excessive financial burdens on local peasant farmers, the vast majority of the population of the Northern Kingdom, extracting their goods to fund state construction projects. The Omrides also supplanted the YHWH-alone cult in the North and required the peasant farmers to present their offerings at sites where polytheism, Baalism, or henotheism were prevalent. Local peasantry, overburdened by the Omrides, could not also support cultic personnel in the YHWH-alone cult (Elijah, Elisha, Jehu, etc.) whose livelihood was also dependent on peasant farmers’ resources. But if the Omrides had military force to ensure peasantry’s endowments, the YHWH-alone cult had ideology: they created DC’s orphan-widow laws to require peasant farmers to bring goods to a centralized distribution location. “By centralizing the appropriation of these items, they positioned themselves to oversee the allocation of commodities and to guarantee an influx of grain, wine, and meat into their

\textsuperscript{46} Harold V. Bennett, \textit{Injustice Made Legal: Deuteronomic Law and the Plight of Widows, Strangers, and orphans in Ancient Israel} (Grand Rapids/Cambridge, U.K.: Eerdmans, 2002). Bennet holds to a tenth century \textit{terminus a quo} for the BC which is reworked by the (subsequent) DC, which has a seventh century \textit{terminus ad quem}. Literary and theological connections with E and Hosea persuade him of DC’s northern origins. Various features of an escalating central administration in the North as implied in the DC, 1 Sam 8:10-21, the Elijah-Elisha narratives, and Jehu story suggest to him DC’s context is the Omride dynasty.
personal coffers, while using charity toward a category of socially weak, vulnerable persons as a pretext. YHWH-alone cult officials, by fabricating and codifying injunctions from YHWH (DC), justified their establishment of a public assistance program that redirected peasant farmers’ resources and loyalty away from the Omrides back to the YHWH-alone functionaries.

2.2. Delineating Compositional Strata

2.2.1. A Generous Redactor

Van Houten identifies the גֹּזַע in the DC as an ethnic non-Israelite included in cultic, justice or charity concerns, whereas the גֹּזַע in the epilogue (29:9-10; 31:12) is among the hierarchy of Israel’s members permitted to participate in a covenant ceremony, which reflect the ceremonies of Joshua 8:30-35 of which the גֹּזַע is also a participant. She assigns a collection of stylistically related גֹּזַע laws to a single redactor who manifests the same spirit of generosity in both cultic and charity-justice laws. This

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47 Bennett, Injustice, 171.
48 van Houten, Alien, 80-82. The DC’s גֹּזַע laws are a product of Israel’s divided monarchy traditions, both from the north and south: “The migration south of many Levites during the reign of Jeroboam (1 Kgs 12.31; 2 Chron. 11.13, 14), and their new location in and allegiance to Judah would explain the existence of both northern and southern traditions in the book. Nicholson argues for another historical occasion for the movement from north to south, namely, the fall of the northern kingdom. The date of composition of the bulk of the law book is then put in the reign of Manasses. This is also possible. The evidence is ambiguous enough that it cannot be precisely dated. However, it is possible to locate the law book as part of a reform movement which included both northern and southern tradition, and came to play a strategic role in the reign of Josiah” (p. 77).
49 van Houten, Alien, 106.
50 Cultic laws are Deut 5:14; 14:21, 29; 16:11, 14; whereas 26:11, 12, 13 are later supplements to 14:22, 29. The charity and justice laws are Deut 24:14, 17, 19, 20-21. Van Houten (Alien, 77-78) offers two important premises, among others, that support her single, generous redactor theory: first, “In these laws the mention of the alien, orphan and widow, always in that order, is a typical feature (Deut. 24.19, 20, 21). This list of three dependent members of society is also found in many of the cultic laws (Deut. 14.29; 16.11, 14; 26.12). There also they are always mentioned together, and always in the same order, suggesting that the laws were formulated by the same hand.” Second, “the inclusion of the Levite, widow and orphan in Deut. 16.11, 14 and its omission in Deut. 5.14 is due on the one hand to Deut. 5.14’s dependence on
redactional layer is marked by the formulaic motive clauses “remember that you were a
slave in the land of Egypt” (זכור כי־עבד היית בארץ מצרים) \(^{51}\) and “that Yahweh your
God may bless you in all you do” (למען יברך יהוה אלהיך בכל־מעשׂה). \(^{52}\) The גר is
often portrayed as disenfranchised, precluded from owning land, like the Levite with
whom the גר is occasionally paired. Therefore, D’s legislation that protected the גר was
directed toward wealthy landowners who needed to remember their former status as
slaves and sojourners, always dependent on YHWH’s provision.

The care taken by the author in legislating feasts which were characterized by joy
and generosity necessitated the inclusion of the alien, as well as other marginal
groups. In what could be seen as a contradiction, the Israelites were promised
prosperity if they were to be generous to those who were landless. The redactor
was seeking to instill the virtue of generosity by reminding the Israelites of God’s
gracious treatment in the past, and his anticipated generosity in the future. \(^{53}\)

Like van Houten, others have emphasized the humanitarian predilection that compelled
D’s authors to draft regulations on behalf of the socioeconomically and legally
disenfranchised. \(^{54}\)

She also develops Andrew Mayes’ proposal that the deuteronomist in Joshua 9
casts the Gibeonites as גרים (a la Deut 29:10) and not Canaanites or foreigners. \(^{55}\) Both
the גרים in Deuteronomy 29 and the Gibeonites in Joshua 9 are:

related to the Israelites by means of a suzerainty treaty which places them in the
inferior position of a vassal. They are obliged to observe the law of Moses
because it is the law of the land in which they are residing. As permanent

Exodus 20, and on the other hand, to the spirit of generosity which was an essential aspect of the
celebration of the Feasts of Weeks and Booths, according to the author of Deut. 16.11, 14.”

\(^{51}\) Deut 5:15; 16:12; 24:18, 22; see van Houten, Alien, 78.

\(^{52}\) Deut 14:29; 16:15; 24:19.

\(^{53}\) van Houten, Alien, 107.

\(^{54}\) Peter C. Cragie, The Book of Deuteronomy (NICOT; Grand Rapids: Eerdmans, 1976), 233-34,
310-11; Léon Epsztein, Social Justice in the Ancient Near East and the People of the Bible (trans. John

residents they are bound to know that law, and to pay homage to the God who stands behind it.\textsuperscript{56}

Such exclusivity is also seen in the laws regulating Pesach (16:1-8) and in carcass consumption (14:21).\textsuperscript{57} Thus, the generosity of God and native Israelites toward the גָּר never implies that the גָּר was or could become a member of Israel’s covenant community.

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

Paul-Eugène Dion argues D’s גָּר conceptuality is marked by three redactional layers, each with its own ideology toward non-Israelite persons.\textsuperscript{58} He first establishes that the deuteronomistic (Dtr) school relied upon older texts that assumed the גָּר was a non-Israelite immigrant. No less than the גָּר “stranger” and בְּנֵר “foreigner,” the גָּר was distinguished from the Israelite “brother” (אח) (1:16; 24:14). A גָּר was connected to another Israelite (1:16 “his immigrant”), or more fundamentally to Israel (5:14; 29:10; 31:12). Its deverbal etymology (גור), one who “remains” in Israel, and Israel’s residence as גָּרִים in another country, Egypt, further confirm that the גָּר “est donc un immigrant; il habite hors de la population locale, qui ne le reconnaît pas vraiment comme l’un des siens.”\textsuperscript{59} This was the conceptuality of the pre-Dtr material, largely chs. 12-26, that the Dtr school assumed. The first literary stratum, pre-Dtr, contains: 1) a clearly detectible framework of a humanitarian concern, including the גָּר; 2) the antecedents of exterminating Canaan’s inhabitants (ch. 7); 3) the foundational elements of covenant with יְהוּדֶה.

\textsuperscript{56} van Houten, \textit{Alien}, 102-6.
\textsuperscript{57} van Houten, \textit{Alien}, 107.
\textsuperscript{58} Dion, “l’Étranger,” 211-33.
\textsuperscript{59} Dion, “l’Étranger,” 223.
The second stratum, a pre-exilic Dtr redaction during Assyrian domination, aimed to humble Israel and stress its unique destiny. This compelled the Dtr school to produce, from pre-Dtr’s concept of covenant with YHWH, the doctrine of Israel’s election, which emphasizes Israel’s divine service and elevation over other nations.\(^60\) Pre-exilic Dtr’s most visible contribution revolves around the conquest of the holy war. It is curious that this editorial layer, reflecting an exacerbated nationalism, introduces the גּ into the full covenant assembly with a better social position than before (29:10; 31:12), and includes a text like 14:21, that many believe marks the גּ as an ethnic non-Israelite.\(^61\) Dion explains these texts as a change in status of the גּ at the time of Josiah: “Peut-être cette promotion cherchait-elle, en ce temps de crise, à gagner cet élément de la population pour mieux unifier toutes les forces disponibles; on pourrait peut-être comparer cette initiative à l’émancipation des esclaves hébreux Durant le siège de Jérusalem par les Babyloniens.”\(^62\)

With the slow demise of Neo-Assyrian hegemony, the deuteronomists could now shift the blame away from Israel to the corrupt heritage of the ancient inhabitants of the land (i.e., chs. 7, 20). Naturally the third stratum, a Dtr redaction after 587, focuses more than ever on removing from Israel the influence of foreign cults.

Dtr’s attitude toward the גּ did not appear too narrow or cruel compared to that of the other nations of the Near East. In its effort to promote fraternity among its people, the deuteronomic school extended more charitable practices that sought to make less

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\(^60\) Dion, “l’Étranger,” 229; cf. Jer 34:8.

\(^61\) Samuel Rolles Driver, A Critical and Exegetical Commentary on Deuteronomy (ICC; Edinburgh: T & T Clark, 1902), 126, 165; Bächli, die Völker, 127-28; van Houten, Alien, 80-82; Enger, Adoptivkinder, 265-66.

\(^62\) Dion, “l’Étranger,” 230.
bitter the fate of immigrants who were begging for their subsistence in Israelite territory. Yet, this beneficence toward the גּ (who for Dion was a non-Israelite immigrant) was in tension with Dtr’s pro-YHWH and pro-Israel preoccupation. The theme of election leads to YHWH’s unexplainable love for the patriarchs (4:37; 10:15) but also to the notion that the same YHWH created all nations. The question therefore lingers: “Combien de temps l’insistance unilateral du Deutéronome sur les privileges d’Israël allaitelle pouvoir échapper à l’influence d’une comprehension bien mûrie de l’unité des humains dans l’oeuvre et dans les desseins d’un meme Créateur” As Jacques Guillet suggests, only by faith can one accept the profundity of YHWH’s love for Israel whom he elected and his love for the גּ: “A la base, une affirmation qui ne peut venir que de la foi: ‘Dieu aime l’étranger’ (10:18). Pour en mesurer le poids, il faut se souvenir que toute l’histoire d’Israël est née de l’amour de Dieu pour le peuple qu’il a choisi” (see 4:37; 7:7ff; 10:18-19).

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

José Ramírez Kidd posits two distinct socio-historical referents in D: an exilic or post-exilic referent is indicated by the individual גּ in legal and cultic texts, and a pre-exilic referent is indicated by the triad גּ-ור[יהוֹם]-ה gebruik[אָלָמָה], usually dealing with food provisions. The pre-exilic referent is linked to Josiah’s deuteronomic

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63 Dion, “l’Étranger,” 233.
64 Dion, “l’Étranger,” 233.
reforms, and so its origins are explainable by Kellermann’s theory. The following chart delineates the references accordingly:

<table>
<thead>
<tr>
<th>Triad יְסַפְּר references</th>
<th>Individual יָסַפְּר references</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mainly in DC (9 of 11 references)</td>
<td>Mainly in the introduction and appendixes to the DC</td>
</tr>
<tr>
<td>Oriented around eating measures (8 of 11 references), perhaps forming an inclusio in the DC (14:29; 26:12-13)</td>
<td>Oriented around legal and cultic matters</td>
</tr>
<tr>
<td>Eating measures (triad references) linked to deuteronomistic reforms, and therefore, earlier than cultic and legal measures</td>
<td>Mainly exilic and post-exilic references</td>
</tr>
<tr>
<td>Use the Egypt-עבד formula (i.e., “Remember you were a slave in the land of Egypt” 24:22), a motivational clause introduced by זכר, corresponding to the older strata of D</td>
<td>Use the Egypt-גר formula (i.e., “for you were גרים in the land of Egypt” 10:19), a motivational clause introduced by כי and used only with גר injunctions</td>
</tr>
<tr>
<td>Collective subject of the personae miserae (גר-orphar-widow), a “social category of helpless and marginalized people”</td>
<td>Self-standing גר as subject</td>
</tr>
</tbody>
</table>

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

Die Beschränkung der Festteilnehmer auf männliche Vollbürger einer bestimmten Region, wie sie sich in den älteren Festkalendern findet (Exod 34:23; 23:17; vgl. Deut 16:16), ist aufgehoben … Die Durchbrechung der Klassengrenzen im Rahmen der kultischen Freude bleibt aber nicht nur auf die Großfamilien beschränkt, sondern wird auf die gesamte dörfliche Gemeinschaft ausgedehnt. Die örtlichen sozialen Randgestalten, der landbesitzlose und nach der Kultzentralisation ein kommensarme Levit sowie der gēr, die Waise und die

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69 “The reasons behind the eating measures on behalf of the triad יְסַפְּר-orphar-widow’ are to be sought in the effort to counteract the growing poverty of the population due to the process of urbanization, and to the emergence of large numbers of immigrants in Israelite society during the VIII century BC”: Ramírez Kidd, Alterity, 45.
70 Deut 14:29; 16:11, 14; 24:17, 19, 20, 21; 26:12, 13. The two exceptions are Deut 10:18 and 27:19; the former breaks the triad formula, and the latter Ramírez Kidd (Alterity, 35) calls “a late reference based on the pre-exilic triad.”
72 Deut 14:29; 16:11, 14; 24:19, 20, 21; 26:12, 13.
73 Deut 1:16; 14:21; 29:10; 31:12.
74 Ex 22:20; 23:9(Heb.); Lev 19:34; Deut 10:19 ; see §3.1.7.3. for the addition of Deut 23:8.
75 Ramírez Kidd, Alterity, 47.
Witwe, werden in die großfamiliäre Festgemeinschaft integriert, indem der einzelne Adressat dafür in die Verantwortung genommen wird.”

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

2.3. Ancient Near Eastern Comparisons

2.3.1. Formulating the Deuteronomic Triad

In 1972, Moshe Weinfeld cataloged נר יתום ואלמנה among D’s rhetoric and paraenetic phraseology (see Jer 7:6; 22:3). Mayes claimed that D augmented the orphan-widow dyad, found in Hammurapi’s code, with the נר figure. In 1984, Thomas Krapf traced the tradition history of this נר-orphan-widow triad in four stages. One, protecting orphans and widows was a theologically grounded social concern in second millennium Egyptian and Mesopotamian texts. Two, protecting the נר became a specifically Israelite concern substantiated “Als heilsgeschichtliches Thema,” as

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76 Enger, Adoptivkinder, 274.
78 See also Peter Altmann, Festive Meals in Ancient Israel: Deuteronomy’s Identity Politics in Their Ancient Near Eastern Context (BZAW 424; Berlin/Boston: De Gruyter, 2011), 198-212.
80 Mayes, Deuteronomy, 210-11.
evidenced in one of Israel’s earliest legal traditions, the Book of the Covenant (BC; Exod 20-23). An inchoate form of the triad occurs in Exod 22:20-21: (1) אֲלָמָה (2) נֶגֶר “widow” (3) יָתֹם “orphan.” Three, D inverts BC’s order of members two and three to formulate its own distinctive triad: (1) נֶגֶר (2) יָתֹם (3) אֲלָמָה “widow.” The reader’s first encounter with the triad in D is יָתֹם and אֲלָמָה, then the נֶגֶר (10:18-19); after this the נֶגֶר–-orphan-widow becomes typical of the so-called deuteronomistic code (chs. 12-26) and Shechemite decalogue (specifically 27:19). Four, the נֶגֶר–orphan-widow formula occurs in deuteronomistic texts (i.e., Jer 7:1-15), and in later texts, prosaic and poetic, that evince Dtr’s influence.

Ramírez Kidd likewise avers that D has expanded the traditional Near Eastern orphan-widow dyad to the נֶגֶר–orphan-widow triad. Although the triad stresses not its individual members, but the personae miserae class as a collective subject, D’s inclusion of the נֶגֶר is innovatory and worthy of contemplation. This inclusion, maintains Ramírez Kidd, is due to Israel’s relative openness to outsiders in contrast to neighboring societies.

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82 Krapf, “Traditionsgeschichtliches,” 90.
84 Ramírez Kidd, Alterity, 36-40.
85 Ramírez Kidd (Alterity, 39) states “it must be noted that among the characters mentioned together with the pair ‘widow-orphan,’ the stranger is not mentioned. This absence is not extraordinary.” He also provides a sampling of the alternatives from various texts. In Egypt the typical dyad is the widow-fatherless, which is augmented at times with one or more of the following: poor, humble one, citizen, fearful one, one-who-has-nothing, prisoner, sick one, and stranger. In Mesopotamia the recurring dyad is the orphan-widow and is augmented in certain texts with the: weak, widower, abused, deprived, man of one shekel, poorest, refugee, weak. In Ugarit the dyad is the orphan-widow and includes in some instances the poor and oppressed.
Egypt, for example, held responsible its hierarchs for the welfare of those under them, but as a closed society “the principles of solidarity applied primarily to its members. This may explain why, although the protection of the weak was a common policy in the legal and wisdom tradition of the ancient Near Eastern societies, the stranger was very seldom mentioned among them.” This is ostensibly at odds with van Houten, who asserts that the Israelite community denied the stranger full religious status, and in another way, at odds with T. R. Hobbs, who contends that Israel did not show hospitality to the stranger because the stranger was no stranger, but already a covenant member.

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

Deuteronomy 10:17-19, it has been said, reflects YHWH’s royal responsibilities to defend the *persona miserae*, a class of persons “who did not enjoy the status of full citizenship,” or who had “no rights of their own in a lawcourt,” or simply were “open to economic and judicial oppression.” J. G. McConville says Deut 10:17-18 exhibits “a king exercising just and merciful rule.” Regarding Deut 24:17-22, Jeffrey Tigay states that ancient Near Eastern wisdom literature and texts recording royal activities commonly mention the king’s obligation to protect and provide for the welfare of the fatherless and

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86 Ramírez Kidd (*Alterity*, 39) notes that Amen-em-opet of New Kingdom dynasty XVIII refers to the “widow, the stranger and the poor” (*ANET*, 424).
88 Mark E. Biddle, *Deuteronomy* (Smyth and Helwys Bible Commentary; Macon, Ga.: Smyth and Helwys, 2003), 182.
91 McConville, *Deuteronomy*, 201.
orphans, but as we have seen above, “concern for the alien [נָע] is not nearly so common outside the Bible.”92 This ideal kingly responsibility is perhaps best known from the prologue to the Hammurapi’s law code from the second millennium, but also from several biblical psalms that confer this responsibility on Israel’s human king (e.g., Ps 72:1-4, 12-14; 146:7-10). Mayes calls attention to the epilogue to Hammurapi’s code:93

“In my bosom I carried the peoples of the land … I have sheltered them in my strength. In order that the strong might not oppress the weak, that justice might be dealt to orphan (and) to widow … I wrote my precious words on my stela … to give justice to the oppressed” (ANET, 178). There are important similarities and differences between D and Hammurapi’s code,94 not to mention many other Near Eastern personae miserae texts.95

Does D, then, align with the worldview of its neighbors in this regard? F. Charles Fensham answers affirmatively. He argues that texts from Mesopotamia, Egypt, and Ugarit all share the ideal of protecting susceptible subpopulations. Near Eastern practices of aiding those without socioeconomic assistance and protecting them legally compelled

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92 Jeffrey Tigay, Deuteronomy (JPS Torah Commentary; Philadelphia: The Jewish Publication Society, 1996), 228.
93 Mayes, Deuteronomy, 210-11.
94 Deut 10:17-18 (similarly 24:17-22) diverges from Hammurapi’s prologue and epilogue in at least four respects. One, Yhwh, not a human king (see limited role of the human king in 17:14-20), is the impartial executor of justice on behalf of the נָע-orphan-widow. Humans were by no means exempt from providing justice in the HB, as not only kings, but also judges and sages were required to do (Exod 23:6; Prov 22:22); Richard D. Nelson, Deuteronomy: A Commentary (OTL; Louisville: Westminster John Knox Press, 2002), 292. Two, the responsibilities of Hammurapi’s code are slightly different in D: Yhwh executes impartial justice; the law courts were to enforce Yahweh’s justice (1:16-17; 16:19; see Exod. 23:3, 6-8), and every Israelite citizen was to exhibit justice in the community (hence, the recurring 2mp imperatives): McConville, Deuteronomy, 201. Three, D expands Hammurapi’s orphan-widow dyad. Four, typical of D, as of Hammurapi, are imperatives to do justice to – or conversely, to not oppress – the personae miserae. In Deut 10:19 (also Lev 19:18, 34), however, the command is not merely to not oppress the נָע (see Exod 22:20; 23:9), but expressly “you shall love” (ָּאַהֲבַּת as volitional weqatal) the נָע: “This is unusual not only because the beneficiaries of this love are non-Israelites, but because elsewhere Deuteronomy commands love for Yahweh, but not for other humans” (Richard D. Nelson, Deuteronomy, 137).
95 See §6.1. For an introduction to these texts, consult Ramírez Kidd, Alterity, 36-40.
D’s authors to formulate legislation to designate limited provisions for widows, orphans, strangers and other disadvantaged subclasses in ancient Israel.\textsuperscript{96} The proven virtue and success of great Mesopotamian kings, like Ur-Nammu and Hammurapi, was contingent upon their protection for these vulnerable persons in society. Harriet Havice concludes similarly from a more exhaustive survey of ancient Near Eastern materials, including the Old Testament texts, that superiors, such as rulers, officials, kings, and deities, were responsible to demonstrate beneficence toward, and conversely to not oppress, inferior classes.\textsuperscript{97}

On the contrary, Anna Norrback argues that D does not reflect the human hierarchical societies of its neighbors, but emphasizes brotherhood and is shaped as a “national constitution, which uses the ancient Near Eastern treaty pattern and its terminology.”\textsuperscript{98} The pattern is the people’s loyalty to YHWH, the great suzerain king, and YHWH’s beneficence toward the people (e.g., land grant and productivity), and particularly toward the \textit{personae miserae}: “Deuteronomy also presents YHWH as the ideal superior who is the redeemer of the fatherless and the widow and who loves the alien. It is in his interest to protect them. The Israelites are expected to include them as a part of the nation.”\textsuperscript{99}

Likewise, Norbert Lohfink argues D does not reflect the worldview, more specifically the law code language, of other ancient Near Eastern societies, or even of the

\textsuperscript{98} Anna Norrback, \textit{The Fatherless and the Widow in the Deuteronomic Covenant} (Åbo, Finland: Åbo Akademis Förlag, 2001).
\textsuperscript{99} Norrback, \textit{Fatherless}, 252.
OT’s other law collections, the CC and HC.¹⁰⁰ A number of Mesopotamian kings boast in the prologues and epilogues of their law codes that they fulfilled the will of the gods in establishing justice and social reform. Hammurapi’s self-veneration is the most developed and includes a scene of an “oppressed man” who is invited to journey to the Esagila temple, read Hammurapi’s stele that will “make the case clear to him,” and then he can “set his mind at ease.” However, if an “oppressed man” happened to read all 282 paragraphs of the law code proper, he would find nothing about the “oppressed” or “poor.” Beyond just the lack of these terms, there is “no social legislation in the code of Hammurabi. Nor is such to be found in the laws of Ur-Nammu, nor in the laws of Lipit-Ishtar, nor in any other law collection of Mesopotamia.”¹⁰¹ Mesopotamian law codes in this regard stand in stark opposition to biblical law codes, especially D.

Lohfink next analyzes the central function of the *personae miserae*, especially the ָּלָּן figure, within the structure and theology of CC. Biblical texts prior to D, most prominently the CC, use various terms that “had been mixed up without any clear distinction,” but in D are now reduced and separated into two groups: one, ָּלָּן and ַּנָּל, both terms continue to be used for the poor; two, the ָּל-orpho-widow triad, which is never combined with group one.¹⁰² Lohfink once believed that the deuteronomic laws, formulated in Josiah’s time, were preoccupied with concern for the poor, but then he realized the words for “poor” in D (group one) occur not once in any of the *personae miserae* triad passages. His new conclusion is that D’s laws do not add new groups – the

¹⁰² Lohfink, “Poverty,” 43.
orphan, and widow – to the poor class, but restructure society in order to support groups that do not have the capacity to live off the land. D does not envision the elimination of the class of גברים, orphans, and widows. Rather, along with the Exodus narrative, D creates “a world in which one can be a stranger, an orphan, or a widow without being poor.” The problem was that no one could believe this vision, not even the HC authors, whose own legislation should be understood as a retrogression to a pre-D understanding of Israelite poverty. The reason for this is that while the year of debt release offered a radical vision (Leviticus 25), the HC appears to accept that during the lengthy period between jubilees there would always be impoverished Israelites and, we should add, גברים.

2.4. Prospect for this Study

This survey of research reveals that the גברים in D has at times been underinterpreted and misinterpreted. Authors have either not set out to examine comprehensively the גברים in D, for which they cannot be faulted, or they have ignored hermeneutically germane factors as a result of methodological hegemony due to preferences or presuppositions. The present author does not presume this study will remedy all such deficiencies. The following list highlights gaps and conflicts in the scholarship and previews the contributions that this study undertakes in subsequent chapters.

1. One byproduct of historical reconstruction theories is the tendency to apply them without adequate synchronic analysis. Synchrony and diachrony should be viewed as

103 Lohfink, “Poverty,” 44.
104 No scholar has written a monograph solely on the גברים in D.
twins, when one gains ascendancy, the other must voice its response. However, diachronic proposals must not violate the contours of the text, and therefore, a synchronic analysis of D’s גה texts is rudimentary. Consequently, this study examines syntagmatic elements and other contextual limiting factors as internal constraints on interpretation.

2. Another byproduct of current reconstructions of D’s גה origins is a tendency to downplay the narratival and geographical setting of D’s laws. This study recognizes the possibility that D’s גה laws contain narratival elements from earlier Tetratauch lexemes. This is exemplified in a discussion of D’s ג professions in light of Genesis and Exodus. This discussion will also expose heretofore unexplored implications on a growing consensus of the Pentateuch’s Überlieferungsgeschichte.

3. The predominant position, that the seventh century is the terminus post quem of D’s provenance, governs most proposals for the socio-historical referents for D’s ג. Yet, favorable arguments have also been marshaled for tenth, ninth and eighth century Northern origins. The origins and transmission history of D’s laws are far more complex than ג researchers have admitted. Moreover, theories have not adequately explained why D never expressly marks the ג for territory or historical period (Deuteronomy 23 does this only by implication); why do D’s assumptions not manifest for readers more historical clues? In response, this study demonstrates the benefits of a relative dating approach that does not make unverifiable claims for D’s ג referents and historical settings.
4. This study follows those cited above who argue the Deuteronomic Code (DC) reformulated the Covenant Code (CC) (and also Exodus’ Decalogue) and older subsets of laws from ancient Israelite society (i.e., the festivals of Deut 16, that include the גֵּר- orphan-widow, updated Exodus 23’s ancient Israelite cultic festivals).\(^{105}\) This chapter also expands the work of those who argue for the CC as a pre-deuteronomic composition that D transformed exegetically,\(^{106}\) against the inverse view.\(^{107}\) Regarding the H materials (Lev 17-26, et al.), this study furthers the work of scholars who conclude that D is independent from H,\(^{108}\) against the alternative proposal that H depended on CC and DC laws and rewrote them for its ideological purposes.\(^{109}\) The contribution of this study will be to explore how D’s גֵּר laws inner-biblically culminate and revise antecedent Decalogue and CC laws, but also how D’s גֵּר laws overlap or diverge conceptually with H’s genetically independent גֵּר laws.

5. The secondary literature does not adequately explain D’s theological and sociological vision to integrate the גֵּר into Israelite communities. Does D innovatively augment the Near Eastern orphan-widow dyad with the גֵּר because Israelite society was relatively open to outsiders, whereas Egyptian society, for example, was closed due to hierarchical and Egypto-centrism?\(^{110}\) We have already noted in the introduction that

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\(^{109}\) Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy & the Holiness Legislation* (FAT 52; Mohr Siebeck, 2007).

the גר was not an outsider in the way that “foreigners,” “strangers,” “sojourners,” or the “nations” were, since he was normally subject to Israelite law and might have had the opportunity to enter the YHWH cult.\textsuperscript{111} According to D’s legislation, did the Israelite community deny the גר full religious status, or did Israel not to show hospitality to the גר because the גר was not a stranger, but a full covenant member?\textsuperscript{112} That is, was Israel an open, partially open, or said conversely, partially closed society? If the גר was not indigenous to Israel or Judah, it is significant that Israel integrated the גר into various social sectors, even if this integration was only codified in law and never actualized in history. Because scholars have not sufficiently explained the motivation for this integration, this study will reconsider D’s theological, sociological, and embryonic missional conceptualities.

Chapter 3

ESTABLISHING AND ANALYZING THE TEXTS

3.1. Synchronic Interpretive Boundaries

The purpose of this chapter is to allow analysis of textual variants and synchronic elements to constrain interpretation of Deuteronomy’s (D’s) דוג texts. In chapters 4 and 5, as we shall see, diachronic analysis must also influence our reading of these texts and at times modify synchronic conclusions. The synchronic features surveyed include the implied speaker and audience, structure or form, lexical data, usage of terms, and syntagmatic and paradigmatic elements. This chapter analyzes all passages that mention the דוג “immigrant” figure in D, which happen to occur only in the singular and nominal form. Deut 23:2-9 is the one exception that this chapter will treat; for although it lacks the דוג persona, it has significant ramifications for דוג interpretation. The chapter will mention the motive clause “for you [Israelites] were immigrants [דוביניו] in Egypt” (10:19; see 23:8), but we will study this clause in greater detail in chapter 4. Furthermore, the verbal cognate גונן “to sojourn” never occurs in D with the noun דוג. In chapter 4 we will survey the one apropos occurrence of the verb, when Israel’s ancestors are presented as agents of גונן activity in Egypt (26:5; see §4.2.3).¹

The intent of this chapter is not to offer exhaustive commentary on each passage, but highlight the ways D presents and conceptualizes the דוג. My analysis of each דוג

¹ Only the Levite and Israel’s ancestors are the subjects of גונן (18:6 and 26:5, respectively). Separate and irrelevant homonymic roots in D are גונן II “to be afraid” (1:17; 18:22; 32:27) and גונן III “cub” (33:22).
passage will open by presenting the immediate context in the MT followed by my translation. Although MT is normally preferable – I modify it in a meaningful way only once (24:14; §3.1.8.) – I include text critical observations for each נָבִי text because they proffer some of the earliest interpretations, which might reinforce some of our own conclusions. The recurring qualifiers “here,” “in this text,” “in verses x-x,” et al., are employed deliberately because what is said of the נָבִי in one text may or may not resonate with other נָבִי texts. The chapter closes by analyzing proposals to subdivide D’s נָבִי texts by theme or by historical referent, and then evaluates clues for detecting the ethnicity of D’s נָבִי. The conclusions drawn from these analyses attempt to preserve the tension of continuity and divergence in D’s portrait of the נָבִי, which contributes to the rhetorical dynamic created by this paraenetic book.

3.1.1. Deut 1:16-17

ואזם את־שׁפטיכם את־שׁפטי העם לאמר שׁמע בין־אחיכם שׁפטתם צדק בין־אישׁ ובין־אחיו ובין גרו
לא־תכירו פנים במשׁפט כקטן כגדול תשׁמעון לא תגורו מפני־אישׁ כי המשׁפט לאלהים הוא והדבר יקשׁה מכם תקרבון אלי וshall"אשׁר קשׁה מכם תקרבון אלי והשׁמעתיי.

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

Moses begins to elucidate תּוְרָה “this tôrâ” (1:5), and readers might expect “this tôrâ” to be Moses’ subsequent exposition of legal materials, but instead he recapitulates with extreme selectivity Israel’s history in dischronologized sequence (cp. Deut 1:6 to Exod 18:5; 19:1; Num 10:10). In this manner, Deut 1:9-18 condenses the

2 1:16 is a stable text insofar as the word נָבִי and exegetically significant and proximate words and phrases are free of textual variants.
accounts of Num 11:11-17, 24b-30 and Exod 18:13-27, yet still makes room to include heretofore unmentioned elements, such as the נ. In 1:16-17, deuteronomic law is probably not in view, but Israel’s judicial order and administration. 1:16a-cβ’s structure is unambiguous:

The *weqatal* form frequently expresses procedural directives, making it successive with the infitive absolute used as an imperative: “Hear (שמע) [disputes] between your fellow countrymen and you should then judge (षפטתם) equitably between a man and his fellow countryman or his immigrant.” This succession suggests that the colons b and c are in a synthetic parallel relationship since: one, the verbs carry the same deontic volitional force (see n. 5); two, they are modified by בین prepositional phrases; three, in v. 17 verbal forms of שמע are not semantically delineated from שפט (nominal form of שפט in v. 16). Synthetic parallelism suggests שמע “hear” is restated as ושפטתם “judge.

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5 John A. Cook shows that in instructional discourse, as we have in Deut 1:16-17, the *weqatal* is introduced by a deontic imperative (here infinitive absolute with imperative force) and expresses a basic, deontic meaning: “The Semantics of Verbal Pragmatics: Clarifying the Roles of *Wayyiqtol* and *Weqatal* in Biblical Hebrew Prose,” *JSS* 49 (2004): 247-73, esp. 267-69.
equitably,”⁶ and “between your countrymen” is restated as between a man and his countryman and his immigrant.” So “your countrymen” included the Israelite and his גֵר; hence the two other occurrences of the plural noun with plural enclitic pronoun: “your brothers, the Israelites” (3:18) and “your brothers, the sons of Esau” (2:4; similarly 2:8; 23:8).

The syntax within colon v. 16c is less clear, but we can reduce the interpretive options to two. First, the threefold בין construction denotes the interval between (A) איש and (B1) אחיו and/or (B2) גרו on the one hand, and (B1) אחיו and/or (B2) גרו on the other⁷:

In other words, adjudicate between (A) a man (איש) and (B1) his fellow countryman (אחיו). Or possibly, adjudicate between (A) a man (איש) and (B2) the גֵר of his fellow countryman (אחיו). This is supported by the few other occurrences of a threefold בין construction, such as 2 Kgs 11:17: “Then Jehoiada made a covenant between YHWH [on the one hand] and the king and the people [on the other]…”⁸ The second option regards the second conjunction of v. 16cδ as alternative and both enclitic pronouns (1) as referring to איש (v. 16cγ). Thus, appointed judges were to judge between (A) a man (איש) and (B) his fellow countryman (אחיו) or between (A) a man (איש) and (C) that man’s גֵר.⁹

⁶ Cf. “צדק” (HALOT 2:1004-5) is an adverbial accusative of manner: “judge them equitably” (hence v. 17) or perhaps “accurately.”
⁹ TNIV; NET. Ambiguous are JPS Tanakh, NASB, ESV, NLT and NRS.
first option \((A-B^1B^2)\), even if a man’s problem was solely with a רָע, that רָע was tried as a unit with a countryman. In the second option \((A-B \text{ and } A-C)\), a man’s conflict and trial could be either against his fellow countryman \((A-B)\) or against his own רָע \((A-C)\).

Regardless of how one understands the triple בין construction, the imperfective verbs of verse 17 (general or permanent prohibitions and jussive commands) should be read in the context of verse 16.\(^{10}\) The idiomatic commands “You must not regard faces in judgment; you shall hear small and great alike” and “do not be afraid of the faces of a person, for judgment belongs to God” protect against impartial adjudicating that disadvantages either a countryman or רָע, the two parties listed at the end of v. 16. Similar idioms are used 10:17-18 (§3.1.3), but that passage implies the legal vulnerability of the personae miserae, orphan, widow, and רָע, that is not evident in 1:16-17. Also, in 24:14 a countryman (אח) and his רָע are protected from extortion, but they are qualified as “poor and needy” (§3.1.8), something that is not said about the parties of 1:16-17.

In what way is the singular Israelite (or countryman) and רָע related, as marked by the enclitic רָעו, “his immigrant”? Paul-Eugìne Dion explains: “Il faut remarquer les possessives dans ces texts: un gēr d’Untel ou d’Untel. Plus fondamentalement, cette personne est le gēr d’Israël...”\(^{11}\) More clarity is needed, but for it we must look beyond the limited data of 1:16-17. From this text we can draw a few conclusions. First, the רָע is distinguished from either the singular Israelite addressee or countryman, and in this respect: “Pas plus que la zār [“stranger”] et le nokrî [“foreigner”] le gēr n’est un

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\(^{10}\) Arnold and Choi, Hebrew Syntax, 61-62, 137-38.

Second, in ostensible tension to the first point the parallelism between v. 16a and 16b may present גר in a constituent of the plural אחיכם “your countrymen” class (1:16bβ). Third, with respect to judicial affairs, the Israelite and גר were to be treated as equals (likewise 24:14).

3.1.2. Deut 5:13-15

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

In v. 14 MT’s reading גר or your immigrant[sg.]” is preferable to 4Q41 (גריד) and ancient translations. In MT the גר is not distinguished from other Sabbath observers

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12 Dion, “l’Étranger,” 222.
13 Peter T. Vogt, Deuteronomic Theology and the Significance of Torah: A Reappraisal (Winona Lake, Ind.: Eisenbrauns, 2006), 104.
14 MT is supported by the identical syntax of Exod 20:10, arguably D’s source text (גרי), Samaritan Pentateuch (Smr: גר), and Targum Onkelos (T: גר). T⁹ and T⁸ include the conjunction with MT, but probably to facilitate syntax they use a 2m plural enclitic pronoun (T⁹/ T⁸: גריכו). 4Q41 reads גריכו “your immigrants.” The absence of the conjunction may be a harmonization with 14:21, and more importantly, asyndeton neither fits the pattern of conjunction use in the rest of the verse, nor agrees with Exod 20:10. The plural construct noun in 4Q41 (גריד) does not follow D’s pattern of a singular noun with the enclitic pronoun (24:10, 29:10, 31:12), and so might be a number adjustment to the plural “gates” (גרי): “your immigrants who are in your gates.” G (καὶ ὁ προσήλυτος), V (et peregrines) and S (variant [variant is explained by confusing and the internal form of ג], do not have the possessive pronoun. Likely these either removed the first pronoun in the clause, regarding it as redundant (“your [who resides in your midst”), or the definite article for G functions as a possessive pronoun (see Daniel B. Wallace, Greek Grammar Beyond the Basics: An Exegetical Syntax of the New Testament [Grand Rapids: Zondervan, 1996]), 215-16.). Less plausibly, G removed the relative
on syntactical grounds; alternative *waws* are prefixed on every member: “*or* any of your cattle *or* your immigrant.” One may argue “*or* your immigrant” (ولوجي), as MT reads, suggests the יַּעַר was under the care of, was employed by, or served a *paterfamilias* (הָאָמֶן), the recipient of the Sabbath commands.\(^\text{15}\) What exactly was the relationship, as presented in this passage, between the יַעַר and an extended Israelite household, a בֶּט-‘ָּב, and its governing *paterfamilias*?

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

The solid-line circle around אתה “you” represents the prohibition’s addressee and probably his wife, which we may infer from D’s equality for women elsewhere (7:3; pronoun because a יַעַר, unlike a slave, did not belong to the Jewish community. When V and S agree with G against MT, as is the case here, V and S are likely genetically dependent on G. For all the reasons above, MT is to be preferred.

We may follow Frank Crüsemann, who identifies who is not addressed directly, that is, not included in אתה “you” here and especially in the DC: slaves (15:12ff.), immigrants, orphans and widows, sons and daughters, Levites and priests (18:1ff.), the king and officials (16:18; 17:14ff.). By process of elimination, we infer that D’s addressees are free, landowning, male citizens and their wives, whom we shall call *patresfamilias*. The perforated concentric circles do not represent hyponymy-hypernymy. Instead, they portray that each class is distanced incrementally from, and bound by the enclitic pronoun (ך) to, the *paterfamilias* addressee (אתה): 1) the biological children whom you fathered; 2) the male and female servants whom you possess; 3) the livestock that you possess; 4) your גר who is in your gates. The גר here stands alone, possibly warranting the label גר *individuum* (cp. to גר conjoined with Levite, orphan, widow.). Georg Braulik seeks to clarify the relationship of the גר to the Israelite household: “Der Fremde beschließt die Reihe. Er ist ja eine Arbeitskraft, die außerhalb des Hauses steht. Allerdings besitzt er durch seine Mitarbeit dann doch einen gewissen Familienanschluß – er ist»dein« Fremder. Das unterscheidet ihn von den übrigen

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

Sozialfällen, dem Leviten, der Waise und der Witwe, die in dieser Liste fehlen.”

Philip King and Lawrence Stager maintain:

Besides the parents and unmarried children, the bêt-’āb might include several generations of family members, depending on who is claimed as the paterfamilias, along with his wife or wives, sons and their wives, grandsons and their wives, the unmarried sons and daughters, slaves, servants, gērīm, aunts, uncles, widows, orphans, and Levites who might be members of the household. The gērīm were included in the “protective” network, even though not within the gentilic unit. A gēr, who was outside the protective unit, often became a “client” or “servant” of the patron who protected him.

This insightful explanation requires slightly greater precision. In the DC, with the exception of 24:17, the רֹב is presented as one who is outside the protective network of the bêt-’āb, but not obviously in a client relationship to a patron (10:18-19 [reflecting DC, see §3.3]; 14:21, 29; 16:11, 17; 24:17, 19-21; 26:11-13, 19; 27:19; 28:43). I would argue that beyond a patron’s obligation to protect his client רֹב, the DC orders patrons to show compassion toward the non-bêt-’āb, non-client רֹב, simply because they are among the personae miserae who reside “in your gates/midst.” Were the רֹב in 5:14 a member of a bêt-’āb multi-family compound, we might have expected him instead to follow biological children and slaves in the list, but precede livestock. Deut 26:13 also evidences a non-bêt-’āb רֹב: the paterfamilias announces he removed a tithe of produce from his household (פַרְשָׁנִים) and gave it to the Levite, רֹב, orphan, and widow (see

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22 The argument of Ross H. Cole (“The Sabbath and the Alien,” AUSS 38 [2000]: 223-29), that Sabbath participants (Exod 23:12; Deut 5:12) would have included uncircumcised שֵׁנִים, can neither be corroborated, nor refuted; there is a dearth of textual support (Exod 12:48-49 refers to Passover, not Sabbath).
23 The form כֶּרְעָנִים “your immigrant” it is always in the final position in lists in the Hebrew Bible (Exod 20:10; Deut 5:14; 29:10; 31:12; with less significance, see also 1:16 [שֵׁנִים] and 24:14).
The ultimate position of the נָּבִים in the list of 5:14 probably does not subordinate his social status to that of slaves and beasts; were social inferiority of primary concern, we would expect other vulnerable subgroups, like the Levite, orphan, widow. Instead, the נָּבִים’ presence in the list suggests socio-religious integration, but his location after בֵּית-ָּבֶּן members positions him outside the Israelite household unit. Richard Nelson appropriately affirms that Sabbath breaks down divisive social classification, yet the נָּבִים’ client status does place him in a relatively lower social stratum: “The ‘alien resident within your towns’ is literally ‘your resident alien,’ that is, a noncitizen who is in a patron-client relationship with the audience (24:14; 29:10 [ET 11]; 31:12), indicating the elevated social position of the audience.”

The restrictive relative clause אשר בשעריך “who is in your gates” also indicates the נָּבִים’ defining locale lay beyond the confines of an Israelite בֵּית-ָּבֶּן. The pronoun “in your gates” (בשעריך), referring to the paterfamilias (אתה), suggests the נָּבִים was present in Israel’s town gates, not his own; he was geographically allochthonous. The plural object “in your gates” indicates there were נָּבִים present in multiple Israelite settlements. Since there were multiple נָּבִים, it is significant that here and throughout D the noun נָּבִים, when not referring to Israelites in Egypt, is singular, emphasizing not a class of abstracta, but a personal member of the community. The שער “gate” was the center of business, trade, and legal transactions, positioning the נָּבִים with the legally protected and with the

24 Nelson, Deuteronomy, 83.
25 A limiting clause would mean only those immigrants who are in your gates are to abstain from work on the Sabbath. “In your gates” (אשר בשעריך) is a conventional substantival nominative clause that does not mark a subset of the immigrant class, but qualifies the class’ nature (14:21; maybe 14:29; 24:14; 31:12).
26 King and Stager, Life, 234.
local working class. The gate needed to be well fortified since it was the weakest element
of a city’s defense system.\textsuperscript{28} Therefore, the גר’s habitat inside or within (ב) the city gate,
not outside the city (מחוץ לעיר),\textsuperscript{29} intimates that the גר was a non-threatening presence.
The telic clause of the Sabbath command refers only to male and female slaves (למען
ינוח עבדך ואשתך ומעון), but they evidently represented all dependents listed (see
chapter 4 for contrast with Exodus’ Decalogue).\textsuperscript{30} The גר in this text, then, while not a
member of a bêt-‘āb, needed rest from his work, suggesting he functioned as a client or
indentured servant to a paterfamilias. So the enclitic גרך “your immigrant” marks not
possession, or even the responsibility of the entire community to care for the גר, but an
employee relationship to a patron. Although the גר is distinguished here and elsewhere
from male and female slaves, perhaps a non-bêt-‘āb גר conjoined himself to a patron or
landowner through a process similar to that of a runaway slave to a new master (23:16-
17).\textsuperscript{31} Even so, such class origins and divisions are leveled by the power of Sabbath rest
for all workers.\textsuperscript{32}

\textsuperscript{27} Thomas Krapf, “Traditionsgeschichtliches zum deuteronomischen Fremdling-Waise-Witwe-
\textsuperscript{28} King and Stager, \textit{Life}, 234.
\textsuperscript{29} I.e., Gen 19:16; 2 Chr 33:15.
\textsuperscript{30} Christiana van Houten, \textit{The Alien in Israelite Law} (JSOTSup 107; Sheffield: Sheffield
\textsuperscript{31} Dion (“l’Étranger,” 223) supposes: “En fait, le seul passage du Deutéronome que semble nous
dévoiler comment se recrutaient les gērim est 23, 16-17, un texte sur le bon accueil reserve aux esclaves en
fuite,” but to be clear “il n’est pas parmi les esclaves...” I would add the following data to support to
Dion’s supposition. Deut 23:16-17 reads: “You must not return to his master a slave who has escaped from
his master to you. He must dwell with you, in your midst [בקרבך], in the place that he shall choose in one
of your gates [שעריך], where it pleases him. You must not oppress him [תוננו].” The lexemes בקרבך and
שעריך draw a link with the גר and D’s other \textit{personae miserae}, and the lexeme הגר “to oppress” is used
with the גר outside D (Exod 20:22; Lev 19:33; in D the semantic relatives occur: לעשׂה “עביד + המשפתי +
“justice” [24:17; 27:19]). Yet in 23:16-17 עבד is not a metonym for גר: one, the גר is listed separately from the
עביד (Deut 5:14; 16:11, 14); two, nowhere else in D is a גר in relationship to a master ([אדוון]; three, the expression
עביד científico “dwell with you” (23:17) never
describes the גר in the OT (the lexeme עביד occurs with גר only outside D, but never with
עביד).\textsuperscript{32} Nelson, \textit{Deuteronomy}, 83.
3.1.3. Deut 10:17-19

כִּי יְהֹוָה אֱלֹהֵיכֶם הוּא אֱלֹהֵי הָאֱלֹהִים וָאֱלֹהִי הָאָדָמִים חַלְּלָה נַחַל הָנָּבָא תָּהֲדַו וְעַשֶּׂה אֱשֶׁר לְאָרְשַׁי

33 T⁰ and T⁴ translate their Vorlage כִּי מָרֵי מַלְכֵי master of kings (provincial rulers),” which is not likely a separate Vorlage to proto-MT, but a contextualization of this phrase for a later audience.

34 MT, without a 'ו' on יְהוָה “(the) mighty,” is supported by the best G mss (יוֹרֵם in G⁸, G⁸, et al.) and T (גֵּיבָרָא). The conjunction is present in Smr, some G mss (καὶ ἱσχυρὸς in G⁴, G¹), V and S. There is no exegetical significance to one’s preferred reading since the “phrasal waw” – joining all listed items together under a common semantic field – may be found on each item in a series or on the last item (with the same effect): Bruce K. Waltke and M. O’Connor, An Introduction to Biblical Hebrew Syntax (Winona Lake, Ind.: Eisenbrauns, 1990), 648.

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

36 Since 10:18-19 introduces D’s conventional ר-орphan-widow triad in an inchoate form, fitting is this text critical précis by Carmel McCarthy (ed., Biblia Hebraica Quinta: Deuteronomy [Stuttgart: Deutsche Bibelgesellschaft, 2007], 80): “In Deuteronomy mention of the orphan and the widow does not occur without reference also to the resident alien (הָאָרְשַׁי). This trio is listed eleven times (10:18; 14:29; 16:11, 14; 24:17, 19, 20, 21; 26:12, 13; 27:19) in the book, and a further seven times elsewhere (Jer 7:6; 22:3; Ezek 22:7; Zech 7:10; Mal 3:5; Pss 94:6; 146:9). Apart from 10:18, the sequence lists the alien first, followed by the orphan and the widow, in varying syntactical relationships, the most consistent of which in M are: (i) והגר והיתום והאלמנה (14:29; 16:11, 14); (ii) לגר ליתום ואלמנה (24:19, 20, 21; 26:12, 13 [this last case carries a cj. for רלדא]). In the case of (i), the versions agree with M in featuring a cj. [conjunction] for each member of the trio. In the case of (ii) Smr follows M throughout (except at 26:13, where it does not feature a cj. before רלד). G however, features a cj. before the orphan throughout, while V only does so at 24:19 and 26:12. Although there is some variation in M and the versions on the presence or absence of a cj. for the alien (as the first member), they all agree in according a cj. to the widow as the final member of the trio.”

37 MT reads שִׂמְלָה “and an outer garment” (“HALOT 3:1337-8) which is supported by Smr, 4Q128, 4Q138, and the proximity of this word which occurs in 8:4. שִׂמְלָה “your clothing.” XQ1 instead reads שלמה “clothing” (“HALOT 3:1332), perhaps an assimilation to more common usage (see Deut 29:4), or an accidental מ ל metathesis. Since either word may be translated “clothing” or “garment,” one cannot determine the Vorlagen of G, V, S, and T. There is no exegetical significance to one’s preferred reading.
For YHWH, your God, he is the God of gods, and the Lord of lords, the great, mighty, and awesome God who neither shows partiality, nor takes a bribe. He both executes justice for the orphan and widow, and he loves the immigrant by giving him food and clothing. So you must love the immigrant for you were immigrants in the land of Egypt.

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

A second predicate nominative in v. 17 asyndetically follows the first: “YHWH, your God, he is: [1] the God of gods and Lord of lords, [2] the great, mighty, and awesome God.” This triad of attributives (two adjectives, one N-stem) that modify “God” (הֵלֵל) occurs only here and in Neh 9:32: “You are our God, the great, mighty, and awesome God” (זְכָרִי אָלֵהוֹ אַלֵּהוֹ אַלֵּהוּ הָגָבֹר וַהָנָּרָה). For D YHWH had revealed his “greatness” (גדֶל) most often by bringing Israel out of Egypt; and YHWH’s voice on Mt. Sinai was “great” (גדֶל) (3:24; 5:24; 9:26; 11:2). In 7:21, Israel was not to not dread Canaan’s inhabitants because YHWH in their midst is a “great and dreadful God” (לְאַרְיָא אֲלֵהוֹ הָגָבֹר וַהָנָּרָה; 7:21). In 7:21 and here in 10:17, רָאִי in the N-stem predicates YHWH as one “to be dreaded, feared, terrible.” The rare idiom “who does not lift faces” (א־ישׂא לְפְנֵי) is related to the passive “lifted faces” (לֵנָסָה פָּנִים), meaning one who is “esteemed,” and probably refers to raising one’s visage to regard a person of reputable status. The subsequent ו is probably a correlative conjunction since the two copulae are syntactically identical (negated prefix conjugation→transitive verb→object): “who neither shows partiality, nor takes a bribe.” The term שֻׁחַד elsewhere indicates a gift given without ulterior motives, but here it is “gift intended to secure favor,” a bribe.45

41 Nehemiah differs only in its plene orthography: נְבוֹר, נְבֹרוֹ and נְבֹר (cp. D: נְבֹר, נְבֹרוֹ). Jer 32:18 modifies “God” (יהָלֵל) with “great and mighty” (נְבוֹר), whereas Dan 9:4-5 and Neh 1:5 modify “God” (יהָלֵל) with “great and awesome” (נְבוֹר, נְבֹר). Jeremiah 32, Daniel 9, Nehemiah 1 and 9 add the credal language of Deut 5:9-10 (or Exod 20:5-6): “who keeps covenant and does loyal love…”
42 “רָאִי,” HALOT 1:432-33.
43 Normally one finds “regard [נֶּכֶב] a face” or “raise his face [נֶּסַע פְּנִים].”
44 “נֶּסַע,” HALOT 1:723-27.
45 “שֻׁחַד,” HALOT 2:1457.
Both verbs “he neither lifts…nor takes” (לא יקח…לNeither יישא) have a habitual non-perfective force.\(^{46}\) YHWH has not shown partiality or accepted a bribe in the past, nor will he in the future.\(^ {47}\) YHWH is not coerced by a human’s social status or resources, but is predisposed toward those who lack status and resources (v. 18).

Like the previous correlatives, “He neither shows partiality, nor takes a bribe,” the parallel syntax within v. 18 (G-stem transitive participle→object) is probably also correlative: “He both executes justice for the orphan and widow, and loves the immigrant…” Eight times in D, Moses implores Israel to observe (וששתמשífתותות, often with “statutes” [חקים]).\(^ {48}\)

In regard to difficult legal matters, the Israelites were to “do according to the verdict” (תעשٽ עלמשífת) that the Levitical priest declares (17:11). Moses blessed the tribe of Gad, saying, “He observed the righteous (laws) of YHWH, and his ordinances with Israel” (צדקת יהוה עשׂה ומשׁפטיו עם ישׂראל). The unifying notion of all categories of משׁפט, as exemplified by these uses in D, is order.\(^ {49}\) In 10:18, YHWH aligns himself with the order he has established concerning treatment of the orphan and widow. In Hammurapi’s code, the king ensures “that justice might be done for the orphan (and) the widow.” Here Akkadian’s “orphan” ekūtam (from ekūtu) is better translated “homeless girl,”\(^ {50}\) whereas the OT’s non-cognate “orphan” (יתום) most often means a fatherless

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\(^ {46}\) “Es herrscht ein gewisser hymnischer Partizipialstil”: Braulik, *Studien zur Theologie*, 270.

\(^ {47}\) Waltke and O’Connor (*IBHS*, 506) explain, “the habitual non-perfective represents the internal temporal phases of the general situation as occurring over and over again, including the time present to the act of speaking.”

\(^ {48}\) Deut 5:1, 31; 6:1; 7:11, 12; 11:32; 12:1; 26:16 (2x).

\(^ {49}\)HALOT 2:1457.

\(^ {50}\)CAD, “ekūtu,” 4:72-74.
boy. In the ancient Near East a child with a mother, but without a *paterfamilias* to protect and provide for the child and his extended household (*bêt-’āb*), was detached and often stigmatized. The “widow” (*אַלְמָנָה*) in the OT denotes a “wife whose husband is dead.” This was one who, like the orphan, was by misfortune severed from a *paterfamilias*, predisposed to maltreatment and poverty. The construction מְשַׁפֵּט יָתוֹם *אַלְמָנָה* may be an objective genitive: in a culture in which familial solidarity was one’s livelihood, YHWH fulfills his established order for the fatherless boy and husbandless wife.

In addition, an objective genitive aligns with the subject→object syntax of the second clause in the correlative: “(1) He *both* executes justice for the orphan and widow, (2) *and* loves the immigrant [גר]…. ” Both “he executes” (*עשׂה*) and “he loves” (*אוהב*) are G-stem 3ms predicate participles with “YHWH, your God” (v.17) as their implied subject. They are substitutes for the prefix conjugation and indicate characteristic behavior of the actor: YHWH is a deity who executes justice for the orphan and widow and loving the גַּר. YHWH’s love for the גַּר may have overtones that are regal, or parental: YHWH acts as a fatherly figure to the גַּר by giving him food and clothing (10:18). Aside from 10:18, in D YHWH is five times the agent of the verb *אהב*: YHWH

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52 King and Stager, *Life*, 53.
53 “אַלְמָנָה,” *HALOT* 1:58.
54 King and Stager, *Life*, 53.
55 We might expect a quasi dative of advantage, but here there is no ל (see Arnold and Choi, *Hebrew Syntax*, 9-10, 112).
56 Waltke and O’Connor, *IBHS*, 626.
58 All 14 occurrences of *אהב* in Genesis are parental.
loves Israel whom he has elected (4:37; 7:8; 10:15; 23:6) and loves obedient Israel (7:13).

In D אהב is a covenantal term (cf. Mal 1:2-3), so it is possible that YHWH loves the גר both because of Israel’s former status as ע־גרים (10:19) and because the גר was, with the orphan and widow, a needy member of YHWH’s chosen people.

The (G-stem) infinitive construct phrase clarifies the verbal action “he loves the immigrant by giving him food and clothing” (לֹאֹת לְלָחוֹם וְשִׂמְלָה). The antecedent of the indirect object “(to) him” (לֶו; lamed + 3ms proclitic pronoun) is the גר. Here only he, and not the orphan and widow, benefits from YHWH’s gift of food and clothing. The noun לָחוֹם may mean “bread” or “grain for bread, food, nourishment,” specifically referring in D to grain from the fields of Canaan used to produce bread. In 8:3 Moses recounts to Israel how YHWH had let them grow hungry so that he might feed them and teach them “mankind does not live by bread alone, but by everything that proceeds from YHWH’s mouth” (8:3). Even so, YHWH recognizes Israel’s need for physical sustenance, and in Canaan they would “eat food without scarcity” (8:9, תָאכְלֶהַ בָּה לֹא תַחֲסַר). In spite of Canaan’s fecundity, the Levite and גר owned no real estate and were thereby distilled from the cyclical harvests of subsistence agriculture. By unspecified means, YHWH himself provided the גר with food (cf. Psa 145:15-16). YHWH’s second gift was clothing.

If we follow MT (see n. 37), the term שִׂמְלָה may specify the article of clothing as “an outer garment.” In 8:4 YHWH equipped the Israelites in the wilderness with resilient clothing and indefatigable feet: “Your clothing [שִׂמְלָתָךְ] did not wear out, nor did your

59 Arnold and Choi, Hebrew Syntax, 72.
60 “לָחוֹם,” HALOT 1:526-27.
feet swell these forty years.” Since YHWH loves the הָלַע, as he also loves Israel, did he likewise provide resilient clothing and sturdy feet for the הָלַע? It was the responsibility of the paterfamilias to protect his extended household in judicial matters, but also to provide food and clothing for the members of his household.62 A metaphor for Israel’s deity emerges: YHWH functions as a surrogate paterfamilias for the orphan, widow and הָלַע. So this text intends for readers to perceive the affective component of YHWH’s הָלַע-love, but are there also covenantal overtones associated with YHWH’s הָלַע-love?

William Moran crafted the seminal thesis that love of God in D is a technical term restricted to loyalty to YHWH, as that of a vassal to his sovereign king expressed in the Near Eastern international treaties.63 Bill Arnold has provided an important caveat to scholarship since Moran that has discredited the affective dimension of D’s love in favor of a strictly cognitive component (exclusive loyalty).64 Arnold argues that the lexical fields of love (حب) and fear (עֵרֵי) interplay in D’s prologue as an intentional antinomy such that “‘love’ is restricted in order to prevent an affection devoid of reverence. Conversely, ‘fear’ is restricted to prevent a terror devoid of delight. The two lexemes complement each other in Deut 5-11 deliberately to define the covenant relationship between YHWH and Israel, and thereby create a covenant ethic for ancient Israel.”65 This applies to Deut 10:18-19 which is best understood in both its cognitive and affective

62 King and Stager, Life, 36-40.
dimensions: YHWH’s love for the גֵּר is emotive (as a paterfamilias), but also must have covenant overtones (as he loves Israel).

So in D, Israel’s love (عطاء) was to be directed toward only two expressed objects: YHWH (5:10; 6:5; 7:9; et al.) and the גֵּר (10:19). The weqatal form爱你 “So you must love the immigrant” (10:19) has a volitional force that is logically consequent to the participle “YHWH loves the immigrant…” (v.18).66 The principle is imitatio dei: YHWH’s גֵּר-love logically compels Israel’s גֵּר-love.67 YHWH’s love may also specify how Israel was to love: by providing the גֵּר with “food and clothing” (לוהם ושמלת; v. 18). Several casuistic laws in the DC identify ways the Israelites were to emulate YHWH in meeting the גֵּר’s physical and socio-religious needs (i.e., 14:29; 24:19-21; 26:11-13; 24:14, 17; 27:19). Along with YHWH’s love, Israel’s collective memory also compelled גֵּר-love. The dependent causal כי clause substantiates obedience to the weqatal: “So you must love the immigrant because you were immigrants in the land of Egypt” (v. 19).

Conventionally, interpreters have regarded both גֵּר-Egypt andעבד-Egypt formulae as invoking empathy for underprivileged individuals.68 Instead, the גֵּר-Egypt formula evokes a kindness reciprocal to that which Egyptians showed Jacob’s family (see §4.4.1).69 While גֵּר-Egypt andעבד-Egypt formulae should be distinguished, if he was not

66 Waltke and O’Connor, IBHS, 536; Arnold and Choi, Hebrew Syntax, 88.
67 Waltke and O’Connor (IBHS, 536) suggest the weqatal volition was logically consequent to both YHWH’s גֵּר-love in v. 18 and his supremacy in v. 17. Against this view, the כי statement regarding YHWH’s supremacy (v.17) is too far removed to be the first syntactical foundation for Israel’s גֵּר-love. Rather, the command to love the immigrant depends on the immediately preceding proposition that YHWH loves the גֵּר (v.18). YHWH supremacy (v. 17), nevertheless, makes his love for the גֵּר all the more remarkable and Israel’s response, more reasonable.
69 Ramírez Kidd, Alterity, 86-98.
shown kindness, the סר might devolve into an עבד, as Braulik intimates: “Sie gibt dem Fremden, was er zum Leben braucht, und bewahrt ihn damit vor wirtschaftlichen Zwängen, die nur zu leicht in Sklaverei endeten.”

The narratival flow of Deut 10:17-19 begins in ch. 9 by recalling Israel’s golden calf rebellion. In the face of Israel’s recalcitrance, YHWH is relentless in reestablishing his covenant with the Israelites (10:1-11) and reconfirming his land grant to them. This divine grace engenders a call to Israelite fidelity that frames our passage (10:12-13 and 10:20-11:1). Recurrence within the unit is central to the theological argument:

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

v.14 YHWH is Sovereign: YHWH, your God יへוה אלהיך, owns the heavens and earth
v.15 YHWH loves: YHWH loved爱你ם [ ArgumentException ] Israel’s ancestors and Israel, too
v.16 Command: Circumcise your heart [ weqatal ], stiffen your neck no more
v.17 YHWH is Sovereign: YHWH, your God יへוה אלהיכם, is supreme, yet impartial
v.18 YHWH loves: YHWH loves爱你ם the זר
v.19 Command: You must love [ weqatal ] the זר

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

Even though YHWH owns the universe (v. 14), he elected and loved Israel’s ancestors and Israel also (v. 15). In response, the Israelites must “circumcise the foreskin” (מלתם את ערלת) of their hearts to obey YHWH’s will (v. 16). If YHWH, who owns the world, set his affections on Israel (and not because of Israel’s righteousness [9:6]), how could the Israelites stay recalcitrant toward him? The logic recurs in vv. 17-19 in parallel symmetry. Even though YHWH is the supreme deity (v. 17), he is impartial and not

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70 Braulik, Studien zur Theologie, 316.
71 Gerhard Von Rad (Deuteronomy [OTL; Philadelphia: Westminster, 1966], 84) notes the significance of circumcision in Jer 4:4 as an act of dedication and cleansing.
bribable (v. 17), he both defends the orphan and widow, and loves the נער (v.18; see Psa 146:9). If supreme YHWH condescends to benefit the disenfranchised, only arrogant selfishness would prevent an Israelite from doing the same. 10:14-19, then, is a panegyric to YHWH that crescendos with YHWH’s tangible נר-love and the injunction to imitate him. 72

3.1.4. Deut 14:21

няти 않은 כל־עורח לפני אשלו והנה לא תנתנה ואכלה או מכר לזר ז farkes א_vmieכ לא תבשל גדי בחלב אמו

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

MT’s reading לא (also G, V, Smr, and T) without a prefixed conjunction is preferable to S (also S) that maintains continuity with S’s conjunctions on the preceding sentences (14:8-20). 73 The lack of conjunction in 14:21 in MT, “You must not eat anything which dies. [You may give it] to the immigrant…” militates against reading this prohibition as the negative counterpart of 14:20, “You may eat any clean bird” (see command in 14:11 with counterpart prohibition in 14:12). Even so, the theme of appropriate consumption interconnects these

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

73 One would need to argue for a separate Vorlage than MT to retrovert S as לא, rather than viewing S as adding a conjunction to enhance fluidity. McCarthy (Deuteronomy, 46) writes that G also includes a conjunction in 14:21a, but more accurately, G and the majority of G mss do (και), while G does not: Alan E. Brooke and Norman McLean, eds. The Old Testament in Greek: According to the text of Codex Vaticanus, supplemented from other uncial manuscripts, with a critical apparatus containing the variants of the chief ancient authorities for the text of the Septuagint. Vol. 1: The Octateuch (Cambridge: Cambridge University Press, 1917), 602.
volitives with those throughout the chapter (14:3-20, 26-29). The addressees of ch. 14’s commands are identified in 14:1-2:

כִּי טֹמֵן אֶתְּנָה לָוהֶה אֵלֶּהֶם אַלְוְאָגָדוּרֵי אַפַּרְשֵׁהַהַ קָרְוֵה בַּעַי יִתְכָּבָל
כִּי טֹמֵן אֶתְּנָה לָוהֶה אֵלֶּהֶם בַּעַר הָלוֹה אֵלֶּהֶם לָתָּם סְפֵלָה מָכְלַעֲמֵשׁ אִשְׁרָאֵלְמִי הַאַדַּנְדָה

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

The expression in vv. 1-2 recurs identically in v. 21:

כִּי טֹמֵן אֶתְּנָה לָוהֶה אֵלֶּהֶם: “for you are a people holy to YHWH your God.” This causal clause substantiates both the general prohibition of carcass consumption (v. 21a) and the volitives to give and sell a carcass to a גר and נכרי “foreigner,” respectively (v. 21b-d). Christiana Van Houten remarks:

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

The logical end for Alfred Bertholet, among others, is that v. 21a distinguishes both נכרי and גר from the holy people of YHWH (v. 21b-d): “Der Ger des Deuteronomiums ist noch nicht der Proselyt, aber er ist daran, sich demselben zu nähren. Er ist zu gewissen aber noch nicht zu allen religiösen Geboten verpflichtet (14.21).” Derivative from this, Markus Zehnder claims, with others, that: “Die Vermutung liegt nahe, dass das die ethnisch fremde Herkunft des גר impliziert.” As an ethnic non-Israelite the גר was

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74 The volitives of vv. 21e-22 also lack the conjunction and like vv. 20-21 should be read as distinct commands.
75 Van Houten, Alien, 81.
76 Alfred Bertholet, Die Stellung der Israeliten und der Juden zu den Fremden (Frieburg/Leipzig: J. C. B. Mohr, 1896), 103; so also Weinfeld, Deuteronomic School, 226-32.
neither fully integrated, nor subject to obey most deuteronomistic laws: “La majorité des lois ne concernent pas les émigrés, ceux-ci n’ont donc pas pour tout, les mêmes possibilités ou obligation que l’Israélite, ainsi en Deut 14:21 que nous avons déjà citées plus haut. L’intégration est donc imparfaite.”

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

Even though the גר (and נכרי) in this text is regarded as a non-member of God’s holy people, Israel has a responsibility toward the גר. Instead of translating the

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78 Marianne Bertrand, “L’étranger dans les lois bibliques” in L’Étranger dans la Bible et Ses Lectures (ed. Jean Riaud. Paris: Cerf, 2007), 64; so also Weinfeld, Deuteronomic School, 226-32; see §5.2.2.2.
80 Weinfeld, Deuteronomic School, 226-32; see §5.2.2.2.
imperfect חתנה permissively “you may give it to the immigrant,” more fitting is a strong injunction followed by a consequential weqatal: “You must give it to the immigrant who is in your gates so that he may eat it”(לגר אשׁר־בשׁעריך תתננה ואכלה). A strong injunction has the advantage of: one, maintaining the same force as the injunctions and prohibitions of vv. 20 (האכל), 21a (לא תאכלו, 21), 22 (לא תבשׁל); two, correlating conceptually with the strong injunction in 14:29 to leave one’s triennial produce tithe בﺷׂערך “in your gates” for the Levite, נר, orphan, and widow (cf. here נר אשׁר־בשׁעריך); and three, aligning with D’s other strong injunctions to provide food for the נר. Yet, to command one to give the carcass to the נר eliminates the option of selling it to the foreigner. Thus, to translate או as separating the two main clauses is not possible: “you must give it to the immigrant so that he may eat it, or you may sell it to the foreigner” (italics mine). Instead, “or sell it to the foreigner” (ואו מכר לנכרי) would be a prerogative that D intends for the underprivileged נר, not the landowning Israelite: the נר may eat the carcass or he may sell it to a foreigner. Thus, או separates the sentence’s subordinate, not main, clauses: “You must give it to the immigrant who is in your gates, so that he may eat it or sell it to a foreigner” (see §5.2.2.2). A strong injunction and consequential weqatal in v. 21b-c (“You must give it to the immigrant… so that he may eat it or sell it”) indicates that 14:21 has a socio-economic objective in

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81 ESV, NAS, NLT, NRS, TNIV.
82 JPS Tanakh; see Waltke and O’Connor, IBHS, 509-10.
83 Command to give tithes (26:12-15); YHWH loves the immigrant by giving him food and clothing and commands Israel to emulate his immigrant-love (10:17-19); command to compensate fairly (24:14); commands to leave produce for gleaning (24:19, 20, 21).
84 The coordinator או may separate main clauses or separate subordinate clauses: Waltke and O’Connor, IBHS, 654-55.
addition to its socio-religious concerns.  

3.1.5. Deut 14:28-29

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

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

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85 For the implications of this text in comparison with the carcass law of Lev 17:15, see §5.2.2.2 below.
86 There are no relevant textual variants in 14:29.
87 Deut 6:11; 8:10-12; 11:15; (26:12, a second tithe law); 31:20.
Israel’s *patresfamilias* were responsible for giving and transporting their annual tithe to the central location (vv. 22-27) and giving and depositing their triennial tithe in their cities’ gates (v. 28). As for eating these tithes, notice the pattern of (1) parties, (2) social purposes, (3) locales, and (4) theological purposes. In the annual tithe ritual (vv. 22-27):

(1) The *patresfamilias* and his household (אֲתָה וּבְיַהֲרָךְ), with the Levite (v. 27), were (2) to eat and rejoice (consequential *wegaṭals* והָאֵכָלָה וְשַׂמְחַת) (v. 26)

(3) in “the presence of YHWH your God” (לפְנֵי יְהוָה אָלָהִיךָ) (vv. 23, 26)

(4) “so that you may learn to fear YHWH your God always”

(לָמָּן תַּתְלִימָה לְרָאָה אֵלֶיהָ אֲלָהִיךָ כָּל־הָעַיִם) (v. 23)

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

(1) the Levite, ר, orphan, and widow who are in your gates (v. 29), were (2) to come, eat and be satisfied (consequential *wegaṭals* והָאֵכָלָה וְשַׂמְחַת) (v. 29)

(3) in the city gates where the tithes were deposited (vv. 28-29).

(4) “so that YHWH your God may bless you in all the work of your hand which you do”

(לָמָּן יִבְרָךְ יְהוָה אָלָהִיךָ בַּעֲラֵחַ מִפֶּרֶשֶׁת) (v. 29)

Comparing these elements illuminates discrepancies. Since the ר, orphan, and widow did not eat the annual tithe with a *patresfamilias* and his household (אֲתָה וּבְיַהֲרָך; v. 26), it is reasonable to infer that these *personae miserae* were not members of an Israelite *bêt-‘āb*. The ר and orphan had no indigenous and biological father, respectively, while the widow, no husband. The Levite, however, was included: “But as for the Levite who is in your gates, you must not neglect him, for he has no portion or inheritance among you [רָי אֵינָי לְחָל וּנְחֵל עָמִּים]” (14:27). He was not allotted land inheritance in Canaan because YHWH was his inheritance. So while most Levites were probably considered a

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88 In G the clause grammatically agrees only with “the widow” (...ο όρφανός καί ἡ ξήρα ἢ ἐν ταῖς πόλεσιν σου), but may still modify all three or four preceding identities; see n. 98 for a similar phenomenon in 16:11.

89 Num 18:20-23; Deut 10:8-9; 12:12; 14:29; 18:1, 2; Josh 13:14.
minority subtype of *paterfamilias* (Num 1:47-49ff.), they owned no land, so they neither harvested crops, nor husbanded livestock. The present form of the pentateuchal narrative explains that they were commissioned by YHWH to serve with Aaron’s sons at the tent of meeting; and they were compensated for their service by sacral taxes, provisions from the tithes and sacrifices of those who owned land (Num 18:21-32; Deut 18:1-4; 26:12-13). Why is the Levite included in the annual tithe, but not the גְּרֵי , orphan, and widow? “An explicit reference to local Levites,” postulates Richard Nelson, “may seek to cushion the negative economic effect of centralization on this group, in that the former use of the tithe to support the local sanctuary had been eliminated (see 12:12).”

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

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90 YHWH in the Numbers narrative designates *every* tithe as an inheritance (Num 18:21), but D is the first to draft legislation for a triennial tithe and therefore must substantiate the Levite’s consumption of both annual and triennial tithes (see §5.2.2.1). Consequently D includes for both tithes the causal forensic clause “*because he has no portion or inheritance among you*” (כִּי אין לו חַלֶּךָ וַחַנְלָה עָמֶּךָ). Verse 27 modifies הלוי “the Levite” with the restrictive substantival clause “who is in your gates” (אַשֵּׁר בַּשָּׁעֶרֶךָ), which suggests that in v. 29 he is among those “who are in your gates” (אַשֵּׁר בַּשָּׁעֶרֶךָ), along with the immigrant, orphan, and widow.

91 Nelson, *Deuteronomy*, 186.
widow – incites YHWH’s blessing of enduring productivity (v. 29).

3.1.6. Deut 16:10-14

Then you shall celebrate the feast of Shavuot to YHWH your God with a tribute of a freewill offering from your hand, which you must give as YHWH your God blesses you; 11 and you must rejoice before YHWH your God, you and your son and your daughter and your male and female servants and the Levite who is in your gates, and the immigrant and the orphan and the widow who are in your midst, in the place where YHWH your God chooses to establish his name. 12 You must remember that you were a slave in Egypt, and you must be careful to observe these statutes. 13 You must celebrate the feast of Sukkoth seven days after you have gathered in [the produce] from your threshing floor and your winepress; 14 and you must rejoice in your feast, you and your son and your daughter and your male and female servants and the Levite, immigrant, orphan and widow who are in your gates.

Preceding this passage, 16:1-8 details Pesach regulations, which are discussed in a later chapter (§5.2.1.2). Significant here is that the emphasis on a centralized Pesach continues in the form of centralized Feasts of Shavuot and Sukkoth (16:2, 5, 6, 7, 11, 15, 16). 93 A subscription of the three feasts underscores that males were primary gift-bearing devotees:

92 In v. 11 the reconstructed, original form of 4Q30* reads [והלוי אשם בשעריך... [בכברך] והגר והיתום והאלמנה] אשם בשעריך... [בכברך]. MT, with Smr, G, T, S, V, reads: והגר והיתום והאלמנה אשם בשעריך... [בכברך]. The original, reconstructed form of 4Q30* is the lectio difficilior since it contains [hoverimet haolahmey]; MT, with Smr, G, T, S, V, reads: [hoverimet haolahmey]covetousness. The secondary form of 4Q30 is more than likely a harmonization with the first part of 16:14 (והגר והיתום והאלמנה אשם בשעריך... [בכברך]). The original, reconstructed form of 4Q30* is the lectio difficilior since it contains [hoverimet haolahmey]covetousness. The secondary form of 4Q30 is more than likely a harmonization with the first part of 16:14 (והגר והיתום והאלמנה אשם בשעריך... [בכברך]). The original, reconstructed form of 4Q30* is the lectio difficilior since it contains [hoverimet haolahmey]covetousness. 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Three times a year all your males must appear before YHWH your God at the place that he will choose: at the feast of Unleavened Bread, at the feast of Shavuot, and at the feast of Sukkoth. They must not appear before YHWH empty-handed. Every man must give as he is able, according to the blessing of YHWH your God that he has given you.

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

<table>
<thead>
<tr>
<th>Celebrant</th>
<th>Celebrant</th>
<th>Celebrant</th>
<th>Celebrant</th>
</tr>
</thead>
<tbody>
<tr>
<td>אָהָה</td>
<td>וּבְנָךְ</td>
<td>וּבוּתָךְ</td>
<td>וּטְבַּדְךָ</td>
</tr>
<tr>
<td>אָם</td>
<td>וּאמֶת</td>
<td>וּהָלָלי אָשֶׁר בַּשּׁעֶרִי</td>
<td>וּהוּר הָיֹתֶם הָאֲלָמָהּ</td>
</tr>
</tbody>
</table>

The addressee is the 2ms subject, implied [אתה] and expressed [אתה] (vv. 11, 16), and would have likely included one’s wife (see 5:14; n. 16 above). All celebrants are interrelated by the recurring proclitic conjunctive ו, and secondary celebrants are syntactically related to the addressee. As argued above for the Sabbath celebrants (see §3.1.2), the implied author distinguishes between those within the *paterfamilias’ bêt-’āḇ*, here marked solely by י – “your son, your daughter, your male servant, your female servant” – and those outside the *bêt-’āḇ*, marked by restrictive relative clauses with the enclitic י: “the Levite who is in your gates, and the immigrant, orphan, and widow who are in your midst/gates.” The original form was likely v. 11, the feast of Shavuot, where the author qualifies both the Levite “who is in your gates” (אשר בַּשּׁעֶרִי) and qualifies

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the, orphan, and widow “who are in your midst” (אֲנָשֵׁי בַּיַּרְדִּים). Verse 14 reduces the
two nominal clauses to one: “the Levite, the immigrant, orphan, and widow who are in
your gates” (הֶולְיוֹן וּדַקְתֵּר וְהַיתָם וְהַאָלָמָה אֵשֶׁר בְּשַעְרֵיכֶם).

In v. 11 the prepositional phrase in MT בַּיַּרְדִּים “in your [sg.] midst” is supported
by Smr (בַּיַּרְדִּים); 4QDeut⁶ (בַּיַּרְדִּים); S (בַּיַּרְדִּים); and T⁰ (דְּבַנְדִּים “who is between you
[sg.]”).⁹⁵ Against this reading, G, V, and Targum Pseudo-Jonathan (T⁰) all contain a
plural “you” (בַּיַּרְדִּים), but MT should be slightly preferred.⁹⁶ The
significance of MT is difficult to determine since D’s final form vacillates between
singular and plural 2nd person, personal pronouns for historically debatable reasons.⁹⁷ The
emphasis here, as is found elsewhere (23:17; 26:11; 28:43), may be on the audience as
individual constituent members of the community (rather community as a collective
whole) accountable to care for the “immigrant, the orphan, and the widow who is/are in

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⁹⁵ Regarding בַּיַּרְדִּים in 4QDeut⁶, Ulrich (Qumran, 213) flags the ב and י in this fragment as
possible and probable letters, respectively; כַּרְדִּים are certain letters.

⁹⁶ The enclitic pronoun is plural in the following witnesses: G (ἡ ἐν ὑµῖν); V (vobiscum); and T⁰ (בַּיַּרְדִּים). T⁰ betrays a free translation independent of V and G since it employs 2nd plural pronouns
throughout the verse. T⁰ betrays free translation and may not be a separate Vorlage to MT. V appears to be
dependent on G since they both shift mid-verse from singular pronoun usage to plural. Since this shift is not
easily explained by unintentional error or translation liberty, G, V, and T⁰ represent the
lectio difficilior. Perhaps more importantly, this prepositional phrase occurs elsewhere in D. In MT the 2m plural, enclitic
pronoun occurs only once (בַּיַּרְדִּים; 1:42), but with a singular pronoun, 11 times (בַּיַּרְדִּים; 6:15; 7:21;
13:2, 12, 15; 17:2; 19:20; 23:17; 26:11; 28:43). MT (with Smr, 4Q30, S, T⁰) may have assimilated to the
typical singular pronoun (especially, 23:17; 26:11; 28:43). However, MT may be original, and G’s reading
a translational preference since elsewhere when MT reads singular (בַּיַּרְדִּים), G reads at times singular (בַּיַּרְדִּים).
G reads at times singular (בַּיַּרְדִּים). Thus, G may have assimilated to the plural form employed in 13:12, 15; 19:20; 23:17. Furthermore, the
clause in G (with V and T⁰), ἡ ἐν ὑµῖν ἐν τῷ τόπῳ, may be retroverted: בַּיַּרְדִּים. In Assyrian
script כַּרְדִּים כַּרְדִּים כַּרְדִּים. Pre-Persian square script and some Persian square scripts do not
distinguish between non-final and final kaphs, and since both relevant words end in mem, the scribe of MT
may have skipped over the first word’s final mem (haplography). Conversely, the G translator may have
inserted a final mem by association with the similar-looking consonants (like dittography) and the mem in
the second word. Based on the cumulative data, MT is probably still preferable.

29-87; E. W. Nicholson, Deuteronomy and Tradition: Literary and Historical Problems in the Book of
your [sg.] midst” (אשׁר בך). Likely the indefinite relative particle אשׁר refers back not only to the widow, but to all three members of the triad (cf. 26:11; 28:43).98

The addressee was to present a freewill offering, as he was able, at the central sanctuary and rejoice (vv. 10, 16-17), but the other listed celebrants were solely to rejoice (שׂמח; vv. 11, 14). “The festal pilgrimages and their joyful pilgrimages,” Moshe Weinfeld notices, “seem to be designed almost only for the benefit of the poor (16:11 and 14).”99

The celebrants included the Levite, immigrant, widow and orphan, ostensibly conjoined as a tetrad (see §3.1.9 on 26:12, 13). As is conventional for the גר-orphand-widow triad, the החקים האלה “these statutes,” namely, the prescriptions for the feast of Shavuot (vv. 9-11) (see §3.1.12). Israel’s recollection of their status as forced laborers in Egypt magnifies their joy in YHWH and his present blessing on their crops (see §4.4.2).

The language used to motivate observance to the feast of Sukkoth is YHWH’s forthcoming blessings on Israel’s agrarian efforts, resulting again in Israel’s joy (v. 15).

The גר joins the landowner, Levite, orphan, and widow in meditating on Israel’s past suffering and YHWH’s present and imminent bounty. The גר’s subjective religious attitude, however, is not in view here or elsewhere in D, only his objective inclusion in God’s people, as von Rad has noticed: “Es muß betont werden, daß im Dt. jeglicher Hinweis auf die subjective religiöse Einstellung des גר als einer Bedingung der

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

99 Weinfeld, Deuteronomic School, 290.
Eingliederung fehlt. Was das Dt. allein mit großer Emphase fordert, ist deren objective Einbeziehung in das Gottesvolk."\textsuperscript{100} This inclusivity in 16:10, 14 envisions the בֵּית יהוה as a full and equal member in the cultic harvest celebrations of, what Braulik calls, YHWH’s family: “Sie sind zu den Höhepunkten des Bauernjahres, wenn sich ganz Israel zu den Erntefesten im Heiligtum von Jerusalem versammelt, ebenfalls als volle und gleichberechtigte Glieder der »Familie Jahwes« einzuladen.”\textsuperscript{101}

3.1.7. Deut 23:2-9

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

\textsuperscript{100} Gerhard von Rad, Das Gottesvolk im Deuteronomium: Inaugural-Dissertation zur Erlangung der Lizentiatenwürde (BWANT 47; Stuttgart: Verlag W. Kohlhammer, 1929), 46.  
\textsuperscript{101} Braulik, Studien zum Deuteronomium, 82-3.  
\textsuperscript{102} For the primary text critical issue in this passage, see n. 105 below.  

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3.1.7.1. Introductory Issues

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

In the unit, three ethnicities are prohibited generally from entering (לא־יבא), and one class permitted, or invited, to enter (יבא להם) into “the assembly of Yahweh” (קהל יהוה). Those precluded are men with crushed or severed genitals (v. 2), people born from an illegitimate sexual union (v. 3), and the first through tenth generation Ammonite and Moabite (A-M when used collectively) (vv. 4-7). The A-M are excluded because of their adversarial, historical treatment of Israel on the way to Canaan. Conversely, the third generation Edomite and Egyptian (E-E when used collectively) are permitted to enter קהל יהוה; the Edomite was permitted because he is Israel’s relative, the Egyptian, because Israel resided as a גר in his land.

A. D. H. Mayes believes the unit is comprised of laws from disparate origins. According to Heb. versification, he designates vv. 3b, 4b, and 9 as later additions, vv. 5b-7 as the hand of the “deuteronomic legislator,” and v. 5a as later than Deuteronomy 2.

Verse 3b and 4b (“even to the tenth generation, none of his descendants may enter the

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103 J. G. McConville (Deuteronomy [AOTC 5; Leicester: Apollos; Downers Grove: InterVarsity, 2002], 348) observes, “may relate to the Abrahamic formula by which nations are blessed or cursed according to their attitude to Abraham’s descendants (Gen 12:3).”

104 Mayes, Deuteronomy, 314.
assembly of YHWH”) may indeed be intensifiers added later. However, v. 8 by itself is disjunctive (with vv. 2, 3a, 4a), and needs v. 9 to complete it. Verses 5b-7 may be from “deuteronomic legislator” since deuteronomic themes of cursing and Yahweh’s love for Israel, disdain for the disapproved nations are themes present. Verse 5a may be later than Deuteronomy 2, following Mayes. In v. 5a the rationale for excluding the A-M is their treatment of Israel on its Transjordanian migration: “because they did not meet you with food and water on the way when you came out of Egypt, and because they hired against you Balaam, son of Beor, from Pethor of Mesopotamia.” In contrast, Deut 2:29 states that the “sons of Esau” and the Moabites did supply food and water for Israel on its Transjordanian journey, and in 2:9, 19 YHWH commands: “Do not harass Moab and do

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

106 Most interpreters believe the rationale for excluding Amonites and Moabites from קהל יהוה is rooted in their antagonistic interactions with the Israelites when they traveled from Egypt to Canaan (Deut 23:5-6; 2:9; 2:26-37 [esp. 2:28-29]; Numbers 22-24 [esp. 23:5-10]). Most notably, Ammon (absent from Deut 2:9) was inhospitable toward Israel, and Moab hired Balaam to prophesy against Israel. Subsequent to Israel’s Transjordanian journey, tensions between Israel and A-M continued (Jud 3:12-13; 10:7-8; Isa 15-16; Jer 48; Ezek 25:8-11; Amos 2:1-2; Jer 49; Ezek 25:2-10; Amos 1:13; Zeph 2:8-9; 2 Sam 8, 10; 2 Kgs 3). Ian Cairns (*Word and Presence: A Commentary on the Book of Deuteronomy* [ITC; Grand Rapids: Eerdmans; Edinburg: Handsel, 1992], 202) argues that the rationale for exclusion was also religious, that is, Ammonite (and likely Moabite) fertility rites became a snare to Israel (see Jud 10:6) and Moabite worship resembled Canaanite (Moabite Chemosh, ‘sun,’ like Canaanite Ashtar, ‘morning star’). Von Rad (*Deuteronomy*, 146) expresses how remarkable it is that the “harsh exclusiveness of the religion of Yahweh towards other cults” does not mandate here in Deut 23:2-9 a “wholesale rejection.” Craigie (*Deuteronomy*, 297) posits the rational that the A-M were believed to be descendents of the incestuous relationships between Lot and his two daughters (Gen. 19:30-38). This point may suggest a link between the prohibition in these verses and that contained in v.3.” Craigie (*Deuteronomy*, 298) also observes that “Israelites were also forbidden to negotiate political treaties with Ammon and Moab. The language employed in v. 7 (peace, friendship) reflects directly the terminology of Near Eastern political treaties.”
not provoke them for war” (אלהים את認めם ואיתנהו במלתו) and “The sons of Ammon, do not harass them or provoke them” (בני עמון אלتراثם ואיתנהו ב). Even if 23:5a was a later addition, Deuteronomy 2 and 23 are yet compatible: Israel could obey the prohibition of seeking Ammon’s and Moab’s peace and prosperity (23:7) by bypassing their land (2:9, 19) and barring them from entering קהל יהוה (23:4).

3.1.7.2. What is קהל יהוה in 23:2-9?

This study attempts to answer two questions: what is קהל יהוה in 23:2-9? and Who are the non-Israelites in 23:4-9? Scholars have offered three definitions of קהל יהוה in 23:2-9, each spawning derivatives: one, the entire Israelite community107; two, all male, full citizens in the army, as well those in the cultic and political congregation;108

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

108 “Unter dem qehel jahweh ist die Gesamtheit der männlichen Vollbürger im Heeresaufgebot sowie in der kultischen und politischen Versammlung zu verstehen”: Kurt Galling, “Das Gemeindegesetz in Deuteronomium 23” in Festschrift Alfred Bertholet (Walter Baumgartner, et al., eds.; Tübingen: J.C.B. Mohr [Paul Siebeck], 1950), 178. Derived from Galling’s definition are: “The fully enfranchised male citizens not only in cultic gatherings in the narrow sense, but also in the military levy” (A. D. H. Mayes, Deuteronomy [NCB; London : Oliphants, 1979], 315); “The cultic levy (the Norse Thing) of the free men, whether for purposes of war or for the annual feasts, that is to say, for events at which the sacral union of the tribes appeared in full array,” and the particular levy, קהל יהוה, only included YHWH worshippers who enjoyed full participation in the cultic community’s practices (Gerhard von Rad, Deuteronomy [OTL; Philadelphia: Westminster, 1966], 146); “fully enfranchised male citizens who are eligible for cultic participation and also for military service” (van Houten, Alien, 99); “der kultischen JHWH-Versammlung” (Eckhart Otto, Das Deuteronomium [BZAW 284; Berlin/New York: Walter de Gruyter, 1999], 232).
three, full members of the worshipping community.\textsuperscript{109}

The phrase קהל יהוה is found in D only in ch. 23, but here it occurs six times in eight verses (23:2, 3[2x], 4[2x], 9). Even though the construct chain קהל יהוה serves as a \textit{Leitwort} throughout 23:2-9, its recurrences do not clarify its meaning since it is a \textit{terminus technicus} with a dearth of contextual indicators.\textsuperscript{110} For instance, although we can confidently assert that קהל most often means ‘contingent’ or ‘assembly’ and is definite (since יהוה is definite), what is the meaning of the genitive construction?\textsuperscript{111} The best options are descriptive, possession, source, and subjective, as explained respectively: the assembly \textit{characterized by} יהוה, \textit{possessed by} יהוה (יהוה’s assembly), \textit{dependent on/derived from} יהוה, or those whom יהוה assembles. One path beyond the impasse of comprehending קהל יהוה might be literary placement. The קהל יהוה unit is situated between laws concerning marital and sexual ethics (22:13-23:1) and personal

\textsuperscript{109} Christopher Wright (\textit{Deuteronomy} [NIBCOT 4; Peabody, Mass.: Hendrickson, 1996], 247) defines קהל יהוה as the “assembly of those who belong fully to the covenant community and gather for worship, for the reading of the law, or for festivals.” This community “is not quite coextensive with the whole nation, which includes various people who are not full members of the worshipping community.” Likewise Gary Hall (\textit{Deuteronomy} [Joplin, Mo.: College, 2000], 343) writes “the assembly [of Yhwh] was not synonymous with the whole nation of Israel but referred specifically to those people who were full-fledged members of the covenant community… The assembly referred to here is likely the community of Israel gathered in worship at festivals and other special occasions, or a similar assembly gathered to make public decisions. This law is not addressing the issue of who may be a member of the nation, but the issue of who may enter the community as it was gathered to worship the holy God.” Craigie (\textit{Deuteronomy}, 296-97) also delineates the entire Israelite nation from קהל יהוה, or what he calls ‘true’ Israel. The former included “resident aliens and others who, though a part of the community, were nevertheless not full members of it,” whereas the latter “shared in the worship of the Lord.” McConville (\textit{Deuteronomy}, 347) says קהל יהוה anticipates “the assembly at worship in the land.”

\textsuperscript{110} Robert Alter (\textit{The Art of Biblical Narrative} [U.S.A.: Basic Books, 1981], 92) defines \textit{Leitwort} – which is not limited to the narrative genre – as “a word or word-root that recurs significantly in a text, in a continuum of texts, or in a configuration of texts,” and through its recurrences one ideally apprehends the meaning of the text more lucidly or profoundly.

\textsuperscript{111} A קהל has various expressed purposes (i.e., battle, summons to court, feasts, worship), constituents (i.e., Israel, non-Israelite enemies, post-exilic cultic community, returning exiles, crowds, the dead), places (i.e., in the wilderness), and times (i.e., specified date).
Some regard this larger unit, 22:13-23:19, as an explication of the Decalogue’s sixth word, “You shall not commit adultery” ([לא תנאף] in Deut 5:18; Ex 20:14), in which case 23:2-9 delineates the unadulterated assembly of YHWH, but this understanding cannot be validated.

This study will proceed with a brief syntactical analysis, followed by an investigation of usage outside D and alignment within D. Each time the phrase occurs in ch. 23, it follows the formula “X [sg.] must not enter the assembly of YHWH” (לא־יבא...בקהל יהוה (v. 2, 3, 4). The pattern deviates in 23:9 with the Edomites and Egyptians (23:8-9): “Children born to them of the third generation may enter the assembly of YHWH” (בניים אשר־יולדו להם דור שלישי יבא لهم בקהל יהוה). The spatial sense of the preposition ב designates the goal of the movement of the verb אוב: “enter in/into the assembly of YHWH.” Moreover, the negative particle לא with the

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112 McConville (Deuteronomy, 348) believes קהל יהוה (23:2-9) has military connotations because of the subsequent laws of personal hygiene in Israel’s army camp (23:10-15). Against this view, the setting of 23:2-9 is קהל יהוה (v. 2, 3, 4, 9), but that of vv. 9-14 is מחנה “army camp” (vv. 10, 11[2x], 12, 13, 15).
114 This is plausible since the preceding laws relate to preserving life (22:1-8), that is, the fifth word, and the following laws relate to respecting others’ property (23:25), that is, the seventh word. This rubric cannot be applied rigidly; for example, how to treat an escaped slave (23:15-16) cannot be regarded as an application of the prohibition of adultery. One might say the קהל unit is preoccupied with maintaining an assembly ‘unadulterated’ by men with crushed or severed genitals, illegitimate children, Amonites, Moabites, and first and second generation Edomites and Egyptians. Yet, to stretch the semantic domain from physical and spiritual adultery to adulterated clothing, nature, community, etc. is an unlikely extension of the Decalogue’s sixth word.
115 Waltke and O’Connor, IBHS, 196.
imperfect בֵּי commands a general or permanent prohibition (vv. 2, 3, 4), whereas בֵּי in v. 9 carries the jussive nuance of permission, or even invitation. The formula in toto expresses a contingent into which individuals are prohibited generally from entering (vv. 2-4) or are permitted or invited to enter (v. 9). Thus, the composition of the קהל יהוה fluctuated socio-ethnically depending on the profiles of those subsequently admitted or excluded.

Outside D, קהל יהוה occurs in Micah 2:5, Num 16:3, 20:4, and 1 Ch 28:8. Micah 2:5 reads, “Therefore no one will cast a lot cor d for you in the assembly of YHWH” (לכן לא־יהיה לך משלך בתוגר בקהל יהוה). The book of Micah has been shaped by alternating oracles of judgment (1:2-2:11…3:1-12…6:1-7:7) followed by oracles of salvation (…2:12-13…4:1-5:4…7:8-20). Within the first judgment oracle, 2:5 asserts that no one will assign the guilty party, identified as בית י’hו (v. 7), land within or among קהל יהוה.

Here קהל יהוה signifies a larger consortium of

116 Arnold and Choi, Hebrew Syntax, 63-64, 137.
117 Gary Hall (Deuteronomy, 343) states that the קהל יהוה phrase occurs outside D as “the assembly of the LORD gathered to conduct business (Micah 2:5), crown a king (1 Kgs 12:3), do war (Judg 21:5, 8), adjudicate legal cases (Jer 26:17), or worship (Joel 2:16).” Unfortunately this is a misleading statement since 1 Kgs 12:3, Jer 26:17, and Joel 2:16 are not references to קהל יהוה, but to קהל ישראל and קהל, respectively. In Jdgs 21:5 קהל and יהוה are not in a genitive relationship; translated “Who did not come up in the assembly from all the tribes of Israel to Yahweh?” (מeshire נמי אשור: מי אשׁר לא עלה בקהל מכל־שׁבטי ישראל אל־יהוה). Since it is likely that אל־יהוה modifies לא־עלה rather than ישורא אל־יהוה, most English translations smooth out the word order, “Who from all the tribes of Israel has failed to come up to the assembly of YHWH?” (JPS Tanakh; NET; NASB). The problem with Gary Hall’s data (1 Kgs 12:3; Jer 26:17; Joel 2:16) is not that these occurrences of קהל definitively do not inform קהל יהוה in Deuteronomy 23, but that their pertinence is unclear.

118 Since קהל יהוה occurs in Micah 5:2, Kurt Galling believes the phrase within Deuteronomy 23 is pre-deuteronomic: “Das Gemeindegesetz,” 178.
120 Ralph Smith, Micah-Malachi (WBC 32; Dallas: Word Books, 1998), 25; against Carmichael (Laws of Deuteronomy, 172 n. 25) קהל יהוה in 2:5 is not tantamount to בית י’hו “the house of Jacob” in 2:7. Instead, rather the implied subject of the verbal construction in 2:5 “you will not…” – distinguished from the קהל יהוה – has the same referent as the vocative בית י’hו “the house of Jacob” (v. 7).
God’s people in the future that enjoyed land allotment. 1 Chr 28:8 uses קהל יהוה in David’s charge to his son Solomon: “So now, in the sight of all Israel, the assembly of YHWH” (ועתה לעיני כל־ישראל קהל יהוה). First, קהל יהוה is in apposition to leadword כל־ישראל “all Israel.” Probably קהל יהוה identifies the bearer of the collective, though personal, name כל־ישראל; all Israel functions in the role of the assembly of YHWH. 121 1 Chr 28:8 also contains parallelism:

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

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

In Num 16:3, Korah, his cohorts (16:1), and 250 “leaders of the congregation, chosen in the assembly, men of renown” (16:2) assail Israel’s divinely appointed leaders:

They assembled together against Moses and against Aaron, and they said to them, “You have gone far enough for all the community are holy, every one of them, and YHWH is in their midst; so why do you exalt yourself above the assembly of YHWH [על־קהל יהוה]?”

The preposition על functions adversatively in the beginning of the verse (“against Moses and against Aaron”), but here על functions spatially: the accusers oppose Moses and Aaron not for acting against קהל יהוה (unless the accusers perceived 15:32-36 and 15:37-41 antagonistically), but for lording their authority over or above קהל יהוה. Thus

121 Two other syntagmatic options clarified by Waltke and O’Connor (IBHS, 230-32) are as follows. One, the appositive provides “further information about the subclass to which the leadword [as a common noun] belongs,” translated “all Israel, and particularly within all Israel, the assembly of Yhwh.” Two, the appositive is a name, usually personal, that qualifies its identification, translated “all Israel, namely, the assembly of Yhwh.” It is difficult to conceive of “all Israel” as a common noun (option one) and equally hard to see קהל יהוה as a personal name (option two).
is a metonym for the entire community of Israel, every member of which, says the Korah accusers, has an egalitarian status with YHWH’s endorsing presence: “all [in] the community are holy, every one of them, and YHWH is in their midst.” The genitive construct קהל יהוה in this context means “the assembly that belongs to YHWH” or “the assembly endorsed by (the presence of) YHWH.” Moses’ rejoinder (16:6-7) and YHWH’s response (16:20-21) shows that employing the label קהל יהוה as a metonym for the Israelite community endorsed by YHWH does not give Israel impunity. Like Num 16:5, Moses in 20:1-5 falls on his face, this time with Aaron at the entrance of the Tent of Meeting, and the glory of God appears to them (20:6). קהל יהוה (20:5) from the complainers lips, which functions likewise metonymically in place of “the community” (עדה, 20:2) and “the people” (עם, 20:3) and “us” (אנחנו, 20:4-5). The people self-identify as קהל יהוה in order to intensify the gravity of Moses’ maltreatment of them. Surprisingly, YHWH demonstrates that he values “this assembly” (הקהל הזה; 20:12) by providing water from the rock for them (20:7-8, 11), yet Moses’ patience with the people had depleted (20:10-12).

All four uses of קהל יהוה outside D connote the contingent of YHWH’s privileged people. The privilege in Micah 5:2 was land; in 1 Chr 28:8, God’s presence. In both Num 16:3 and 20:4, Aaron, Moses, and YHWH do not deny their accusers’ assertion that קהל יהוה was privileged, they only clarify that the privileges did not include egalitarianism or impunity for assailing YHWH’s appointed leaders. These uses outside D do not limit קהל יהוה

122 Korah, Dathan, Abiram, On, and the 250 male leaders of the congregation were not referring to themselves only since they use 3mp (rather than 2mp) pronominal suffixes, but the whole Israelite community: “all [in] the community are holy, every one of them, and YHWH is in their midst” (כל העדה כלם קדשים ובתוכם יהוה).
יהוה to males, military personnel, or even to a cultic or worship setting (nn. 108-9). This correlates with D’s application of the root קהל to the entire Israelite community gathered at Horeb (4:10; 5:22; 9:10; 10:4; 18:16) and in Moab (31:12, 28, 30). The privilege of those gathered was to hear: the words YHWH spoke to Moses (4:10; 5:22; 9:10; 10:4), YHWH’s voice (18:16), the words of this tôrâ (31:11-12; 28); the words of Moses’ song (31:30). And with privilege comes the obligation of obedience to the divine word. The root קהל never occurs in the cultic festival gatherings of Sukkoth (16:13-14) and Shavuot (16:10-12), and the lists of participants in these festivals have clearly been shaped by a socio-economic concern (male and female slave,.grpc or orphan, widow, Levite). However, these feasts and the קהל יוהו unit are part and parcel of the DC, suggesting that קהל יוהו, YHWH’s privileged people, assembled in YHWH’s presence to celebrate these festive meals.

3.1.7.3. Who are the non-Israelites in 23:4-9?

What is this unit’s Sitz im Leben and how would D classify the Ammonite ( אמנון) and Moabite ( מואב) (vv. 4-7), Edomite ( עדמי) and Egyptian ( מצרי) (vv. 8-9)? One view is that these non-Israelites were survivors of herem, or YHWH war. H. Cazalles identifies the A-M and E-E as נרימי who were refugees or captives from Israel’s military

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124 McConville (Deuteronomy, 348) writes: “… the question of admission to the assembly is raised at this point, since Israelites would rub shoulders with non-Israelites during the nation’s life in Canaan. (The incompleteness of the herem, or ‘sentence of destruction’, is recognized by both Deuteronomy and the book of Joshua; see on 7:2-3.) The fact of a mixed population, together with a doctrine of the election of Israel, led to the reflections on qualification for membership of the assembly found here.”
campaigns (see 20:1-9; 21:10-14). Deuteronomy 23:4-9, therefore, is “une loi interne permettant d’incorporer un non-Israélite au qâhâl de YHWH, l’un à titre de frère, l’autre en raison de l’hospitalité qu’il a témoignée en faveur d’un réfugié, un ger [גר].”

Certainly herem did not annihilate the Canaanites (Deut 21:10-14; Josh 2:1-24; 9; Judges 1), perpetuating Canaan’s already heterogeneous population, but the A-M and E-E were bordering peoples, not Israel’s enemies in the herem wars in the land of Canaan (Deut 2:1-37; 7:1). A second view submitted by Kurt Galling is endorsed by Mayes: “The most likely setting for the laws is border sanctuaries where the acceptance or rejection of these non-Israelites in Israel’s cultic life would have been an issue.”

A-Ms may have been present at the Mizpah sanctuary (see Judg 10:17) and E-Es at the Beersheba sanctuary, but the generic membership regulations of the Israelite community would have originated at a west Jordan sanctuary. The whole collection of laws “may have been preserved at Gilgal, Israel’s most significant west Jordan border sanctuary, where they would have been used in the ritual by which foreigners would be accepted into the Israelite community.” This border sanctuary theory resolves the issue of Israel’s neighbors seeking admission into קהל יהוה, but contradicts the evidence that קהל יהוה in D is YHWH’s people assembled. Also, if 23:4-9 condones border sanctuaries, it must

126 Cazelles, “Droit Public,” 100.
127 Galling (“Das Gemeindegesetz,” 180) observes this discrepancy: “Die Einordnung der unterworfenen kanaanäischen Gebiete in der frühen Königszeit bildet keine Analogie und weist auch da beachliche Modifikationen auf.” McConville (Deuteronomy, 349), without arguing for different literary strata between Deuteronomy 2 and 23, writes “… in Deut. 2:19, which is interested in the fact that Israel has no right to the territory of Moab, which has also been apportioned by Yahweh….” (italics mine).
128 Galling, “Gemeindegesetz,” 180-81; Mayes, Deuteronomy, 315.
129 Mayes, Deuteronomy, 315.
represent an earlier stratum that the deuteronomists, against their cultic centralization impulse (chs. 12, 16, 17, et al.), included without modification. Such a view is unsubstantiated.

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

Nach der vorgeschlagenen Interpretation kann das deuteronomic qahal-Gesetz als eine Quelle dafür gelten, daß im 7. Jahrhundert in der judäischen Monarchie Fremde edomitischer und ägyptischer (sowie ammonitischer und moabitischer

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

131 Ramírez Kidd, Alterity, 87, see 95.

Siegbert Riecker is right to infer that foreigners were to be accepted into קהל יהוה on the conditions that they did not have a bodily condition resulting in the community’s uncleanness (23:2) and that their former community had a disposition of blessing toward Israel (23:4-6). Acceptance into YHWH’s assembly “kommt einer Anerkennung als Israeli gleich.” Thus, Riecker believes that the avoidance of the terms בֶּן “immigrant” and נָכְרִי “foreigner” for designating the one to be accepted shows that the former status is unimportant in this process.

The reason for the elusiveness surrounding the non-Israelites in 23:4-9, I would propose, is that Deut 23:4-9 does not reproduce the culture’s socio-religious dynamics, but attempts to reconfigure – and in reconfiguring conceals – those dynamics by means of new laws. In other words, vv. 4-9 does not represent the already normative process of admission into YHWH’s assembly, but creates a new prescription for admission. For this reason, D does not clarify who these non-Israelites are, but how Israel should regard them. D has already elucidated Israel’s responsibility to destroy Canaan’s inhabitants (ch. 7), but in Joshua the Gibeonites are an exception (cf. Deut 7:2; Josh 9:15). Van Houten argues that the Gibeonites of Joshua 9, who were involved in temple service, were the historical referent of Deuteronomy 29’s נָכְרִי and were presented as distinct from the נָכְרִי “foreigner” class since, “. . . the Deuteronomist is concerned that foreigners [נָכְרִי] should

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133 Bultmann, Der Fremde, 119.
135 Riecker, Priestervolk, 338.
136 Riecker, Priestervolk, 338.
Like the deuteronomists’ presentation of the Gibeonites as נכרים and not נביר, this study would argue that Deut 23:4-9 bifurcates these non-Israelites into D’s “foreigner” ( נכרי) class and “immigrant” (בר) class. The dialogue that motivated the drafting of Deut 23:4-9 may have transpired as follows: “We once resided in or migrated through the lands of Egypt, Edom, Ammon, and Moab, but some of them are now in our land. Can they enter the assembly of YHWH’s people?” D’s response: “Regard the Ammonite and Moabite as a נכרי, but regard the third generation Edomite and Egyptian as a בר.” The following correlations validate this proposal:

<table>
<thead>
<tr>
<th>Ammonite and Moabite</th>
<th>“foreigner”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excluded from the contingent of YHWH’s people (קהל יהוה) (v. 4)</td>
<td>Excluded by implication from D’s contingent of YHWH’s people (Deut 16:10-14; 27:1-10; 31:10-13), not a member of YHWH’s covenant people (29:21-28)</td>
</tr>
<tr>
<td>Possessed food and water (v. 5)</td>
<td>Economically stable (Deut 14:21; 15:1-3; 23:21)</td>
</tr>
<tr>
<td>Hired Balaam, who according to one tradition led Israel into the Baal of Peor apostasy (Num 25; 31:16)</td>
<td>Initiates DtrH’s precautious stance toward foreigners because of their enticement to apostasy (Deut 31:16; 32:12)</td>
</tr>
</tbody>
</table>

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

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

140 In the scenario that 29:21-28 envisions, the נבירוּת – in parallelism with כל הגוים “all the nations” (v. 24) – stands outside YHWH’s covenant people and questions why YHWH devastates his people’s land.

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

142 The following occurrences of the noun נכרי in DtrH overlaps semantically with the Akkadian cognate nakru which includes, in addition to “foreign” and “strange,” the usage “hostile” or “enemy.”
The explicit presence of the נָּכַר, but never the נְכֶר, “foreigner,” at the covenant and tôrâ-reading rituals (29:10; 31:12), may indicate the נָּכַר was among the people of YHWH assembled and privileged to hear the divine word and Moses’ words (4:10; 5:22; 9:10; 10:4; 18:16; 31:30) (see §3.1.7.2). The significance of the presence of the נָּכַר at the

(CAD, “nakru,” 11:189-95): “after foreign gods of the land” (את־אחיך, in 15:3; ואת־אחיך, in 23:21; מקרב אחיך in 17:15). “In these laws,” notes van Houten (Alien, 82), “an exclusive notion of peoplehood emerges which has been noted in essays on the theology of Deuteronomy… At the same time, Deuteronomy is often applauded for its humanitarian concern.”

143 Such prohibitions exclude or limit the נֲכֶר, but never the נָּכַר (Deut 5:14’s Sabbath prohibition actually serves to include the נָּכַר).

144 Some date 23:8 as post-exilic on the basis of הַלָּא־יִאַכְּל (Ex 12:43) and “You must not set a foreigner over you [as king]” (לאַ תָּנִה לָתָת (Deut 17:15)

145 The נָּכַר class is presented in contradistinction to the favored fellow countryman class (הָאֲבָרָים, in 15:3; מָכָּר, in 23:21; מָכָּר, in 17:15). “In these laws,” notes van Houten (Alien, 82), “an exclusive notion of peoplehood emerges which has been noted in essays on the theology of Deuteronomy… At the same time, Deuteronomy is often applauded for its humanitarian concern.”

146 “You shall not abhor an Egyptian, for you were an immigrant in his land” (כי־גר תִּתְנוּ).
assembly of the feasts of Sukkoth and Shavuot will be considered in the conclusion
(§3.3). For deciding cases when a non-Israelite seeking admission to YHWH’s assembly is
of a different ethnicity than those listed in 23:4-9, Riecker postulates this rubric:148

148 Translation mine without Masoretic pointings.
149 D never mentions the issue of the נר’s circumcision or uncircumcision (Exod 12:48-49); never
uses the terms predominant in H: יזרע רב (“sojourner,” יזרע א (“native,” יזרע נ (“son
of a foreigner”) (Gen 17:12, 27; Exod 12:43; Lev 22:25; Ezek 44:9; Isa 56:3; D uses only the substantive
adjective נזרע נ (“foreign one” or “foreigner”).
150 Riecker, Priestervolk, 338.
151 Riecker, Priestervolk, 335.
152 In Lev 24:10-23 the incident of the cursing half-Egyptian is referred to as נר, not a נזרע (“immigrant.”)
Consequently, accepting third generation Edomites and Egyptians relates to something other than the
length it would take to become a נר, but Riecker does not offer any alternatives. Craigie

This is a fascinating synthesis of Pentateuchal laws, but it assumes the interchangeability
of D and H, when in fact, there is no evidence that D assumed, reused or revised H’s

laws (see §5.1.5).149 As this chart indicates, Riecker asserts that the נזרע “foreigner”
(Ausländer) can be accepted directly without having lived in Israel for a certain length of
time.150 He believes that if the Egyptians showed the Israelites hospitality already in their
first generation in Egypt, then it would contradict the principle of blessing if Israel waited
to show hospitality to Egyptians until the third generation.151 The Egyptian who desires to
live with Israel is from the first generation on a נר “immigrant.”152 Consequently,
deduces, “After the lapse of three generations, there would be no doubt that the Edomites and Egyptians resident in Israel were genuine in their desire to become full members of the worshipping family of God.” Following Riecker (contra Craigie), one who desired to take up residence in Israel was immediately regarded as a נגר, and we should add that this is why the נגר, but never the נכרי, is said to reside “in your gates,” “in your midst,” or “in your land.” Unlike the נגר, the נכרי was probably accustomed to leaving any fictive ties with Israelites, vacillating between towns in Israel, or returning to the homeland of his ethnic relatives. Yet, with Craigie, the lapse of three generations was probably intended to test the non-Israelites devotion to YHWH, especially, we should add, in light of D’s warnings against the enticing religious practices of non-Israelites. Even if an Ammonite or Moabite sojourned (גור) for a lengthy period of time – ten generations unto forever (an indeterminate amount of time) – they were never permitted to join YHWH’s assembly with נגרים, but remained ever in the נכרי class. Taking these nuances into account, the following chart represents D’s vision for non-Israelite entry into YHWH’s assembly:

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153 Craigie, Deuteronomy, 298.
154 Cf. chs. 7, 12, 13, 17, et al; n. 142.
Deuteronomy 23’s bifurcation between the status of the גר and נכרי may illuminate the book of Ruth. Ruth is from Moab (Ruth 1:4), often called “Ruth the Moabitess” (רות המואביה). Boaz’ vocative “my daughter” (בתיה) may indicate he regards Ruth not just as a young woman, but as an orphan, yet orphan (יוטם) in the OT typically classifies a fatherless boy. Also it appears Ruth was not classified in Israel as an אלמנה “widow.” Boaz commands her to glean in his field most likely because she was a female immigrant, a גר, appropriating deuteronomic גר legislation (see Ruth 1:15-17; Deut 24:19-22). “Listen carefully, my daughter, do not go to glean in another field…” (Ruth 2:8). Ruth responds in 2:10, “Why have I found favor in your sight that you should notice me, since I am a foreigner (נכרייה)?” That is, why are you treating a Moabitess favorably as a גר (a la Deut 24:19-22), when you should be treating me as

156 Ruth is never labeled אלמנה, only אשת מתולתל “wife of the deceased” (4:5) and אשת מחלול “wife of the Mahlon” (4:5).
158 Ruth had clearly taken up residence in Israel with Naomi (1:7, 16-17, 22), and so would have been a גר “in your towns/midst.” She instead applies נכרייה to herself as a pejorative that aligns with Deut 23:4-7’s rejection of Ammonites and Moabites from God’s privileged people.
a la Deut 23:4-7). This increases the probability of Deuteronomy 23’s bifurcation, commanding ethnic Israelites to regard a resident Moabite or Ammonite as a "foreigner," but a third generation Edomite or Egyptian as a "canaanite" (נכרי).

3.1.8. Deut 24:14-22

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

This text is preceded by a miscellany of laws mostly dealing with restricting pledges to prevent exploitation (vv. 6-14). The opening imperative of vv. 14-22 requires a text critical analysis that affects interpretation. In v. 14 שָׂכִיר “day-laborer”159 is MT’s

reading, supported by Smr (שבר) and T^O (שבר) “hireling”). The related verbal stem occurs in 15:18 (“service of a day-laborer”) and in 23:5 (“they [he] hired against you”), but its cognate noun (שבר) does not appear in D. T^J and T^N in relevant details probably are assimilating to Mal 3:5. Of import is the alternate reading שבר “wages (for work)”\textsuperscript{160} found in 1Q5 and probably supported by the Vorlagen of G (µισθὸν); V (mercedem); and S (ܐ). It appears MT, Smr and T^O sought to facilitate the syntax, as McCarthy suggests.\textsuperscript{161} It is my contention that MT facilitates the difficult idiom “you must not oppress wages” by personalizing the direct object. For example, in Lev 19:13, the negative prohibition לא תעשך “you shall not oppress” takes a personal direct object: ואתך אשך “your neighbor.” Elsewhere in the Pentateuch עשך takes a personal object thrice (Lev 5:21; Deut 28:29, 33), but an impersonal object only once (Lev 5:23).\textsuperscript{162} If we accept שבר (1Q5, G, V, S) as more plausibly original than MT, consider the following import for reading the גר in D. MT (Smr, T^O) reads:

לארתעשך שבר עני ונעך נקחות ואמרך אשך אשר באראך בשערך

You must not oppress a poor and needy day-laborer, whether one from your fellow countrymen or from your immigrant who is in your land in your gates.\textsuperscript{163}

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

\textsuperscript{160} “שבר,” HALOT 3:1331. Also, a common singular form שבר.
\textsuperscript{161} McCarthy, Deuteronomy, 70
\textsuperscript{162} את-העשך אשך in Lev 5:23 is probably impersonal, but only on the basis of context; literally, “that which he extorted by extortion.”
\textsuperscript{163} Analysts uncritically follow MT and assume that the גר is classified here as a day-laborer: Dion, “l’Étranger,” 222, 23; van Houten, Alien, 93-94; Bultmann, Der Fremde, 74-84.
You must not extort (lit. “oppress the wages of”) the poor and needy, whether one from your fellow countrymen or from your immigrant who is in your land in your gates.

In this case the fellow countrymen and the גר are two subclasses of the poor and needy (עני ואביון) who were entitled to receive compensation (שכר) for their work. 1Q5 (with G, V, S) also aligns with Exodus 12:45, 48 where the “day-laborer” and גר are enumerated as separate classes (the גר is not a subset of שכר). Following 1Q5 (with G, V, S) of 24:14, the גר and native alike have the potential to be subject to poverty and need. Verse 15 (which includes שכרו “his wages”) reinforces the intent of v. 14: this law protects the poor and needy, whether a countryman or גר, from exploitation by mandating that they receive compensation for their work. Remarkably the גר “im (singulären) Fall von 24,14 sogar den Brüdern gleichgestellt wird” (cf. 1:16). In addition, MT’s reading מגריך “from your [pl.] גרים” (singular גר with 2ms enclitic pronoun) is superior to attested readings with the plural noun. The גר figure is never pluralized (only the Israelites are called גרים in Egypt). An Israelite was connected not to abstracta, but to another human:

164 Ulrich, *Qumran*, 224.
166 MT is supported by: V (tui… advenae); Tיג (מלֶּּכֶּר); S (הָּבְּאַרְצְ). By contrast, the plural form occurs in: Smr (ֶּנֶּר); G (plural, but no pronoun: ἐκ τῶν προσηλύτων); and Tיג (only in regard to the plural: כָּלָּרֶם). 1Q5 has a lacuna where we would expect this word (…) from your [pl.] גרים. As seen before Tיג has a tendency in D to change singular 2ms enclitic pronouns to plurals. Smr appears to facilitate the syntax by making both nouns parallel in number: “from your countrymen and from your גרים.” Also, against the Smr reading, the noun גר never occurs in the Bible in plural form with an enclitic pronoun (see Deut 1:16; 5:14; 29:10; 31:12). G likewise appears to facilitate the syntax not only by making the noun plural, but by removing all of the (redundant) 2ms enclitics. MT reads “from your counymen or from your גר who is in your land, in your gates” whereas G reads: “from your counymen or from the גרים who are in your cities” (see 1 Chron 22:2). הָּבְּאַרְצְ “in your land” appears in MT (also Smr, Tיג [Tיג]), but not in G and S. The latter probably omit this due to its awkward juxtaposition with בְּשׁעריך “in your towns/gates” (which commonly occurs alone in D).
not their נר, or the נר, or the נר, or the נר, but your נר – the client whom you employ.

Reading תָּשָׁך with 1Q5 (and G, V, and S), clarifies the subject of v. 15; particularly notice the last two colons. The poor and needy countryman or נר who does not receive his wages on the day he earned them might “cry against you to YHWH, and you will be guilty.” Deut 15:9, the scenario of an Israelite abusing his poor brother by the pretext of an upcoming Sabbatical year of debt cancelation, contains identical lexeme: זכור עלייך אלהים והיה בך חטא. This illustrates, with many other deuteronomic texts, that YHWH is predisposed toward impoverished Israelites (see 24:12-13), but unique in 24:15 is that the נר also has the prerogative to cry to YHWH against his oppressor, resulting in his oppressor’s guilt. Outside 15:9 and 24:15, only in 4:7 do human agents call (קרא) to YHWH (יהוה), or any appellative for Israel’s deity, for that matter.¹⁶⁷

כִּי מִי גוֹי גָּדוֹל אֲשֶׁר לֹא אלהים קָרַב לוֹ כֵּיהָוָה אֱלֹהֵינוּ בָּכָל קָרָבָנוֹ לְקָרָב כְּלָיו אַלָּכַם: For what great nation is there that has their gods near to it as YHWH our God is to us, whenever we call to him?

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

The message of v. 16 has no lucid connection with the laws that surround it: “the individual responsible for crime must accept the legal punishment under law, but the repercussions of the act spread beyond him to affect his family.”¹⁶⁸ Verse 17 continues the string of general or permanent prohibitions (לֹא + imperfective verbs; vv. 12, 14, 16):

¹⁶⁷ Cp. 28:10 and 32:3.
“You must not pervert the justice of an immigrant or orphan, nor take a widow’s garment in pledge.” In 24:17 MT reads יתומ “orphan” (supported by Smr [יתום] and TO [ויתומא]), whereas G includes both ὀρφανοῦ καὶ χήρας “orphan and widow.” G likely assimilates to the conventional נ- orphan-widow triad (i.e., 27:19), whereas MT bifurcates the *personae miserae* into two separate laws: “You must not pervert justice due to a נ or orphan, and you must not take a widows’ garment (in pawn).”169 The נ and orphan are pared asyndetically as those vulnerable to injustice, whereas the widow is isolated as one prone to having her garment taken as security for a loan.170 Debt collateral was the focus of vv. 6, 10-13, but v. 17 has a specific intent: one may exact the wardrobe of other borrowers, but not of a widow (see Job 24:3).171 Verse 18 begins with a disjunctive ו and *weqatal* with imperatival force: “But remember that you were a slave in Egypt, and YHWH your God redeemed you from there; therefore I am commanding you to do this.”

D’s other uses of the עבד-Egypt formula at least mention a slave (עבד) persona (with other members) in Israel’s proximity (5:15; 15:15; 16:12), but here there is no slave, only the נ, orphan, widow (vv. 17-22). From this we may infer that the formula does not intend to produce a one-to-one correspondence – you were a *slave*, so treat your *slaves* kindly. Instead, remembering the painful experiences of one’s ancestors could elicit one’s empathy toward society’s vulnerable members (see §4.4).

While the עבד-Egypt formula in 24:18 is syntactically related to v. 17, it also

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169 Of less importance, the term “widow” is preceded by a conjunction in V, S, and T IN, but not in MT. Probably the conjunction was added to assimilate with the usual expression: McCarthy, *Deuteronomy*, 70.

170 “You must not pervert the justice of an immigrant or orphan” (לא תטה משׁפט גר יתום) likely has the semantic force of an objective genitive (see §3.1.3 on 10:18; §3.1.10 on 27:29).

forms an *inclusio* with a second עבד-אגד formula in v. 22. The underlined words mark the discrepancies:

וכחר כי עבד היה במצרים ויפדך יהוה אלהיך משׁם על־כן אנכי מצוך לעשׂות את־הדבר הזה

But remember that you were a slave in Egypt, and YHWH your God redeemed you from there; therefore I am commanding you to do this.

וכחר כי עבד היה בארץ מצרים על־כן אנכי מצוך לעשׂות את־הדבר הזה

Remember that you were a slave in the land of Egypt; therefore I am commanding you to do this.

In v. 22 MT includes “*in the land of Egypt*” (בְּאֶרֶץ מִצְרָיִם) with Smr (בארץ מִצְרָיִם); 4QDeut8 (בארץ מִצְרָיִם); G (ἐν γῇ Αἰγύπτῳ); and T (i.e., TΟ: באראין). 172 V and S lack “in the land,” likely assimilated to v. 18, demonstrating that ancient translators read these two verses in tandem. Moreover, the additional phrase in v. 18 ייפדך יהוה אלהיך משׁם shifts the stress to *YHWH’s redemption of Israel’s suffering in Egypt*: YHWH has alleviated your suffering, alleviate the suffering of others. This prepares thematically for the prohibitions of vv. 19–21 situated between the עבד-אגד formulae. A pattern occurs thrice, possibly for mnemonic purposes:

לגר ליתום ולאלמנה יהיה

19

לגר ליתום ולאלמנה יהיה

כפי תבצר כרמך

כפי תקצר קצירך בשׂדך ושׁכחת עמר בשׂדה

כפי תחבט זיתך

כפי תשתנך בקצירך

כפי תשתנך בקצירך

18

172 "The land" is lacking in V (in Aegypto) and S (בְּאֶרֶץ מִצְרָיִם). It is difficult why V and S would have omitted “the land” since the entire phrase “in (from) the land of Egypt” (בְּאֶרֶץ מִצְרָיִם) is more typical in D (1:27; 5:6, 15; 6:12; 8:14; 9:7; 10:19; 11:10; 13:6, 11; 15:15; 16:3[2x]; 20:1; 29:1, 15, 24; 34:11) than the partial phrase “in Egypt” (7:8, 15, 18; 11:3[2x]; 11:3, 4; 28:27, 60, 68). In other D passages even V and S translate the entire phrase “in the land of Egypt.” For instance, in 10:19 V read and S read “in the land of Egypt” (in terra Aegypti and בְּאֶרֶץ מִצְרָיִם, respectively). V and S most likely are assimilating to 16:12 and, more proximately, 24:18, which read: “you were a slave in Egypt” (עבד היה אגד).
The specificity of v. 19’s scenario – not returning to collect from the field a forgotten bundle of grain – signals that this casuistic law represents only one expression of an underlying spirit of generosity that was to characterize Israelite farmers. Either there is something about obeying the prohibition of v. 19 that resulted in YHWH’s blessing (v. 19e), or more likely the telic clause of v. 19e (למען יברך יהוה אלהיך בכל מעשה ידיך) applied equally to all three scenarios (vv. 19-20), among others of a similar nature. The book of Proverbs manifests a similar reward concept (cf. Prov 11:25; 28:27).

Two text critical analyses offer additional insight into the personae miserae of vv. 19-22. First, 24:19, 20, 21; 26:12, 13; 27:19 all contain the same variants: MT reads לַיָּת֥וֹם “for the orphan” with Smr (ליתום); T and TO (ליתמאמ); and V (24:21, 22; 26:13; 27:19; pupilloi), and is to be preferred to translations that lack the conjunction.

Although asyndeton could associate these members (see 26:11), the ו unmistakably conjoins the גר, orphan, and widow as a collective subject. Second, in v. 19 MT’s reading לַגֵּר “for the גר” is the lectio brevior and is substantiated by the external evidence: Smr (לגר); 4QDeut (לגר); S; some mss of G (GB,848); and in relevant details, V and T.

However, GA, Amb. and include τῷ πτωχῷ καὶ τῷ προσηλύτῳ “for the poor man and for the גר.” This plus is probably an assimilation to the comparable law in Lev 23:22: τῷ

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173 For a comparison with parallel language in Job 24: Georg Braulik, Studien zum Deuteronomium und seiner Nachgeschichte (SBAB 33; Stuttgart: Katholisches Bibelwerk, 2001), 218-35.
175 The proclitic lamed is lacking in 27:19 due to the verse’s content; as for Q mss in these verses, only 1QDeut of 24:19 is unbroken (ליתום), but it supports MT.
176 A conjunction is added in G (καὶ τῷ ὀρφανῷ); V (24:19; 26:12: et pupillam/o); S (ἢ καὶ τῷ πτωχῷ; so vv. 19, 20, 21); and T8 (only in vv. 21, 22). G, S, V (in some passages), and T8 may be an assimilation to other passages in D (14:29; 16:11, 14), but not all passages in D lack the conjunction on “the widow” (Deut 26:12, 13; 27:19). Most likely, the shared reading of G, S, V, and T8 was created to facilitate the syntax of the גר-orphan-widow triad throughout the book of D.
177 For additional mss consult Brooke and McLean, The Octateuch, 632.
πτωχῷ καὶ τῷ προσηλύτῳ “for the poor man and for the Ἰταρ.” If we accept the lectio brevior, we may infer that D perceives the Ἰταρ-orphan-widow not as a separate class to that of the poor, but has the potential, just as the native does, to become a member of the impoverished class (see 24:14). While this is true, 24:19-22 stresses the opposite potential of creating a society with immigrants, orphans and widows who are not poor. 178

3.1.9. Deut 26:10-13

The first fruits ritual (26:1-11) culminates with the devotee’s performative speech (vv. 5-10a), followed by the imperative (vv. 10b-11). Like the annual tithe (14:22-27), here Israel’s agrarian patresfamilias were responsible for giving and transporting the produce offering to the central location where YHWH will choose to establish his name

178 As Lohfink proposes; see 2.3.2.
179 In 26:13 "ITAR" in MT (supported by G, V, S, TΟΝ) lacks the conjunction in Smr (ΛΓΑΙΡΟΥ) and T1 (ΛΓΑΙΡΟΥ). Smr and T1 probably are facilitating the syntax of the list, and so MT should be preferred, yet without any explicit exegetical significance. The conjunction usage of Smr and T1 might imply an inclination to group the Levite with the ITAR, and group the widow with the orphan.
(26:2). Joy in YHWH’s presence is prescribed for both, but the devotees were to consume the annual tithe (14:26), whereas YHWH alone received the first fruits offering (26:4, 11). Also the two have different participants: the paterfamilias, his household, and the Levite ate the annual tithe (14:26-27); the paterfamilias, his household, the Levite, and the גר ate the first fruits offering (26:11). The Levite and גר are fictive, not biological, participants: the Levite was not a member of a traditional bêt-‘āb compound (see §3.1.5 on 14:27), and the restrictive relative clause in v. 11 likely distinguishes the גר, if not also the Levite, from the paterfamilias and his bêt-‘āb:

“and you, and the Levite and the immigrant who is/are in your midst must rejoice in all the good that YHWH your God has given to you and your household.”

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

Deuteronomy 26:12 transitions abruptly to the triennial tithe, but the devotee speaks again (vv. 12-15), creating continuity with the devotee’s first fruits ritual speech (vv. 5-10a). Crüsemann argues cogently that this tithe law of vv. 12-15 assumes and frames the tithe law of 14:22-29: “Das ist alles andere als ein Zufall. Das Zehntengesetz erweist sich als Schlüsseltext, von dem aus sich das hinter dem deuteronomischen Gesetz

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180 Your household [of persons], not merely a physical house, is indicated by ביתך (see n. 186).
181 Nelson, Deuteronomy, 309.
Notice the lexemic resemblances of the triennial tithe speech in 26:12-15 with the triennial tithe law in 14:28-29:

"Es besteht kein Zweifel, dass sich der Autor des Rückverweises in 26,13 auf das Gebot von 14,28f zurückzieht….Wir haben es daher auch in 26:13 mit einem literarischen inner dtn Rückverweis zu tun." However, one cannot assert categorically the direction of influence because while the lexemes recur, they do so in different order and form (cf. 14:28a and 26:12a). Since the focus of the triennial tithe speech is the devotee’s vigilance to obey YHWH’s prescriptions precisely as he ordered them (26:13-15), one would expect a more precise lexemic correlation. For instance, note the different forms of the celebrant list. In 14:29 the Levite is distinguished from the גָּר-orphан-widow triad by a restrictive relative clause, as is typical for D to do when the Levite is enumerated among other persons (אשֶׁר בִּשְׁעֵרָיו [12:18; 14:27; 16:11]; [אשֶׁר בִּשְׁעֵרָיו [12:12]; [משה [14:27, 29]; [18:6]). By contrast 26:12, 13 follows Deut 16:14 in formulating a Levite-גָּר-orphan-widow

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182 Crüsemann, *Tora*, 252.
184 In 12:19 the Levite is listed alone without a restrictive relative clause.
tetrad. The common feature shared by every member of the tetrad is landlessness.

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

הערתיخوفתמדרשוהולנותילייל الرسميותולאולמנה…

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

The conjunction הנב with an ‘additional’ force distinguishes the devotee’s two actions: “I have removed the sacred gift from the house, and also have given it to the Levite, immigrant, orphan and widow.” This increases the likelihood that the tetrad members are located outside the confines of the devotee’s bêt-’āb. Ancient versions, often providing the earliest extant interpretations, appear to confirm this. “From the house” in MT (הוּאָה) is supported by Smr (הוּאָה), T (הוּאָה), and S (הוּאָה), but two translations include the first person singular possessive pronoun: G (τῆς οἰκίας μου) and

185 In v. 12 “and you must give to the Levite, to the stranger, to the orphan, and to the widow” הנחה ללוי לגר ליתום ולאלמנה in MT is supported by Smr in relevant details (ReadOnly:わたしはizon the Levite, immigrant, orphan and widow) and T (ReadOnly:わたしはizon the Levite, immigrant, orphan and widow). Conjunctions are prefixed to the second and fourth constituents in V (et advenae pupillo et viduae), and to the second, third and fourth constituents in: G (καὶ τῷ προσηλύτῳ καὶ τῷ ὀρφανῷ καὶ τῇ χήρᾳ); S (ReadOnly:わたしはizon the justice of an immigrant); and a Cairo Geniza fragment. MT, Smr, and T may have removed these conjunctions to assimilate to 24:19, 20, 21, or G (with V, S, Cairo Geniza) added conjunctions to facilitate the syntax (see discussion on 10:18; 24:14-22). Both readings support a Levite-גר-orphan-widow tetrad.

186 The flexibility of בֵית to mean household of the paterfamilias (bêt-’āb) is supported by its various uses in D, especially the immediately preceding use as “household” in 26:11: house/place of slavery (5:6; 6:12; 7:8; 8:14; 13:5, 11); either physical house or household, as epeexegetically defined by “his field, or his male servant,…” (5:21); physical house (6:7, 9, 11; 7:26; 8:12; 11:19, 20; 19:1; 20:5; 21:12, 13; 22:8; 22:21; 24:1-5[or household]; 24:10; 25:14; 28:30); household of Pharaoh (6:22); households of Dathan and Abiram (11:6); households eat centralized sacrifices (12:7), tithes (14:26), firstborn of livestock (15:20), first fruits (26:11); household (15:16; 20:8; 22:8; 25:9, 10); house, including vineyard (20:6); house, including one’s fiancé (20:7); house, including residence for oxen (22:2); Yhwh’s house (23:19).


188 Syriac’s emphatic (articular) state came early on to be used for all nominal forms, yet the Peshitta at times represents its anarthrous Vorlage (i.e., ReadOnly:わたしはizon “the justice of an immigrant” [24:17]); thus the article in S is much less reliable regarding definiteness, except when it agrees with an anarthrous MT against other readings.
V (domo mea). G and V probably seek to clarify the possessive notion, even though the Hebrew definite article on בית (with Smr and T) here implies a possessive notion. G and V probably offer us a reliable early interpretation on a Vorlage that aligns with proto-MT that YHWH commanded the paterfamilias to remove the sacred offering from his own house, a personal sacrifice, to give to those outside his household, the landless tetrad.

3.1.10. Deut 27:19

ארור מטה משׁפט גר־יתום ואלמנה ואמר כל־העם אמן
“Cursed is one who perverts justice for an immigrant, orphan, and widow.” And all the people will say, “Amen.”

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

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

If MT Josh 8:34-35 presents the actualization of the tôrâ-reading ceremony found in Deut 31:9-13, MT Josh 8:30-33 does the same for Deuteronomy 27. Josh 8:33 uses the lexeme כגר כאזרח “both immigrant and native Israelite” which occurs stereotypically in

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H, but never in D.\textsuperscript{192} The H tradents include the הָרָע in Josh 8:33 as a fulfillment of Mosaic tôrâ`'s prescriptions for this ceremony. That is, they believed Deut 27:1-14 implied the active participation of the הָרָע.

Of particular concern is the explicit mention of the הָרָע in verse 19, which does not deviate from the recurring curse formula, but preserves the cadence. The verse may have been intentionally juxtaposed with v. 18 “cursed is anyone who misleads a blind person on the road” since both deal with underprivileged and dependent members of Israelite society. The extreme selectivity of the curses’ contents (vv. 15-26) suggests that many of them function synecdochally for a broader collection of related prohibitions.

Accordingly, “Cursed is one who perverts justice” (מָטָה מָשׁפֹּט) probably represents the whole collection of הָרָע laws in the DC, or specifically two laws with the idiom “pervert justice” (H-stem נָטָה + מָשׁפֹּט): 16:19 and 24:17.\textsuperscript{193} The former stresses the appointed judges’ responsibility to judge הָעֵד “the people” impartially, recalling in 10:17-18 YHWH’s impartial judgment, enacted not least on behalf of the orphan and widow (משׁפֹּט יְתוֹם ואלָמֲנָה). The latter impels justice for the orphan and widow by reminding Israel of its experience as a slave in Egypt (24:17-18; see chapter 4’s discussion of עֲבָד-Egypt formula).\textsuperscript{194}

\textsuperscript{192} Ramírez Kidd (\textit{Alterity}, 15-16) categorizes separately the Holiness Code’s and Josh 8:33, 35’s legal occurrences of the הָרָע. However, the lexeme כָּרָע כָּאָשֶׁר in Josh 8:33 belongs to H: see §5.2.1.2 nn. 130-31.


\textsuperscript{194} In 24:17 those protected are the immigrant and orphan, but the widow is isolated in the subsequent prohibition; in 24:19 all three triad members are present.
A maqqef between the first and second members of the triad (גורייתום ואלמנה) occurs nowhere else in the OT, marking a phonological unit. For cadence purposes גור becomes proclitic, having only a secondary stress. The construct chain משלח גורייתום ואלמנה should be read with the semantic quality of an objective genitive: “Cursed is the one who perverts justice of the immigrant, orphan, and widow.” The subject of the recurring phrase “and all the people [כלים] will say, ‘amen,’” likely refers back, not to the “men of Israel” (27:14) specified by their tribes (vv. 12-13), but to the people (עם) whom Moses charged (v. 11), and who received the blessings and presumably curses (vv. 12-13). “all the people” would have included the subgroups identified within the curses, such as the גורייתום ואלמנה “immigrant, orphan, and widow” (v. 19).

3.1.11. Deut 28:43-44

הגר אשׁר בקרבך יעלה עליך מעלה מעלה ואתה תרד מטה מטה הוא ילוך ואתה לא תלונו הוא יהיה לראשׁ ואתה תהיה לזנב

The text of 28:43 is stable insofar as reading the גור is concerned.

This emblematic consequence of breaking YHWH’s covenant is followed by the explanatory proposition: “All these curses will come upon you and pursue you and overtake you until you are destroyed because you did not obey the voice of YHWH...Because you did not serve the LORD your God with joyfulness and gladness of

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196 Arnold and Choi, Hebrew Syntax, 9-10; see §3.1.3 on 10:18; §3.1.8 on 24:17.
197 Other subgroups included in כלים “all the people” are: כָּלִים “craftsman” (v. 15); אביו ואימו “his father and mother” (v. 16); עֵדֶר “blind person” (v. 18); ידוו “his neighbor” (vv. 17, 24); אשת “father’s wife” (v. 20); אשתו “his sister, whether the daughter of his father or the daughter of his mother” (v. 22); אשתו “mother-in-law” (v. 23); נפשׁ דם נקי “innocent person” (v. 25).
198 The text of 28:43 is stable insofar as reading the גור is concerned.
heart, because of the abundance of all things” (vv. 45-47). However, vv. 43-44 do not culminate the pericope since vv. 48-68 compose the final and most horrendous images of covenant infidelity. Most importantly, vv. 43-44 must be read as the negative counterpart of vv. 12b-13, which is likewise followed by an explanatory proposition.¹⁹⁹ The lexemes recur in parallel symmetry:

A You will lend to many nations (הלוית גוים רבים) (v. 12b)
B but you will not borrow (ואתה לא תלקח) (v. 12c)
C YHWH will make you the head, not the tail (והיה לך ראש ולא כסף) (v. 13a)
D You will go up and not down (ויהי לך למעלה ולא תבוא) (v. 13b)
E If you obey the commandments of YHWH (ויתן ה' לך את מצוותיו) (vv. 13c-14)
D¹ The immigrant in your midst will rise above you higher and higher, but you will descend lower and lower (הגר אשלי יעלה עליך מעלה מעלה) (v. 43)
A¹ He will lend to you (הוא ילוית) (v. 44a)
B¹ but you will not lend to him (ואתה לא תלקנו) (v. 44b)
C¹ He will be the head, you will be the tail (הוא יהיה לראש ואתה תהיה לזנבו) (44c-d)
E¹ Since you did not obey YHWH’s voice to keep his commandments (ויתן ה’ לך את מצוותיו) (vv. 45-47)

This recurrence highlights an inversion of normalcy. In D when the גר occurs independently and as the first member of the גר–orphan-widow triad, it is typical for D to classify the גר on a lower social plane than the majority population in Israel.²⁰⁰ This text envisages the majority subservient to the minority, “une inversion des statuts sociaux entre l’Israélien et l’étranger.”²⁰¹ The direct context of both texts, vv. 12-13 and vv. 43-44, is neither political nor cultic, but economic. Preceding vv. 12-13 YHWH causes material prosperity, fertile humans and livestock, and fecund promised land (v. 11). He issues seasonal rain to bless the majority population’s agrarian labors (v. 12). Likewise

¹⁹⁹ Weinfeld, Deuteronomic School, 119 n. 1; Barrett (Disloyalty, 171, 176) calls attention to this and to the inclusio formed by the almost verbatim language in vv. 15 and 45 that serves as an outer frame to vv. 12-13 and vv. 43-44.
²⁰⁰ 10:18; 14:21, 29; 16:11, 14; 24:17; 19, 20, 21; 26:12, 13; 27:19; 29:11.
²⁰¹ Bertrand, “L’étranger,” 60.
preceding context of vv. 43-44 is economic: due to covenant disloyalty “Locusts will inherit each of your trees and the fruit of your ground” (כלעץ יירש הצלצל; v. 42). YHWH’s material bounty is also the context of the parallel antecedent language of 15:6:

כמייהו אלהיך ברכך ואשתם רבים ועבשת נאם ר']}</p>

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

Notice, however, that the politically charged rootמלך “to rule” does not occur in 12:43-44, as it does in 15:6. In 28:43-44, the ascendancy of theגר is presented strictly in economic terms. This text does not explicitly position theגר outside YHWH’s chosen people (contra the נכרי in 29:21-28; see n. 140). Reading vv. 12-13 as blessing and vv. 43-44 as counterpart curse illuminates how vv. 43-44 conceive of the ethno-geographical origins of theגר. “You will lend to many nations” (תעבט ומשׁלות בגוים רבים; v. 12b) is inverted by the statement “He [גר in v. 43] will lend to you” (הוא ילוך; v. 44a). In this text theגר residing in Israel did not have a monolithic origin, but came from multiple nations.

3.1.12. Deut 29:8-12

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

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

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

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

The null-copula אלה דברי הברית “these are the words of the covenant” has either an antecedent, referring back to chs. 5-26(28) or 12-26(28), or postcedent, referring to Moses’ speech which commences in the next verse, 29:1. Moses’ speech recounts YHWH’s wonders on behalf of Israel in Egypt (29:1-2), YHWH’s withholding spiritual perception from Israel (v. 3), YHWH’s guidance and provision in the wilderness (vv. 4-5), and Israel’s defeat of Sihon and Og and acquisition of their land (vv. 6-7). The verbal forms in vv. 1-7 verses have a completed perfective aspect.202 Verse 8 transitions by means of the weqatal forms ושמרתם and שעשיתם that have a volitional force that is logically consequent to vv. 1-7.203 YHWH’s historical activity for Israel’s benefit, portrayed as a whole from start to finish (vv. 1-7), is the inspiration for obeying the terms of the covenant, and obeying covenant results in prosperity:

ועשיתם
את הברית בני ישראל

202 Perfects in vv. 1-3; wayyiqtol and perfects in v. 4; perfects in v. 5 with a subordinate imperfect; wayyiqtol forms in vv. 6-7.
203 See 10:18; Waltke and O’Connor, IBHS, 536; Arnold and Choi, Hebrew Syntax, 88.
Therefore keep the words of this covenant and do them so that you may prosper in all that you do (29:8).

In v. 9 those who are standing “before YHWH your God” recalls YHWH’s presence as the locale of the Israelites at Horeb (4:10) and of cultic service (10:8; 17:12; 18:7), but also envisages a centralized contingent gathered to offer (and eat) sacrifices (12:7, 12, 18), tithes (14:23, 26), firstborn of livestock (15:20), celebrate the feasts of Shavuot and Sukkoth (16:11, 16) and first fruits (26:5, 10, 13), settle legal disputes (19:17), worship at the Mt. Ebal altar (27:7), and hear tôrâ (31:11).

As for 29:8-12, the purpose of this contingent in YHWH’s presence centers on the Leitwort="the/this covenant” (cf. קהל יוהו as Leitwort in 23:2-9):

These are the words of the covenant…. in addition to the covenant… (28:69a–bα)

Therefore keep the words of this covenant and do them… (29:8a–bα)

so that you may enter into the covenant with YHWH your God, and into his oath which YHWH your God is making with you today (29:11)

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

so that he may establish you today as his people and that he may be your God, just as he promised you and swore to your ancestors, Abraham, Isaac, and Jacob.
The few variations of this formula in D express Israel as YHWH’s people and/or YHWH as Israel’s God (4:20, 7:6-7, 14:2; 26:17-18; 27:9-10; 28:9), but only here in 29:9-10 is there a list of constituents at a covenant ceremony:

The leadword אֲתָם “you” in v. 9 is amplified to a larger group by the appositive כלָּכֶם “all of you.”204 This appositive would have been sufficient for Moses to directly address an inclusive assembly, but constituent classes, hyponyms, are identified, indicating that the list was drafted to demarcate those present from those not. The Levite, orphan, and widow may be unlisted because they are members of broader classes “your elders and your officials, all the men of Israel, your children, your wives” (טֶפֶם טֶפֶם וּנָשׁוֹת יִשְׂרָאֵל וּנְשׁוֹת וַשְּׂרֵרִים)

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or more likely, because the unit does not have a socio-economic impetus (*contra* 10:17-19; 14:28-29; 16:10-14; 24:14-22; 26:10-13; 27:19). The absence of the 더 “foreigner” signals a socio-religious distinction (cf. 14:21; 16:10-14; 29:9-13; 23:2-9): unlike the 더, the גר (hyponym) was included in כלכם “all of you” (hypernym), the covenant ceremony participants.

In v. 10 הקס “and your immigrant” in MT is supported by Smr (וגר) and TO (וגרח), but the possessive pronoun is absent in G (καὶ ὁ προσήλυτος); V (*et advena*); and S (אַתָּה). G, V, and S, may be genetically related, diminishing their weight, and appear to facilitate the syntax. As the lectio difficilior that also explains the others, MT is preferable. By retaining the singular enclitic pronoun and singular noun גר instead of the 2m plural enclitic pronoun and plural noun הגרים probably to harmonize with the preceding two 2mp pronouns and plural nouns. MT repeats D’s conventional representation of the גר- orphan-widow triad (16:11), Levite-גר dyad (26:11), and גר individuum (28:43), but only in 29:10 is גר, or any identity, predicated by אַשֶּר בַּכֹּהֵן as *individuum* who was interconnected to *individual* patrons of the majority population. The singular enclitic reading verifies what we may have surmised from earlier texts, that גר is a fixed expression (5:14; 31:12; 24:14; 29:10), rather than a deliberate number shift for rhetorical purposes as is occasionally the case for certain *Numeruswechsel* passages. In D the restrictive relative clause אשר بكורת predicates the גר-orphan-widow triad (16:11), Levite-גר dyad (26:11), and גר individuum (28:43), but only in 29:10 is גר, or any identity, predicated by אשר بكורת מחוּץ “who

205 28:43-44 does not contain the Levite, orphan, and widow, but its context is expressly socio-economic (see discussion 1.11.).

206 Several Targumim (TINF) employ the 2m plural enclitic pronoun and a plural noun “and your immigrants (וגיוריכם).” probably to harmonize with the preceding two 2mp pronouns and plural nouns.

is in the midst of your camps.” Elsewhere in D מחנה “camp” only occurs in singular form, most often referring to the entire Israelite encampment, with the alleged exception of 23:15 that nonetheless has attested plural readings that are superior to MT. As גרך אשׁר בשׁעריך indicates that נרים גרים אשר בשעריך were present in various towns (see §3.1.2 on 5:13), so אשר בקרוב מחנה indicates that נרים גרים אשר בקרוב מחנה were present in various Israelite camps.

The second qualifying phrase מחטב עציך עד שׁאב מימיך “from the one who chops your wood to the one who draws your water” remains somewhat elusive. This phrase, most assume, modifies only the גר.

A. D. H. Mayes, followed by van Houten, asserts that this signals a literary connection with the similar lexeme applied to the Gibeonites in Joshua 9:21, 23, 27. However, greater evidence can be marshaled that Joshua 9 interprets Deuteronomy 29, since the former makes most sense in light of the latter, but the latter, Deut 29:9-10, is constrained by contextual limiting factors that indicate “from the one who chops your wood to the one who draws your water” modifies

208 Deut 2:14, 15; 23:10, 11[2x], 12, 13, 15.
209 In 23:15 MT מַחְנֶיךָ reads a plural noun מַחְנֶיךָ against the singular noun in V (castra tua), V Kennicot 9, a multitude of MT mss, T (מַחְנֶיךָ), Smr, G (ἡ παρεμβολή σου); singular according to CAL, but indistinguishable without vocalization), and a Cairo Geniza fragment. מחנה in MT is a solecism since its predicate adjective is singular (ץָדָה; confirmed by 4Q36, frg. 5 ii; G [אַעֲיָא]; et al.); note how predicates קָדָשׁ and יָמַיִם agree in number (and gender) with their respective subjects within the same verse (Lev 11:44, 45; 19:2; 20:26). MT’s solecism may have resulted from dittography due to the similarity of paleo-Hebrew letters נ (נ), כ (כ), and י (י). The singular reading, retroverted מַחְנֶיךָ, is preferable to MT.

210 Like 23:15, 29:10 MT מַחְנֶיךָ contains a plural noun מַחְנֶיךָ, with T מַשָׁרֵיכָנָי (משׁרוייכָנָי, but pl. pronoun) and Smr (מַחְנֶיךָ), against the singular noun in V (castris), V Brenaict 1, 9, 69, a few MT mss, G (τῆς παρεμβολής ὑμῶν, but pl. pronoun), and S (מַשָׁרֵיכָנָי). Although D’s conventional phrase גרך אשׁר בשׁעריך “your immigrant [sg.] who is in your gates [pl.]” is a solecism (subject-predicate disagreement), the phrase in 29:10 גרך אשׁר בקרוב מחנה “your immigrant who is in the midst of your camps” is grammatically acceptable. Here V, G, and S may be genetically related, reflecting only one reading, and probably assimilate to D’s singular use of מחנה.

211 Bertrand, “L’étranger,” 60; Dion, “l’Étranger,” 223; van Houten, Alien, 103-04.
212 Van Houten, Alien, 103-04.
all three service-oriented classes "women, children, and the immigrant..." not just the גר. First of all, the phrase appears to serve as a merism for all service-oriented persons in the Israelite community (the גר... גר... גר... construction can be used as such), in a way similar to כל איש ישראל "all the men of Israel" serving as hypernym for the leader-oriented classes ראשיכם שבטיכם זקניכם ושטריכם "your tribal leaders, your elders and your officials" (v. 9; see venn diagram). Secondly, in the only other uses of these lexemes in the Pentateuch, women are the ones drawing water (שאב 7x [+ מים 1x]), and an indefinite person (אשר), which must have included majority population men, cut down trees (עץ + זכר in Deut 19:5). In this reading the גר, dependent children (תפ, בן, בנות or נער), and women, are clustered together as manual laborers within the community.

Along with Israel’s leadership and, especially, with Israel’s service personnel, the גר stood on the plains of Moab before YHWH to enter the Moab covenant between YHWH and all of his people (28:69; 29:9-11). He was accountable to perform the words of the covenant, with the prospect of consequent success (29:8). The tôrå stipulations that גר was to perform (29:8), would have minimally included those in which he is explicitly mentioned: cease from work on the Sabbath (5:14), celebrate the feasts of Shavuot and

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

Sukkoth (16:11, 14), enjoy gleaning prerogatives (24:19, 20, 21), and consume the triennial tithe (14:29; 26:12, 13). YHWH would establish the גור as a member of YHWH’s people, mysteriously incorporating the גור into the fulfillment of YHWH’s promises to Israel and to Israel’s patriarchs, Abraham, Isaac, and Jacob (29:12).

3.1.13. Deut 31:10-13

Then Moses commanded them, “At the end of every seven years, at the time of the year of remission of debts, at the feast of Sukkoth, when all Israel comes to appear before YHWH your God at the place that he will choose, you must read this law in before all Israel in their hearing. Assemble the people, the men, women, children, and the immigrant who is in your gates, in order that they may hear and learn and fear YHWH your God, and be careful to observe all the words of this law. And that their children, who have not known it, may hear and learn to fear YHWH your God, as long as you live in the land that you are crossing the Jordan to possess it.”

Moses inscribes tôrâ and gives it to the Levites, who transported the ark of the covenant of YHWH, and to Israel’s elders (v. 9; see 31:24-26). He writes down the words so that from that point forward the words might be spoken in Israel, as vv. 10-13 envision. Moses’ injunctions, like many in D, could only be fulfilled posthumously since YHWH barred him from the promised land (Num 20:11-13; 27:12-14; Deut 3:23-28). The gathering was to recur septennially, during the Sabbatical year of releasing debts (15:1-23), specifically during the feast of Sukkoth. In both H and D this Feast succeeds

215 Remarkably 4Q29, a fragment full of lacunae in chapter 31, follows MT by clearly preserving ירח האנשׁים והנשׁים והטף וגרך (Ulrich, *Qumran*, 237).

collecting one’s harvest from the threshing floor and winepress (Lev 23:34, 41; Deut 16:13), but in D the feast is centralized (16:15, 16). H motivates observance to the feast of Sukkoth by YHWH’s past provision in the wilderness: “that your generations may know that I made the people of Israel dwell in booths when I brought them out of the land of Egypt. I am YHWH your God” (Lev 23:43), whereas D motivates by YHWH’s future provision in the land (16:15). Why were the people to assemble at the feast of Sukkoth to hear and carefully observe this tôrâ (תורה הזאת; 31:11, 12)? In D the Passover and the feast of Shavuot were also centralized (16:2, 5, 6, 7, 11), so the convenience of a centralized audience was not the primary motivation. D’s paraenesis in 8:2-3 may instead provide the rationale:

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

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

The H-stem imperative הקהל “assemble” (v. 12) suggests an emphasis for this contingent that is distinct to that of the feast of Sukkoth. Hence, the lists of attendees are formulated differently:
The **tôrâ** reading assembly during Sukkoth (31:12) is better represented by a Venn diagram:

![Venn Diagram](image)

The noun **העם** is the affected direct object (marked by **את**ם) of the denominative הקהל.

This is probably D’s **קהל יהוה** “assembly of YHWH” gathered at Moab (see

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§3.1.7.2). Here העם “the people” is a hypernym that includes its hyponym appositives: עם הנשים והנסים והالطף ואשר באשר בשעריך. “the men, women, children, and the immigrant in your gates.” The generic article on the plural nouns suggests all the members of the class are included.218 The lexemes אישׁ (pl. אנשׁים), אשׁה (pl. נשים), and טף (always sg.) occur together in D in 29:11, and without the גר they occur in war campaign contexts as an exhaustive list of warriors and civilians (3:19; see Josh 1:14), of those to be killed (3:6) or taken a spoil (20:14). Therefore, in contrast to the enumerated participants of Sabbath (5:14), feast of Shavuot (16:11), and feast of Sukkoth (16:14), the listed contingent of 31:10 is intended to be expansive.

As in 29:8-12, here the Levite, orphan, and widow are absent probably because they are subsumed into the “men, women, and children” classes, and because the unit does not have a socio-economic focus.219 Unlike the DC, the גר in this text is not marked as a personae miserae member. In addition, like 29:8-12, the absence of the נכרי “foreigner” flags a socio-religious delineation (cf. 14:21; 16:10-14; 29:9-13; 23:2-9): unlike the נכרי, the גר was to assemble as a member (hyponym) of העם “people” (hypernym). Remarks from the context on the Egyptians (29:1-2, 15-16), Sihon and Og (29:6-7), and foreigners in general (29:21-23; 30:1, 2, 7) suggest they are excluded from Moses’ audience, so the גר’s inclusion, since not for socio-economic reasons, expresses religious integration.220 Even so, three elements distinguish the immigrant from the rest

219 Cf. discussion §3.1.12. One may argue that the ritual reading of תור in 31:10-13 was socio-economic since it took place in the Sabbatical year of the release of debts (v. 10), but the גר does not benefit directly from this debt release (ch. 15).
of the men, women, and children who comprised ההעם. First, the shift from generic articles (האנשׁים והנשׁים והטף) to enclitic pronoun (גרר) distinguishes the גר from Israel’s other men, women and children. Second, the pronoun גרר “your immigrant” denotes that the גר was not a member of a bêt-‘āb (as were “the women and children”), but was bound as a client to a patron (see §3.1.2 on 5:13-14). Third, the restrictive relative clause וגרר אשׁר בשׁעריך marks the גר as one residing in Israel’s settlements; something never said of the נכרי.

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

\[
\text{… in order that (למען) they may hear} \\
\text{and in order that (למען) they may learn and fear YHWH your God,} \\
\text{and (in order that) they may be careful to observe (ושׁמרו לעשׂות) all the words of this law,} \\
\text{and (in order that) their children, who have not known it, may hear and learn to fear (יישׁמעו ליראה ולמדו) YHWH your God, as long as you live in the land that you are crossing the Jordan to possess it (v. 12b-13).}\]

Among those present at the assembly, the גר and his progeny living in Cisjordan, YHWH’s promised land, were liable to hear this tôrâ, to learn and fear YHWH, to be careful to observe all the words of this tôrâ. Fearing God and teaching one’s children to do the same conforms to Israelite wisdom literature.\(^{222}\) In D such phraseology belongs to a repertoire of expressions regarding loyalty to YHWH’s covenant, that is, observing covenant stipulations.\(^{223}\)

A final text critical observation manifests early interpretation apropos to גר analysis. In v. 12 the reading “their god” (3mp pronoun) occurs in 4QDeut\(^1\)

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\(^{221}\) Cp. similar telic constructions in 4:1, 5, 10; 6:1-2.

\(^{222}\) Weinfeld, Deuteronomic School, 274, 298.

\(^{223}\) Weinfeld, Deuteronomic School, 274, 332-39.
224; Smr ( אלהים), several MT mss and G mss. MT\textsuperscript{T} reads “your God” (2mp enclitic pronoun), with G, T, S, V. MT\textsuperscript{L} is the lectio difficilior since the preceding three verbs and the following verb are third person plural (without variants): ילמדו; ישמעו; והוא. Also “their gods” (with 3mp enclitic pronoun) refers in D only to foreign deities (7:16, 25; 12:2, 3; 12:30), never to YHWH. The standard expression in D is יוהו אלהיכם “YHWH your [pl.] God” or יוהו אלהיך “YHWH your [sg.] God.” For these reasons MT is to be preferred. Nonetheless, the reading “their God” indicates that several ancient translators believed the constituents of העם, including the גר, called YHWH their deity, and read in conjunction with 29:9-13, this meant they were bound to this deity in covenant relationship. MT’s reading emphasizes present-future continuity: “the assembly, including the גר in your midst, and his progeny, will relate in covenant terms in Canaan to your God, YHWH.”

3.2. Deuteronomy’s גר: Continuity and Pluriformity

3.2.1. Exploring Thematic Subdivisions

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

1. Judicial justice and equal treatment for the גר (1:16; 24:17; 27:19), including payment of wages (24:14).
2. Sabbath rest for the גר (5:14).
3. Caring for the גר by taking care of their basic needs (10:18) and allowing them to glean in the fields (24:19, 20, 21).
4. Allowing the גר to share in the consumption of the triennial tithe (14:29; 26:12, 13).

\textsuperscript{224}According to Ulrich (\textit{Qumran}, 238), ג is a possible letter.
5. Allowing the גrobat to participate in the celebration of religious festivals (16:11, 14; 26:11).
6. The גroat, together with the Israelites, entered into a covenant relationship with God (29:10). גראים are required to obey the Torah (31:12).

The analyses in this chapter militate against circumscribed demarcations such as these. With the exception of 1:16, socio-judicial texts (Yan’s no. 1) cannot be segregated from texts caring for the socio-economic needs of the גroat (no. 3): 24:14 deals explicitly with the גroat and זאיא “countryman” who are also members of the “poor and needy” (עני ואביון) class, and 24:17 and 27:19 concern the גroat-orphan-widow triad, a collective subject that is the typical form of D’s personae miserae class. Sabbath rest (no. 2) is driven by egalitarian concerns (no. 1), meeting the socio-economic needs of the גroat (no. 3), and is an important, weekly emblem of Israel’s religious life (no. 5) – Sabbath is לוהה “to YHWH” and recollects YHWH’s redemption from slavery in Egypt (5:14-15).

10:18 is concerned with providing for the גroat’s vital needs (no. 2), but it is controlled by the religious vision of emulating YHWH’s love for the immigrant, curiously reminiscent of YHWH’s covenant love for Israel and Israel’s love for YHWH (nos. 5, 6). Gleaning laws 24:19, 20, 21 (no. 3) may not only be grouped generically with 10:18, but provide casuistic images of how one may fulfill 10:18-19. The telic verbal forms and prepositions in the triennial tithe legislation (no. 4) indicate its humanitarian concern for the גroat and personae miserae (no. 3). The first fruits ritual of ch. 26 is not tantamount to the triennial tithe of ch. 14 (no. 4); important differences exist between the two. The tôrâ reading in 31:10-13 (no. 6) was to recur septennially during the feast of Shavuot (no. 5). The tôrâ that the גroat was to perform (no. 6), would have included Sabbath rest (no. 2), gleaning prerogatives (no. 5), triennial tithe consumption (no. 4), and the Feasts of Shavuot and

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Sukkoth (no. 5). Finally, in the final form, these feasts cannot be divorced from the covenant ceremonies (no. 6) since they all were to take place at a centralized location in YHWH’s presence.

Similarly, Markus Zehnder distributes D’s ד texts into five thematic groups:

a) **Kultische Bestimmungen**: Dtn 14,21 (Essen von ובלה); Dtn 16,11.14 (Teilnahme am Wochen- und am Laubhüttenfest).

b) **Rechtliche Schutzmassnahmen**: Dtn 1,16 (Gerichtsverfahren); Dtn 24,[14.]17 (Bedrückungsverbot); Dtn 27,19 (Verbot der Rechtsbeugung).

c) **Wirtschaftliche Förderungsmassnahmen**: Dtn 14,28f. (Zehnter); Dtn 24,14.19-22 (Auszahlung des Tagelohns; Nachlese); Dtn 26,11.12.13 (Zehnder).

d) **Grundsätze des Ethos**: Dtn 10,18f. (Liebesgebot).

e) **Bundesschluss und Thoralesen**: Dtn 29,10 (Bundesschluss); Dtn 31,12f. (Thoralesen).\(^{226}\)

To be fair, Zehnder may have submitted this five-fold categorization for pragmatic purposes, to organize his sub-chapter, but a few deficiencies require a response. Zehnder, perhaps accidentally, does not categorize the ד’s rest on the Sabbath (5:14).\(^{227}\) Carcass consumption (14:21) and the festivals of Shavuot and Sukkoth (16:11, 14) are indeed cultic regulations (Zehnder’s letter ‘a’), but they are also, if not equally, economic advancement measures (‘c’).\(^ {228}\) The bases for ethos found in Deut 10:17-19 (‘d’) is indivisible from both legal, protective measures (‘b’) – “he both does justice for the orphan and widow, and loves the immigrant” – and from economic advancement measures (‘c’) – “by giving food and clothing, so you too must love the immigrant.” As aforementioned, the covenant ceremony tôrâ reading of 31:10-13 (‘e’) was to be enacted in the sabbatical year during the cultic festival of Shavuot (‘a’); and the covenant

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\(^{226}\) Zehnder, *Fremden*, 357.

\(^{227}\) Although he references the Sabbath ד text on the preceding page (p. 356) and dealt with this text in an earlier section §4.1.1, he should have mentioned it here, especially since he presents his categorization as though it were exhaustive (not delineating between prologue-epilogue and DC).

\(^{228}\) Cf. §3.1.4; §3.1.6; §5.2.2.2; §5.2.1.2.
ceremony of which the רָבָנִי was a part (29:10) would have recalled, at a minimum, the DC laws from social, legal, and economic sectors (‘a,’ ‘b,’ ‘c,’ possibly ‘d’). In sum, cataloging D’s רָבָנִי texts thematically diminishes one’s appreciation of each text’s multifunctional and intertextual dimensions.

3.2.2. Investigating the Possibility of Historical Referents

In his exemplary monograph, José Ramírez Kidd delineates two socio-historical referents for the term רָבָנִי in D (see chart §2.2.3). First, a pre-exilic referent is indicated by the 11 triad רָבָנִי injunctions that occur: 1) with the orphan and widow as a collective subject of personae miserae, 2) mainly in the deuteronomic code (chs. 12-26), 3) in food-oriented, humanitarian texts linked to the deuteronomic reforms; 4) with the motivational נָרָבָנִי-Egypt formula. Second, an exilic or post-exilic referent is indicated by the 9 solitary רָבָנִי injunctions which occur: 1) outside the conventional triad formula; 2) mainly in the introduction and appendixes to the DC; 3) in legal and cultic texts, mainly interested in religious integration; 4) with the motivational רָבָנִי-Egypt formula. Ramírez Kidd’s theory of separate historical referents is intriguing, but also

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229 Ramírez Kidd, Alterity, 35-6.
230 Ramírez Kidd, Alterity, 40-41.
231 Deut 14:29; 16:11, 14; 24:17, 19, 20, 21; 26:12, 13. The two exceptions are Deut 10:18 and 27:19; the former breaks the triad formula, and the latter is “a late reference based on the pre-exilic triad” (Ramírez Kidd, Alterity, 35).
232 Deut 14:29; 16:11, 14; 24:19, 20, 21; 26:12, 13.
233 “The model of argumentation of this motive clause is introduced with the verb זכרת, and is used to support commands even when the termעבד does not appear in the main clause (Deut 24:17-18.19-22):” Ramírez Kidd, Alterity, 36.
234 Deut 1:16; 5:14; 10:19; 28:43; 29:10; 31:12.
235 Deut 1:16; 14:21; 29:10; 31:12.
236 The conjunction כי introduces the רָבָנִי-Egypt formula: Exod 22:20; 23:9-12; Lev 19:34; Deut 10:19.
raises several questions of interpretation and internal consistency.

First, the triad הַיְם injunctions are not uniform, but include: two formal Levite-הַיְם-orphan-widow tetrads (16:14; 26:12; maybe also 26:13); an association with the Levite (14:29; 16:11); a formal הַיְם-orphan dyad, associated with the widow (24:17); and a Levite-הַיְם dyad (26:12). The only stable triad הַיְם-orphan-widow references are in chapter 24, and there they recur as a stylistic, possibly mnemonic, pattern (see §3.1.8). There is likely no singular triad הַיְם referent, only the possibility of a composite, or personae miserae referent. Second, associating the triad הַיְם food provisions with deuteronomistic reforms cannot be corroborated, or refuted, from any available sources; no humanitarian actions are mentioned in the accounts of Hezekiah’s or Josiah’s reforms.237 Third, triad הַיְם passages are not solely humanitarian, but reflect cultic centralization (16:11, 16; probably 26:13),238 and in this respect bear association with the solitary הַיְם present at the centralized religious ceremonies (29:9; 31:11).239 Fourth, although the four uses of the הַיְם-Egypt formula240 all motivate action toward the individual הַיְם and likely reflect an earlier tradition,241 the הַיְם-Egypt formula also occurs with the individual הַיְם among the Sabbath participants in D’s prologue (5:14-15). Fifth, the same modifying phrases (אֲשֶׁר בְּשָׁעִירָךְ; אֲשֶׁר каָרָךְ) modify both the composite and individual הַיְם, again forging literary continuity between them. Sixth, the הַיְם is mentioned in DC laws that, like the

238 Philipp A. Enger, Die Adoptivkinder Abrahams. Eine exegetische Spurensuche zur Vorgeschichte des Proselytentums (BEATAJ 53; Frankfurt: Peter Lang, 2006), 274.
239 Note also that the covenant ceremony of 31:10-13 (individual הַיְם) is linked to the feast of Shavuot in 16:13-15 (tetrad הַיְם).
240 Exod 22:20; 23:9; Lev 19:34; Deut 10:19; and arguably Deut 23:8.
241 Krapf, “Traditionsgeschichtliches,” 87-91; Bellefontaine, “Curses,” 263.
prologue-epilogue, also deal with legal and cultic matters: cultic holiness (14:21); cultic festivals (16:11, 14); entry into YHWH’s assembly (23:2-9); legal protection (24:14, 17; see 27:19 which reflects the DC, 24:17). As tempting as it may be to reconstruct separate referents based on dating schematics (seventh century DC; exilic or post-exilic prologue-epilogue), the data simply do not allow us to claim with confidence that the גֵּר reflected in D’s prologue and epilogue is referentially different than the גֵּר reflected in the DC.

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

Is the גֵּר who is reflected in the language of D’s legislation ethnically Israelite (a la Kellermann) or Judahite (a la Bultmann) or non-Israelite/non-Judahite? We will now review the germane materials with this question at the fore.

In D’s historical prologue, Moses recapitulates his charge to Israel’s judges to adjudicate cases fairly between social classes (1:9-18). Bultmann believes “brother” (אח) refers to a local Judahite, whereas “immigrant” (גֵּר) refers to a Judahite who lived in Judah, but away from his clan and without property.242 Na’aman agrees, but clarifies that this Judahite sojourner was a refugee displaced by Sennacherib’s 701BCE campaign.243 These are reconstructive proposals for semantic domains, but the terms in their literary contexts do not give us this much information; they denote only a taxonomy, a “hierarchical system from ‘related kinsperson’ (’אֱהֹל) to ‘special insider’ (גֵּר) to clear

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242 Bultmann, Der Fremde, 30, 55, 79-84.
outsider (nokrî).”

In 1:16 the most straightforward interpretation is that “Der יהוה und sein נַחֲשׁ sind dabei als vollbürtige Israeliten zu verstehen, der גר als abhängiger Fremdling.”

The גר is delineated from either the Israelite (אישׁ) or countryman (אח); 1:16-17 presumes the גר to be non-Israelite and non-Judahite (see §3.1.1). The parallelism between v. 16a and 16b may also present גרו “his immigrant” as a hyponym of the plural אחיכם “your countrymen” class (1:16bβ). This is not problematic since “your countrymen” is broad enough to include the non-Israelites from Edom (אחינו, 2:4; אחיכם, 2:8; see 23:8).

The panegyric to YHWH in ch. 10 culminates with the statements and imperatives:

“He both executes justice for the orphan and widow, and he loves the immigrant by giving him food and clothing. So you must love the immigrant for you were immigrants in the land of Egypt” (Deut 10:17-19). Na’aman contends:

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

The sojourner must, therefore, be a member of God’s people. There are two major flaws with this view. First, it is inconsistent to assign an exilic provenance to 10:19 and 23:8b when their stress on the epoch of Egypt’s hospitality toward Jacob stands in stark contrast to the appalling image of Israel exiled in Egypt/Babylon in Deut 28:68 (see §4.5 n. 85).

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245 Zehnder, Fremden, 358.
Since 28:68 reflects exilic origins, it is highly improbable that 10:19 and 23:8b were also composed from an exilic perspective. Second, unless the יִמְשָׁר “immigrant” came from outside the land of Israel, the motive clause “for you were immigrants in the land of Egypt” has no rhetorical potency: “you must love the immigrant from your own land – the north or from other towns in Judah – for you were immigrants in the land of Egypt.” Rather an integrative and universal tendency controls this text: “Beide gehören Jhwh gleichermaßen, beide sind von ihm geliebt und beide haben in ihrer Existenz die Erfahrung von Fremdheit gemacht. Diese universalistische und nationale Unterschiede relativierende Perspektive ermöglicht eine tiefgreifende Integration des Fremden.”

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

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247 Riecker, Priestervolk, 324.
249 van Houten, Alien, 81; Frank Anthony Spina (“Israelites as gerîm, ‘Sojourners,’ in Social and Historical Context,” in The Word of the Lord Shall Go Forth: Essays in Honor of David Noel Freedman in Celebration of His Sixtieth Birthday [ed. Carol L. Meyers and Michael Patrick O’Connor; Winona Lake,
Deuteronomy probably also distinguishes the נכר and נקר on religious grounds (see §3.1.7.3). Na’aman believes: “Deut 24:1-21[sic, he means 14:1-21] shows the influence of the Priestly source, and the entire paragraph is influenced by the Book of Leviticus 11.” The concern over cleanness and uncleanness is not original to the DC and therefore “v. 21 is extraneous to the discussion about the status of the sojourner during the First Temple period.” Against Na’aman, 14:21 cannot be the product of priestly authorship or redaction because it neither correlates with priestly idiomatic phraseology for the נקר (§5.1.5, §5.2.1.1), nor with the priestly (H) prohibition of the נקר and native from eating a carcass (§5.2.2.2). Instead, 14:21 permits both נקר “immigrant” and נכר “foreigner” to eat a carcass, but prohibits the Israelite addressees from the same. The Israelites are called “a holy people to יהוה your God,” and this demarcation “dass die ethnisch fremde Herkunft des נקר impliziert.”

The נקר and נכר must be of non-Israelite and non-Judahite origins. In addition, the interconnection with 14:21 and 14:29 may be suggestive, as McConville observes, that a redactor has conjoined these units: “our examination of the immediate context of Deuteronomy’s tithe-law (14.22-29) leads us to conclude that, along with the food laws (vv. 3-21), it represents a logical development from the statement in 14.1f. of Israel’s chosenness and holiness to Yahweh.” On this plausible editorial level, 14:28-29 presumes the נקר in 14:28-29 shares the same non-Israelite/non-Judahite ethnicity as the נקר in 14:21. In addition, the lexemic overlap and

Ind.: Eisenbrauns, 1983], 321-35) contends that the majority of the נקר referents in the Hebrew Bible are non-Israelites.

252 Zehnder, Fremden, 358; also van Houten, Alien, 82.
253 J. G. McConville, Law and Theology in Deuteronomy (JSOTSup 33; Sheffield: JSOT, 1884), 78-81; also van Houten, Alien, 80-81.
probable framing of the tithe regulations of chs. 14 and 26 might, by extension, indicate the same non-Israelite and non-Judahite גר in 26:10-13 (see §3.1.9, §5.2.2.2).

At the centralized feasts of Shavuot and Sukkoth, the *persona miserae* class, possessing no land – Levite, רבע, orphan, widow – accompanied the landowner and his *bêt-āb* to celebrate the feasts (Deut 16:11, 14). Na’amán concludes that “This indicates that sojourners were viewed as belonging to the local population, there being no religious reason to bar them from the rites conducted at the temple.” Belonging to the local population, however, is not by necessity tantamount to being a native Judahite (or Israelite). Additionally, the רבע was included in these feasts, not because of his ethnicity, but because of the DC’s programmatic consideration for the community’s susceptible members. The evidence from Deut 16:9-17 does not allow us to draw conclusions on the ethnic origins of the רבע in this passage. By contrast, Deut 23:2-9, which makes no explicit mention of the term רבע, quite plausibly particularizes the ethnic origins of the רבע as a resident and favorable non-Israelite, namely, Edomite and Egyptian (see §3.1.7.3).

Deuteronomy 24:14-15 states: “You must not oppress the wages of the poor and needy, whether one from your fellow countrymen or from your immigrant who is in your land in your gates. You must give him his wages on the same day before the sun sets, for he is poor and counts on it. Otherwise he will cry against you to YHWH, and you will be guilty.” Bultmann argues that both the “brother” (אח) and “immigrant” (גר) are from

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255 Na’amán fails to interact with Deut 23:2-9 and Bultmann’s explanation is insufficient: *Der Fremde*, 119; see §3.1.7.3.
Judah, the former is indigenous to the community, while the latter simply entered it from other parts of the region.²⁵⁶ He postulates:

Da der Begriff ’ah primär keine nationalen oder ethnischen Implikationen in dem Sinne hat, daß er von einer Konzeption der Einheit des Staatsvolkes der jüdischen Monarchie her gedacht ware, sondern auf der Ebene der konkreten lokalen Gemeinschaft liegt, führt die Unterscheidung des ger vom’ah nicht auf eine Herkunft des ger von außerhalb Judas.²⁵⁷

However, the poor and needy “countryman” (אח), as in 1:16-17, is could also be understood as a native Israelite in distinction from גרך “your immigrant.”²⁵⁸ Like Bultmann, Na’aman does not see it this way: “There is a marked distinction between a ‘brother,’ namely a local Judahite, and the sojourner who is not a native of the place.”²⁵⁹

We must concur that גרך “your immigrant” was not a native and worked as a client for a local landowner, but Na’aman’s theory – that the גר in the D was a Judahite refugee from one of the towns that Sennacherib destroyed – does not adequately explain the additional qualifier unparalleled in D, “your immigrant who is in your land in your gates/towns” (ארצך בשׁעריךאשׁר ב). This could be read as a Northern Kingdom Israelite who is in the land of Judah, or a non-Israelite or non-Judahite who is in the land of Israel or Judah, but could be read only awkwardly as a “displaced Judahite who is in your land, namely, Judah.”²⁶⁰ Consequently, the best explanation for the גר in 24:14-15 is that he was either a Northern Kingdom Israelite, or in light of the other DC laws, a non-Israelite and non-Judahite. YHWH was inclined to his cry in 24:15, not because he was a native, but

²⁵⁶ Bultmann, Der Fremde, 79-84.
²⁵⁷ Bultmann, Der Fremde, 83.
²⁵⁸ Zehnder, Fremden, 363; van Houten, Alien, 94.
²⁶⁰ Na’aman’s theory could work if the phrase only stated, “your immigrant [displaced Judahite] who is in your towns.”
because he resided in Israel as a “poor and needy” person, vulnerable to oppression (cf. 10:17-19).

Legal protection and gleaning provisions for the גר, orphan, and widow in Deut 24:17-18, 19-22; and 27:19 might be considered the strongest evidence for the indigenous ethnicity of the גר.261 “Anyone who argues that the sojourner was a foreigner must explain why the Book of Deuteronomy presents a set of laws designed to protect aliens, and does not apply them to the needy of the Judahite origin.”262 Yet, this question totally neglects the vision of Deut 15:11: “For there will never cease to be poor in the land. Therefore I command you, ‘You shall open wide your hand to your brother (친구), to the needy and to the poor, in your land.’” The solidarity and benevolence of Israelite or Judahite kinsfolk infused with a social identity defined by YHWH’s redemption (15:15) was the DC’s mechanism to meet local Judahite or Israelite needs. Deut 24:14-15 also ensures the local Judahite fair compensation.

As for the reason for the various laws that protect the non-Israelite or non-Judahite, this becomes much clearer when we reexamine their intent. Norbert Lohfink shows that biblical texts before D, chiefly the CC, use various terms that “had been mixed up without any clear distinction,” but in D are now reduced and bifurcated into two groups: one, אביון and עני, both terms continue to be used for the poor; two, the גר-orphan-widow triad, which is never combined with group one.263 Lohfink once thought

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


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

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264 Lohfink, “Poverty,” 44.
We read among the covenant curses of chapter 28, “The immigrant in your midst will rise above you higher and higher, but you will descend lower and lower. He will lend to you, but you will not lend to him. He will be the head, and you will be the tail (28:43-44).” Na’aman rightly notices that “the reverse of this text, though in reference to the relations between Israel and the gentiles, appears in a blessing in vv. 12-13” (see §3.1.11). Unfortunately, he totally neglects – to his advantage – the basic implication: “You will lend to many nations” (הלָחוּת גוים רבֵם; v. 12b) is inverted by “He [גר in v. 43] will lend to you” (הוא ילוך; v. 44a). The גר here is conceptualized as one who has multi-national origins. Also in the epilogue, in the covenant ceremony of chapter 29, the גר is “from the one who chops your wood to the one who draws your water” (Deut 29:11), which bears a strong lemmatic resemblance to the Gibeonites in Joshua 9:21, 23, 27. While the direction of literary influence is debatable (see §3.1.12), either the deuteronomistic author of Joshua 9 interpreted the גר in Deuteronomy 29 as a non-Israelite (and thus applied this lexeme to the Gibeonites), or less likely, Deuteronomy 29 crafted its description of the גר in light of Joshua 9; in either case, the גר is understood as a non-Israelite and non-Judahite. Finally, the גר occurs one last time in the context of the tôrâ ceremony in 31:9-13. The גר is clearly a hyponym within “all Israel” (v. 11) and “the people” (v. 12), and so one might object that the גר could also be ethnically a non-Israelite and non-Judahite. However, there is no semantic contradiction since elsewhere in the Hebrew Bible the non-Israelite גר is included: in “the congregation of

269 van Houten, Alien, 103-04.
Israel” (Exod 12:19); in “the Israelites” and “all Israel” (Josh 8:32-33); and in “all the assembly of Israel” (Josh 8:35). Perhaps most importantly, in Deut 23:8-9 the non-Israelites, Edomites and Egyptians, were permitted to enter into YHWH’s assembly.

After analyzing the major scholarly proposals on the nature of the גֵּר in pentateuchal law, Riecker concludes: “Trotz aller anders gearteten Überlegungen last sich nun feststellen, das mit dem גֵּר Fremden in den Gesetzesstexten der Tora ausschließlich ein Nichtisraelit bezeichnet wird, der sich in Israel niederlässt.”\(^{271}\) The Tetrateuch must be evaluated separately, but our review of the pertinent data provides additional support for Riecker’s conclusion that the גֵּר underlying D’s laws can only be a non-Israelite and non-Judahite residing in Israel.

3.3. Conclusions: Rhetoric of a New Status

D’s גֵּר texts cannot be satisfactorily subdivided by theme or bifurcated into individual and triad referents. In addition, these texts resist categorization due to the variegated qualifying lexemes and sociological settings.

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\(^{271}\) Riecker, Priestervolk, 309.
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<td>נָזִיר וְיוֹנָהוֹס וְאָלָמָנָה אֲשֶׁר בְּשֶׁעַרְיָם &quot;the Levite, immigrant, orphan, and widow who are in your gates&quot; (v. 14)</td>
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<td>orphan-widow <em>triad</em></td>
<td>נָזִיר וְיוֹנָהוֹס וְאָלָמָנָה &quot;for the immigrant, orphan, and widow&quot; (v. 19)</td>
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<td>orphan-widow <em>triad</em></td>
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<td>orphan-widow <em>triad</em></td>
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<td>28:43-44</td>
<td>individuum</td>
<td>Economic</td>
<td></td>
</tr>
<tr>
<td>29:8-12</td>
<td>individuum, hyponym of “all of you” (כלכם) and associated with “your children, your wives” (-navigation) as three identities in the service-oriented class</td>
<td>Cultic</td>
<td></td>
</tr>
<tr>
<td>31:10-13</td>
<td>individuum, hyponym of “the people” (עם)</td>
<td>Cultic</td>
<td></td>
</tr>
</tbody>
</table>

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

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
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</table>
| 5:14 | individuum | + enclitic אַשֶׁר בשעֹרִידכָּ֔ים  
| 31:12 | individuum | + enclitic אַשֶׁר بشֹׁרִידכָּ֔ים |
| 1:16 | individuum | + enclitic 1 |
| 10:18 | inchoate triad |
| 10:19 | individuum |
| 27:19 | triad |
| 28:43 | individuum | + אַשֶׁר בְּכָרָב מַתְנִין |
| 29:10 | individuum | + enclitic אַשֶׁר בְּכָרָב מַתְנִין |

No obvious distinctions are observable between these lexemes and those in the DC.

Again the lexemes in the DC are not homogeneous, but contain four variations:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>14:21</td>
<td>individuum</td>
<td>+ אַשֶׁר בְּשָׁרוֹרִידכָּ֔ים</td>
</tr>
<tr>
<td>14:29</td>
<td>triad</td>
<td>+ אַשֶׁר בְּשָׁרוֹרִידכָּ֔ים</td>
</tr>
<tr>
<td>16:14</td>
<td>tetrad</td>
<td>+ אַשֶׁר בְּשָׁרוֹרִידכָּ֔ים</td>
</tr>
</tbody>
</table>
Throughout D none of the נון forms (individuum, dyad, etc.) are qualified consistently by the same lexeme; the triad is often unqualified, but not always (14:29; 16:11). Only rarely is a specific qualifying lexeme selected for a noticeable reason (see §3.1.5 on 14:29). Mainly they are applied without apparent reason or for aesthetic purposes.

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

The recurrence of qualifying lexemes (אשׁר־בשׁעריך, etc.) and maybe also the נון’s involvement in several societal sectors calcifies the continuity between the נון in the prologue-epilogue and the נון in the DC. However, there are important discrepancies between the נון in the prologue-epilogue and the DC. Before we consider these, we must observe that three texts in the prologue-epilogue clearly anticipate or are dependent on
the stereotypical language of the DC: 10:18-19; 27:19; and 28:42-43. In 10:18-19, the orphan-widow dyad is in parallelism with גֵּרąג וֹסִיָּה without the enclitic יָּה; this reflects both the BC and DC language, but not that of the prologue-epilogue texts, which never mention the orphan-widow with the גֵּרąג, and which prefer the enclitic יָּה or יָּהוֹסִי.272 Deuteronomy 27:19 is genetically related to 24:17 (see §3.1.10), which is unsurprising since all the curses of ch. 27’s so-called Schechemite Decalogue reflect either the DC or Decalogue.273 Na’amān correctly perceives this, “though chapter 27 was written at a later time, it reflects the same ethos as the previous passage [24:17]. This ethos is accentuated in Deut 10:18-19…”274 Then in Deut 28:42-43, we read יָּהוֹסִי “the immigrant,” which only occurs in this form in the DC and 10:18-19; 27:19. The reason the orphan and widow are not mentioned in 28:42-43 is that these verses function as the negative counterpart to 28:12b-13 (see §3.1.11). The inverse of “you will lend to many nations” (הלֶחיָה גֵּר רַבַּי; v. 12b) is “He [גֵּר in v. 43] will lend to you” (הוּא יָלֹך; v. 44a). The orphan, widow and Levite – often associated with the גֵּר in the DC – are all of Israelite (or Judahite) origins and, therefore, are deliberately omitted in 28:43-44. The multi-national origins of the גֵּר in 28:43-44 correlates with the DC’s depiction of the גֵּר as non-

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272 Thomas Krapf (“Traditionsgeschichtliches zum deuteronomischen Fremdling-Waise-Witwe-Gebot,” VT 34 [1984]: 87-91), who does not deal with dating issues between the prologue-epilogue and DC, believes the BC was the earliest Israelite law corpus to present the triad, and did so in the order: (1)גֵּר­– (2)אֶלְמָנָה­– (3)יתָם. He contends (translation mine): “This order is interchanged in all deuteronomistic texts (1) ytwm – (2) ’lmnh, first of all, in the context attributing Deut 10:12-11:17 to Yahweh. In 10:18 there is an analogy to the diction of the BC in two separate main clauses predicated of God, that he on one hand accomplishes justice for the orphan and widow (v. 18a), and the other hand loves the stranger (v. 18b). The subsequent typical invitation for Israel, namely, to love the stranger (v. 19), certainly could have been a secondary addition. Following the given sequence in Deut 10:18a (1) ytwm – (2) ’lmnh is the prefixing of the gr in deuteronomistic law’s (Deut 12-26) characteristic sequence: (1) gr (2) ytwm (3) ’lmnh. This is followed in all other deuteronomistic texts: Deut 14:29; 16:11, 14; 24:17, 19, 20, 21; 26:12, 13.”


Israelite/non-Judahite (see §3.2.3).

If 10:17-19; 27:19; and 28:42-43 are to be associated with the language of the DC, then immediately a discrepancy emerges: the מ烦恼 in the prologue-epilogue is suffixed with the י citt “your/his immigrant,” whereas in the DC, only once out of twelve מ烦恼 occurrences (24:14):

1:16.individuum + enclitic י
5:14.individuum + enclitic י כ
29:10.individuum + enclitic י כ
31:12.individuum + enclitic י כ
24:14.individuum + enclitic י כ

Without owning land in Israel and without indigenous, extended familial ties, the מ烦恼 had two means of sustenance: in D’s prologue-epilogue the מ烦恼 individuum survived by working as a client for an Israelite patron (see §3.1.2 on 5:13-15), whereas in the DC the מ烦恼, along with other persona miserae, could survive primarily by the DC’s relatively comprehensive welfare system (see §5.2.2.1). Deut 24:14 presumes that certain מنحن מוחמד in the DC worked as clients, but enough of these clients were predisposed to poverty, as were the persona miserae, to be included in this law: “You must not oppress the wages of the poor and needy, whether one from your fellow countrymen or from your immigrant who is in your land in your gates” (see §3.1.8). Therefore, even if patrons fairly compensated their laborers, the poor and needy מ烦恼 in view here would have probably supplemented his income by DC’s welfare system.

We may now offer the following comparisons between the מ烦恼 in the prologue-epilogue and DC:
<table>
<thead>
<tr>
<th>גר in Deuteronomic Code (DC)</th>
<th>גר in Prologue and Epilogue (P-E)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Resided in Israelite settlements (shared qualifying phrases with P-E)</td>
<td>1. Resided in Israelite settlements (shared qualifying phrases with DC)</td>
</tr>
<tr>
<td>2. Ethnically non-Israelite and non-Judahite</td>
<td>2. Ethnically non-Israelite and non-Judahite</td>
</tr>
<tr>
<td>4. Clearly predisposed to poverty</td>
<td>4. Not clearly predisposed to poverty</td>
</tr>
<tr>
<td>5. Represented as welfare dependent</td>
<td>5. Represented as client workers</td>
</tr>
<tr>
<td>6. Not a “countryman” or a member of “holy people to YHWH” (24:14; 14:21)</td>
<td>6. Member of “countrymen,” “all Israel,” “the people” (1:16; 31:10-13)</td>
</tr>
<tr>
<td>7. Consumed food at feasts of Shavuot and Sukkoth (16:11, 14)</td>
<td>7. Rest from client work on Sabbath</td>
</tr>
<tr>
<td>8. Not subject to an Israelite holiness law (14:21)</td>
<td>8. Entered covenant with YHWH (29:8-12)</td>
</tr>
<tr>
<td>9.</td>
<td>9. Required to hear and obey tôrâ (31:10-13)</td>
</tr>
</tbody>
</table>

The גר in the DC was integrated socially as a means to provide for his physical needs, whereas the גר in the P-E was integrated socially and cultically into the community of YHWH’s covenant people. The continuity forged between the גר in the DC and the P-E – common qualifying lexemes and non-Israelite/non-Judahite origins – does not permit us to bifurcate between DC and P-E referents. Instead, in my view, Deuteronomy 23 provides the missing link. The non-Israelite who demonstrated commitment to YHWH and his people (גר for three generations and historically positive treatment of Israel) was admitted formally into YHWH’s assembly (קַהּל יְהוָּה), that is, became a member of YHWH’s people privileged to gather, hear and obey the word of YHWH (§3.1.7.2). An accompanying social transition would have been inevitable: the personae miserae גר of the DC now enters covenant and, consequently, would gain not only additional offers from patrons to work as a client, but his patron would be even more cautious to
compensate and protect him, allowing him to break away from the stigma of the vulnerable class and stand as a יִשְׂרָאֵל individuum on his own two feet, as we encounter him in the P-E. This theory also explains why certain נָכְרִים “foreigners” who were not granted admission into YHWH’s assembly are also presented in deuternomic law as financially independent persons who do not settle within Israelite towns (§3.1.7.3).

Miller rightly reclaims the paraenetic flavor of this book, which if not appreciated, risks misinterpretation: “Deuteronomy is law that is taught and preached, not simply promulgated; it must be understood as an activity of teaching and preaching if its aim is to be understood.”275 This is, indeed, the case for D’s presentation of the יִשְׂרָאֵל. The landowners of Israel are enjoined to provide for and protect the non-Israelites who have taken up residence among them. Distributing goods and enforcing social justice does not require the landowners to welcome these non-Israelites into the core of their community; but admission into YHWH’s assembly does. Deuteronomy 23 itself is rhetorically potent precisely because of the traditions on which it draws: Egyptian kindness during the יִשְׂרָאֵל era, not Egyptian cruelty during the עבּוד era, which otherwise dominates deuteronomic thought; the solidarity of the blood relationship with Edom (Deut 2:1-8; 23:8), not the abrasiveness of Edom’s most recent inhospitality as recorded in Num 20:14-21 (which Deut 2:1-8, and probably 23:8, mollify). The words of YHWH through Moses pierce the recalcitrant and unforgiving Israelite’s heart: the יִשְׂרָאֵל who was a member of Edom or Egypt, or any other nation who vacillated between blessing and cursing Israel, the very יִשְׂרָאֵל who consumed forbidden carcasses (14:21), who received without giving in return

275 Miller, Deuteronomy, 7.
(14:28-29; 16:11, 14; 24:19-22; 26:10-13) – now enters covenant with YHWH and joins the sacred gatherings of YHWH’s people (29:8-12; 31:10-13). Most Israelites hearing or reading D would have been relieved that at least it was the גר, and not D’s נכרי “foreigner,” who enters covenant. Purely on the ideational level, not a genetic or intertextual level, Isaiah continues the trajectory where D leaves off: *personae miserae*, socially integrated גר (DC) → cultically integrated גר (Deut 29, 31; Isaiah 14:1) → cultically integrated נכרי (Isaiah 56). Like the epilogue of D, Isaiah 14:1 envisages that during YHWH’s restoration of Israel, the גר “will join them and unite with the house of Jacob,” but by its own subversive rhetoric Isaiah 56:1-7 incorporates the heretofore rejected בן¬ נכרי “foreigner” (D’s נכרי) who by keeping covenant may now worship YHWH in his Jerusalem sanctuary.
Chapter 4

IMMIGRANT-IN-EGYPT AND SLAVE-IN-EGYPT FORMULAE: DEMARCATION, IMPORT AND ORIGINS

4.1. Introducing the Formulae

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

<table>
<thead>
<tr>
<th>גרים-Egypt formula</th>
<th>עבד-Egypt formula</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sample: גרים ית ות בואות ממצרים</td>
<td>Sample: עבד ית בואות ממצרים</td>
</tr>
<tr>
<td>“for you were immigrants in the land of Egypt” (10:19)</td>
<td>“So remember that you were a slave in the land of Egypt” (24:22)</td>
</tr>
<tr>
<td>结 introduces motivational clause</td>
<td>结 introduces motivational clause</td>
</tr>
<tr>
<td>Used only with solitary גרים injunctions (see §4.4.1)</td>
<td>Used with composite and גרים individuum injunctions</td>
</tr>
</tbody>
</table>

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

À de nombreuses occasions, il est rappelé à l’Israélite qu’il a été גרים en Egypte, assujetti à Pharaon (Ex 22,20; Lv 19,34; Dt 10,19; 23,8; 24,17,22) et ce souvenir fonde les exigences des lois de protection ou d’intégration des étrangers en Israël... Peu importe ici la réalité historique de l’esclavage en Égypte, puisque c’est ainsi de toute façon qu’Israël a lu son histoire. En Égypte, l’Israélite a été étranger, un émigré asservi aux grands travaux du pharaon, tel que le racontent les premiers chapitres de l’Exode. 2

1 This is a modification of José E. Ramírez Kidd’s comparison of these formulae in Alterity and Identity in Israel: The גרים in the Old Testament (BZAW 283; Berlin: Walter de Gruyter, 1999), 35-36. See §2.3, §2.2 for discussion of his proposal that the גרים-Egypt and עבד-Egypt formulae motivate action toward two different socio-historical referents, the so-called triad גרים and individual עבד.

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

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

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

On the contrary, Innocenzo Cardellini believes D differentiates Israel’s *agreeable* "immigrant” experience from its *adversative* "slave” experience. Although Jacques Guillet conflates ר-Egypt and יב-יב-Egypt references (as do Bertrand and Vogels), he recollects that Abraham as a ר relied on the goodwill of settled populations and their leaders. Jacob’s family enjoyed the benefits of Egypt, which to them felt like home:

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

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

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

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over the Pentateuch’s transmission process.

4.2. גר-gypt andעבד-gypt: Evidence of a Semantic Distinction

4.2.1. גר(activity in Gen 45-Exod 1:5 andעבדactivity in Exod 1:8/9-12:51)

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

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13 The contexts of these גר activities are as follows. From the Negev region (Gen 12:9), Abram “went down to Egypt to sojourn [לגור] there for the famine was severe in the land” (12:10). Lot was next viewed by the inhabitants of Sodom as one who came to Sodom to sojourn (בעא לגור; 19:9), and then Abraham journeyed ostensibly from a mountain where he overlooked Sodom and Gomorrah (19:27-29) (whose locations are notoriously disputed) to settle in the Negev region and sojourn in Gerar (ויגר בגור; 20:1) in the Western Negev basin. Abimelech, king of Gerar, and Phicol, commander of Abimelech’s army, reiterate that Abraham has sojourned in Gerar (“in the land in which you have sojourned” [עם הארץ אשר גרתה בה]; 21:23), and the implied narrator affirms this: “Abraham sojourned in the land of the Philistines for many days” [ויגר אברהם בארץ פלשתים ימים רבים]; 21:34). The adverbial accusative phrase, “for many days,” means idiomatically “a long time” (JPS Tanakh) or “for quite some time” (NET). As an aside, Joseph-Jacob’s residence in Egypt, although it lasted for at least a generation (Exod 1:6-8), would still qualify as a גר experience. When purchasing a plot in Machpelah, near Hebron (modern Haram el-Khalil), from Ephron the Hittite, Abraham self-identifies by the appellatives: “I am an immigrant and sojourner among you” (גר−ותושבע אנכי עמכם; 23:4). After a famine (26:1), Isaac repeats Abraham’s journey, not to Egypt (26:2), but to Gerar (26:1), and Isaac is commanded by YHWH to sojourn there (“sojourn in this land” [גר−וט rek📖 פאר אפרים מי רכמים]; 26:3). Only in the Jacob cycle (Genesis 35-50) do readers learn that the implied narrator also considers Abraham’s and Isaac’s stay in Mamre – namely, Kiriath Arba, which was later called Hebron – a sojourn: “where Abraham and Isaac had sojourned” (אשר גרבם אברם ויצחק; 35:27). When meeting his brother Esau, Jacob explains that he sojourned with Laban (גר−ותושבע בראבира; 32:5) in Haran, northeast in the region of Paddan Aram.
with that of Isaac’s: “Jacob lived in the land of the sojourning of his father, namely, the
land of Canaan” (יִישָׁב יְעָקֹב בְּאָרֶץ מָגוֹרִי אֵבִי בְּאָרֶץ כּנַּעַן; Gen 37:1). Similarly, in his
dialogue with Pharaoh in Goshen, Jacob refers to his life in Canaan by the metonym “the
[days of the] years of my sojourning” (יִמְּיו שִּׁנֶי מָגוֹרִי), and Jacob refers likewise to his
ancestors’ lives “during the days of their sojourning” (יִמְּיו מָגוֹריוֹם; Gen 47:9). Of these
gor activities, those in Canaan are collectively recalled in Exod 6:4 when YHWH promises
to Israel, through Moses: “to give them the land of Canaan, the land in which they
sojourned” (לָהֶם אָדָמָיָם בְּאָרֶץ אֶרֶץ שִׁנֵּי מָגוֹרֵי אֵשּׁׁר גָּרְנוּ בָּהּ). These gor occurrences
illustrate that “les patriarches font figure d’étrangers, obligés de s’en remettre à la bonne
volonté des populations installées et de leurs chefs.”

The Patriarchs’ gor experiences were not inherently negative (or positive), but depended on how they were treated by

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

They said to Pharaoh, “We have come to sojourn in the land [לָגֵּר בְּאָרֶץ], for there is no pasture for your
servants’ flocks, for the famine is severe in the land of Canaan. Now, permit your servants to dwell in the
land of Goshen” (47:4).

Jacob’s gor experience in Goshen, Egypt, continues the motif of Patriarchal
gor experiences in and around Canaan, especially Abraham’s famine in Canaan leading to his
in Egypt (Gen 12:10-20).

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The verbal form גור and nominal form גר do occur in the Exod 1:9-12:51 block, but they provide no counterevidence. The sole occurrence of גור refers not to the Israelites in Egypt, but to an Egyptian woman living in an Israelite’s house in Egypt (G-stem fs. participle; Exod 3:22). The noun גר refers thrice to non-Israelites participating in Israel’s Feast of Matzoth and Pesach (Exod 12:19, 48, 49). Finally, in Exod 2:22 (repeated in 18:3), Moses names his firstborn son: “Then she gave birth to a son, and he called his name Gershom [גרשׁם], for he said, ‘I have been an immigrant [גר] in a foreign land [בארץ נכריה.’” Ramírez Kidd discredits the value of this as evidence since it is an “etymological etiology” (גרשׁ + enclitic מ [cf. Exod 2:17; 6:1; 11:1; 12:39] and/or גר “immigrant” + שם ‘there’). More importantly, שם and ארץ נכריה do not refer to Egypt, but Midian, where Moses lived. Egypt was not to Moses an ארץ נכריה, but the country of his upbringing by the Pharaoh’s daughter (Exod 2:5-10). When Moses fled to Midian, he abandoned his people who were under Pharaonic oppression. The illusion of relative comfort in Midian suppressed the reality that Moses should never have been there to begin with (Exod 2:11-15). Unlike Moses, God responds to his people’s suffering and calls Moses to leave Midian and return to Egypt for God’s people (Exod 2:23-25; ch. 3).

As for the root עבד, in the Joseph cycle it is never used of Jacob’s family in Egypt as forced laborers (see §4.3), but only as a self-appellative in deference for the

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15 Ramírez Kidd, Alterity, 91; see Carol Meyers, Exodus (NCBC; Cambridge: Cambridge University Press, 2005), 45-46.
16 Stephen in Acts 7:29, likewise, understood Moses to have resided as an immigrant in Midian, not Egypt: ἔφυγεν δὲ Μωϋσῆς ἐν τῷ λόγῳ τούτῳ καὶ ἐγένετο πάροικος ἐν γῇ Μαδιάµ, οὗ ἐγέννησεν υἰοὺς δύο.
Pharaoh (עֶבֶדיך “your servants”: 46:34; 47:3, 4[2x]). The Egyptians sold their land and offered themselves as עֶבֶדים “slaves” to Pharaoh, and Joseph indeed made them עֶבֶדים in exchange for food (47:15-26). The next verse, as it is presently placed, functions rhetorically as a contrast to the now landless and servile Egyptians:

Now the Israelites settled in Egypt in the region of Goshen. They acquired property in it and were fruitful and increased greatly in number (47:27).

Joseph’s brothers do offer themselves to become his עֶבֶדים “slaves,” but Joseph emphatically denies their offer (49:19-21). The first portrait of Israel’s ancestors as עֶבֶדים, with the negative connotation of forced laborers, does not occur until Exod 1:13:

So they [the Egyptians] forced the Israelites to work as slaves.

Cardellini correctly regards this as a change in status: “Nelle rilettura, in chiave epica, di testi dell’esodo dalla terra d’Egitto, il significato di gerim viene modificato in ‘abadim (schiavi).” This does not deny that the Hebrews continued to גור in the sense that they continued to reside as Asiatics in the Nile Delta, but the Pentateuchal language is consistent in marking a fundamental status transition from עבד to עבד (גור) גור עבד.

In conclusion, the distinction between גור and עבד in the Genesis and Exodus narratives enhances the probability that D’s formulae are not interchangeable. Rather, the above data allow for the possibility that the נ-ב-gypt formula correlates with Jacob’s

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17 Only Issachar, of the 12 tribes of Israel, becomes a slave that performs forced labor and there is no indication here of Egypt; even if it does, it does so proleptically, not as a present reality (Gen 49:15; see 15:13).
family’s גור—נָּבָד activity (Genesis 45-Exod 1:7), whereas the עבֶד-Egypt formula, with the Hebrews’ עבֶד activity (Exod 1:8/9-12:51). Unfortunately, Ramírez Kidd is inconsistent since earlier in his monograph he argues גור is typically used to express motion away from the land of Canaan-Israel, whereas נבָד had evolved into a protected, legal status of one residing within the land of Canaan-Israel. This distinction, while generally true, has two noteworthy exceptions. First, the Patriarchs’ גור activity was at times within the land of Canaan and was associated with their נבָד status (Gen 23:4a: נבָד וַתִּשְׁרוּ אֶתְנוּ אֶתְנוּ). From Gen 23:4a, we may infer the Patriarchs’ probably had נבָד status during their various גור activities. Second, when נבָד comes to denote a protected, legal status in the OT, it is often modified by the verbal form נבָד, especially but not solely in the priestly literature. These exceptions, along with the reality that נבָד, even when it denotes a legal status, remains an agentive noun (a נבָד is the agent of נבָד action), preserve the semantic association of the verb and noun in the OT, and in particular the association of the נבָד—Egypt formula with Jacob’s נבָד activity in Egypt.

4.2.2. Israel-in-Egypt texts in D

In addition to the נבָד-Egypt and עבֶד-Egypt formulae, several traditions are integrated into D that recall Israel’s experience in Egypt. The predominant fixed expression has the following components:

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The non-limiting relative clause “marks a general attribute of the antecedent without setting it off against other members of its ‘class’”: Arnold and Choi, *Hebrew Syntax*, 184-85.
All of D’s Israel-in-Egypt propositions, with the obvious exception of the "Egypt formula, include the lexeme אֶבֶד (pl. עֲבָדִים) and have a negative tendenz incongruous with the favorable era of Jacob’s family in Egypt (see §4.2.1, §4.3), but congruous with the unfavorable era of post-Joseph Israel in Egypt (Exod 1:8/9-12:51).

Cardellini observes: “Da un confronto anche rapido si vede chiaramente l’ambiguità di questo fatto: nel Deuteronomio si incontra la maggior parte dei testi dove l’Egitto è paragonato ad una ‘casa di schiavitù’ in cui Israele era un ‘ebed, quindi, trattato come schiavo e non come un emigrato-residente.”

The preponderance of Israel-in-Egypt texts in D that recount Israel’s epoch of suffering make the "Egypt formula (Deut 10:19; 23:8) an anomaly more likely to convey an independent connotation.

4.2.3. Historical précis: Gen 15:13 and Deut 26:5-6

Ramírez Kidd proposes that in the covenant ritual between YHWH and Abram in Genesis 15, YHWH projects two distinct eras in Israel’s history, first sojourn, then oppression:

1. Sojourn: “your descendants will be immigrants in a land that is not theirs” (15:13a-b)
2. Oppression: “then they will be enslaved and oppressed for four hundred years” (15:13a-b).

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24 Ramírez Kidd, Alterity, 90-91.
This proposal, Ramírez Kidd does not mention, explains the unnecessary shift from prefix conjugation forms to \textit{weqatal} forms. This morphological shift may be reasonably interpreted as a simple temporal sequence, one era is succeeded by another:\textsuperscript{25}

\begin{center}
\textbf{ינוהויאמר לאברם יוהיה יתעキレイ ויהי robots לאלים ויהיה י市教育局 ועייןום וענוזרעך עלארץ לא להם י 어떻Ark לאמות מאות שנה}
\end{center}

Then YHWH said to Abram, “Know this with confidence that your descendants will be immigrants in a land that is not theirs, 
\textit{then} they [Israel] will serve them [Egypt] and they [Egypt] will oppress them [Israel] for four hundred years.”\textsuperscript{26}

A second text that substantiates this distinction occurs in the first fruits ritual that directs the celebrant to recount a condensed Israelite history (Deut 26:5-6). Some reduce this précis of Israel’s Egypt experience into one continuous, era of oppression,\textsuperscript{27} but syntagmatic features appear to divide Israel’s time in Egypt:

<table>
<thead>
<tr>
<th>1. Abraham through Joseph’s generation: descent and residence in Egypt as an immigrant, increase in strength and number (Gen 11:27-Exod 1:7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;This is your father, a wandering Aramean, And he went down to Egypt and resided as an immigrant there, few in number. There he became a great, mighty and populous nation, &quot;</td>
</tr>
</tbody>
</table>

\begin{center}
\textbf{עייןום וענוזרעך עלארץ לא loro יューelijk יتوز רבד}
\end{center}

5 Then you must answer and say before YHWH your God, “My father was a wandering Aramean, and he went down to Egypt and resided as an immigrant there, few in number. There he became a great, mighty and populous nation,

<table>
<thead>
<tr>
<th>2. Post-Joseph generation(s): Egyptian oppression (Exod 1:8-14:31)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Then the Egyptians oppressed us and afflicted us and imposed hard labor on us.&quot;</td>
</tr>
</tbody>
</table>

\begin{center}
\textbf{ירעו אתנו מצרים ויענונו ויתנו علينا עבדה וקשׁה}
\end{center}

6 then the Egyptians oppressed us and afflicted us and imposed hard labor on us.

\begin{center}
\textbf{151}
\end{center}

\textsuperscript{25} Bruce Waltke and Michael O’Connor, \textit{An Introduction to Biblical Hebrew Syntax} (Winona Lake, Ind.: Eisenbrauns, 1990), 526.

\textsuperscript{26} Both of Genesis 15’s \textit{Leitwörte}, זרע and ארץ, occur in this verse.

\textsuperscript{27} André Wénin (“Vivre sa différence. A propos d’étranger dans le premier Testament” \textit{Cahiers de l’Atelier} 469 [1996]:91) claims without textual substantiation: “Tout commence en Égypte avec des immigrés, descendants et réduits en esclavage (Dt 26, 6) que le Seigneur libère de l’injustice et de la violence. Le people élu est donc au départ un people. Et s’il reçoit une terre, ce n’est pas pour se l’approprier. C’est pour jour d’un lieu où vivre et épanouir la liberté donnée par Dieu, sans risquer d’être à nouveau victime de l’injustice et la violence (Dt 26, 8-9).”
A distinction between v. 5 and v. 6 is marked by the syntax. אבִי “My father,” a metonym for Israel’s ancestors, remains the subject of numerically singular verbs in v. 5. אבִי becomes נָגְדָה עָצָם וָרָּב “a great, mighty, and populous nation,” but v. 6 marks a decisive shift from third person singular subject (אָבִי / גוֹי) to first person plural object (אתנו / נו). This change, along with the transition from positive (v. 5) to negative (v. 6), suggests a sequential or disjunctive weqatal: ויִרְעֹו אֱלֹאֵנִי הַמַּעֲמִיצֵנִי וּיִעָנִינֵנוּ וְיִתְנְנוּ עַלָּנֵנוּ וּׁעָבַדְתָּנוּ קְשָׁה “then (but) the Egyptians oppressed us and afflicted us and imposed hard labor on us.” This reinforces a conceptual demarcation between Jacob’s family’s sojourn in Egypt and the Hebrews’ oppression in Egypt. The first person “us” makes D’s audience continuous with the Israelites who suffered in the era of Egyptian cruelty; this continuity is unsurprising given the predominance of Egyptian oppression era texts in D (see §4.2.2).

4.3. Genesis 45-50: Jacob’s Sojourn as Israel’s גֹּר Experience

Due to the typical lumping of גֹּר-Egypt and עֶבֶד-Egypt formulae under the motif of Israel’s anguish in Egypt, no one has examined Genesis 35-Exod 1:5 as the narrative milieu of the גֹּר-Egypt formula. This is the task at hand.

Patriarch Jacob had settled in Hebron and was accustomed to distributing his flocks among his sons to graze the central highlands according to seasonal cycles and grazing customs (Gen 35:1-27).28 One such area fertile for grazing was Shechem and the valley of Dothan (Gen 37:12-17) – the southern pass, as defined by Thutmos III (1482

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BCE),\textsuperscript{29} through the Carmel mountain range to the Sharon Plain where Joseph met his brothers to inquire of their welfare. Joseph’s coat, an ostentatious display of his father’s favoritism, and dreams of ascendance incited his brothers to sell Joseph to a caravan of Midianites and Ishmaelites who were following the major trade routes from Gilead to Egypt (Gen 37:25, 36).\textsuperscript{30} Goshen, in the northeastern Nile Delta, was Joseph’s destination. There the Midianites sold Joseph to Potiphar, a high Pharaonic officer (Gen 37:36). Through a series of vicissitudes in Joseph’s life, God providentially established him as a prominent Egyptian government official to store and supply grain, to preserve the lives of Jacob’s family, Egypt, even the Near Eastern world (41:1; 45:5-7). After a series of tests to reveal his brothers’ present character, Joseph revealed his own identity and invited them to live with him in Goshen (45:1-15).

Jacob’s sons brought him the triply good news – of Joseph’s life, Pharaoh’s favor, and Egypt’s surplus – and Jacob (here called Israel) sets out for Egypt from Hebron down the Watershed Ridge route. Jacob’s entourage arrives at Beersheba, the confluence of wadis Beersheba and Hebron, and the controlling center of the Eastern and Western Negev basins on the Bozrah-Gaza international route. It was here that Jacob sacrificed to “the God of his father Isaac” and God reaffirmed to Jacob the covenant made with Isaac (46:1-3). YHWH self-discloses and promises to Jacob:


\textsuperscript{30} The caravan probably passed through Ramoth Gilead, the Jordan Valley, Beth Shan, Harod Valley, then through Ibleam-Dothan pass, down the eastern Sharon Plain to Aphek, the coastal or inland route to Gaza (both routes avoided the swampy area between Nahal Yarkon and Nahal Aijalon) and paralleled the Mediterranean coast into the Nile Delta (called in Exodus 13 the “Way of the land of the Philistines”).
Then he said, “I am El, the God of your father. Do not be afraid to go down to Egypt, for there I will make you into a great nation. I will go down with you to Egypt, and I will certainly bring you up again, and Joseph’s own hand will close your eyes (46:3-4).

Nothing in YHWH’s speech to Jacob anticipates subjugation in Egypt, only the compound blessing of progeny (see chs. 12, 15, et al.), YHWH’s presence and guidance to and from Egypt, and Jacob’s once-dead son attending Jacob on his deathbed in Egypt.

From Beersheba, Jacob crossed the mid-northern Sinai peninsula via the Way to Shur that Hagar and Ishmael once traversed (Gen 16:17). Joseph and Pharaoh himself invited Jacob’s family to enjoy specific prerogatives during these travels to and from Canaan and during their sojourn in Goshen (45:10-20). Here we enumerate these prerogatives along with the enactment of each by Jacob’s family (enactment verses are italicized), and supply socio-geographical details that might inform our understanding of the narrative:

1. Jacob’s family (hereafter they) dwelled (ישב) in the “land of Rameses,” called “the land of Goshen,” in proximity to Joseph, their brother, son, and man of “splendor in Egypt” (45:10, 13; 46:28; 47:11; 47:27). Jacob’s family enquires of Pharaoh “to sojourn in the land” (לגור בארץ), which is interchangeable semantically in the next colon with ישׁב: “please let your servants live in the land of Goshen” (47:4; 47:5-6). Jacob’s family acquired property in Goshen and became “fruitful and

31 Wright, *Greatness*, 16.
increased in number” (47:27) probably among an already significant West Semitic population that inhabited the Nile Delta in the second millennium BCE.32

2. They brought with them children, grandchildren, domesticated livestock, and all their possessions (45:10; 46:1; 46:5; 46:6-27; 46:32). The assumption here is that pastoralists, such as Abraham, Isaac, and now Jacob’s family, were permitted to immigrate to Egypt during periods of crisis in order to pasture their flocks.33 This may be corroborated by records of Asiatics in early second millennium who entered Egypt via the northeast for commercial purposes,34 and New Kingdom Egyptian records that claim Shasu pastoralists emigrated from northern Sinai into Egypt to save their livestock.35

3. They received provision from Joseph’s administration during the subsequent five years of famine and thereby evaded starvation (45:11; 47:12; 50:21).

32 Carl G. Rasmussen, Zondervan Atlas of the Bible (rev. ed.; Grand Rapids: Zondervan, 2010), 97; Wright, Greatness, 15. Bill T. Arnold (Genesis [NCBC; Cambridge: Cambridge University Press, 2009], 367) is inclined to regard Jacob’s sojourn during the Hyksos period: “Jacob’s family might have migrated to Egypt during the reigns of one of these Semitic kings, at a time when migrations from western Asia into Egypt by Semitic tribesmen would have been accepted more naturally, with immediate bonhomie established with the ruling parties of Egypt.” Later the Hyksos capital city, Avaris (contemporary Tel ed-Dab’a), became the city of Rameses (Egyptian: “the House of Rameses”), the northern capital for the pharaohs of the nineteenth and twentieth dynasties. James K. Hoffmeier (Israel in Egypt: The Evidence for the Authenticity of the Exodus Tradition [Oxford: Oxford University Press, 1996], 97-8) dates the Joseph narrative composition to the Late Bronze Age (13th century), with subsequent editing during Israel’s united monarchy. Others locate the Joseph narrative in the middle third of the first millennium. Precise dating is impossible, but the Joseph narrative aligns with too many second millennium Egyptian socio-historical details to be a purely archaized first millennium composition. In addition, Joseph’s prominence would not have been an anomaly in Egyptian history since other Semites functioned as high-ranking government officials, not despised by Egypt (contra the Hyksos): Ian W. Provan, V. Philips Long, and Tremper Longman III, A Biblical History of Israel (Louisville: Westminster John Knox, 2003), 125.


34 To restrict these Asiatics from entering Egypt, Amenemhet I (1973-1944 BCE) dug a canal and wall; this canal also provided water for their flocks so that they would have no major incentive to enter mainland Egypt (Rasmussen, Atlas, 97).

35 Russell, Images, 75.
4. They were restored to their brother and son, Joseph (45:12, 14, 15; 45:28; 46:29-30; 50:15-21), and the brothers personally witnessed Joseph’s declaration of the above prerogatives (45:12).36

5. They experienced Pharaoh’s favor by means of their familial ties with Jacob (45:16; 46:31; 47:1-10). Joseph procured Pharaoh’s favor not only by his actions (the culmination of which is 47:13-26 when Joseph preserves and purchases all of Egypt for Pharaoh), but also by instructing Jacob’s family how to live favorably before Pharaoh (46:34-47:4). Most notably, Joseph told his brothers (who would relay to Jacob) to tell Pharaoh that by occupation they were “men of livestock” [אנשי מקנה] or “shepherds” [רעה צאן] (46:34; 47:3). If the West Semites inhabiting the Nile Delta in second millennium included “shepherds and others looking for a better life,”37 then Joseph’s concern here must be for Pharaoh to realize his brothers were self-sufficient and would not burden the Egyptian economy. Goshen was a fertile and relatively vast land for pastoralists to graze their animals, and since mainland Egyptians despised pastoralists (46:34), Pharaoh would gladly grant their request to settle there.38 Goshen was the northeastern edge of the Nile Delta, Egypt’s border, where the presence of Jacob’s family would not threaten the Egyptians.39 If Jacob’s family did become a threat, the military could drive them out of this region effortlessly through numerous routes: one, the northern pass from Rameses to Baal-zephon to Pelusium (the northern passes lead

36 Living in proximity to Joseph ensured Jacob’s welfare, but equally important, restored familial ties; this is foreshadowed in Joseph’s weeping embrace of Benjamin (45:14).
37 Wright, Greatness, 15.
38 Arnold, Genesis, 370.
39 Arnold, Genesis, 370.
naturally to the “Way of the land of the Philistines” [Exod 13:7]); two, the northeast pass between Shihor Lake and the Reed Sea (New Kingdom pharaohs later passed this “Way of Horus” to campaign in Syria-Palestine); three, the northernmost land bridge through the Reed Sea (this was a marshy area that formerly existed southeast of Baal-zephon); four, above or below Timsah Lake; five, above or below Bitter Lake. While the Goshen was permeable, it was also somewhat isolated from mainland Egypt, permitting Jacob’s family to live autonomously.

6. They were given from Pharaoh the “best land of Egypt” (את־טוב ארץ מצרים) and “the excellent food [lit. fat] of the land” (את־חלב הארץ) (45:18; 47:6; 47:11, here called “the land of Rameses”; 47:12). Ostensibly contrary to Joseph’s invitation to bring their possessions (כל־אשׁר־לך; 45:10), Pharaoh told them to disregard their Canaanite belongings (כליכם) “because the best of all the land of Egypt is yours” (כי־טוב כל־ארץ מצרים لكم היא; 45:20; 47:27). Jacob-Israel acquired property in Goshen and became fruitful and multiplied there (see Gen 1:27; 12:1-3; 9:1). Goshen was the breadbasket of the ancient Near East, compared in the OT with “the garden of the Lord” (גן־יהוה; 13:10), a metonym for the garden of Eden (גן־בעדן; Gen 2:8). Paul Wright summarizes: “Its fertility was due to the annually renewed deposits of fresh silt brought downriver by the late summer floods, and a series of low inundations usually signaled famine.”

This land, nevertheless, necessitated a lifestyle adjustment for Jacob’s family. The central hill country of Canaan was rain-dependent, but the rain was unpredictable. Annually, Jacob and sons must have wondered when the former, winter,

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40 Aharoni, Avi-Yonah, Rainey and Safrai, Atlas, 45.
41 Wright, Greatness, 16.
and latter rains would begin, how long they would last, how intense they would be, and whether they would be distributed adequately over their crops and grazing pastures. By contrast, Egypt was an irrigation culture centered on the Nile, and humans could influence their life-source.\textsuperscript{42} If Jacob’s family farmed as well as shepherded, in Egypt they could expect the Nile tributaries to rise, if not flood, from mid-July to September, that is, after the harvest, and recede at sowing time (Tigris-Euphrates flooding was not so ideal, often at harvest time).\textsuperscript{43} Agrarians and pastoralists in the Nile Delta lived an agreeable, predictable existence.

7. As for the highly capable men in Jacob’s family, Pharaoh appointed them to care for his own livestock (47:6).

8. Jacob’s family utilized Egyptian wagons, by implication free of charge, to transport their children and wives, and their father, to return to Egypt (45:19; 45:27; 46:5). Joseph, through brother Judah, personally navigated them into the Goshen region (46:28).

9. They enjoyed ample provisions for their journey to and from Canaan (45:21), including ten beasts of burden hauling “the best things of Egypt” (מיטות מצרים; 45:23), ten female donkeys loaded with “grain, food/bread, and provisions” (בר ולחם ומזון) and clothing (45:23; 45:22). These provisions, Joseph, his brothers, and the Egyptians knew, were essential for survival in the barren Sinai desert through which they had no choice

\textsuperscript{42} Denis Baly (\textit{The Geography of the Bible} [rev. ed.; New York: Harper & Row, 1974], 69-76) argues that Israel largely does not adapt Egyptian paradigms, but Mesopotamian ones, because the life-systems of Egypt and Canaan are diametrically opposed.

but to pass. One scholar notes that social misfits would have fled into this desert where
the Egyptian deities had no power: “In this \(\textit{midbar}\), this land of meaninglessness and
disorder, of death rather than life, there is neither food nor water.”^44 Jacob’s sons were
from the inception of their journey dependent upon the Egyptian provisions dispensed by
benevolent Joseph and Pharaoh.

10. Jacob’s family obeyed the orders of their hierarchs, Joseph and Pharaoh
(45:20; see 37:5-10; 46:33-34).

11. Upon journeying up to Hebron to bury Jacob, did Joseph, his brothers, and his
father’s household entrust their children to local inhabitants of Goshen, such as, other
West Semites (50:8)? Likely their wives stayed behind, but even so, this meant Joseph
and brothers felt their spouses and children were safe from harm in Goshen.

Egypt’s material endowment to Jacob’s family was an ever present reminder of
\(\text{YHWH}\)’s sovereignty (46:1-4), but also of Jacob’s dependency upon the good will of
Pharaoh, and to a lesser extent, Joseph. This parallels the dependency of Abraham, Isaac
and Jacob’s \(\pi\nu\) experiences in Canaan (see §4.2.1). Furthermore, the prerogatives of
Egypt failed to subvert the constraining sense that Canaan, not Egypt, was \(\text{YHWH}\)’s gift to
Israel’s ancestors. After living in Egypt for 17 years, Jacob-Israel died with one request
that his children honored: to be buried in Canaan with his forefathers (47:28-31; 49:29-
50:14), for even if his life was exhausted in Egypt, he perceived himself to Egypt’s
temporary, non-indigenous resident. Likewise, Jacob-Israel on his death bed declared
God would return Joseph to Canaan (48:22); and Joseph embraced this destiny and made

“the sons of Israel” (בני ישראל) swear to bring him to Canaan not alive, but like his father, posthumously (Gen 50:22-26). Jacob’s family’s sojourn in Egypt was completed in successive stages: the first installment was Jacob’s burial in the Cave in Machpelah beside Mamre, near Hebron (Gen 49:29-50:14); next Moses and the Israelites fulfilled their vow to Joseph by carrying his bones out of Egypt (Exod 1:6; 13:19); the Israelites were allotted land in Canaan (Joshua 13-19) and, finally, Joshua buried Joseph’s bones at Shechem (Josh 24:32). As we have seen in this section, Jacob’s family’s period in Egypt afforded them various advantages over Canaan. Goshen’s fecundity and relative safety, governmental endorsement, along with the knowledge that YHWH had guided them there and was present with them there (Gen 46:3-4), probably tempted Jacob’s family to abandon Canaan altogether. In sum, Canaan’s two advantages to Jacob’s descendants were the prerogative of self-governance and that it, not Goshen, was YHWH’s land gift (Gen 47:27-31; 50:24-25).

4.4. Semantic Distinction within D

וזכרת כי־עבד היית בארץ מצרים  "Remember that you were a slave in the land of Egypt"
كرורם היית בארץ מצרים  "Because you were immigrants in the land of Egypt"
קרור היית בארצו  "Because you were an immigrant in his land."

The cumulative effect of the above data (§4.1-4.3) supports the possibility of distinct meanings: the עבד-Egypt formula, recalling Israel’s enslavement and agony in

45 This may be an anachronism since the nation of Israel only later heard and fulfilled Jacob’s request. In the narrative flow, however, it refers to Jacob-Israel’s children.
46 Machpelah, near Hebron (modern Haram el-Khalil), included a field, trees, and a cave. Abraham purchased this site from Ephron the Hittite, and there Abraham, Isaac, Jacob, their spouses Sarah, Rebekah, and Leah, were all buried (Gen 23:9, 17, 19; 25:9; 49:30; 50:30).

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Egypt, elicits human empathy for *personae miserae*, whereas the יב-Egypt formula, recalling Jacob’s family’s prosperity in Egypt, elicits gratitude and kindness toward the יב.\(^{47}\) While this is generally true, the data is more nuanced than this and demands further explication. Ramírez Kidd argues that the distinction between the formulae is not their content (בין = positive / עבד = negative), but the structure of their arguments:

- the Egypt-עבד motive clause enjoins the Israelite to keep the commands. The principle behind these commands is that of *gratitude*: the memory of the salvific acts of Yahweh in history, what Yahweh has done for Israel. That is why the עבד does not appear in the main clause (Deut 24,18,22).
- the Egypt-בין motive clause, instead, supports the content of the command; the rationale of this motive clause is based on a principle of *reciprocity*, i.e. *what others have done for Israel*: “do to the יב among you as others did to you when you were יב among them.” As Spieckermann states: “Israel versteht sich als ein volk, das aus Fremde und Unterdrückung von Gott befreit worden ist und sich deshalb unter bleibenden Verpflichtung weiß, in Dankbarkeit gegen die eigene Befreiung aus der Fremdlingschaft Fremdlingen (גרים) in der eigenen Heimat zu begegnen. ‘Denn ihr seid auch gärî in Ägyptenland gewesen.’” That is why the Egypt-בין formula is used to support the יב-commands (Ex 22,20; 23,9; Lev 19,34; Deut 10,19).\(^{48}\)

This is inaccurate in two essential ways. First, both the עבד-Egypt and יב-Egypt formulae enjoin the Israelite to observe the command given in the immediate context.\(^{49}\) They simply accomplish this by formally separate, yet semantically similar, syntagmatic constructions:

\(^{47}\) Ramírez Kidd’s (*Alterity*, 86-98) stress on the unique purpose of the יב-Egypt formula might be misleading. For instance, Diana Lipton (review of José Ramírez Kidd, *Alterity and Identity in Israel: The יב in the Old Testament*, *VT* 52 [2002]: 141) is unready “to give up on the traditional interpretation with its implicit emphasis on the value of human empathy,” but there is no need to give this up since the עבד-Egypt formula covers this adequately, while the יב-Egypt formula adds a *new* motive.


<table>
<thead>
<tr>
<th>Adjectival prepositional phrase marked by spatial ב</th>
<th>Copula, implied subject and past tense</th>
<th>Predicate nominative</th>
<th>Motive clause</th>
</tr>
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<tbody>
<tr>
<td>באם מצרים/בארץ</td>
<td>לייח</td>
<td>עבד</td>
<td>ובר</td>
</tr>
<tr>
<td>באם/↘ייח</td>
<td>עבד</td>
<td>ובר</td>
<td></td>
</tr>
</tbody>
</table>

The *wegatal* + perceptual and evidential כי כ and כי כי are two grammatical means of achieving a similar purpose: they motivate obedience to the given directive. Later I argue these formulae probably have distinct literary origins, which would explain this difference as a stylistic preference (§4.5). The כי-Egypt formula finds its origins in the CC which contains no positive זכר commands, whereas the כי-Egypt formula is original to D, wherein a *wegatal* זכר command fits comfortably among D’s frequent commands to זכר “remember.” Second, if the formulae are stylistically, not substantively, different in their syntax, then precisely their content (בר or עבד) makes them semantically different. The analogue כי = positive / עבד = negative is inaccurate, not because these terms (the content) are unimportant, but because each expression, “בר in Egypt,” “עבד in Egypt,” and “עבד in Egypt + YHWH’s redemption” each carries its own connotations and, therefore, its own argumentation premises. These connotations explain why the formulae

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50 Waltke and O’Connor, *IBHS*, 196.
52 Offers here the motivation for obeying the command; see Arnold and Choi, *Hebrew Syntax*, 149.
53 In contradiction to p. 89, Ramírez Kidd (*Alterity*, 35-36) earlier acknowledges that both formulae are motive clauses; one introduced by כי כ and the other by זכר.
54 The solitary זכר command in the CC is the prohibition לא תזכירו “do not mention (the name of other gods),” which does not relate to memory as motive for obedience (Exod 23:13; cf. 20:24; 32:13).
55 In addition to the fivefold עבד-Egypt formula (Deut 5:15; 15:15; 16:12; 24:18, 22), D positively commands Israel to זכר “remember” its past, most often YHWH’s actions, in 7:18[2x: cognate accusative]: 8:2, 18; 9:7, 27; 16:3; 24:9; 25:17; 32:7.
variations use different motivational sources – YHWH or humans – and objects – גרים only or multiple personae miserae members.

4.4.1. גרים in Egypt

גרים in Egypt connotes Jacob’s material blessings in Egypt and life as allochthonous residents contingent on Pharaoh’s treatment (§4.2.1, §4.3). This compound connotation explains the unique lexeme in Exod 23:9:

וַעֲתָם יָדַעְתָּם אֶת־נֶפֶשׁ הָגָרָם יִהְיוּ בְּאֶרֶץ מִצְרָיִם גֵרָם לֹא תַחְסֹל

You must not oppress an immigrant. You know the life of an immigrant, for you were immigrants in the land of Egypt.

Were the experience of the גר completely negative, we would expect the cognate ואתם הר לחץ ידעתם את־נפשׁ הגר ל כי־גרים הייתם בֵּישׂ ל מִצְרָיִם "you know the oppression of an immigrant.” The reason we do not find this, I would argue, is that לחץ “oppression” describes Israel’s experience asעבד in Egypt (Exod 3:9; Deut 26:7, see §4.2.3). “You know the life of an immigrant” finds no parallel among the negative lexemes associated with Israel’s עבד experience (Exod 1:13-14; 5:16, 21; 6:5; 13:3, 14; 20:2). Instead, what is meant is the feeling of life as non-indigenous residents dependent on the good will of those in power. The precursor to this is the ancestors’ גרים dependency on Canaan’s leaders (§4.2.1) and Jacob’s family’s dependency on Pharaoh in Egypt (§4.3). “You were an immigrant in Egypt” recalls the latter, Jacob’s family’s dependency on Egypt’s leaders who chose to bless them materially (§4.3). Following Ramírez Kidd, reciprocity is the best explanation for why the גר-Egypt formula always motivates injunctions that incorporate or benefit only the גר.
Ramírez Kidd confuses the discussion by quoting Spieckermann, who sees not reciprocity, but gratitude for God’s redemption of Israel from an oppressive experience in Egypt as the basis for equitable treatment. In addition, Exod 23:9 indicates that reciprocity is not singular (a la Ramírez Kidd), but compound: Egypt’s kindness to Jacob (גֵר) and Jacob’s condition as an allochthonous dependent is to be reciprocated by Israel’s kindness and empathy toward the גֵר.

In the book of D, Ramírez Kidd observes properly that the references to the גֵר in the deuteronomistic code locate the Israelite community at the center and the גֵר in the periphery: the גֵר in your gates, in your land, in your midst (14:29, 24:14; 16:11, respectively). By contrast, 23:8 and 10:19 invert this order:

אֲהֵבָהֲתָה אָתָהֲנוֹר מִיְּנֵרָים יִהְיֶה בַּעֲרָפִים
You must love the immigrant for you were immigrants in the land of Egypt (10:19).

לֹא־תַעֲבֵר אָנוּמִי כִּי־אָנוּמִי לֹא־תַעֲבֵר מצֵרִי כִּי־גֵרִי בָּאָרֶץ
You must not abhor an Egyptian because you were an immigrant in his land (23:8b).

Ramírez Kidd argues that these are distinct analogies.

23:8b You must not abhor an Egyptian (גֵר in your land) ~ you were a גֵר in his land
10:19 A גֵר in Israel ~ the Israelites as גֵרִים in Egypt

In 23:8b, admission into the assembly of YHWH (קהל יהוה) depends on a person’s origin, that is, as an Egyptian, whereas in 10:19, admission depends on the condition of

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56 Exod 22:20(Heb.); 23:8; Lev 19:34; Deut 10:19.
58 With respect to semantic domains, the גֵר and עַבֵּד are distinct classes (i.e., Deut 5:14; 16:11, 14). By virtue of the fact that the positively charged גֵר-Egypt formula is not the נָכְרִי-Egypt (or גֵר-Egypt) formula, it maintains D’s distinction between the גֵר class and נָכְרִי “foreigner” class (classification noun בָּנָיָן (Deut 14:16:10-14; 26:12; see §3.1.7.3).
59 Ramírez Kidd, Alterity, 94.
60 Ramírez Kidd, Alterity, 94-96.
being a גֵּר. This distinction is accurate, except for the unsupported assertion that 10:19 (like 23:8) relates to admitting a גֵּר into YHWH’s assembly; the concern of 10:19, instead, is providing for a גֵּר materially. Ramírez Kidd argues the movement from a specific, historical statement (23:8) to a general, theological one (10:19) “is the result of a generalizing tendency according to which an exclusive term like ‘Egyptian’ is substituted by an inclusive term like גֵּר.” Yet, 23:8b may have just as easily particularized the earlier analogy of 10:19. 10:19b (כִּי גֵּרִים הייתם בארץ מצרים), while possibly later in its final form, preserves an early stratum in D from the Covenant Code (CC) (see §4.5), and 23:8b, part of the קהֹל יהוה unit (see §2.1.7.), dates to the preexilic era.

In addition, rather than viewing 23:8b as historical and 10:19 as solely theological, I would argue that both have historical overtones. These texts invert the deuteronomic pattern (Israel in center, גֵּר in periphery), repositioning Israel as a גֵּר in Egypt, so as to elicit gratitude for the time when Israel’s predecessors, Jacob’s family, enjoyed protection, fecundity and provisions in Egypt’s land (see §4.3). The material provisions that Jacob enjoyed in Egypt may explain why in 10:18 YHWH loves by providing the גֵּר with food and clothing (see nos. 3, 6, 9 in §4.3). Also, only a few

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61 Ramírez Kidd, Alterity, 95.
62 Ramírez Kidd, Alterity, 95.
63 Exod 22:20; 23:9; Lev 19:34 also reflects BC language; see ch. 4.
64 Ramírez Kidd (Alterity, 87) himself notes the different scholarly proposals: Solomon, Hezekiah and Manasseh, the seventh century and Zedekiah’s final years. Ramírez Kidd cites Schwienhorst-Schönberger (Bundesbuch, 350) as recognizing that the גֵּר-Egypt formula only supports גֵּר injunctions in which the noun גֵּר occurs in the main clause and in the motive clauses (Exod 22:20; 23:9; Lev 19:34; Deut 10:19). The reason 23:8b breaks from this formula (כִּי גֵּרִים הייתם בארץ מצרים ...) is that it is primary, and 10:19, and parallels, are secondary and derivative. More evidence indicates that 23:8b modified the conventional formula (see ch. 4).
sentences later, Deut 10:22 provides the only other image of Egypt in ch. 10, and it refers to the epoch of Jacob’s family’s Egyptian sojourn (see Gen 47:27; 48:4-5, 9; Exod 1:1-7):

בשבעים נפשׁ ירדו אבותיך מצרימה ועתה שָמך יְהוָה אלהיך ככוכבי השׁמים לרב

Your fathers went down to Egypt seventy persons, and now YHWH your God has made you as numerous as the stars of heaven.

As for Deut 23:8b, Ramírez Kidd is correct that its historical dimension means it “can be interpreted as an expression of gratitude towards the Egyptians for what they have done in the past for the Israelites (Gen 47,4).” Likewise, Siegbert Riecker contends, “Dem Gastrecht gewährenden Ägypter soll das Gastrecht gewährt werden.” Cardellini is justified in claiming that Deut 23:8, in stark contrast to 4:20, et al., has the nuance of Israel as guests in Egypt, a rich land in comparison with Palestine:

Addirittura in Deut 23:8 si esorta a rispettare la terra d’Egitto, proprio perché Israele vi è stato “ospitato” come un ger, in netto contrasto con Deut 4:20; 1 Sam 10:18; 12:8 e con la posizione posteriore dell’autore della Sapienza (19:13-16). E ancora in Deut 11:10 sembra che la terra d’Egitto venga presentata come una terra ricca, dove si viveva bene rispetto alla Palestina.

The strongest evidence that 23:8 is controlled by the principle of reciprocity of kindness (Egypt → Israel [גר] ∴ Israel → גר) is the context. In vv. 4-6 the Ammonite and Moabite are precluded from YHWH’s assembly because they illtreated Israel. A principle of reciprocal unkindness is operative: “You must not seek a treaty of friendship with them as long as you live” (v. 7). In contrast, Israel is to show kindness to the Edomite and Egyptian, and third generation members of these ethnicities may enter YHWH’s assembly, because “the Edomite is your brother” and “you were an immigrant in his [Egypt’s] land”

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65 Ramírez Kidd, Alterity, 95.
(vv. 8-9). Were Israel’s עבד era under Egyptian oppression in view we would expect instead to read, as we do with the Ammonite and Moabite, a reciprocity of unkindness, “you must not seek a treaty of friendship with them as long as you live” (v. 7). Instead, “you were an immigrant in his land” (v. 8) recalls the era when Pharaoh lavished kindness on Jacob’s family who resided as immigrants in Egypt’s land (§4.2-4.3).

In fact, D appears to present the concept of Israel’s גור experience in Egypt in antithesis to Israel’s passage through the territories of its Transjordanian neighbors. Defying our expectations, D does not employ any formulaic statements related to Israel’s relationship with the Transjordanian nations with whom Israel had recently interfaced and generated several graphic memories. Understandably, D does not state “you were an עבד in Transjordan,” but why not “you were a גור in Transjordan”? The reason is that גור activity and גור status presuppose residence, and neither YHWH, Israel, Edom, Moab, Ammon, nor Amorite kings Sihon and Og wanted Israel to reside in the Transjordan highlands. On their way to Canaan, Israel’s successive encounters with these five politico-geographical entities, as expressed in Deuteronomy 2-3 (see Numbers 20-21), include five recurring elements that underscore the Israelites were not גורים in Transjordan.68

One, Israel arrived at Edom, Moab, then Bashan (ruled by Og), but did not settle there (Deut 2:1; 2:8b; 3:1). Two, YHWH instructs Moses that he will not give to Israel any portion of lands of Edom, Moab, Ammon (2:2, 9, 17), but the lands of Sihon (Heshbon)

68 W. A. Sumner (“Israel’s Encounters with Edom, Moab, Ammon, Sihon, and Og According to the Deuteronomist” VT 18 [1968]: 216-228) has identified these five elements, which I associate with D’s presentation of Israel as non-גור.
and Og (Bashan) he would dispossess and grant to Israel (2:31; 3:2). Three, the rationale for bypassing the lands of Edom, Moab, and Ammon, but dispossessing Sihon’s and Og’s territory is YHWH’s prior land gifts to Edom, Moab, and Ammon, but not to the Amorite kings. Four, YHWH commanded the Israelites to request to purchase food to eat and water to drink from Edom (2:6), Sihon (2:27), and perhaps also Moab and Ammon (23:4-5). As for Moab and Ammon, not mentioned in this regard in ch. 2, they are excluded from the assembly of YHWH for ten generations (metonym for “forever”) because “they did not meet you with food and water on the way when you came out of Egypt… (23:5).” As for Edom, it appears that it did provide food and water to Israel at a cost (since Edom is not rebuked like Ammon and Moab in Deut 23), but D is very clear that Israel did not reside in Edom, but passed through (2:8). Five, with respect to Edom, Moab, and Ammon, Israel departed from their lands for they were not welcome to reside there and consume resources (2:8, 13, 24). There was, of course, no need to depart from the lands of Sihon and Og because YHWH gave them to Israel (2:32-36; 3:1-5).

What I am proposing, then, is that D elucidates that Israel was denied גֵּר status by the Transjordanian nations and by YHWH their God (cf. §4.2.1, §4.3). A third generation Edomite was permitted to enter קַהֲלֹת יְהוָה, but not because Edom granted Israel גֵּר status (2:4-8; 23:7-8). Consequently, D presents an antithesis that must not be arbitrary: antithetical to Ammon, Moab and Edom is Egypt’s endowment of גֵּר status and prerogatives to Israel: כיִגּר היית בארצו “for you were an immigrant in his land” (23:8).

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69 Israel’s rationale for bypassing Edom, according to Num 20:14-21, was that Edom denied Israel transit privileges.
4.4.2. עבד in Egypt

If a reciprocity of kindness (Egypt → Israel [גר] ∴ Israel → עבד) explains why the גר-Egypt formula motivates obedience to injunctions that incorporate or benefit only the גר, why does the עבד-Egypt formula motivate obedience to injunctions that incorporate or benefit the עבד along with various groupings of *personae miserae*? Ramírez Kidd believes the reason is that the principle underlying these commands is not reciprocity, but gratitude: “the memory of the salvific acts of Yahweh in history, what Yahweh has done for Israel. That is why the עבד does not appear in the main clause (Deut 24,18.22).”

The problem with this is that two of the five instances of the עבד-Egypt formula mention nothing of יְהֹוָה’s redemption from Egypt, and simply denote a motive of human empathy toward *personae miserae* (Deut 16:12; 24:22). I would contend that D’s עבד-Egypt formula broadens its beneficiaries beyond the עבד “slave” class because Israelites in Egypt were never slaves proper, but forced government laborers probably composed of various subclasses. The narrative features of Israel’s labor in Egypt (Exod 1:11-14; 5:1-21) reflect Middle and New Kingdom Egyptian conscription of Semites, Nubians, and Libyans, for dynastic construction projects. The Hebrews’ עבד status in Egypt as conscripted builders was much broader than a *paterfamilias’ עבד “male slave” or אמה

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70 Ramírez Kidd, Alterity, 89.

71 Hence, the ערב רב “mixed multitude” that came out of Egypt in Exod 12:38. Shaul Bar (‘Who were the ‘Mixed Multitude’? HS [2008]: 27-39) argues the ערב רב probably included non-Israelite mercenaries who intermarried with Israelites and left armed with Israel from Egypt. In a canonical reading, the list of Pesach celebrants (including the גר, if circumcised) and non-celebrants, journeying with the Hebrews, identifies constituents of the ערב (Exod 12:43-49).

“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 in רע (5:14-15); liberated Hebrew slaves (15:15); triad רע-orphan-widow alone (24:22) or among other vulnerable persons (16:12); and the רע-orphan dyad with the widow (24:18).

A survey of the texts containing the עבד-Egypt formula provides additional clarity. Deut 5:15 is the fullest version of the formula (with maqqef עבד and אין; also 24:22), which also contains the most extensive subordinate clauses and most significant divergences with Exodus’ Decalogue (see §5.2.1.1):73

<table>
<thead>
<tr>
<th>Deut 5:12-15</th>
<th>Exod 20:8-11</th>
</tr>
</thead>
<tbody>
<tr>
<td>שומר את הימים השבות לקדשownt</td>
<td>זכר את יום השבת לקדש</td>
</tr>
<tr>
<td>לעשות ועשה כל מלאכתך ששת ימים</td>
<td>شورך וחמרך ואמתך - עבדך וarbonate ובנך-בתך</td>
</tr>
</tbody>
</table>
| ויום השביעי שבת ליהוה אלהיך לא תעשה מלאכתך |כי ששת ימים עשוה יוה ארצות השמים ואת הארץ והשיבי את הים ואת כל אשר בם וינח ביום ערב על אשר בשרו את יוה א potrà |מזרחה ואורו את יוה שבית ויקדשיה |לישון את הימים השבוי |לישון את הימים השבוי

As the fullest and first עבד-Egypt formula in the book, Deut 5:15 prepares readers for subsequent reproductions and variations of the formula. In narrative critical terms, Deut

73 Even if one is hesitant to accept the Decalogue-shape of the arrangement of the DC laws (a la Stephen Kaufmann, Georg Braulik, et al.), the DC does appear, in certain places, to extend and interpret the Decalogue. For instance, Alexander Rofé (“The Tenth Commandment in the Light of Four Deuteronomic Laws,” in Deuteronomy: Issues and Interpretation [OTS; Edinburgh/New York: T & T Clark, 2002], 79-96; repr. from Ten Commandments in History and Tradition [ed. Ben-Zion Segal and Gershon Levi; Jerusalem: Magnes, 1990], 45-65) argues fairly persuasively that the tenth word is interpreted by Deut 19:14; 23:25-26; 24:10-11.
5:15 “creates expectation in the reader – a primacy effect – that is fulfilled, modified, or even shattered by what comes later in the narrative – the recency effect.”

In all five texts, the עבד-מצרים formula serves to motivate obedience to the command in the direct context: rest on Sabbath (5:15); release debts in the Sabbatical year (15:15); act justly toward the גֵר-orphans orphans dyad and widow (24:18); provide gleanings for the גֵר-orphans-widow triad. What motif do these legal contexts shared such that they all warranted the עבד-מצרים formula? They all deal with practices that circumvent exploiting vulnerable persons by: overworking them (5:15); perpetuating their debt (15:15); excluding them from celebration of YHWH’s bounty (16:11); treating them unjustly (24:18); perpetuating their poverty (24:22).

Greater precision may be possible, however. The formula occurs thrice with a


75 See 5:15; 15:15; and 24:18 is not technically the triad, but a גֵר-orphans dyad followed by the widow in a separate injunction. This weakens the argument of Ramírez Kidd (see n. 1).
statement of YHWH’s redemption from Egypt (5:15; 15:15; 24:18), but twice alone
(16:12; 24:22). The two times the formula occurs alone are in the contexts of the feast of
Shavuot and gleaning provisions. Both of these employ the העב-Egypt formula to enjoin
the landowner to provide food for the גר-orphan-widow triad without expecting any
compensatory labor in return.76 This mentality is diametrically opposed to Israel’s העב
experience in Egypt wherein they worked excruciatingly for their survival (Exod 1:11-14;
5:6-21). This connotation suggests an inversion principle: the memory of intensive labor
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. Recollection of humiliation in Egypt was to inhibit the
natural desire for revenge since oppressing the vulnerable would risk forfeiting Israel’s
own identity.77 The three passages that contain the העב-Egypt formula with a statement
of YHWH’s redemption of Israel from Egypt (5:15; 15:15; 24:18), instead suggest a
principle of imitatio dei with gratitude. YHWH redeemed Israel from exploitation,
therefore Israel must redeem others from the same by: promoting rest for one’s workers
on the Sabbath (5:12-15), furnishing one’s Hebrew slaves with abundant provisions upon
their release (15:12-15), and promoting justice for the גר, orphan, and widow (24:17-18).
The following chart summarizes our conclusions:

76 See the socio-economic and festive eating focus of Shavuot in §3.1.6 and §5.2.1.2.
77 Similarly, Vogels (“L’immigrant,” 243), who does not distinguish between העב-Egypt and גר-
Egypt, but his insights apply to Israel’s העב-Egypt experience.
4.5. Positing the Origins of D’s נר-Egypt and עבד-Egypt Formulae

D is not the first, but the last, book in which canonical readers encounter the נר-Egypt formula. The lexemes of the formula in Deut 10:19b identically correspond to Exod 22:20c; 23:9c; and Lev 19:34c:

Based on argumentation in chapter five that the Covenant Code (CC) is a pre-deuteronomistic document that D revises, I presume that Moses in Deut 10:19b (and probably Lev 19:34) utilizes the identical CC lemma in Exod 22:20 and 23:9.\(^{78}\) D’s other
Egypt text, 23:8, has morphological components distinct from 10:19 and the CC lemma:

This lexeme, like Deut 10:19b; Exod 22:20c; 23:9c; and Lev 19:34c, begins with an imperative regarding treatment of a persona. The prohibition itself (with the root תָּעֵב), however, is different than the other texts, and more importantly the beneficiary is not the noun גֵר, but the gentilic מצרי “Egyptian” (see §3.1.7.3). Even so, 23:8d and the standard formula are most likely genetically related:

<table>
<thead>
<tr>
<th>Deut 10:19b; Exod 22:20c; 23:9c; Lev 19:34c</th>
<th>יָשָׁם</th>
<th>הָיוּ</th>
<th>גֵרִים</th>
<th>יָשָׁם</th>
<th>הָיוּ</th>
<th>גֵרִים</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deut 23:8d</td>
<td>בָּאָרֶץ</td>
<td>בָּאָרֶץ</td>
<td>בָּאָרֶץ</td>
<td>בָּאָרֶץ</td>
<td>בָּאָרֶץ</td>
<td>בָּאָרֶץ</td>
</tr>
</tbody>
</table>

Arguably 23:8d derives from the standard formula; whether or not it functions as an intra-deuteronomistic variation of 10:19b is a moot point. The syntactical components of 23:8d and the standard formula are identical, while the Numeruswechsel in 23:8d is explainable by the singular gentilic nouns in 23:4-9. Important here is that 23:8a-b, the prohibition regarding Edom, also reflects the Genesis origins account, even more specifically the Jacob cycle, strengthening the likelihood that 23:8c-d does as well: “You must not abhor an Edomite for he is your brother” (לא התרענו אָדָם כִּי אָחִיךָ הוא). Esau is called אָחִיךָ “your brother” in relation to Jacob in Isaac’s and Jacob’s tōlēdōt panels (Gen 27:6, 42,

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79 If 23:8 modifies 10:19, this would further confirm this study’s conclusion regarding the nature of the Edomite and Egyptian in 23:8 (see §3.1.7.3).
This fraternal bond forms the basis for the three metaphorical references in the Pentateuch to Israel and Edom as brothers, including Deut 23:8. This confirms 23:8’s reuse of the Jacob cycle.

If Deut 10:19b utilizes the גר-Egypt formula from the CC, and Deut 23:8 modifies either 10:19b or the CC lemma, what can be said of the origins of the עבד-Egypt formula? It is possible that the עבד-Egypt formula belongs to an exilic redaction by tradents who faithfully contextualized Moses’ tôrâ for God’s people in the Babylonian exile (see §5.1.5). There are four reasons for drawing this conclusion. First, unlike other עבד-Egypt texts, which occur throughout the Moses story, the עבד-Egypt formula is exclusive to D. Why would Moses not first use the עבד-Egypt formula in the CC, as he does the גר-Egypt formula? After all, the five laws to which the עבד-Egypt formula motivates obedience have comparable laws in Exodus. Also, Exodus does remind Israel of Yhwh’s redemption of Israel from Egypt (Exod 20:2; 23:15; 34:18), so the עבד-Egypt formula would have been a fitting way for Moses or Yhwh to motivate obedience to Exodus’ laws. Second, the formula’s first occurrence initiates the lengthiest discrepancy between D’s Decalogue and the genetically related Exodus Decalogue (see §5.2.1.1). Since both Exodus’ Decalogue and D’s anticipate life in the land (Exod 20:10, 12, 17), it not likely that Moses was responsible for changing Exodus’ Decalogue, since in recounting the Exodus narrative Moses says, “he [Yhwh] wrote them on two tablets of

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80 First, in Num 20:14, Israelite messengers spoke to the king of Edom: הכ עם אחיך ישראלי “thus says your brother Israel”; then Deut 2:4 reads: והانية בני-עשו הישובים בשעיר “your brothers, the people of Esau who live in Seir”; the last is in 23:8.

stone and gave them to me” (Deut 5:22), and then, “I [YHWH] will write on the tablets the words that were on the first tablets that you [Moses] broke, and you shall put them in the ark’” (Deut 10:2), and finally “Then I turned and came down from the mountain and put the tablets into the ark that I had made. And there are there, as YHWH commanded me” (Deut 10:5). I suggest later that D’s Decalogue revises Exodus’, not vise versa, and it is possible, as many believe, that this revision took place during the exilic period (see §5.2.1.1). Third, all five עבד-Egypt formula contexts are completely sensible without the עבד-Egypt formula (Deut 5:15; 15:15; 16:12; 24:18, 22). Conversely, it is not immediately perceptible why the עבד-Egypt formula was chosen when no עבד “slave” class is listed among the beneficiaries. Fourth, the עבד-Egypt formula uses the weqatal וזכורת, which occurs only twice elsewhere in D (8:2, 18). Instead, we would have expected the עבד-Egypt formula to use a causal כי since D uses this particle with high frequency to motivate obedience to a directive, and since the גר-Egypt formula uses a causal כי, which is also used consistently throughout the CC (see n. 107).

If the עבד-Egypt formula belongs to an exilic redaction by faithful tradents of D, then this editorial layer should probably be distinguished from the putative exilic redaction of DtrH (see §5.1.1 n. 16). D’s עבד-Egypt formula recalls only Israel’s suffering in Egypt and, in three cases, YHWH’s redemption from Egypt, whereas DtrH’s

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82 The formula in every occurrence has: 1) identical or nearly identical lexemes and structure [5 out of 5x]; followed by 2) YHWH’s redemption [3x]; followed by 3) an injunction to obey the law in view [5 out of 5x] (see §4.4.2). In other words, the עבד-Egypt formula is never self-standing, but always functions as a motive clause that is dependent on the law to which it motivates obedience (see §4.4.2).

83 24:18, 22; see possible explanation in §4.4.2.

84 Notice the causal כי used conventionally in the chapters in which the עבד-Egypt formula occurs: Deut 5:9, 11, 26; 15:2, 4, 6, 10, 11, 16, 18; 16:1, 3, 15, 19; 24:4, 6, 15 (causal כי also occurs, but without a directive, in 5:5, 25; 15:16).
accounts of Kings Manesseh and Josiah reflect the retribution theology of D’s curses. The עבד-Egypt formula compels empathy for the vulnerable subclasses by recollection of Israel’s past experience, but never intimates at YWHH’s ominous judgment or a return to Egypt. Finally, significant here is that the רב is the persona mentioned more than any other in D’s עבד-Egypt formula contexts (4 out of 5 contexts). This is unsurprising given that the רב pervaded all sociological sectors. God’s people responsible for the עבד-Egypt formula were concerned that the רב not be overlooked as a member of the workforce (5:15) and of the personae miserae (16:12; 24:18; 24:22) subject to various forms of oppression.

4.6. Revisiting the überlieferungsgeschichtliche Problem: Interfacing a Growing Consensus with D’s רב-Egypt and עבד-Egypt Traditions

In the first half of the twentieth century, scholars identified a traditio-historical division between Genesis and the Moses narrative (Exodus and Numbers). In 1977, Rolf Rendtorff provided a theoretical explanation for this division, and other apparent literary separations in the Pentateuch. He contended that the pre-Priestly narrative elements of the Pentateuch do not form a continuous story from creation to the conquest of Canaan, but represent texts composed in self-standing blocks of material. Each larger

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86 Also see §5.2.1.2 for the disassociation of the centralized Pesach and feasts of Deuteronomy 16 with King Josiah’s Pesach celebration in DtrH.
87 Possible exceptions would be 14:21 (but see §3.1.4) and 16:1-8 (but see ch. 4 on D’s Passover legislation).
88 Kurt Galling, Die Erwählungstraditionen Israels (BZAW 28; Giessen: Töpelmann, 1928); Martin Noth, Überlieferungsgeschichte des Pentateuchs (Stuttgart: Kohlhammer, 1948).
89 Rolf Rendtorff, Das überlieferungsgeschichtliche Problem des Pentateuch (BZAW 147; Berlin/New York: Walter de Gruyter, 1977).
section of material would naturally have its own theological emphasis. Important to Rendtorff’s hypothesis is his argumentation against an ongoing, coherent J and E narrative throughout Genesis and the Moses narrative. In support of his position, although some scholars have defended the traditional position of the E source, many regard E as fragmentary or as glosses on the J narrative. As for a J narrative, the magnum opuses of Gerhard Von Rad and John Van Seters, in which they contend, albeit quite differently, for an expansive J epic, are being replaced by a growing consensus that J, if it existed at all, is not found after Genesis. A number of European scholars have attempted to validate Rendtorff’s (secondary) argument that there are no pre-P connections between Genesis and Exodus. At first glance, this would seem to

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90 Rendtorff, überlieferungsgeschichtliche, 158.
91 Rendtorff, überlieferungsgeschichtliche, 80-112.
93 Paul Volz and Wilhelm Rudolph, Der Elohist als Erzähler: Ein Irrweg der Pentateuchkritik? (BZA 63; Giessen: Töpelmann, 1933).
96 Thomas Römer, Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und der deuteronomistischen Tradition (OBO 99; Fribourg: Editions Universitaires; Göttingen: Vandenhoock & Ruprecht, 1990); Albert de Pury, “Le cycle de Jacob comme légende autonome des origines d'Israël,” in Congress Volume Leuven 1989 (ed. by J. A. Emerton; VTSup 43; Leiden: Brill, 1991), 78–96; Eckart Otto, Das Deuteronomium im Pentateuch und im Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens (FAT 30, Tübingen: Mohr Siebeck, 2000). The two most extensive arguments for this view come from Konrad Schmid and Jan Christian Gertz. In his Habilitationsschrift, Erzväter und Exodus (see n. 12), Schmid argues that these origin accounts are unrelated compositions by examining passages from Genesis that might be read as foreshadowing the exodus narrative, from Exodus through D that reference the patriarchal traditions in Genesis, and from Joshua to 2 Kings that refer back to either the patriarchal or exodus traditions. Schmid primarily postulates that four texts, Genesis 15; Exodus 3-4; Joshua 24; and Gen 50:24-Exodus are a single, post-P redaction. P was the first to endeavor to unite the two origin accounts, but the post-P redaction was responsible for
align nicely with the argumentation of this chapter, namely, the ḫār-Egypt formula reflects the Genesis narrative and conveys certain connotations, while the ḍāḇōn-Egypt formula reflects the Moses story and conveys different connotations. However, upon closer examination, these formulae in D provide a critique to this theory of the Pentateuch’s transmission history. Consider the following discussion.

Albert de Pury believes that Genesis and the Moses story diverge on a rudimentary level: the patriarchal traditions are familial; the exodus tradition, vocational. Konrad Schmid argues further that the ancestral narratives of Genesis 12-50 center on YHWH’s promise to Israel’s ancestors already living in the land, whereas the Moses story centers on YHWH’s redemption of Israel out of Egypt to give them a land they neither inhabited nor possessed:

composing the Primary History, and dividing it by the bridge of Joshua 24 into the Hexateuch as *Heilsgeschichte* and Judges-Kings as *Unheilsgeschichte*. This historical complex reached its final form as an introduction to the motif of hope found in the preexisting prophetic corpus of Isaiah-Malachi. Writing independently of Schmid, Gertz (*Tradition und Redaktion in der Exoduserzählung: Untersuchungen zur Endredaktion des Pentateuch* [FRLANT 186; Göttingen: Vandenhoeck & Ruprecht, 2000]) contends that the P material in Exodus 1-14(15) has always been an extension of P’s edition of the patriarchal narrative in Genesis. He follows generally, but not in all details, Theodor Nöldeke’s study (*Untersuchungen zur Kritik des Alten Testaments* [Kiel: Schwers’sche, 1869]) discriminating P and non-P materials in the Pentateuch: “So ist es für die gegenwärtige Diskussion um die Entstehung des Pentateuch von nicht zu unterschätzender Bedeutung, daß sich die literarkritische Ausgrenzung des priesterschriftlichen Textbestandes durch T. Nöldeke aus dem Jahre 1869 im Fortgang der literarkritischen und literarhistorischen Theoriebildung ungeachtet zahlreicher, kontrovers diskutierter Detailprobleme grundsätzlich bewährt hat” (Gertz, *Endredaktion*, 9).

97 Innocenzo Cardellini (“Stranieri,” 136) delineates ḫār-Egypt and ḍāḇōn-Egypt formulae as separate traditions that have engendered profound theological reflection related to the semi-nomadic life as the ideal era of Israel’s encounter with YHWH: “A parte le varie tradizioni e gli interessi redazionali dei testi, che potrebbero chiarire questa incongruenza fra gērīm «emigrati-residenti» e ‘abādīm «schiavi» durante il «soggiorno» in Egitto, è certo che il ricordo è stato talmente rielaborato in chiave teologicoepica, da diventare impulso per profonde riflessioni teologiche legate allo stato di seminomadismo quale momento preferito per l’incontro con il Signore.” He does not specify the provenances for the *emigrati-residenti* and *schiavi* traditions, but his suggestion of unique theological interests aligns with Rendtorff’s postulation of unique theologies for each larger, narrative segment; namely, the “Theologie der Vätergeschichten” and “Theologie der Mose – und Exoduserzählungen” (*überlieferungsgeschichtliche*, 158).

98 de Pury, “cycle de Jacob,” 95-96.
If the Erzväter- and Mose-Exodus-Geschichte are two Ursprungstraditionen for Israel, both underlie the same relationship, namely Israel’s relationship to its land, its predecessors, and its neighbors – albeit in fundamentally different ways, autochthon, inclusive, and pacifistic, and allochthon, exclusive, and aggressive. Thus, there is a fundamental tension between these two transmission complexes.

Israel’s relationship with Canaan’s inhabitants and neighbors is presented in disparate ways: Genesis narrates a relationship that is autochthonous, inclusive, and pacifistic; the Moses story narrates a relationship that is allochthonous, exclusive, and aggressive. Five of these six adjectives may be, for the most part, accurate, but autochthonous (autochthon) is a misnomer. Autochthonous means the patriarchs arose from and resided in Canaan among its preexisting inhabitants and its neighbors. The Moses story, by contrast, regards Israel as allochthonous, transplanted into a land not their own that YHWH gave them as a “possession” (Besitz). However, Schmid overlooks that the (pre-P) ancestral narratives characterize Israel’s ancestors by גור activity, which means they lived as non-indigenous residents in a land they did not possess (see §4.2.1, especially n. 13 and Gen 23:4). The evidence indicates that both origin accounts regard Israel’s ancestors and Israel as allochthonous in relation to Canaan’s inhabitants (Gerar, Hebron) and neighbors (Egypt, Paddan Aram, Sodom). The stories of allochthonous Abraham, Isaac, and Jacob in the Levant and Egypt commence a narrative continuum that culminates in allochthonous Jacob in Egypt, which forms the ideational basis of the גור-Egypt formula.

Furthermore, neither Schmid nor Gertz meaningfully incorporates D into their

99 Schmid, Erzväter, 161, see 102-65.
100 Richard E. Averbeck (review of Konrad Schmid, Genesis and the Moses Story: Israel’s Dual Origins in the Hebrew Bible, Review of Biblical Literature [http://www.bookreviews.org] [2011]) correctly notes that the impressive “breadth of his [Schmid’s] work naturally makes him vulnerable to criticism on many specific points.”
argumentation, but de Pury does. He first contends that the conceptual and linguistic demarcation is between Genesis on the one hand, and Exodus through D on the other:

…est un compromis entre les deux grandes légendes d’origine d’Israël: la légende de Jacob et la légende de Moïse. Issues de milieu différent et operant avec des concepts différents – généalogique d’un côté, et vocationnel de l’autre – ces deux légendes d’origine ont été transmises indépendemment l’une de l’autre, et cela dans un contexte de rivalité, jusqu’à ce que l’époque exilique assure la victoire de la tradition de Moïse sur celle de Jacob et permette à la première de “domestiquer” la seconde.

These two stories were transmitted independently, rivaling one another until the exilic period when the Moses tradition supplanted and domesticated the Jacob tradition. De Pury reaffirms the conclusion of John Van Seters and Thomas Römer that none of the many references to the Abraham, Isaac, Jacob triad in DtrH (de Pury labels it DtrG) or the deuteronomistic literature (Dtr Jeremiah) or even Ezekiel reflects the patriarchs in Genesis. In addition, D and the DtrH contain a tradition of the descent of Israel’s ancestors into Egypt that is independent of the history of Jacob and Joseph as narrated in Genesis. He concludes not only from Genesis and Exodus, but also from D and the

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102 de Pury, “cycle de Jacob,” 78-96.

103 de Pury, “cycle de Jacob,” 95-96.


105 de Pury (“cycle de Jacob,” 83) offers these premises: “Mais il existe une tradition de la descent des pères en Egypte indépendante de l’histoire de Joseph. En plus des textes sacerdotaux cites plus haut, il s’agit de trios passages nettement post-dtr (Dt. x 22; 1 Sam. Xxii; Jos. xxiv 4) et du frameux incipit du petit credo historique en Dt. xxvi 5 qui, lui, appartient certainement à la première edition de DtrG…. Ensuite, il n’est pas dit d’où cet ancêtre descend en Egypte. Quand enfin on tient compte du fait que le ‘père en perdition’ correspond fort mal à la fin du cycle de Jacob qui voit, au contraire, le patriarche rentrer de son exil chargé de biens et entouré de ses fils, on ne peut s’empêcher de penser que le Deutéronomiste entend presenter l’ancêtre sous un jour pejorative: cet ancêtre est un étranger et il est en perdition. Le Deutéronomiste ne veut décidément rien savoir des Patriarches, ni meme de Jacob! Il me semble que son
DtrH that “Le premier lien littéraire constatable entre l’histoire des Patriarches et cette de l’exode nous est donné dans le récit sacerdotal.”

If we were to extend the logic of de Pury’s reconstruction, D’s עבָד-Egypt tradition is rooted squarely in the Moses story (specifically Exod 1:8/9-12:51) which is part of a literary continuum that extends from Exodus through D, even through the DtrH. This would explain the predominance of עבָד-Egypt language (formula and other Israel-in-Egypt texts [§4.2.2]). Yet, against de Pury, the presence of the עבָד-Egypt formula – which I have argued reflects Genesis’ Jacob cycle – in Exodus (22:20; 23:9), Leviticus (19:34), and D (10:19; 23:8) indicates that Genesis and the Moses story were intersecting with one another prior to the exilic period. This suggests a historiographical constraint that is operative elsewhere in the book: the Genesis origins account was in some form available to D, but D mainly refrains from utilizing that material for historiographical or paraenetic purposes. This provides empirical evidence that supports David Carr’s critique of Schmid: since the Second Temple authors utilized either patriarchal or exodus

attitude résulte d’un refus. Pour lui, l’histoire d’Israël commence en Egypte, et il n’y a pas d’Israël, meme embryonnaire, avant la naissance et l’élection du people par Yhwh en Egypte.”

106 de Pury, “cycle de Jacob,” 83.

107 The burden of proof lies on those who argue against a pre-exilic provenance for the CC (Exod 22:20; 23:9); see §5.1.2. Moreover, the עבָד-Egypt formula in Exod 22:20; 23:9 sits very comfortably among other causal כי clauses in the CC (20:25; 21:21; 22:26; 23:7, 8, 15, 21, 31, 33); and Deut 23:8 needs the formula as a rational parallel to the rationale given for the Edomite (for the genetic connection of 23:8 to the standard formula, see below in §4.5). Regarding Deut 23:2-8, all of the main proposals for the composition of that unit are pre-exilic (see Ramírez Kidd, Alterity, 87; also §3.1.7.1; §3.1.7.3), and likewise, I would argue that the עבָד-Egypt formula in 10:18-19 is pre-exilic. Against this view, Ramírez Kidd (Alterity, 94) deduces from the עבָד-Egypt formulae in: “In these motive clauses, for the first time in the Old Testament, Israel is not at the center. Here, it is the land of Egypt which is at the center. This situation is the reversal of the first one (i.e. Deut 24,14): the Israelites now look for a place of refuge somewhere outside of their land. This perspective represents a dramatic change. Behind the עבָד in these texts (Deut 10,19b; 23,8bβ) is clearly the outlook of the exile.” However, an exilic provenance for 10:19 and 23:8b is problematic because their recollection of Egypt’s kindness to Jacob’s family as immigrants diametrically opposes the horrific image of Israel exiled in Egypt/Babylon in Deut 28:68.
traditions, even though they had the entire Pentateuch as a source, “why could not Deuteronomy and/or non-Priestly narrators do the same?” Consequently, in the midst of countless allusions to the Moses story and עבד-Egypt imagery, D’s inclusion of the גר-Egypt formula indicates its heightened significance in D.

4.7. Conclusions

This chapter has argued against the conventional conflation of the גר-Egypt and עבד-Egypt formulae in the book of D (see §4.1). Instead, the גר-Egypt and עבד-Egypt formulae, upon exegetical analysis, manifest a semantic distinction. The גר activity of the patriarchs in and around Canaan prepares readers for Jacob’s family’s עבד experience in Egypt (Gen 45-Exod 1:5); there is no narratival discontinuity between them. A disjunction occurs with the new era in Egypt marked by Israel’s עבד activity, with no longer any references to Israel’s גר activity (Exod 1:9-14:31; see §4.2.1). D’s Israel-in-Egypt lexemes, with the sole exception of the גר-Egypt formula, include the root עבד (pl. עבדים) and convey a negative tendenz congruous with the painful epoch of post-Joseph Israel in Egypt (Exod 1:8/9-12:51), but incongruous with the delightful epoch of Jacob’s family in Egypt (see §4.2.1, §4.3). In addition, we saw that the synopses of Israel’s origins and early history, of both Gen 15:13 and Deut 26:5-6, demarcate via their syntax the epoch of blessing in Egypt during Joseph’s era from the subsequent Egyptian oppression of the Hebrews (§4.2.3). Since scholarship has historically (and uncritically) interchanged the גר-Egypt and עבד-Egypt formulae, there have been no attempts to

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survey Genesis 35-Exod 1:5 as the narratival setting of D’s ד-Egypt formula. This chapter has offered such a survey (§4.3).

The evidence from §4.1-§4.3 culminated in an argument for a semantic distinction between the two formulae within D itself (§4.4). We are indebted to Jose Ramírez Kidd for developing our understanding of this semantic distinction, but he is subject to criticism at certain points (§4.4). In the ד-Egypt formula we have concluded that the operative principle is a compound reciprocity: Egypt’s kindness to Jacob’s family (ד) and Jacob’s family’s status as allochthonous dependents was to be reciprocated by Israel’s kindness and empathy toward the ד residing in Israel (Deut 10:19; 23:8). The ד-Egypt formula with YHWH’s redemption of Israel indicates an imitatio dei principle: YHWH redeemed Israel from exploitation in Egypt; therefore Israel must redeem its vulnerable classes from exploitation in Israel (5:15; 15:15; 24:18). Finally, the ד-Egypt formula without mention of YHWH’s redemption signals an inversion principle: toilsome labor for sustenance in Egypt was to be inverted by Israel’s landowners when they give free food to those who have not earned it.

Next, the chapter proceeded to trace the origins of the ד-Egypt and ד-Egypt formulae (§4.5). It is possible that the ד-Egypt formula belongs to an exilic redaction of D that was distinct from the putative exilic redaction of DtrH. It is very likely that the ד-Egypt formula in 10:19b, and possibly 23:8d, have pre-deuteronomistic origins, namely the identical lemma found twice in the CC. Finally, the יב-Egypt and ד-Egypt formulae were brought to bear on an increasingly popular theory that pre-P Genesis and the pre-P Moses story were originally independent narratives (§4.6). The first problem
that emerged was Schmid’s contention that the patriarchs were autochthonous; our analysis has shown that they were, instead, allochthonous. This is foundational to Jacob’s subsequent allochthonous (גור) experience in Egypt, which serves as the basis for the גור-Egypt formula. The second problem that was exposed was de Purys assertion that prior to the exile Genesis and the Moses story remained independent and competing traditions. Rather, before the exile in D we find the גור-Egypt formula intersecting with עבד-Egypt imagery and with a vast array of allusions to the Moses story (e.g. §4.2.2). This suggests historiographical constraint, and draws attention to the fact that the גור-Egypt formula is a noteworthy anomaly in D.
Chapter 5

THE הָגָה AND TORAH:
D’S INTERPRETATION OF THE COVENANT CODE AND DISTINCTION FROM H

5.1. Deuteronomy and Inner-Biblical Interpretation: Methodological Developments

5.1.1. Deuteronomy’s Laws: Reconstructive versus Relative Dating

The legal traditions within the book of Deuteronomy (D) have been a longstanding perplexity for biblical scholars. In his 1805 doctoral dissertation, W. M. L. de Wette regarded D’s legal core as the production of a single author, the Deuteronomist, whose work reflects the seventh century Josianic reforms and thereby functions as a *Punctum Archimedis* by which one can relatively date other OT sources. While de Wette’s theory continues to spawn derivative theories, most scholars argue, far more persuasively, that “we are dealing in Deuteronomy not with an *ad hoc* literary and theological creation of the seventh century. Rather we must see the book as the final product and expression of a long history involving the transmission and constant adaptation of the old traditions of early Israel upon which it is based.” Less clear to many are the tradents of D’s traditions. Were the tradents post-721 Levite emigrants from the Northern kingdom who infused the laws with homiletic inspiration; or Northern kingdom prophets upholding the covenant law, promoting holy war, endorsing

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1 W. M. L. de Wette, “Dissertatio critica qua Deuteronomium diversum a prioribus Pentateuch libris, alius cuiusdam recentiori auctoribus opus esse demonstrator,” (Th.D. diss., Faculty of Theology, University of Jena, 1805); published, idem, *Opuscula Thelogica* (Berlin: Berolini, 1830), 149-68; ibid., *Beiträge zur Einleitung in das Alte Testament* (2 vols.; Halle: Schimmelpfennig, 1806-7).
charismatic leadership, yet critical of the monarchy;⁴ or Judean sages concerned with humanization and social ethics;⁵ or perhaps a conglomeration of priestly, prophetic, and wisdom influences?⁶

Part of the difficulty in describing D’s tradents, often called deuteronomists, is that they ostensibly have various reasons for conducting their work: “… recent research on Deuteronomistic influence can provide no coherent account to indicate why the Deuteronomists engaged in this massive and thorough-going literary enterprise. In almost each case where Deuteronomistic literary activity can be detected, the authors seem to have been shaping earlier texts for different reasons.”⁷ This becomes apparent when contrasting D’s legislation with deuteronomistic texts (within DtrH, Jeremiah, et al.).⁸ The motives of the deuteronomists are thought to be varied due to their successive, distinct socio-historical vantage points.⁹ What, then, can be said of the provenance(s) of

⁴ Nicholson, Deuteronomy.
⁶ Patrick D. Miller, Deuteronomy (IBC; Louisville: John Knox, 1990), 5-8.
the deuteronomists when they shaped D’s legal core? Norbert Lohfink responds provisionally:

If we do not go too far in our claims, the document of Torah produced at the time of Hezekiah would appear to be the first of a more elaborate Torah drawn from the text of the covenant in Exodus 34 and the Covenant Code. Perhaps it was not very long and only dealt with questions of cultic reform. It is usually referred to as ‘Ur-Deuteronomy.’

Even further qualification is necessary, however. Ever since 1969 scholars can no longer assert with confidence that the benchmark of the deuteronomists’ cultic reform – a seventh century centralization of worship at the Jerusalem sanctuary – is compatible with D’s legislation. Modifying the argument of J. N. M. Wijngaards, Gordon Wenham argues cogently that D represents not centralized worship in Jerusalem, but several sanctuaries serving successively as the shrine of Israel’s confederacy. The data are not at all clear that D’s composer regarded “the place” YHWH set his name as the solitary central sanctuary, rather than the present, central sanctuary of Israel-Judah. In addition, chapter 27 emphatically mandates worship at an alternate site to Jerusalem:

Undoubtedly Deuteronomy 27 is the clearest clue to the provenance of Deuteronomy in the whole book. But its presence conflicts with the idea that Deuteronomy was written to centralize worship at Jerusalem. By centralization is meant the attempt to limit all worship to one sanctuary, the policy of Hezekiah and Josiah. Deuteronomy clearly prescribes that sacrifices to be offered on Mount

10 “It was followed by a history of preceding centuries that showed Hezekiah and his centralization of worship in a flattering light. It was an initiative from above and not the product of a ‘movement’, but we have no information on this subject. If such a movement actually did exist, it is not absolutely certain it must be called ‘Deuteronomistic’”: Lohfink ( “Deuteronomistic Movement?”), 57. This is a translation, reviewed with suggestions by Lohfink, of his French version of the article: “Y a-t-il eu un mouvement deutéronomiste,” in Norbert Lohfink, Les traditions du Pentateuque autour de l’exil (CaE 97; Paris: Cerf, 1996), 41-63.
13 Wenham, “Sanctuary,” 104-06.
Ebal and ascribes this command to Moses. This makes it implausible to regard Deuteronomy as the programme for Josiah’s reformation.\(^{14}\)

A strong case can be made for Deuteronomy 27’s careful integration into chs. 5-26 at an early stage in D’s growth, which indicates that ch. 27 and D’s legal core antedate the designation of Jerusalem as the solitary, cultic site.\(^{15}\) D does centralize worship, but precisely when and where is uncertain.

The scholarly thinking on the origins of D’s laws, only broadly outlined above, indicates not merely that there are disagreements, but that it is impossible to reconstruct with confidence this book’s transmission history and successive socio-historical provenances. Thomas Römer does attempt a cautious reconstruction of D and DtrH,\(^{16}\) but he is also appropriately skeptical of recovering earlier forms of these ancient texts:

\(^{14}\) Wenham, “Sanctuary,” 105. Wenham’s Ebal observation, in my judgment, has been validated by the careful argumentation of Sandra L. Richter, “The Place of the Name in Deuteronomy,” *VT* 57 (2007): 342-366. Michael Hundly (“To Be or Not to Be: A Reexamination of Name Language in Deuteronomy and the Deuteronomistic History,” *VT* 59 (2009): 533-55) states without any counterevidence that ‘her [Richter’s] 2007 claim that placing the name in Deuteronomy means setting up a monument on Mt. Ebal is especially tenuous” (p. 543, n. 45).


\(^{16}\) For Martin Noth (*Überlieferungsgeschichte Studien: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament* [2d ed.; Tübingen: Niemeyer, 1957]), the Deuteronomist was a sixth century author who reworked available sources into a coherent history (DtrH), spanning from D to 2 Kings, in order to explain the destruction of Jerusalem and exile in Babylon by means of the language and theology of the book of D. A double redaction of the DtrH (Josianic [Dtr1] and exilic [Dtr2]) was posed by Frank Moore Cross (“The Structure of the Deuteronomic History,” in *Perspectives in Jewish Learning* [Annual of the College of Jewish Studies 3; Chicago: College of Jewish Studies, 1968], 9-24; idem, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* [Cambridge, Mass.: Harvard University Press, 1973], 274-89). Rudolf Smend (*Die Entstehung des Alten Testaments* [4th ed.; Stuttgart: Kohlhammer, 1989]) and his Göttingen posterity (Walter Dietrich, *Prophetie und Geschichte* [FRLANT 108; Göttingen: Vandenhoeck & Ruprecht, 1972]; Timo Veijola, *Die ewige Dynastie: David und die Entstehung seiner Dynastie nach der deuteronomistischen Darstellung* [AASF B 193; Helsinki: Suomalainen Tiedekatemia, 1975]) added nomistic (DtrN) and prophetic (DtrP) redactions to DtrG (which Smend and Walter Dietrich later renamed DtrH[istorie], which is comparable to Noth’s DtrH); the nomistic layer does not involve D’s laws, but expressions concerned with law (Josh 1:7-9; 13:1b-6; 23; Judg 1:1-2:5, 17, 20-21, 23). Thomas Römer (*The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction* [London/New York: T & T Clark, 2007]) argues for a triple redaction of DtrH: late
The very common idea that copying included a slavish conservation of the older texts does not apply to scribal practices in antiquity. The examples from the recopying of the Gilgamesh epic (where we have some older documents conserved) or of Assyrian inscriptions clearly indicate a very free attitude of the scribes towards the older texts. That means that we cannot reconstruct exactly the older texts that have been re-edited in later times, even if some biblical scholars still think they can. We must therefore be content with the outlines of the hypothetically reconstructed older documents.\(^\text{17}\)

This applies to edited biblical texts that have no source text extant today, but it does not apply in instances where we can verify a scribe’s adaptation of other known materials.\(^\text{18}\)

In this respect, inner-biblical phenomena within D provide an empirical mechanism by which one may discern a law’s relative date, but in most instances, not its socio-historical origins. In his intra-Genesis analysis, David M. Carr provides these caveats:

This does not mean that we can not even inquire about these earlier stages. What these reflections do mean is that investigation of the transmission history of Genesis must work from the later, easier-to-reconstruct stages to the earlier, more difficult ones. Furthermore, any such analysis must make clear distinctions between the differing levels of plausibility of its transmission-historical conclusions. Indeed, at many points the analysis must make explicit the impossibility of forming defendable transmission-historical hypotheses.\(^\text{19}\)

Even as we work with D’s יה laws that are indisputably genetically related to other accessible biblical laws, there are often not enough conclusive data to reconstruct the book’s transmission history.\(^\text{20}\) To circumvent this epistemological impasse, the present

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\(^{20}\) Consider, for example, my tentative language in §4.5 regarding the עבד-Egypt formula, and problems of transmission-history reconstruction that emerged in §4.6.
study centers on a relative dating of D’s laws with respect to other Pentateuchal laws by identifying indicators of the direction of influence and observing the ideational overlap and divergence between these laws (§5.1.4, §5.2).

5.1.2. D, H and Exodus 20-23: Debates on Inner-Biblical Textuality

Of concern to this study on D’s laws is inner-biblical textuality, the literary relationship or non-relationship of: 1) D’s laws to the Holiness (H) laws of Leviticus 17-26 and Exodus 12 (see nn. 131-32); 2) D’s Decalogue (Deut 5:6-21) to Exodus’ Decalogue (Exod 20:1-17); 3) the Deuteronomic Code (DC; chs. 12-26) to the Book of the Covenant, or Covenant Code (CC; Exod 20:22-23:33). Jeffery Stackert argues that just as D utilizes and usurps the CC, so H does the same to the CC, D, and even at times P legislation. For all of the insights that Stackert provides, he by no means settles the issue that the direction of influence moves from H to D, let alone that there is literary dependence at all between them, especially in texts that merely share the same motifs. His work “is unlikely to provide the final word on the thorny issue of ‘supplement or replacement.’” The reason for this, in my estimation, is that inner-biblical interpretation may reveal a legislator’s tendenz or ideology, but not the underlying motivations of his work. In the case of H’s relationship to CC, D, and P, it is not at all perceptible from the texts that implied readers (readers whom we may infer that the text envisages) have

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21 Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy & the Holiness Legislation* (FAT 52; Mohr Siebeck, 2007).
adequate historical background knowledge to discern whether H’s legislator modifies authoritative texts in order to recontextualize them or to subvert them. In epistemological terms, Stackert’s thesis may be true belief, but it cannot be justified. We can explain inner-biblical modifications by the signs of direction of influence (§5.1.4), but we cannot probe the cognitive processes and internal motives of ancient authors. If Stackert were to have limited his conclusions to textual dimensions, then we reenter the realm of knowability. As we shall see, several of H’s בּ bölüm laws are thematically related to D’s בּ bölüm laws, even sharing in common a limited number of lexemes, but the disparate syntactical configuration of those lexemes and the assumptions

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24 Such implied readerly knowledge is necessary to begin reconstructing motives, if such an enterprise were possible (e.g., “you have heard it said..., but I say to you...” [Matt 5:21, 27-28, 31-32, 33-34, 38-39, 43-44]). Max Turner (“Historical Criticism and Theological Hermeneutics of the New Testament” in Between Two Horizons: Spanning New Testament Studies and Systematic Theology [ed. Joel B. Green and Max Turner; Grand Rapids: Eerdmans, 1999], 44-70, especially 48-50) has insightfully nuanced Paul Ricoeur’s notion of “presuppositional pools”: an implied author informs the implied reader of historical background material via the text, and the text presupposes that the implied reader will use this material in interpretation. Also, the essence of texts, including biblical texts, indicates that implied readers have the capacity to work with empirical data – an implied author’s use of the general principles of communication as a reader encounters them in texts – and draw interpretive conclusions; See Anthony C. Thiselton, New Horizons in Hermeneutics: The Theory and Practice of Transforming Biblical Reading (Grand Rapids: Zondervan, 1992), 11, 15, 16-29. Although the implied author and historical author must be delineated, they cannot be disassociated, as Meir Sternberg (The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading [Bloomington: Indiana University Press, 1985], 69) rightly observes: “Being two faces of the same entity – two modes of authorial existence – these are no more mutually exclusive than identical.”

25 The question raised in Plato’s Theaetetus (found similarly in Meno; et al.) “What must be added to true belief in order to get knowledge?” is, of course, still debated rigorously today (see Richard Fumerton, “Theories of Justification,” in The Oxford Handbook of Epistemology [ed. Paul K. Moser; Oxford/New York: Oxford University Press, 2005], 204-33), but in acknowledging the limits of the inner-biblical phenomena within the OT’s legal corpora and of the knowability of authorial motives, Stackert’s thesis may be unjustifiable.

26 For this approach, see the “dialogism” spectrum of Michael R. Stead (The Intertextuality of Zechariah 1-8 [LHBOTS 506; New York/London: T & T Clark, 2009], 23-24) that spans from “texts in contention with each other” to “texts nuancing each other.” Extending the work of Mikhail Bakhtin and Michael H. Floyd, Stead writes regarding textual relationships: “The greater the degree of contention with the existing ‘voices’ in the intertextual web, the greater the potential for multivalency, as multiple meanings compete.”
underlying the propositions that they form reduce the probability of any direct literary influence (see §5.1.5).  

Instead, the lucid, lexical connections, as far as the Torah’s laws are concerned, are between D’s and Exodus’ Decalogues and between the DC and CC. David Aaron has argued that Exodus’ Decalogue and the final composition of Exodus 32-34 revises D’s Decalogue. Working independently of Aaron’s work, Dominik Markl argues conversely that D’s Decalogue functions to actualize Exodus’ earlier version: “Die beiden Kontexte in Ex und Dtn setzen unterschiedliche Schwerpunkte: Während Ex 19-24 Israels Konstitution im Dekalog-Bund erzählt, berichtet Dtn 5 Moses rhetorisch aktualisierende Nacherzählung desselben Geschehens.” Markl’s study commends itself as more careful and cogent than Aaron’s, and the analysis of the present study affirms, with Markl, a direction of literary influence from Exodus’ version to D’s (see §5.2.1.1).

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27 The insufficiency of thematic allusions, even with some shared morphological elements, weakens Stackert’s assumption that H reuses D, as noted by Vroom and Boda (review of Jeffrey Stackert, 189): “Furthermore, he [Stackert] seems to assume throughout that the later codes must have developed out of the earlier ones since they form a single tradition. In other words, there must be a direct literary relationship between topically similar laws since one code developed out of the other. Thus at one point Stackert criticizes the fact that Pamela Barmash argues for literary independence ‘in spite of obvious thematic parallels’ (p. 58). This comment reveals his assumption: thematically similar laws must reveal literary development since the Pentateuchal laws form a single developing literary tradition. The result of this assumption is that some of his explanations for the methods and logic of textual reuse employed by the revising legislators are questionable and the evidence he provides for direct literary dependence appears at times to be circular or weak.”


30 Reinhard Achenbach (review of David H. Aaron, *Etched in Stone, RBL* [2006]; [http://www.bookreviews.org]) correctly remarks regarding Aaron’s study that “many exegetes will hesitate to accept a good number of the author’s arguments in detail, especially because he does not offer a detailed exegetical analysis of the texts themselves but argues on a tradition-historical level in an often speculative way.”
As for the relationship between the DC and CC, the present study endorses Bernard Levinson’s methodological presuppositions, which should be quoted at length:

In arguing that Deuteronomy revises the Covenant Code, I assume that the Covenant Code as a text chronologically precedes Deuteronomy and was known, in whole or in part, by Deuteronomy’s authors. Each component of that assumption is consistent with the broad scholarly consensus. Some scholars have challenged the very idea of literary relation between Deuteronomy and the Covenant Code or have reversed the consensus, claiming that the Covenant Code, in whole or in part, depends on Deuteronomy. While raising valuable issues, these challenges have for good reason not won currency. There is clear precedent in the ancient Near East for subsequent legal collections directly revising earlier ones in order to articulate developments in juridical thought. Moreover, the degree of the detailed lexical and syntactical correspondences between Deuteronomy and the Covenant Code is too expansive to be explained otherwise than in terms of literary dependence, while divergences can be explained in terms of terminological or legal updating. The attempts to make Deuteronomy precede the Covenant Code or the Yahwistic source do not come to grips with the legal history; they overlook the evidence of historical linguistics; and they arbitrarily exclude other Pentateuchal sources from the analysis.31

Opposing this stance, John Van Seters contends that the CC was a core component of the expansive writings of the exilic J author.32 In order to address the needs of the Babylonian exiles, J composed the CC by using the Code of Hammurapi, DC and HC.

Against Van Seters is the consistently shorter length of CC’s laws compared to those of D and HC.33 To this we may supply the premises Levinson cites for CC’s chronological

33 Reduction of prior legal materials (by omission, synecdoche, ellipsis, etc.) would not be an anomaly: see Ezekiel 44’s reduction of Leviticus laws in Mark A. Awabdy, “YHWH Exeges Torah: How Ezek 44.7-9 Bars Foreigners from the Sanctuary,” JBL 131 (2012) forthcoming. However, it is problematic that CC is significantly shorter than D and HC “because Van Seters represents CC as a tendentious rewriting or reaction to D and HC. One would expect that such a text would state its own position with expansive or at least equal verbosity and clarity. Too often CC’s unique positions are left to be inferred from its silences in contrast to D and HC”: David P. Wright, review of John Van Seters, A Law Book for the Diaspora, JAOS 124 (2004): 129-31.
priority: historical linguistics and comparison with other Pentateuchal sources.\textsuperscript{34}

The Bible’s “legal history,” however, is a much less reliable datum. Even though Levinson’s pre-exilic (Neo-Assyrian) reconstruction for the CC is more feasible than John Van Seters’ exilic (Neo-Babylonian) reconstruction,\textsuperscript{35} both of their arguments are based on unsubstantiated historical constructs.\textsuperscript{36} J. G. McConville criticizes Levinson for adopting de Wette’s compositional theory since McConville believes D envisages neither cult centralization, nor Josiah’s reform program.\textsuperscript{37} McConville thinks that D cannot accurately be read as a revision of earlier biblical law and religion, yet his methodology appears to be one-sided in arriving at such conclusions: “…as soon as one enters into the article it becomes clear that the tools actually function to distance the proposal from any attempt to locate Deuteronomy in a particular historical context and to obscure or level the conceptual and linguistic differences between Deuteronomy and other legal materials found in the Pentateuch.”\textsuperscript{38} Both McConville’s and Levinson’s theses are methodologically lacking, however. On the one hand, McConville needs to interact much more extensively with diachronic issues in order to substantiate his (alternative)

\textsuperscript{34} I.e., P/H reflect non-archaized CBH, not LBH; in support, the thesis of Avi Hurvitz (\textit{A Linguistic Study of The Relationship between The Priestly Source and The Book of Ezekiel: A New Approach to An Old Problem} [CahRB 20; Paris: J. Gabalda, 1982]) has yet to be overturned by methodologically sound counterevidence.


\textsuperscript{37} McConville, “Unification,” 50, 56-57.

diachronic conclusions. On the other hand, Levinson’s exemplary inner-biblical exegetical analyses do not lead to his conclusion that the deuteronomists utilized authoritative CC lemmas in order to subvert and replace them; his theory moves into the epistemologically unverifiable realm of authorial motives (see nn. 24-25). The present study, instead, analyzes D’s inner-biblical revision of prior רָב laws in the CC by means of a verifiable, relative dating approach to inner-biblical reuse, the nature of which we now must clarify.

5.1.3. Inner-Biblical Exegesis and D’s רָב laws

*Intertextualité* proper belongs to the domain of post-structuralist semiotics, a synchronic philology developed by Roland Barthes and Julia Kristeva. This literary critical domain must not be confused with modern notions of the term intertextuality that include “intertextual echo,” “dialogical intertextuality,” and “Postmodern Intertextuality,” to name a few. Many wish to preserve the independence of *intertextualité*, which is synchronic in as much as texts have no referentiality outside the encoded linguistic world they create, from diachronic intertextual methods wherein texts converse not only with

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40 P. J. Hartland (review of Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation*, *VT* 50 (2000): 131-32) appropriately remarks: “Perhaps he should be more cautious when he talks of Deuteronomy ‘subverting’ earlier texts, as that term might be too negative.”
other texts, but with sociological and historical contexts. One prevalent, diachronically disposed method examines the phenomena of inner-biblical exegesis, first introduced to biblical studies by Nahum Sarna and developed by Michael Fishbane, and others. Inner-biblical exegesis, or inner-biblical interpretation, includes *tradtitum*, the content of the tradition, and *traditio*, the transmission or representation of the *tradtitum*. This nomenclature fits early oral periods of Israelite traditions, but might be inappropriate for later eras with the “new dynamic of textualization.” D, regardless of when one dates its origins, represents this new dynamic by its canonical presentation: D self-identifies as the textual composition of YHWH’s *tôrâ* to Israel through Moses. The recurrence of הָתַּנְבָּה, in particular, illuminates this deuteronomistic motif. D recalls that YHWH himself engraved the Decalogue onto two tablets of stone (4:13; 5:22; 9:10; 10:2, 4). The Israelites were to inscribe the Shema on the doorposts of their houses and gates (6:9; 11:20), and Israel’s king was to record his own copy of deuteronomistic law (17:18). The theme of inscribing YHWH’s *tôrâ* culminates in the epilogue:

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45 Douglas A. Knight (*Rediscovering the Traditions of Israel: The Development of the Traditio-Historical Research of the Old Testament, with Special Consideration of Scandinavian Contributions* [SBLDS 9; Missoula, Mont.: Scholars, 1975], 5-20) coined *traditio* and *tradtitum* in biblical research, whereas in Michael Fishbane’s *Biblical Interpretation* he applied and developed them within inner-biblical interpretation.
47 ספר התורה “the scroll of the Law” discovered in the Jerusalem temple during Josiah’s era appears to have been some form of D (2 Kings 22-23).
You must write on them all the words of this law, when you cross over to enter the land that YHWH your God is giving you,… (27:3)

You must write on the stones all the words of this law very plainly.

References to this written law occur twice among the covenant curses and thrice in the covenant renewal ceremony in Moab (28:58, 61; 29:19, 20, 26). All of these verses in chs. 28-29 use passive participles to depict this instruction’s written status; for example, מוצאו וכתוביו ההכתובה ספר התורה הזה “his commandments and statutes that are written in this scroll of the law” (30:10). Thus, in a sequential reading, chapter 31 dischronologically describes Moses inscribing this law (31:9, 24) and his song (31:19, 22). The juxtaposition of this written law next to the ark is a visible reminder to Israel of its authority as the binding words of the covenant with YHWH (31:26).48

How, then, can one move beyond what D says about itself as inscribed text, or collection of texts, into the realm of its source texts? That is to say, how can one move from synchrony to diachrony without doing injustice to both elements? Roland Barthes will not allow such movement: “Intertextuality, the condition of any text whatsoever, cannot, of course, be reduced to a problem of sources or influences; the intertext is a general field of anonymous formulae whose origin can scarcely ever be located”49

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48 G. J. Venema (Reading Scripture in the Old Testament: Deuteronomy 9-10; 31 – 2 Kings 22-23 – Jeremiah 36 – Nehemiah 8 [OtSt 47; Leiden/Boston: Brill, 2004], 46) clarifies that “The ‘book of the torah’ is put beside the ark, ‘to be a witness’ of the covenant, of which the ark is the symbol. Thus, the book and the words written in it in turn refer to the Ten Words YHWH spoke to Moses, and which are inscribed on the two tablets of stone. Because of the enormous power of the book as a symbol, the Ten Words do not remain hidden. In order to hear, learn and perform them, Israel – according to Deuteronomy – has to rely on the words spoken by Moses himself, and written in ‘this book of the torah.’ At the same time, this means having to rely on the book which contains these words of Moses: Deuteronomy.”

Michael Stead postulates a method that, instead, preserves the synchronic-diachronic tension. He correctly observes that while post-structuralists and deconstructionists might justifiably stress source ambiguity, “this does not nullify the analysis of those parts of the ‘textual mosaic’ where intertexts can be identified, albeit with greater or lesser degrees of specificity.”

Stead represents this mosaic of intertexts by a spectrum of identifiability from certain to unknown:

- A citation is an attributed quotation (i.e. acknowledging source).
- A quotation is an identifiable word-for-word repetition.
- An allusion is a partial re-use of a sequence of words or ideas.
- An echo is similar to an allusion, but where fewer identifiable elements are reused.
- A trace is defined by Derrida as the indications of an absence that defines a presence. Any signifier contains “traces” of other signifiers which shape its meaning.

D’s intertexts may well vacillate between all of these, but knowability presses us to restrict our analysis to citation, quotation, and allusion. As far as D’s relationship to other laws is concerned, D’s Decalogue cites Exodus’ Decalogue: Deut 5:1-5 prefaces D’s Decalogue (vv. 6-21) with a reference to the theophany of Exodus 19(-24), the direct context of E’s Decalogue. Allusion, or inner-biblical exegesis, occurs with D’s revision of the CC laws (see §5.2).

Stead stresses, furthermore, that computer-generated (morphological) word searches may overlook echoes, or thematic allusions, but when one does notice thematic allusions in a given text, some would group them with “‘methods that are less objective

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50 Stead, Intertextuality, 21.
51 Stead, Intertextuality, 21-23. Stead (pp. 23-24) also presents the spectrums of: the “reader’s role.” from readers creating meaning to readers decoding the meaning of a text; and “dialogism” from “texts in contention with each other” to “texts nuancing each other” (see n. 26).
and less verifiable.” and Stead now believes his computer software innovation remedies this problem:

That two passages might share a theme is not in itself remarkable should that theme be a common one in the Hebrew Bible. The benefit of my computer search technique is that it can help to establish the rarity (or otherwise) of a theme, which in turn gives better grounds for arguing that Zech 1-8 is intended to be read in light of a specific intertext.

Indeed, the rarity of a thematic allusion in the Hebrew Bible, along with other suggestive features, can be used to establish a literary relationship, but a literary connection is not ensured by rarity, nor is it negated by commonality. Moreover, themes shared by two corpora without shared lexemes are insufficient to establish literary dependency. This is true of D and H; they share themes, but not intertexts.

If, however, we become defiant about D’s non-relationship to H or other biblical laws, we deny the foundational reality that the Pentateuch’s legal codes are canonically interconnected, as Fishbane observes: “(a) there are few technical terms which formally introduce exegetical expansions or clarifications of the biblical laws, so that these latter must be isolated mostly by contextual considerations; and (b) there is no sharp distinction in genre, style, or terminology which would serve to highlight the exegetical strata, since the legal comments are formulated in a parlance largely similar to that of the laws themselves.” The CC, HC, and entire book of D are correlated by their shared theological setting: they are presented as the very words of YHWH from Sinai/Moab

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53 Stead, Intertextuality, 39.
55 Fishbane, Interpretation, 163.
through Moses to Israel. Following Jacob Milgrom, Fishbane asserts that D cites its Tetratuchal sources by the perfect-tense formula "which/as [he] commanded/swore/promised."56 A further "comparison of the deuteronomic laws with those of the Covenant and Holiness Codes reveals that Deuteronomy also explained and expanded older legal materials without identifying them by citations or other formal means."57 This is true of D’s revision of the CC, but Fishbane’s examples of D’s transformation of H are unpersuasive,58 and the conclusions of the present study regarding H’s and D’s מjured laws is that they are not genetically connected (see §5.1.4, §5.3).

Inner-biblical revision naturally has implications for textual authority. Inner-biblical legal exegesis centers on reinterpreting, extending, or applying preexisting legal texts.59 An author or his religious community must, to some extent, esteem these preexisting laws by virtue of the fact that he reused, rather than neglected them. Since both the dependent text and its source text are preserved within the Pentateuch, the source text remains to some extent authoritative and prestigious.60 As for the forms of legal exegesis within the Pentateuch, they “reflect normal processes of lawyerly handling of the laws: a concern with scrutinizing the content of laws for real or anticipated

57 Fishbane, *Interpretation*, 164.
58 In addition to the multiple illustrations of D’s reuse of the CC, Fishbane analyzes D’s putative reuse of H: Lev 19:19 by Deut 22:9 (pp. 58-63); Lev 23:15 by Deut 16:9 (pp. 166-9); and Lev 25:35-37 by Deut 23:20 (p. 175-77). The strongest lexicem resemblance is between שדך לא תזרע כלאים (Lev 19:19) and כרמך כלאים לא תזרע (Deut 22:9), which may be an example of inner-biblical scribal reuse, but this could simply be memorable oral tradition “you must not sow two types of seed (in your vineyard/field).”
60 Fishbane (*Interpretation*, 417) notes this phenomenon for the traditio and traditum.
deficiencies; a concern with contradictions among the inherited cases; a concern with making the law comprehensive and integrated; and a concern with making the law workable and practicable.” 61 These tendencies must be further nuanced by the nature of each example, in our case, of D’s legal texts that mention the رب. 62 This nuancing is in essence the task of flagging indicators of the direction of literary influence. Although this task is as much an art as it is a science (like performing textual criticism or reading an intricate novel), there are several signs, to which we now turn, that suggest one text borrows from another. 63

5.1.4. Indicators of the Direction of Literary Influence

Lyle Eslinger contends that Fishbane’s project is “beyond verification” because it “is already premised on diachronic assumptions of historical-critical literary history.” 64 Eslinger’s solution is to bracket out historical issues and read the Bible’s inner-biblical interpretations as self-referential. Such an approach is inadequate for texts whose inner-biblical features are decisively datable, but for D, his criticism stands firm: we are obligated to search for convincing, ahistorical evidence for the direction of literary influence from one text to another. In my discussion of directionality, I will use the terms Quellentext “source text” and Kontingenttext “contingent text.” 65 The following are

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61 Fishbane, Interpretation, 164.
62 Similarly, Stead’s “contextual intertextuality” (Intertextuality, 30-37) is a methodology tailored to the contours of the biblical corpus under investigation.
63 Benjamin Sommer (A Prophet Reads Scripture: Allusions in Isaiah 40-66 [Contraversions; Stanford, Calif.: Stanford University Press, 1998], 35) goes so far as to claim: “The weighing of such [inter-biblical] evidence (and hence the identification of allusions) is an art, not a science”
64 Eslinger, “Exegesis,” 52, 58.
65 See this nomenclature in Awabdy, “Ezek 44:7-9”: traditum and traditio are not as accurate since they are best used to depict early oral stages of Israel’s tradition history (n. 47).
indicators that one text may be primary (Quellentext = Qt) and the other text secondary and derivative (Kontingenttext = Kt).\textsuperscript{66}

1. Mutual content may not have been completely integrated into the Kt such that elements from the Qt might seem to be incompatible, or a surprising choice of language, in the new context.
2. The Qt may provide the conceptual background for the Kt so that a reader cannot understand the Kt without first reading the Qt. Put another way, a Kt may leave a curious or awkward gap in their readers’ knowledge that is sufficiently filled by the Qt.
3. The Kt may contain expansions, not attested in earlier texts, that are interpretations of the Qt.
4. The ideology of the corpus of which the Kt is a part may explain why it modified its Qt. In this case, the Qt serves as a catalyst for the Kt to advance an ideological purpose.
5. When two texts manifest a lexical relationship, one text may be shown to be the Kt if its broader context repeatedly reuses biblical texts.\textsuperscript{67}
6. A Kt may explicitly claim to borrow from a Qt (citation).
7. The vastness and complexity of one text (Qt) is more likely to have spawned another, simpler and shorter text (Kt), than vice versa. This, of course, is debatable.
8. Rhetorical devices, such as Wiederaufnahme and Seidel’s law, signal allusions to source texts. The direction of influence of isolated incidents cannot easily be validated; but the recurrence of stylistic and restructuring conventions within a corpus can demonstrate a pattern of revising Qt.

Linguistic features and socio-historical reconstructions cannot normally determine directionality, not only because of their gaps in evidence, but because we cannot assume an earlier, extant text had circulated into a given author’s hands; and conversely, an author may have used an oral or earlier form of a text that postdates his own composition.


\textsuperscript{67} Leonard (“Inner-Biblical Allusions,” 262) remarks: “When it can be established that a given author is in the habit of borrowing from other texts, a certain precedent may be established for deciding difficult cases. This is especially true when the other author in question does not appear to be similarly inclined toward borrowing.”
Instead, the lexemes and context of each corpus under examination is given hermeneutical priority. It is unnecessary for a text to manifest more than one of the above eight indicators in order to be identified as a Qt or Kr, but an accumulation of indicators does increase the probably of correct identification. Additionally, if an author reuses multiple, verifiable Qts that can all be traced to a common corpus (e.g., the CC), additional, alleged examples of reuse of that corpus are more likely to be genuine.  

5.1.5. The Independence of H’s Ḭ laws from D’s

The evidence indicates that D’s and H’s Ḭ texts are not genetically dependent, with one possible exception (see §5.2.1.1). In addition to the absence of directionality indicators, we find major lexemic and thematic discrepancies that disassociate D’s and H’s Ḭ texts. H texts that mention the Ḭ with themes unparalleled in D include: Yom Kippur and atonement (Lev 16:29; Num 15:26, 29, 30); sacrifices (Lev 17:8; Num 15:14, 15, 16; cf. sacrifices in Deuteronomy 12, but genetically unrelated and without Ḭ); blood matters (Lev 17:10; 17:22; 22:18); unclean heifer ashes (Num 19:10); Molech abominations (Lev 18:26; 20:2; Ezek 14:7); blasphemy (Lev 24:16, 22); cities of refuge (Num 35:15; Josh 20:9). Conversely, D’s texts that mention the Ḭ with themes unparalleled in H include: adjudicating cases (Deut 1:16); tithes (14:29, 26:11, 12, 13);

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68 Sommer (Allusions, 35) identifies this principle with respect to “certain texts/passages” (instead of “corpora”): “Further, an author may allude to certain texts, and the author’s preference for those texts increases the probability that additional parallels with them result from borrowing. The argument that an author alludes, then, is a cumulative one: assertions that allusions occur in certain passages become stronger as patterns emerge from those allusions”; so also, Berger, “Esther,” 626; ibid., “Ruth,” 254-55.

69 See Israel Knohl’s distinction between P and H texts in The Sanctuary of Silence: The Priestly Torah and the Holiness School (Minneapolis: Fortress, 1995), 104-06. However, tenuous is his socio-historical reconstruction and his argument that H corrects, rather than supplements, P (pp. 199-224).
feasts of Shavuot and Sukkoth (16:11, 14); and covenant ceremonies (29:11; 31:12).

When H’s and D’s motifs overlap, the lexical disparity reduces the likelihood of any genetic relationship, as illustrated by texts related to carcass consumption, gleaning, and economic reversals. In the following chart, the underlined lexemes are unparalleled in the adjacent passage; leftover are the few lexemic similarities between D and H, but the syntax and concepts surrounding these lexemes reflect two autonomous sets of material:

<table>
<thead>
<tr>
<th>Carcass consumption</th>
<th>Gleanings</th>
</tr>
</thead>
<tbody>
<tr>
<td>שׁכנת נבלה וכרבשׁועריה תחתנה</td>
<td>כeràב שׁעדר שׁכנת שׁפחל תשלמה היא לָהֶיה מַכְּשָׁד</td>
</tr>
<tr>
<td>יכְּלִימָה נבלה וכרבשׁועריה תחתנה</td>
<td>כרה וכרבשׁועריה תחתנה</td>
</tr>
</tbody>
</table>

Any person who eats an animal that dies naturally or is torn by beasts, whether he is a native or an immigrant, must wash his clothes and bathe himself in water and be unclean until the evening; then he will be clean.

But if he does not wash them or bathe his body, he will bear his iniquity.

(Lev 17:15-16)

You must not eat anything that dies naturally. You must give it to the immigrant who is within your towns, so that he may eat it or sell it to a foreigner. For you are a holy people to YHWH your God. You must not boil a kid in its mother’s milk.

(Deut 14:21)

When you reap the harvest of your land, you must not reap your field right up to its edge, nor may you gather the gleanings after your harvest. You must leave them for the poor and for the sojourner. I am YHWH your God.

(Lev 23:22; 19:10)

When you beat your olive trees, you must not go over them again. It must be for the immigrant, orphan and widow. When you gather the grapes of your vineyard, you must not strip it afterward. It must be for the immigrant, orphan and widow.

(Deut 24:19-21)
Also notice the independence of D’s and H’s Pesach and Matzoth legislation.70

Consequently, in the rest of this chapter, I will mention H only to compare or contrast its ideations with D, not because it is genetically related. By contrast, when we look for indicators of a literary relationship between D’s Decalogue and Exodus’ and between the DC and the CC, we find ourselves in the realm of genetic connections.

Since the language of both H and D anticipates life in the land of Canaan, the major divergence of H’s גָּר laws from D’s cannot be attributed to life in the wilderness (H) versus life in the Promised Land (D).71 Nor can the divergence be attributed to Moses’ forgetfulness, after forty years, of YHWH’s words from the Tent of Meeting (H); Israel’s oral culture will not allow this option.72 The view that D’s גָּר laws presume H’s is argumentum a silencio that is rendered even more unlikely given that D presumes and/or revises many other Tetrateuchal laws, including Exodus’ Decalogue and the CC. Why would Moses deem the גָּר laws in the CC and Exodus’ Decalogue worthy of revision and recontextualization, but deem H’s גָּר laws unworthy, especially given the fact that H has

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70 Deut 16:1-8 (גד is unmentioned, but arguably a participant in D’s Matzoth element); H: Exod 12:19, 48; Num 9:14; Lev 23:4-8.
71 I.e., Exod 12:48; Lev 18:3, 25, 27, 28; 19:9, 23, 29, 33; 20:2, 4, 22, 24; 22:24; 23:10, 22, 29; 25:2, 4, 5, 6, 7, 9, 10, 18, 19, 23, 24, 31, 38, 45; 26:1, 4, 5, 6, 20, 32, 33, 34, 42, 43; 27:16, 24, 30.
many more relevant laws than Exodus 20-23 from which D could have drawn (cf. §1.1.1 n. 20)? The answer cannot be that D is satisfied with H’s coverage of certain themes, for as we have seen in the above chart, D and H have laws with identical themes. Yet, when the themes are identical, D and H employ entirely separate nomenclatures to express different legal contents. I also believe that were D to presume H’s laws, but never once interact with them, this would contradict D’s self-presentation as expounding prior law: “Moses began to explicate this tôra” (Etat-hatarot; 1:5). Consequently, the divergences between H’s and D’s laws can only be explained in one of two primary ways, with various nuanced positions between these two. First, both H and D were ad hoc literary creations using the guise of Mosaic authorship to respond to the dynamics of later socio-historical contexts. Second, in H YHWH speaks his law to the historical Moses, in D Moses delivers speeches and inscribes them on stone, and then each was independently transmitted, edited and revised by the people of God under the inspiration of God’s Spirit. I endorse the second option, presupposing Mosaic origins that were adapted by separate, Israelite groups, one priestly, the other deuteronomic.

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73 Levinson, Deuteronomy, 151; contra Dennis Olson, who presumes tôra in 1:5 refers not to preceding legislation, but to D itself: Deuteronomy and the Death of Moses (Minneapolis: Fortress, 1994), 11.

74 For multiple studies of cuneiform legal revision, consult Levinson, Deuteronomy, 7 n. 11. In D, there are at least three elements, not necessarily distinct layers, of revision: one, the editorial additions of superscriptions, subscriptions, and other materials (i.e., ch. 34); two, reformulation of laws to mandate centralized worship (ch. 12, 16, et al.); three, the organization (perhaps a general reordering of the laws to follow the Decalogue) and the integration of D into the Pentateuch and Primary History.

75 On the independence of P/H and D, see Weinfeld, Deuteronomic School, 225-32.
5.2. D’s Revision of Exodus 20-23’s "גר Regulations and contrasts with H

5.2.1. A Vicarious Redemption

5.2.1.1. "גר and the Sabbath (Exod 20:8-11; Deut 5:12-15)

<table>
<thead>
<tr>
<th>Deut 5:12-15</th>
<th>Exod 20:8-11</th>
</tr>
</thead>
<tbody>
<tr>
<td>שמור את יום השבת לקדוש</td>
<td>בור את יום השבת לקדוש</td>
</tr>
<tr>
<td>ו느יו את יום השבת אל מקדש</td>
<td>ו느יו את יום השבת אל מקדש</td>
</tr>
<tr>
<td>והיה שבת ליהוה אלהיך</td>
<td>והיה שבת ליהוה אלהיך</td>
</tr>
<tr>
<td>ושכל ימי שבת לא יעשה כל מלאכתך</td>
<td>לשכל ימי שבת לא יעשה כל מלאכתך</td>
</tr>
<tr>
<td>והיה שבת ליהוה אלהיך</td>
<td>והיה שבת ליהוה אלהיך</td>
</tr>
</tbody>
</table>

We have several reasons to infer that D’s Decalogue reuses that of Exodus. First is the plus (+) phrase that occurs both in D’s Sabbath word and honor-parents word:

"אמץ וגר הח ירה אליך" “just as YHWH your God commanded you” (Deut 5:12, 16). This phrase is best understood as a perfect-tense citation formula that recurs in D when the book references Tetrateuchal sources. Exodus’ Decalogue reads smoothly without this citation (Exod 20:8-9, 12), which also indicates it is a deuteronomic expansion within D’s version. Second, Exodus contains only one + conjunction (Exod 20:4: "וכל"; cf. Deut 5:8), which can be explained as D’s theological interpretation, whereas D contains six +

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76 Milgrom, “Profane,” 3-4; Fishbane, Interpretation, 164; William L. Moran (“The Ancient Near Eastern Background of the Love of God in Deuteronomy,” CBQ 25 (1963): 86) observes that a shift to the (D-stem) participial form of this clause indicates that “the laws revealed to Moses at Horeb are now being promulgated”: (ך אליך את אביך ואת אמה ואת אחיך ואת אחותך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך את אחיך ואת אחיך ואת אחיך את אחיך ואת אחיך ואת אחיך ואת אחיך את אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך את אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואת אחיך ואתAccentuation\(\text{)}\) which I am commanding you (today)” (Deut 10:13; 11:28; 12:14; 13:18); also Henning Graf Reventlow, Gebot und Predigt im Dekalog (Gütersloh: Gütersloher, 1962), 56; Norbert Lohfink, Theology of the Pentateuch: Themes of the Priestly Narrative and Deuteronomy (trans. Linda M. Maloney; Minneapolis: Fortress, 1994), 261.

conjunctions, manifesting an expansionistic tendency.\footnote{Deut 5:9 (על); 14 ((Label); 18 (אל); 19 (הלא); 20 (לא)); 21 (לא); contra minuses in Exod 20:5 (על); 10 (על); 14 (לא); 15 (לא); 16 (לא); 17 (לא). For a chart of discrepancies between the two Decalogues, consult: Innocent Himbaza, Le Décalogue et l’histoire du texte: Études des formes textuelles du Décalogue et leurs implications dans l’histoire du texte de l’Ancien Testament (OBO 207; Göttingen: Vandenhoeck & Ruprecht, 2004), 174-78.} Third, D’s egalitarianism probably suggests that it fronted the prohibition of coveting a “neighbor’s wife” (אשת רעך; metathesizing Exodus’ order of house → wife; cf. Deut 21:10-14, 19; 24:5).\footnote{William L. Moran, “The Conclusion of the Decalogue (Ex 20:17 = Dt 5:21),” CBQ 29 (1967): 543-54; Nelson, Deuteronomy, 84.} Fourth, aside from the possible exception of Exodus’ Sabbath rationale, its version contains no clarifying expansions, in contrast to D. In addition to D’s citation formula, we read the + "ox and donkey and every (beast)" as participants in Sabbath rest (Deut 5:14; cf. Exod 20:10), which may be D’s way of linking Sabbath with the final command.\footnote{Lohfink, Pentateuch, 254-55.} D also includes a second telic clause "so that it may be well with you" in the honor-parents word, which is best explained as a promulgation of D’s material retribution theology.\footnote{This phrase never occurs with Tetratuchal laws, but is distinctive deuteronomic phraseology for “retribution and material motivation” (Weinfeld, Deuteronomistic School, 345-46): Deut 4:40; 5:16, 26, 30; 6:3, 18, 24; 10:13; 12:25, 28; 19:13; 22:7.} With the above signs that D’s Decalogue modifies that of Exodus, scholars are justified in pondering the import of D’s other modifications of Exodus’ version.\footnote{Opening the Sabbath word, D shifts from ‘זכור “remember” (Exod 20:8) to ‘שומר “guard” (Deut 5:12), which Lohfink (Pentateuch, 254) argues marks D’s version as an alteration of Exodus’. D adds "his field" to the Decalogue’s final word. D also replaces the adverbial accusative "lying witness” (Exod 20:16) with ‘שוער "worthless witness" (Deut 5:20); see Patrick D. Miller, The Ten Commandments (Louisville: Westminster John Knox, 2009), 344. Finally, D replaces "you must not covet your neighbor’s wife” (Exod 20:16) with ‘לא תתן אתא בית רעך ‘and you must not desire your neighbor’s house” (Deut 5:20). Against William Moran (“Conclusion,” 543-54), Brevard S. Childs (Brevard S. Childs, Exodus [OTL; London: SCM, 1974], 426-27) argues “the Deuteronomic recension simply made more explicit the subjective side of the prohibition which was already contained in the original [Exodus] command.”} This précis reinforces the general conclusion of Markl that D
actualizes Exodus’ version,\textsuperscript{83} which leads us now to consider how D reuses Exodus’ Sabbath command and explore its implications for D’s presentation of the \( גָּרֶךְ אַשְׁרָ בְּשַׁעַריךָ \).

D modifies the list of Sabbath rest participants, inserting “ox and donkey and every (beast)” to clarify that certain and all livestock need weekly respite (5:14). The immediately following lexeme, however, D repeats verbatim from Exodus: 

\begin{center}
\textit{וגָּרֶךְ אַשְׁרָ בְּשַׁעַריךָ}
\end{center}

In Exodus through Numbers, “gate” occurs only in the Sinai Pericope (Exod 19:1-Num 10:10) where it refers to the “gate of the courtyard” (שַׁעַר הַחֲצָר) of the tabernacle (Exod 27:16; 35:17; 38:15, 18, 31; 39:40; 40:8, 33; Num 4:26), or the gate of Israel’s Israeliite Sinai camp (בשַׁעַר הַמַּחֲנָה): Exod 32:26, or the \textit{gates} within Israel’s Sinai camp: “(go back and forth) from gate to gate within the camp” (Exod 32:27; JPS Tanakh; NET). To remove the awkwardness of multiple gates in a dessert encampment, one may read the \( מִן ... לְ \) construction in 32:27 as movement from one tent \textit{entrance}, or familial \textit{precinct}, to another.\textsuperscript{84} Cornelis Houtman argues, instead, that in Exod 32:26-27 Moses guarded the only gate of Israel’s camp: “From there, the Levites go into the camp, and after having finished their task, go back to Moses. Moses stands by the gate and sees to it that no Israelite escapes.”\textsuperscript{85} If we accept Houtman’s proposal based on the conventional usage of \textit{שַׁעַר} as “gate,” then \textit{גָּרֶךְ אַשְׁרָ בְּשַׁעַריךָ} in Exodus’ Decalogue is the only reference to multiple “gates” in the Tetrateuch.\textsuperscript{86} On the

\textsuperscript{83} Aaron, \textit{Etched}, 282-320; Markl, \textit{Der Dekalog}, 270.
\textsuperscript{84} Similarly, denotation 4.a. “location, places” in: “שַׁעַר,” \textit{HALOT} 2:1614-18; “passez et repassez d’un bout à l’autre du camp” (French Bible en français courant).
\textsuperscript{86} Even if we render \textit{משׁער למשׁער בַּמַּחֲנָה} “from precinct to precinct” against Houtman, the entire clause \textit{גָּרֶךְ אַשְׁרָ בְּשַׁעַריךָ} still qualifies as an anomaly in the Tetrateuch.
contrary, D uses both the plural form and the non-limiting clause אֲשֶׁר בְּשָׁעַרְךָ with the highest frequency in the Hebrew Scriptures. Even more perplexing is why Exod 20:10 would use the lexeme גֵּר since גֵּר does not have an enclitic pronoun anywhere else in the Tetrateuch:

<table>
<thead>
<tr>
<th>פועל</th>
<th>ביטוי热水</th>
<th>ריכוז</th>
<th>מילים</th>
</tr>
</thead>
<tbody>
<tr>
<td>הגרותבש</td>
<td>Gen 23:4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>הגרו</td>
<td>Exod 12:19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>הגר</td>
<td>Exod 23:9, 12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>מְאֵרָאָתָם וּמְרֵאָתָם</td>
<td>Num 15:30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>הגר אֱשֶׁרֶנַוֶּר בְהַכָּזָם</td>
<td>Lev 17:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>בַּאֲוָרִים בְּהַר</td>
<td>Lev 17:15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>לַעֲקַבָּתָהּ</td>
<td>Lev 19:10; 23:22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>הגר בֵּיתאֲבָנָל</td>
<td>Lev 22:18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>אַבָּרִים בַּכָּזָם</td>
<td>Lev 24:16, 22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>הגר וּשתָבָב</td>
<td>Lev 25:35</td>
<td></td>
<td></td>
</tr>
<tr>
<td>לֹא הָר</td>
<td>Lev 25:47</td>
<td></td>
<td></td>
</tr>
<tr>
<td>חִירִינוֹ לֵא</td>
<td>Exod 12:48; Lev 19:33; Num 9:14; 15:14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>לֹא הָרֵאָתָם האָרָם</td>
<td>Lev 19:34; Num 9:14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>לֹא הָרֵאָתָם הָגוֹר</td>
<td>Exod 12:49; Lev 16:29; 17:10, 12, 13; 18:26; 20:2 Num 15:15, 16, 26, 29; 19:10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>לֹא הָרֵאָתָם אָטָם</td>
<td>Num 15:15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>לֹא הָרֵאָתָם בִּכָּזָם</td>
<td>Num 35:15</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Of the remaining 25 גֵּר references (outside the Pentateuch) in the Hebrew Bible, none are qualified by an enclitic pronoun. In contrast, D five times suffixes to the גֵּר

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87 Deut 6:9; 11:20; 12:17, 21; 14:28; 15:22; 17:8; 26:12; 28:57); בְּכָזָם (12:15; 16:18; 28:52[2x], 55); בְּהַכָּזָם (15:7; 16:5; 17:2; 18:6; 23:17[Heb.]); בְּכָזָם (17:5). In addition to the above references, the entire clause אֲשֶׁר בְּשָׁעַרְךָ modifies גֵּר “your immigrant” thrice (5:14; 14:21 [לָךְ]; 31:12); modifies נְוֶר “the Levite” four times (12:12 [שֶׁעָרָיִךְ], 18, 14:27; 16:11); הגר וּשתָבָב “the immigrant, orphan, and widow” triad once (14:29); and הגרו הגרו וּשְׁפִּיּוֹת שָׁפִּיּוֹת the Levite, immigrant, orphan, and widow” tetrad once (16:14). The variation אֲשֶׁר בְּכָזָם בְּשָׁעַרְךָ modifies גֵּר in 24:14.

88 Josh 8:33, 35; 20:9; 2 Sam 1:13; 1 Chr 22:2; 29:15; 2 Chr 2:16; 30:25; Job 31:32; Ps 39:13; 94:6; 119:19; 146:9; Isa 14:1; 27:9; Jer 7:6; 14:8; 22:3; Ezek 14:7; 22:7; 29; 47:22, 23; Zech 7:10; Mal 3:5.
(individuum) the enclitic ו “your immigrant” (5:14; 24:14; 29:10; 31:12), and once the enclitic ו “his immigrant” (1:16). One option is that after D’s Decalogue modified that of Exodus, a deuteronomistic redactor inserted this lexeme into Exodus’ version. The deuteronomists, however, have no reason for such activity since by transforming Exodus, D’s Decalogue achieves an authoritative status.89 The only reasonable option is that אֵשׁ בְּשֵׁעָרְךָ in Exodus’ Decalogue is the foundation of D’s use of the phrase in its Decalogue. For this to be true, the lexeme in Exod 20:10 must be congruous with its Exodus context, or at least must be comprehensible as a pre-deuteronomic addition.

Indeed, the enclitic form וָכְ in Exod 10:20 follows the syntactical pattern of its context: each Sabbath observant is incrementally distanced from, yet conjoined by the enclitic ו to, the addressee (אתה) (see the parallel in D’s version; §3.1.2). As for אֵשׁ בְּשֵׁעָרְךָ, one may read it congruously with the narrative setting of the Sinai Pericope, “who is in your precincts,”90 or projecting Israel’s future village life in Canaan.91 The latter view is supported by the following commandment: “Honor your father and your mother, that your days may be long in the land that YHWH your God is giving you” (Exod 20:12).

Either way, it is not necessary to read וָכְ אֵשׁ בְּשֵׁעָרְךָ as a post-deuteronomic interpolation into Exodus’ Decalogue.

This polysemous lexeme from Exodus’ Decalogue gains new meaning in D’s context. By recontextualization, the וָכְ is now repositioned squarely within deuteronomic

89 See the similar complexity of a putative deuteronomistic redaction of the CC in Levinson, Deuteronomy, 11-13.
90 If we follow the above alternative to Houtman’s reading of Exod 32:26-27.
theology: the גר resides inside Canaan’s urban center gates that the Israelites did not erect, but inherited from the land’s inhabitants, ultimately from YHWH through his military victories:

והיה כי יביאך יהוה אלהיך אל־הארץ אשר נשבע לאבתיך לאברהם ליצחק וליעקב לתת לך ערים נלות וטבת אשר לא־בנית

When YHWH your God brings you into the land that he swore to your fathers, to Abraham, to Isaac, and to Jacob, to give you—with great and good cities that you did not build, (Deut 6:10)

Hear, O Israel! You are to cross over the Jordan today, to go in to dispossess nations greater and mightier than you, cities great and fortified into the sky, (Deut 9:1)

כירכיהו יהוה אלהיך נתן לך את־ארצם וירשׁתם וישׁבת בעריהם  כי־יכרתי יהוה אלהיך את־הגוים אשר יהוה אלהיך נתן נחלות לאלהים אלהיך

When YHWH your God cuts off the nations whose land YHWH your God is giving you, and you dispossess them and dwell in their cities and in their houses, (Deut 19:1)

16 But in the cities of these peoples that YHWH your God is giving you as an inheritance, you must not preserve any life, 17 but you must devote them to annihilation, the Hittites, Amorites, Canaanites, Perizzites, Hivites and Jebusites, just as YHWH your God has commanded, 18 so that they may not teach you to do according to all their abhorrent practices that they have done for their gods, and so you sin against YHWH your God. (Deut 20:16-18)

Neither the notions of annihilating the politico-ethnicities of Canaan, 92 nor inhabiting their cities 93 are deuteronomic novelties. D’s development, rather, is a heightened emphasis on these issues that demarcates more cleanly than ever before the גר from other non-Israelites. גרך אשׁר בשׁעריך delineates D’s גר both from the unacceptable citizens of the nations whose cities Israel inherited and from נכרים “foreigners,” or non-Israelites intersecting with, yet precluded from meaningful integration into, Israelite communities (see §3.1.7.3).

92 See Exod 23:23-33:2; 34:10-17.
How does D assimilate “your immigrant who is in your gates” into Sabbath rest?

Unlike Exodus’ Decalogue which accentuates stopping business activities, D’s Decalogue and the CC accentuates resting in the positive sense. The underlined lexemes from the CC and D’s Decalogue are not found in Exodus’ Decalogue:

Six days you must labor your labors, but the seventh day you must rest, so that your ox and your donkey may rest, and your (female) slave and immigrant might recover (Exod 23:12).

Six days you must work and labor all your business, but the seventh day is a Sabbath to YHWH your God. On it you must not do any business, you, your son or your daughter, your male slave or your female slave, your ox or your donkey or any of your livestock, or your immigrant who is in your gates, so that your male slave and female slave might rest as well as you (Deut 5:13-14).

One might infer from these texts that D manifests less concern than the CC for the גּר to experience Sabbath refreshment. This is not the case, as we shall see upon further investigation.

Norbert Lohfink argues that D by transforming Exodus’ account has given centrality and preeminence to the Sabbath command within the Decalogue. He argues further, and persuasively, that D’s Sabbath word restructures its Exodus Qt by means of chiastic correlations:

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94 Miller, Commandments, 130.
95 Lohfink, Pentateuch, 252-64; Miller, Commandments, 128-29.
5:12 Observe the sabbath day
12 as YHWH your God commanded you.
14 To YHWH your God
14 and your male and female slave
14 so that (as a mark of the turning-point of the text)
14 your male and female slave
15 YHWH your God
15 therefore YHWH your God commanded you
15 to keep the sabbath day. 96

The significance of Lohfink’s proposal for this study becomes clearer as we consider the recurring terms in relation to the rest of the unit:

Roots שומר and לעשׂה are favorite paraenetic verbs in D, often occurring together (e.g., ושמרתם לעשׂות "carefully observe” in 11:32). Inclusio by שמר and לעשׂה, therefore, explains D’s choice of שמר (Deut 5:12) over זכר (Exod 20:10). 97 Inverted parallelism (chiasmus) probably also explains why עבדך ואמתך “your male and female slave” (5:14c) were selected by to stand synechdochally for all Sabbath participants listed (5:14b). 98 Thus, the directive envisages weekly relief for all classes enumerated in v. 14.

Even so, in D’s version, unlike that of Exodus, “your male and female slave” (5:14c) seems to generate the second dimension of D’s Sabbath rationale (5:14d):

96 Lohfink, Pentateuch, 253; modified slightly by Nelson, Deuteronomy, 82.
97 Lohfink, Pentateuch, 252-53.
98 Lohfink does not mention this; van Houten (Alien, 64) does not mention Lohfink’s structure, but she affirms that male and female slaves represent all other aforementioned participants.
So that your male and female slave might rest as well as you; for you were a slave in the land of Egypt (5:14c-d).

The analogy is apparent: male and female slave in Israel :: Israel as slave in Egypt. The structure of the unit, however, does not restrict D’s scope to slaves. The conclusion of D’s rationale, a second citation formula “therefore YHWH your God has commanded you to observe the Sabbath day” (5:15), must refer to the entire unit (vv. 12-15) since it frames the unit by inclusio with corresponding lexemes in vv. 12-13, as Lohfink has shown. The עבד-被动 formula, therefore, compels addressees to reinforce Sabbath rest for all classes listed in v. 14. This correlates with the subsequent עבד-被动 formulae that motivate addressees to benefit not slaves exclusively, but various groupings of *personae miserae*: liberated Hebrew slaves (15:15); the גר-triad, among other dependents and disadvantaged persons (16:12; 24:22); the גר-dyad (24:18). With 5:14, 16:12 is the only other passage that mentions male and female slaves (nounsעבד and אמה) in association with the עבד-Egypt formula, but even there the formula clearly has the entire list of disenfranchised persons in view (16:11). 24:18 and 24:22 make no mention of slaves (arguably also 15:12-15; see n. 99).

The implication of this is that D’s revision of Exodus attempts to incorporate גרך לאשׁר בשׁעריך “your immigrant who is in your gates” with no less fervor than slaves or other listed members of the bêt-’āb in 5:14. Obeying D’s Sabbath law provides “rest for

99 In contrast to עבדך ואמתך in 5:15, the beneficiaries of the עבד-Egypt motivational formula in 15:15 are expressly Hebrew: כי כisphere לך אחיך העברי וה عبرיה עבדך. “If your brother, a Hebrew man or a Hebrew woman, is sold to you…” (15:12).
100 See plausible explanation in §4.4.2.
those unable to secure it for themselves and liable to excessive and oppressive labor,” and the הָרָע is among such persons, as the syntax of Deut 5:12-15 indicates (§3.1.2).

Within Israel’s gates the הָרָע is geographically allochthonous. He is also, what we have called, a non-בֵּית-ָעָב הָרָע, that is, one who does not belong to an Israelite extended household, but who likely worked as a client or indentured servant for a paterfamilias.

The הָרָע was present in more than one Israelite settlement, and yet was never regarded as a class of abstracta, but of individual residents of the community. The association of the הָרָע with Israel’s gates positions him within the sector of legal, judicial, and commercial activity. His habitat within (ב) the city gate, not outside the city (מחוץ לעיר), suggests that the הָרָע was a non-threatening presence. In sum, because the הָרָע in this text appears to be allochthonous, not a member of a בֵּית-ָעָב, yet present in a majority of Israelite villages, the temptation existed for patresfamilias to overextend them in the name of productivity.

To counter this temptation, D’s Sabbath rationale, not Exodus’ Decalogue, targets Israel’s identity-forging experience in Egypt. The מַעֲבֶד-אָנָן-Egypt formula used therein always occurs with a command that, if obeyed, prevents one from exploiting the vulnerable (see §4.4.2). In his paragon study on the Decalogues, Patrick Miller asserts that observing the Sabbath was a means of recalling God’s redemptive action on Israel’s behalf (Deut. 5:15a), not the converse: “The point of the Deuteronomic formulation is not that one should remember the deliverance from Egypt and so because of that keep the

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101 Miller, Commandments, 130.
102 I.e., Gen 19:16; 2 Chr 33:15.
103 Inferred from the plural noun בֶּשֶׁר (not dual, between adjacent gates in one city) and from the larger volume of הָרָע reference in D than any other biblical book.
Sabbath. Rather, the Sabbath serves to recall the experience of slavery and deliverance. That is clear with the clause that follows: “Therefore the LORD your God commanded you to keep the sabbath day’ (v. 15b).”104 Yet, this obey → remember ordering disregards that, for the other ἔργα-Egypt formula texts, “The pattern of ‘remember…therefore act’ is a standard tactic of Deuteronomic rhetoric (15:15; 16:12; 24:18, 22).”105 Likewise, D’s Sabbath rationale follows a remember → obey progression:

v. 15a  Remember you were a slave in Egypt,
        מָרָאֲכֵי עַעֲדֵיהֶל הָאָרֶץ בָּעֲרָבָּה יִצְאָה
v. 15b      but YHWH powerfully brought you out.
        וַיֹּצָא יְהוָה אלהיִךְ מִבֵּית עַעֲדֵיהֶל בִּי פַרְעֹה מְעָרָבָּה
v. 15c      Therefore, YHWH commands you to keep Sabbath.
        עַל־כָּנָה צֵא יְהוָה אלהיִךְ לְעַשׂות אִית אֱלֹהֵיָה

In contrast to the creation theology of Exodus’ Sabbath rationale, D’s rationale centers on redemption by employing the full form of D’s own innovation, the ἔργα-Egypt formula (see §4.4.2, §4.5).106 You were exploited as government laborers in Egypt, but YHWH powerfully redeemed you from that plight. Because YHWH powerfully redeemed you, express your redemption by exercising your power as patresfamilias – free, landowning, male citizens and your wives (§3.1.2) – to break the addictive cycle of exploiting your own physical resources and those of your laborers. Exodus’ Sabbath word instructs addresses to emulate YHWH’s cessation from his creative work (Exod 20:11), whereas

104 Miller, Commandments, 130.
105 Nelson, Deuteronomy, 83.
106 The full form occurs three times in the Hebrew Bible: Israel is ordered to recall both its suffering and YHWH’s redemption (5:15; 15:15; 24:18). Yet here in 5:15 as in 16:12 and 24:22, פָדָה “to bring out” is used instead of “to redeem” פָּדַה (as in 15:15; 24:18). This is inconsequential since these terms share the same semantic domain of the motif of YHWH’s redemption of Israel from Egypt. Lohfink (Pentateuch, 255-60) argues, and he is probably correct, that the use of פָּדָה, rather than פָדָה, forges a link with the opening of the Decalogue: אתיך מארץ מצרים מבית עבדיםאנכי יהוה אלהיך אשׁר הוצ

“...your God who brought you out of the land of Egypt, out of the house of slavery” (Deut 5:6); just as D’s addition of “ox and donkey” (5:14), not found in Exodus’ account, forges a link with these particular livestock in the final word (5:21).
D’s Sabbath word instructs addressees to emulate YHWH’s *activity* of redemption. D replaces Exodus’ rationale in order to inculcate both its addressees and their laborers into the ongoing reality of YHWH’s redemptive work. The patron now has the prerogative to incorporate his רָע client, who lived outside the comforts of his own indigenous context and outside the Israelite patriarchal household, into a ritual celebration of YHWH’s prior redemptive activity on Israel’s behalf. Cyclical Sabbath rest enabled the רָע to experience vicariously YHWH’s redemption of Israel from Egyptian oppression. This ritual weekly forced Israel’s landowners to surrender control over their crops and trust YHWH for the yield of the soil. Deuteronomic nomenclature certainly includes telic clauses of YHWH’s agricultural blessings, but such blessings were not an end in themselves, for the psalmist later captures what D’s Sabbath word anticipates embryonically: “The earth has yielded its produce. God, our God, blesses us. God bless us *so that* all the ends of the earth might fear him” (Ps 67:7-8; italics mine). To be sure, Sihon and Og, Canaan’s occupants, Ammonites and Moabites, are *not* among those whom D incorporates into redemption. However, the non-indigenous client רָע in D’s prologue and epilogue, the augmentation of the Near Eastern orphan-widow dyad with the רָע in the DC, and the admission of a third generation Edomite and Egyptian into YHWH’s assembly (see §3.1.7.3) all intimate the possibility of interfacing non-Israelites with the blessing of YHWH’s redemption of Israel.

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108 If “God blesses us” (דַּבְּרֵהוּנָכָנָכְּ [2x]: Ps 67:7, 8) is a jussive, then the simple ו on the prefixed conjugation יֵרָאוּ has consequential force: “*so that* all the ends of the earth...” (see Bruce K. Waltke and Michael O’Connor, *IBHS* [Winona Lake: Eisenbrauns, 1990], 563). Even if “God blesses us” is an imperfect, the context, but not grammar, indicates that יֵרָאוּ introduces a telic clause (see the inverted parallelism with the telic clause of 67:3 לְדַעְתָּ בָאָרֶץ דָּרְכֶךָ “so that your way may be known on the earth”); see idem, *IBHS*, 562-63.
Isaiah 14 also incorporates the גר into YHWH’s redemption of Israel, but does so by an antithetical theology:

<table>
<thead>
<tr>
<th>Deut 5:12-15</th>
<th>Isa 14:1-4</th>
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<tbody>
<tr>
<td>Israel was a slave in Egypt (v. 14)</td>
<td>Israel worked like a slave in Babylon (v. 3)</td>
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<tr>
<td>YHWH brings Israel out of Egypt (v. 15)</td>
<td>YHWH brings Israel out of Babylon (v. 1-3)</td>
</tr>
<tr>
<td>גר joins Israel in resting on Sabbath (v. 14)</td>
<td>גר attaches to the house of Jacob-Israel (v. 1)</td>
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<tr>
<td>Israel’s oppression in Egypt and YHWH’s restoration leads to alleviating Israel’s laborers (vv. 14-15)</td>
<td>Israel’s oppression in Babylon and YHWH’s restoration leads to subjugating Israel’s enemies as laborers (v. 2)</td>
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Both Isaiah 14 and Deuteronomy 5 include the גר as a byproduct of YHWH’s redemption of Israel. In Isaiah 14, however, Jacob-Israel and the גר humiliate its captive foreigners as Israel’s slaves (v. 1, 2), whereas in Deuteronomy 5 the גר and slaves are catalogued together, and patresfamilias are to recall that in Egypt they were no different than their workers, for on YHWH’s Sabbath landowners and laborers rest together. Isaiah 56 imagines a similar leveling of classes by virtue of Sabbath. Isa 56:2, 4, and 6 envisions that certain formerly precluded בני הנכר “foreigners” would come to Jerusalem, bind themselves to YHWH, and keep Sabbath as Torah repeatedly commanded. In consequence, Roy Wells, Jr. remarks, “the hallowing power of Sabbath observance breaks down proposed limitations of the worshipping community on mount Zion.”

109 The lexical correlation of Isa 14:3 with the oppression narrative in Exodus 1-14 is hardly accidental: לך מעצבך ומרגזך ומן־העבדה הקשׁה א蹶־ך והיה ביום הניח יהוה “when YHWH has given you rest from your pain, your turmoil, and your harsh service that you were forced to serve” (see Exod 1:14; 2:23; 5:9, 11; 6:6, 9).

110 Restoration and international ingathering also appears in Isa 2:1–4; 56:1–7[8]; 66:18–21.

111 Roy D. Wells, Jr., “‘Isaiah’ as an Exponent of Torah: Isaiah 56.1–8” in New Visions of Isaiah (JSOTSup 214; Sheffield: Sheffield Academic), 140-55. For “observe Sabbaths” he cites Exod 31:12-17 as the strongest direct link; but also notes Lev 26:34-35, 42-46; Deut 5:10-11. To be more accurate, in the Pentateuch שמר (verb) and ש泺 (object) do not occur together in Leviticus 26:34-35, 42-46, but do occur together in Lev 19:3, 30; 26:2, and more specifically in Deut 5:12 (not Exod 20:8); Exod 31:13, 14, 16.

112 Wells, Jr., “Torah,” 152.
Deut 5:15 and Isaiah 56:1-8, furthermore, both commence with YHWH’s redemption of Israel:

כה אמר יהוה שׁמרו משׁפט ועשׂו צדקה כי־קרובה ישׁועתי לבוא וצדקתי להגלות
Thus says YHWH: “Keep justice, and do righteousness, for soon my salvation will come, and my deliverance will be revealed.”

Since Isaiah 56 consistently revises Torah imagery,\(^{113}\) the origins of allochthonous individuals experiencing the fruit of YHWH’s redemption via Sabbath rest may well be found in Deut 5:15.\(^ {114}\)

Traditionally interpreters have assigned the creation rationale for keeping Sabbath in Exod 20:11 and 31:17 to P: “The P historian also reinterprets the teaching of the Sabbath in the Decalogue (20:8-11) so that it conforms to the creation story in Genesis 1. But the signs of P reinterpretation in the Book of the Covenant (20:21-24:1a) are absent.”\(^ {115}\) Childs reverses this direction of influence because the shape of Genesis 1 after the seven-day pattern assumes the preexisting tradition of Sabbath.\(^ {116}\) Genesis 2:2-3 reads:

ויברך  ו אשׁר עשׂה וישׁבת ביום השׁביעי מכל־מלאכתו אשׁר עשׂהויכל אלהים ביום השׁביעי מלאכת אלהים את־יום השׁביעי ויקדשׁ אתו כי בו שׁבת מכל־מלאכתו אשׁר־ברא אלהים לעשׂות
On the seventh day God finished his work that he had done/made, and he rested on the seventh day from all his work that he had done/made. So God blessed the seventh day and made it holy, because on it God rested from all his work that he had done in creation.

\(^{113}\) Wells, Jr, “Torah,” 140-55.

\(^{114}\) The profundity of Isaiah 56 is that it incorporates into Jerusalem temple worship covenant-keeping "foreigners," who were not cultic participants in D (see §3.1.7.3) and were expressly prohibited from YHWH’s sanctuary in Ezekiel’s temple vision: Awabdy, “Ezek 44:7-9,” forthcoming.

\(^{115}\) Thomas B. Dozemann, Exodus (ECC; Grand Rapids: Eerdmans, 2009), 432; Childs (Exodus, 416, 529) remarks that scholars, for good reason, continue to assign Exodus 25-31 to P, but have had significant difficulty explaining the tensions within this P section. In 31:12-17, P modifies its emphasis to that of Sabbath as a sign of the covenant.

\(^{116}\) Childs, Exodus, 416.
Israel Knohl attributes all of Genesis 1:1-2:3 to P, which is rather awkward since he assigns the 31:17 and Exod 20:11, texts that equally root Sabbath observance in YHWH’s creation rest, to H.\(^{117}\) Unsatisfied with this understanding, Jacob Milgrom came to believe that Genesis 1:1-2:3 instead belongs to H due to connections chiefly with Leviticus 17-26.\(^{118}\) Developing Milgrom’s proposal, Bill Arnold shows how Gen 1:1-2:3 supplements Genesis 2 in order to prepare readers for H laws, especially Sabbath-keeping (Exod 31:12-17; 35:2-3), dietary laws (Leviticus 11, which many affirm was edited by H), and cultic festivals (Leviticus 23).\(^{119}\)

If one follows Milgrom’s and Arnold’s argumentation, why would D inner-biblically interpret only one H law, Exod 20:8-11, and neglect a host of other H \(\text{ד} \) laws (see §5.1.5)? The simplest answer is that Exodus’ Decalogue, which I believe was inscribed by God and given to Moses, was revised into D’s Decalogue during the exile after the DC took its definitive shape in the eighth and seventh centuries.\(^{120}\) Lohfink calls D’s version the “Sabbath Decalogue,” due to the prominence that D gives to the Sabbath word; for example, D shifts the length of the commands to place Sabbath in the center:

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<tr>
<td>I</td>
<td>Worship YHWH</td>
<td>5:6-10</td>
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<tr>
<td>II</td>
<td>Name of YHWH</td>
<td>11</td>
</tr>
<tr>
<td>III</td>
<td>Sabbath</td>
<td>12-15</td>
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<td>I</td>
<td>Parents</td>
<td>16</td>
</tr>
<tr>
<td>I</td>
<td>Moral commandments</td>
<td>17-21</td>
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\(^{117}\) Knohl, *Sanctuary*, 67, 104, 163.

\(^{118}\) Jacob Milgrom, “H\(\text{כ}\) in Leviticus and Elsewhere in the Torah,” in *The Book of Leviticus: Composition and Reception* (VTSup 93; ed. Rolf Rendtorff, Robert A. Kugler, and Sarah Smith Bartel; Leiden/Boston: Brill, 2003), 34.

\(^{119}\) Bill T. Arnold, “Genesis 1 as Holiness Preamble,” in forthcoming (VTSup; ed. Ian Provan and Mark J. Boda; Leiden/Boston: Brill, 2012), 332-44.

\(^{120}\) See Lohfink, *Pentateuch*, 264.

\(^{121}\) Lohfink, *Pentateuch*, 257. Lohfink (*Pentateuch*, 254-56) also notes that Deut 5:12-15’s use of the H-stem of \(\text{יצא}\) “to bring out” (rather than the expected \(\text{파דה}\) “to redeem”) forges a link with the prelude.
So it may have been in the exile when faithful tradents of D, writing under the inspiration of God’s Spirit, reemphasized Sabbath and replaced H’s Sabbath creation rationale with the redemption rationale. Living and working in a foreign land and anticipating YHWH’s redemption may have fostered the integration of the שבת into YHWH’s redemption of Israel by virtue of Sabbath rest.

5.2.1.2. שבת and Festive Meals (Exod 12:21-23, 24-27; 23:14-19; Deut 16:1-17)

Deut 16:1-8’s version of Pesach (Passover) and Matzoth (Unleavened Bread) has been a popular domain for scholarly inquiry. John Choi concludes that the “portrayal of Pesach as a home-based ritual meal has no reflections in the rest of the Bible, or for that matter, outside of the Egyptian setting of Exod 12.” He enumerates the “most glaring discrepancies” between Exodus 12 and Deut 16:1-8: D intends Pesach as a sacrifice, not a meal (Deut 16:2, 5, 6; Exod 12:1-11); D allows for a paschal animal from the צאן and בקר, not just a lamb (Deut 16:2; cf. של in Exod 12:3); D expressly prohibits local observance of Pesach, only allowing performance at the central sanctuary (Deut 16:2, 5-6). Choi avers that “neither Exod 12-13 nor Deut 16 exercised constraining

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124 Choi, Traditions, 59-60. Against Choi, while the Firstborn Plague was nighttime event, it is not clear that Exodus prescribes Pesach to last “throughout the night” (Choi, Traditions, 60), rather than simply beginning “around twilight” and בלילה הזה “that night” (Exod 12:6, 8), which is not substantively different than D’s timeframe, בטרק המidden השמש “in the evening at sunset” (Deut 16:4). Instead, D’s association of the “night” motif (16:4) with Matzoth, is unprecedented in CC and proto-D Matzoth legislation (Exod 23:15-18; 13:3-10; but cf. 12:42); in Exodus only the Pesach event and
force upon the composition of other texts, which in turn suggests that a linear conception of the relationship between these texts needs to be refined.” Yet, there is a conspicuous flaw in his assertion. What Choi successfully shows to be true of non-pentateuchal texts dealing with Pesach/Matzoth, Sukkoth, and Sabbath, that they manifest “no literary connection to” the Pentateuch, cannot be retrojected onto the observable inner-pentateuchal phenomena, such as Exodus 12, 23 and Deuteronomy 16.

Deuteronomy conflates the previously independent celebrations of Pesach (Passover) and Matzoth (Unleavened Bread), the former was once understood as a household apotropaic blood ritual (Exod 12:21-23, 24-27a), while the latter, a meal held at the sanctuary’s altar (Exod 23:14-15[-19]). D’s Pesach fuses these two rituals and at the same time revises them lexically, as Levinson argues:

In a striking reversal of cultic and literary history, Passover, originally a local, family based slaughter, becomes in everything but name a pilgrimage festival, to be performed, as all sacrifices must, at the central sanctuary. Even the initial purpose of the paschal slaughter, the apotropaic blood ritual – which is to be observed annually in perpetuity (Exod 12:24-27a, proto-D) – is rejected in total silence. Precisely the ritual that gives the Passover its distinctive identity – and that militates against Deuteronomy’s restricting the cultic use of blood to the altar at the central sanctuary – is absolutely suppressed. The Passover slaughter loses

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125 Choi, Traditions, 60.
126 Choi, Traditions, 104. Choi (Traditions, 48-49) nods to and quickly dismisses Levinson’s study because it “echoes strongly the linear model of composition, since it is based on the notion that Exod 12-13 represented a textual and cultic authority that could not be ignored in any subsequent treatments of Pesach and Matzoth.” Regardless of one’s view on Exodus 12-13’s textual authority for subsequent traditions, lexical connections with Deut 16:1-8 are undeniable and must be engaged.
127 Levinson, Deuteronomy, 65-71. We must qualify Levinson (Deuteronomy, 65-68, 75-81) by noting that Exod 23:17 (and thus vv. 14-15 included in the unit by redactional framing [vv. 14, 19]) shows no indication that its version of the feast of Unleavened Bread was held at local sanctuaries, as sacred and profane slaughter probably was (Exod 20:24). This is why D sees no need to alter אֲבָאֵר מִי מֵאָדָן יְהוָה “appear before me” (Exod 23:15, in continuity with אהָבָאֵר מִי מֵאָדָן יְהוָה “appear before the Lord YHWH” in 17; cf. Deut 16:16-17). Only in D’s transformation are readers aware that the CC’s feast of Unleavened Bread might have been held at local shrines (Deut 16:2, 5, 6, 7).
its ritual distinctiveness and, but for the specification that it take place at night (Deut 16:1, 6), becomes assimilated to the standard protocol.\textsuperscript{128}

Levinson overstates the evidence by claiming that D rejects and suppresses the earlier festival legislation, but this should not distract us from the cogency of his argument. The original Pesach, Levinson states, was to occur within “the context of the clan” (italics mine).\textsuperscript{129} Israel’s elders were to select the paschal lamb for their “clans” (משפחות) (Exod 12:21), but \(H\) appears to limit this Pesach slaughter, ritual and meal to the individual household unit, or \(bêt-’āb\) (בית-אב in Exod 12:3).\textsuperscript{130} The \(גר\) was neither a member of an Israelite \(bêt-’āb\) (12:1-20) nor of a multi-household clan (12:21-29), but he could eat the Pesach meal in his house, as the Israelites did, if all the males in his family were circumcised (Exod 12:46, 48-49).\textsuperscript{131} \(H\)’s Matzoth also incorporates the \(גר\), with the native Israelite (\(דָּוִד\), as one who abstains from consuming the unleavened bread, and by implication who eats leavened bread at the festival and at home (Exod 12:19).\textsuperscript{132} \(H\)’s Matzoth entails a festival to \(YHWH\) (חג ליהוה), on the first day of which was a sacred assembly (Exod 12:14-20), but stress is still placed on the household: removing any vestige of yeast from it (Exod 12:15, 19-20).\textsuperscript{133}

\textsuperscript{128} Levinson, \textit{Deuteronomy}, 72; Altmann (\textit{Festive Meals}, 193-95) shows Deut 16:1-8 reuses Exod 23:14-17(19), not Exodus 12, yet a case can be made that D used both sources: Levinson, \textit{Deuteronomy}, 65-68, 75-81, followed by Nelson, \textit{Deuteronomy}, 205-06.

\textsuperscript{129} See alleged J (Exod 12:21) and later P (Exod 12:3) sources; Levinson, \textit{Deuteronomy}, 57.

\textsuperscript{130} Note that \(בֵּית\) means “household” only in \(H\) (Exod 12:3, 4, 46), whereas the physical “house” occurs in \(H\) (12:7, 13, 15, 19) and proto-D (12:22, 23, 27, 30); see nn. 130-31 for the designation \(H\), rather than P.

\textsuperscript{131} See Awabdy, “Ezek 44:7-9,” forthcoming.

\textsuperscript{132} The \(גר-דָּוִד\) “immigrant or native” pair belongs to the \(H\) corpus: Exod 12:19, 48-49; Lev 16:29 (n. 142); 17:15; 18:26; 19:34; 24:16; 24:22; Num 9:14; 15:29, 39; Josh 8:33 (see §3.1.10.); Ezek 47:22.

\textsuperscript{133} Childs (\textit{Exodus}, 184) affirms the consensus that Exod 12:1-20, 28, 40-51 belongs to P, whereas John Van Seters (\textit{The Life of Moses: The Yahwist as Historian in Exodus-Numbers} [Louisville: Westminster/John Knox, 1994], 122) identifies Exod 12:1-28, 43-50 as the priestly writer’s Pesach supplement to J (12:29-42). In support is the messenger formula that commences the priestly sections (vv. 1, 43); also note the similarities of 12:1-28, 43-50 and Exodus 25-30, 35-40. Thomas J. King (\textit{The
So in H the הָדָּר, with the Israelites, could reenact the Pesach ritual and eat the paschal lamb’s meat in his home, but Deut 16:1-6 transfers this experience to landowning males who ate the Pesach sacrifice, no longer a meal, at the central shrine.\textsuperscript{134} If proto-D’s and H’s Pesach directed pilgrims to local sanctuaries, once D banned these sanctuaries, Pesach pilgrims must now journey to the central sanctuary, but were “commanded immediately, on the morrow, to undertake a reverse pilgrimage to the home precincts, there to observe Unleavened Bread (Deut 16:7).”\textsuperscript{135} Levinson calls this “nearly an antipilgrimage festival,”\textsuperscript{136} but an annual trek to the central shrine would have been, for most, a pilgrimage of far greater distance and intensity than original triannual pilgrimages that the men made to local shrines (Exod 23:17). The הָדָּר, with Israel’s non-males, were not required to endure this taxing pilgrimage; this exemption would have been a relief for the impoverished הָדָּר who lived far from the central shrine. So is the הָדָּר involved at all in D’s Pesach-Matzoth festival? Georg Braulik concludes from Deut 16:1-8 that Levites are not mentioned because the celebration does not require priestly competence, and they are implied as members of the entire community who celebrates together, whereas the הָדָּר is not mentioned because he does not celebrate Pesach: “Israel celebrates the exodus as the origin of its own history. ‘Aliens’ (גֶּרֶּים) would not fit in with the cultic representation.

\textit{Realignment of the Priestly Literature: The Priestly Narrative in Genesis and its Relation to Priestly Legislation and the Holiness School} [PTMS; Eugene, Ore.: Pickwick, 2009], 26) identifies 12:50 as indicative of P (“all the sons of Israel did just as YHWH…”), likewise 12:28, but he regards 12:49 (“there shall be one law for the native and for the immigrant who resides among you”) as an H redaction (p. 149). It is simpler, following Knohl (Sanctuary, 19-23, 62), to assign all of Exod 12:1-20, 43-49 to H, and one reason is H’s characteristic equalization of the הָדָּר and native Israelite, which extends beyond the statement in v. 49 to vv. 19, 48-49 (see Lev 24:22; Num 9:14; 15:29; see also n. 132).

\textsuperscript{134} Without a Numeruswechsel, 16:1-8 directs its commands to the 2ms addressee repeatedly in every verse.

\textsuperscript{135} Levinson, Deuteronomy, 93.

\textsuperscript{136} Levinson, Deuteronomy, 93.
And so, despite the social and charitable orientation of deuteronomic legislation, they are not mentioned as participants in the Passover.\textsuperscript{137} Since only Israelite males ate the Pesach offering at the central shrine, the real question is does D’s Pesach require the גר to participate by eradicating leaven from his home and diet (\textit{a la} Deut 16:4)? Braulik’s “no” is problematic for two reasons. First, Deut 16:4 stipulates: “No leaven may be seen with you \textit{in all your territory} (בכל גבולך) for seven days” (16:4). Unlike the נכר “foreigner” who was always regarded as an outsider and precluded from cultic observances (see §3.1.7.3), the DC always defines the גר within Israel’s territory:

<table>
<thead>
<tr>
<th>Verse</th>
<th>Type</th>
<th>סדרה בשרירא</th>
<th>“who is in your gates”</th>
</tr>
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<tr>
<td>14:21</td>
<td>indiv.</td>
<td>עשר בשרירא</td>
<td>“who is in your gates”</td>
</tr>
<tr>
<td>14:29</td>
<td>triad</td>
<td>עשר בשרירא</td>
<td>“who is in your gates”</td>
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<td>16:14</td>
<td>tetrad</td>
<td>עשר בשרירא</td>
<td>“who is in your gates”</td>
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<tr>
<td>16:11</td>
<td>triad</td>
<td>עשר בכרך</td>
<td>“who is in your midst”</td>
</tr>
<tr>
<td>26:11</td>
<td>dyad</td>
<td>עשר בכרך</td>
<td>“who is in your midst”</td>
</tr>
<tr>
<td>24:14</td>
<td>indiv.</td>
<td>עשיר בכרך בשרירא</td>
<td>“who is in your land in your gates”</td>
</tr>
</tbody>
</table>

The גר was characterized by residence inside Israel’s borders (בכל גבולך) and therefore was responsible to eradicate and abstain from yeast baked goods. Second, the גר participates in Shavuot and Sukkoth, agricultural feasts that D has reformulated to be celebrations of Israel’s historical origins: “you must remember that you were a slave in Egypt” (16:12; see 5:15; §5.2.1.1). Therefore, H’s Matzoth incorporates the גר explicitly (Exod 12:19), D’s Pesach-Matzoth, implicitly.\textsuperscript{138}

In contrast to Deuteronomy 16’s other two festivals, Pesach/Matzoth is a חג.


\textsuperscript{138} Exod 12:48-49 also sees no problem incorporating the גר, probably a non-Israelite, into Pesach, a celebration of ethnic Israel’s origins.
“festival” devoid of rejoicing: “Israel eats unleavened bread not in delight, but as food of affliction and hast in order to remember the exodus.”139 In H’s Matzoth and D’s, by chewing and ingesting unleavened bread for a week, the רפוי vicariously encountered Israel’s affliction and YHWH’s redemption from Egypt. Only in D, however, does the רפוי experience the spectrum of emotions generated by Israel’s Heilsgeschichte, for only a month later (in May), the רפוי traverses with the Israelite community to recall Israel’s suffering in Egypt (16:12), yet this time with joy in YHWH’s present bounty (16:11). We turn now to these joyful feasts.

Even a cursory lexical comparison determines that Deuteronomy’s prescriptions for Shavuot and Sukkoth in 16:9-17 are direct revisions of Qt Exod 23:14-19.140 In addition to the similarities and nuances, Peter Altmann observes these illuminating differences between the CC and DC’s formulations of these feasts:

There is no mention of “enjoyment” (蠼ָּה) in Exod 23, while this is central for the DC text. Secondly, the location for the feasts is specifically articulated within the DC’s discussion of each feast (vv. 11, 15) and in the summarizing statement of 16:16 (see Exod 12:14, 17; also Exod 34:23). Thirdly, the DC articulation extends the mandate from only males to entire households and to special “outsiders” merely tied to one’s village who are designated insiders for the festivals (16:11, 14). Finally, Deut 16:12 (while possibly a later addition) works to connect the Feast of Weeks to Egypt, not only to the fruitfulness of the land.141

Frank Crüsemann asserts:

Nach Texten wie Dtn 12,6ff.11ff.17ff.; 16,10ff.14 sollen an den großen Jahresfesten am Zentralheiligtum nicht nur die gesamte Familie partizipieren, sondern auch Klienten aller Art, Sklaven und Sklavinnen, Leviten und Fremde, Witwen und

139 Nelson, Deuteronomy, 207.
140 Nelson, Deuteronomy, 209-10; Altmann, Festive Meals, 186-98.
141 Altmann, Festive Meals, 197-98.
Waisen – alle, die in den Ortschaften neben den landbesitzenden Familien leben, vor allem die sozialen Problemgruppen.\textsuperscript{142}

He also conflates the lists of cultic participants in chs. 12 and 16, but they are not identical, for as Philipp Enger notes “Die Liste der Teilnehmer und Teilnehmerinnen beim Schavuot- und beim Sukkotfest [16:11, 14] ist die umfassendste dieser Aufzählungen, die ansonsten entsprechend dem Charakter des Anlasses variieren.”\textsuperscript{143} In contrast to ch. 12, and \textit{Qt} Exod 23, the “Charakter des Anlasses” in ch. 16: (1) explicitly incorporates the יַב and other \textit{personae miserae} into (2) joyful celebration of (3) YHWH’s agrarian blessings (16:10b). Israel’s deity, YHWH, is clearly the host of these feasts (Deut 16:10, 11, 15, 16, 17), and mandates through Moses that Israel’s \textit{patresfamilias} bring along their בֶּת-ָּב (you, your son, your daughter, your male servant, your female servant), but also welcome landless individuals (Levite, יב, orphan, widow) into a celebration of YHWH’s blessings. This very well may be a deliberate contrast to other ancient Near Eastern divinely hosted feasts, as Altmann argues:

YHWH is the analogue to the divine giver of the feasts, whether El or Baal at Ugarit, Marduk or Aššur in Mesopotamia, or Dagan in Emar. However, instead of royalty playing the role of human host as found in 2 Sam 6, 1 Kgs 8:65, or 2 Kgs 23:21-23, Deuteronomy – in keeping with its rejection of foreign suzerains – makes the individual heads of households responsible for throwing the feast for all members of the society. This “leveling” of the feast suggests a radical revision (re-envisioning) of the feasts over against both local celebrations and the imperial (Neo-Assyrian and Babylonian) feasts…. Such is the function of the kind of patronage feasts envisioned in Deut 16: Yhwh offers hospitality in turn for homage.\textsuperscript{144}

\textsuperscript{142} Frank Crüsemann, \textit{Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gesetz} (München: Chr. Kaiser, 1992), 254.
\textsuperscript{143} Philipp A. Enger, \textit{Die Adoptivkinder Abrahams. Eine exegetische Spurensuche zur Vorgeschichte des Proselytentums} (BEATAJ 53; Frankfurt: Peter Lang, 2006), 274.
\textsuperscript{144} Altmann, \textit{Festive Meals}, 203.
In Emar and Ugaritic rituals society’s various classes attend the feasts, as in Deut 14:22-27, 16:9-15, et al., but what sets the DC’s feasts apart is their insistence “that all should eat and drink until satisfied on a banquet provided by Yhwh through the multiplicity of households instead of the royal house.” Accepting this view that D replaces the monarchical host with *patresfamilias*, we cannot also accept that the ר- orphan-widow triad is present at these eating festivals as a result of the Josianic reforms. Josiah could not both depose his function as Pesach host for the marginalized *and* be the royal sponsor of Pesach in the DtrH (2 Kgs 23:21-23). D’s incorporation of the socially vulnerable, Levite, ר, orphan, and widow (Deut 16:11[tetrad], 14[triad]) has a purpose that is distinct from DtrH.

Therefore, although we must disagree with Enger that chapter 16 reflects the reforms Josiah instituted (2 Kgs 22-23; 2 Chr 34-35), he appropriately underscores that the centralized cultic festivals created a pilgrimage feast and fashioned a unified community without a family history, or regional or societal barriers. These discriminating ties are replaced by a greater solidarity. The strategic insertion of the ר–Egypt formula (§4.5) after Shavuot and before Sukkoth serves to replace family history with a national history that subverts hegemony and impels generosity (16:12). The ר tastes once again the *favorable* implications of Israel’s historical identity: as Israel’s *patresfamilias* remember their condition in Egypt, they sympathize with those less

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147 Levinson (Deuteronomy, 97) argues that the DtrH transforms and subordinates D’s own vision for the Pesach: “Nothing could be more Deuteronomic in spirit than for the Deuteronomistic Historian to subordinate Deuteronomy, which he claims to implement, to his own independent agenda.”
148 Also distinct from DtrH is the ר–Egypt formula, which occurs in this text (16:12; see §4.5)
fortunate and welcome them into festive joys and satiating meals in YHWH’s presence (16:11, 14). The ḥeḇē–Egypt formula is also strategically placed around D’s gleaning laws (Deut 24:17:18-22). These laws bear no obvious lexical resemblances with those in the CC (Exod 23:10-11) or H (Lev 19:10; 23:22), so deliberate transformation is out of the question. Nevertheless, they share the same gleaning motif, and when we contrast them we find that only D motivates obedience to the gleaning laws by remembering Egypt. The ḥeḇē–Egypt formula, which frames the poetic recurrence of D’s gleaning laws, requires Israel’s farmers to exhibit to the ḡār-orphan-widow how they have been constructively shaped by their former suffering in Egypt and by YHWH’s gracious redemption (Deut 24:18, 22). Festive eating, gathering unraked grain, picking once-beaten olive trees and once-picked grapevines, these were the tangible mechanisms by which the ḡār in D entered into the effects of YHWH’s redemption of Israel.

5.2.2. A Kind Tôrâ

5.2.2.1. ḡār and Tithes and Sacrifices (Exod 20:24; Deut 12:11-19; 14:22-29)

Crüsemann argues that D’s tithe law at the close of ch. 14 abolished a prior monarchy tax, standard in the ancient Near East, which was collected for the temple or state: “Erst das Deuteronomium nimmt das Thema des Zehnten auf, allerdings indem es ihn im Grunde abschafft. Er soll in zwei von drei Jahren am zentralen Heiligtum von den Erzeugern selbst verbraucht werden.” If so, then Deut 14:22-29 redirects this tithe-tax annually to local farmers and Levites, who consumed it at the central sanctuary, and

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150 Crüsemann (Tora, 251-56, citation from p. 254). Such a tithe was common in the ancient Near East and was likely practiced in Israel and Judah (see 1 Sam 8:15, 17; Amos 4:4).
triennially to the landless and socially feeble, who consumed it locally (see §3.1.5).\footnote{Deut 12:17-18 prohibits local tithe consumption in favor of centralized consumption. Crüsemann (\textit{Tora}, 255) argues that forbidding donors to eat their tithes at town gates (including local shrines), this implies the tithe \textit{had been consumed} by locals and not the monarchy. Neither was D’s centralized tithe consumed by the state, but by locals – the 	extit{paterfamilias}, their households and landless Levites (12:17-19).}

Since these tithes were eaten by the public, not consumed or resold by state administrators, “Der Akt is überprüfbar, aber unbürokatisch, keine Institution, kein Staat oder Tempel wird eingeschaltet.”\footnote{Crüsemann, \textit{Tora}, 254. He argues (pp. 212-15) that the \textit{עם הארץ} “people of the land,” motivated by a desire to improve the livelihood of society’s disadvantaged, are the most plausible authors to have not required anyone to donate produce tithes to the monarchy, but only to the deity, \textit{YHWH} (Deut 14:22-29; 26:12-15).} Earlier we saw that the גָּר, orphan, and widow, did not consume the annual tithe with a \textit{paterfamilias} and his household because they were not connected, either organically or fictively, to an Israelite \textit{bêt-āb} (14:26; §3.1.5).\footnote{Cf. tithes with first fruits offering in Deut 26:10-13 (§3.1.9).} In 14:22-27 only the Levite is permitted, with the \textit{paterfamilias’} household, to consume the annual tithe. The purpose of this was likely to offset the adverse effects of centralization on his income because “the former use of the tithe to support the local sanctuary had been eliminated (see 12:12).”\footnote{Nelson, \textit{Deuteronomy}, 186.} In Deut 12:12 the Levite is qualified as one with “no portion or inheritance with you” (כֵי אין לו חלק ונחלה אַתָּם). This concept originates in Num 18:20-24 along with the divine compensation for their service at the tabernacle: \textit{YHWH} gives to the Levites \textit{every} tithe in Israel as their inheritance (Num 18:21). Deuteronomy reaffirms that \textit{YHWH} alone was the Levites’ inheritance, but revises the Levite’s compensation:

לֵא־יִהְיֶה לכהנים הלוים כל־שׁבט לוי חלק ונחלה עם־ישׂראל אשׁי יהוה ונחלתו יאכלון

\[ לא-יהיה לכהנים הלוים כל-שבט לוי חלוקו חלוקה עם-ישראל אשь יהוה ונחלתו יאכלו \]
The Levitical priests, the entire tribe of Levi, will have no portion or inheritance with Israel. They will eat YHWH’s offerings by fire as their inheritance. He [the tribe of Levi] will have no inheritance among his brothers; YHWH is his inheritance, as he promised him.

The replacement of “כל־מעשׂר בישׂראל” “every tithe in Israel” with “אשׁי יהוה” “YHWH’s offerings by fire” must have been a reflex of centralization, as Deut 12:17-19 would suggest:

כל־מעשׂר בישׂראל

You must not eat within your gates the tithe of your grain or of your new wine or of your oil, or the firstborn of your herd or of your flock, or any of your vow offerings that you vow, or your freewill and personal offerings, but you shall eat them before YHWH your God in the place that YHWH your God will choose, you and your son and your daughter, your male servant and your female servant, and the Levite who is within your gates. You must rejoice before YHWH your God in everything you do. Be careful that you do not neglect the Levite all your days in your land.

Whatever this law presupposes regarding the Israelites’ tithing norms,\textsuperscript{155} cultic centralization prohibits the Levites from consuming tithes, or vow or free will offerings, in the towns where they lived. D recompenses the Levites by inserting them, but not always the other landless individuals, into every list of participants in the calendric events held at the central sanctuary.\textsuperscript{156} The Levite’s cultic and judicial liabilities and physical sustenance were contingent on his regular presence at the central shrine.

This explains the Levite’s inclusion in eating the centralized offerings prescribed in 12:11-12, 17-19, but not the absence of the הֶד who is listed with the Levite more than any other figure in D; notably, they were to be present together at other centralized

\begin{itemize}
  \item \textsuperscript{155} Crüsemann (\textit{Tora}, 255) concludes that: “Die Israeliten neigen dazu, den Zehnten einfach zu Hause mit zu verbrauchen. Die Mächte, die einen Zehnten fordern könnten, sind offenbar nicht mehr vorhanden oder nicht mehr mächtig genug.”
  \item \textsuperscript{156} Deut 12:12, 18-19; 14:26-27; 16:11, 14; 17:8-10, 18; 18:1-2, 6-8; 21:5; 26:10-13; 27:9, 12, 14 (see nn. 14-15); 31:9-11; 31:25-26.
\end{itemize}
events: the triennial tithe, feasts of Shavuot and Sukkot, and first fruits ritual (14:28-29; 16:11, 14; 26:11, 12, 13). One possibility is that Deut 12:2-27 or 13-27 belongs to the earliest stratum which is succeeded by other centralization ritual texts that included the composite נֶדֶר (dyad, triad, tetrad; see catalogue in §3.3). Although this might be true, it does not help us to explain either the absence of the נֶדֶר in ch. 12, or the presence of the נֶדֶר in later centralization strata. Rather, we must consider how Deuteronomy 12 expands and interprets its Qt. Levinson refines the argument that Deut 12:13-28 lexically transforms the CC altar law in Exod 20:24 in order to disintegrate local cults and centralize worship at the endorsed site. To Levinson’s work we should add that nowhere in Exod 20:24 or its context in the CC is there a list of devotees like we find twice in Exodus’ Decalogue (20:10, 17). Part of the poetics of centralization for D is to specify thrice the social sector—the familial unit and Levities—affected by the revision of Exod 20:24.

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<th>12:17-19</th>
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<tbody>
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157 The Levite and נֶדֶר occur in the same contexts only in the DC. The Levite is associated thrice with the נֶדֶר-orphan-widow triad (Deut 14:29; 16:11; 26:13); the Levite occurs twice with the נֶדֶר-orphan-widow as a tetrad (16:14; 26:12), and once with the נֶדֶר as a dyad (26:11).

158 See Gottfried Seitz (Redaktionsgeschichtliche Studien zum Deuteronomium [BWANT 93; Stuttgart: Verlag W. Kohlhammer, 1971], 206-212) subdivides vv. 2-27 into four units: vv. 2-7, 8-12, 13-19, and 20-27.

159 Levinson, Deuteronomy, 27.

160 Levinson, Deuteronomy, 28-52.
Participants who rejoice (and eat) before YHWH

All three texts command joy (vv. 7, 18 also command eating) before YHWH by the *weqatal* form (וָשָׁמַח). The command is directed to **אתם** ים (you and your house(hold)) initially in v. 7, and this lexeme functions as a metonym for the two subsequent lists that are identical except for the *Numeruswechsel* (vv. 12, 18).

Notice the same “household” metonym in 14:27 where the *paterfamilias* and his bêt-’āb are joined by the Levite to consume the centralized, annual tithe:

The Levite is present in ch. 12 because his occupation and survival were bound to the central shrine, but the ġr is absent, I would argue, because his occupation and survival were bound to Israel’s towns and farms. D prescribes provisions for the ġr, but not the
Levite (לוי), throughout the seasonal harvest calendar, whereas the Levite must constantly return to the central sanctuary for his regular provisions.\footnote{This diagram is my integration of D’s רָע and לְוִי texts, and the categories “centralized” and “local,” into a chart provided by Carl G. Rasmussen, Zondervan Atlas of the Bible (rev. ed.; Grand Rapids: Zondervan, 2010), 29.}
Lev 23:9-14 prescribes the First Fruits offering in March-April (16th day of 1st month, Abib), whereas in D the ritual of ch. 26, which included the רָב, לֶוִי, et al. (vv. 11, 12, 13) was presumably to take place once “when you come into the land that יְהוָה your God is giving you…” (v. 1).

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<td></td>
<td>Feast of Sukkot</td>
<td>Pesach (Mazoth)</td>
<td>Feasts of Shavuot</td>
<td>Annual Tithe רָב + bêt-‘āb 14:27</td>
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<tr>
<td></td>
<td>לֶוִי, et al. 16:14</td>
<td>16:1-8</td>
<td>16:11</td>
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<thead>
<tr>
<th>LOCAL</th>
<th>Grape harvest</th>
<th>Prune vines</th>
<th>Olive harvest triad רָב gleans 24:20</th>
<th>Grape harvest triad רָב gleans 24:21</th>
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<tbody>
<tr>
<td></td>
<td>Pick dates and figs</td>
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<td>Early figs</td>
<td>Summer fruit harvest</td>
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<td></td>
<td>Almond blossom</td>
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רָב individuum could be compensated as a client daily throughout the year 24:14-15 (see 1:16; 5:14; 29:10; 31:12)

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162 Lev 23:9-14 prescribes the First Fruits offering in March-April (16th day of 1st month, Abib), whereas in D the ritual of ch. 26, which included the רָב, לֶוִי, et al. (vv. 11, 12, 13) was presumably to take place once “when you come into the land that יְהוָה your God is giving you…” (v. 1).
A הָבוּ fortunatem enough to work as a client in Israel’s villages and farmlands could receive a regular income, probably grazing livestock late October through February and June through August, shearing them in April, and harvesting crops year around. The Levite’s regular work, by contrast, took place at the central sanctuary. This reading is substantiated by the parallel contents of the regular tithes, consumed by the Levite, and the gleanings consumed by the הָבוּ-orphan-widow.

<table>
<thead>
<tr>
<th>Gleanings consumed by הָבוּ-orphan-widow at local farms (24:19, 20, 21)</th>
<th>Tithes consumed by bêt-’âb and Levite at central shrine (12:17)</th>
</tr>
</thead>
<tbody>
<tr>
<td>“when you reap your harvest”</td>
<td>דָּגְנֶה “your grain”</td>
</tr>
<tr>
<td>“when you beat your olive trees”</td>
<td>יִשְׂרָאל “your olive oil”</td>
</tr>
<tr>
<td>“when you gather your grapes”</td>
<td>תִּרְשׁך “your sweet wine”</td>
</tr>
</tbody>
</table>

These reflect different stages of identical commodities: the הָבוּ-orphan-widow gleaned unprocessed crops, whereas the bêt-’âb and Levite brought processed crops as tithes to offer and consume joyfully in YHWH’s presence.

Does the DC’s humanitarian system, which explains the הָבוּ’s absence in Deuteronomy 12, signal a divergence from the priestly legislation that sanctioned, and even decreed, the הָבוּ’s participation in and liability to YHWH’s cult? Consider the following data.

| Exod 12:19 | הָרוֹאָה “native” Israelite and הָבוּ observe Matzoth by abstaining from leavened bread, but eating unleavened bread |
| Exod 12:48-49; Num 9:14(2x) | הָבוּ, if all his family’s males are circumcised, may eat the Pesach meal |
| Exod 20:10; 23:12 | bêt-’âb and הָבוּ rest on Sabbath (creation rationale) |
| Lev 16:29 | הָרוֹאָה and הָבוּ refrain from work on Yom Kippur |

163 The standard source-critical distinction between Leviticus 16 (P) and 17 (H) is not justifiable. Erich Zenger (“Das Buch Levitikus als Teiltexth der Toras des Pentateuch. Eine synchronre Lektüre mit kannonischer Perspektive,” in Leviticus als Buch [eds. H.-J. Fabry and H.-W. Jüngling; BBB 119; Berlin: }
I heuristically presume that all of these priestly laws and Exodus’ Sabbath rationale belong to the collection of H (§5.2.1.1, §5.2.2.1). Whether or not H presumes a central sanctuary as D, they both mandate that offerings are to be presented first at the sanctuary before consuming them (Lev 17:3-6; see 1:2-3; Deuteronomy 12). Of special interest here is Lev 17:3-4:

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Philo, 1999], 47-83) along with Benedikt Jürgens (Heiligkeit und Versöhnung: Leviticus 16 in seinem literarischen Kontext [HBSt 28; Freiburg im Breisgau: Herder, 2001], 180-86) have cogently argued that chs. 16 and 17 together form the structural and thematic center of Leviticus: 1-7 / 8-10 / 11-15 / 16-17 / 18-20 / 21-22 / 23-26, 27. Chapters 16 and 17 are interconnected lexically and depict the restoration of the relationship between God and Israel through purification rites. The following interpretation of Lev 17:3-4 is a modification of Mark A. Awabdy, “Green Eggs and Shawarma: Reinterpreting the Bible, Reforming Mission, with Leviticus’ גָּר as a Test Case,” The Asbury Journal 66 (2011): 37, 44.
Any person from the house of Israel who slaughters an ox or a lamb or a goat inside the camp or who slaughters outside the camp, and does not bring it to the entrance of the Tent of Meeting to present it as an offering to YHWH, before YHWH’s tabernacle, bloodguilt shall be [imputed] to that person.

Chapter 17 repeatedly includes the גֵּר in its sacrificial regulations (vv. 8, 10, 13, 15), and so the Septuagint changes “of the house of Israel” (מבית ישׂראל) to “of the sons of Israel” (τῶν ὦιῶν Ισραηλ) in order to add: “or of the immigrants/proselytes who reside among you (Ἡ τῶν προσηλύτων τῶν προσκειµένων ἐν ὑµῖν). MT is preferable as the lectio difficilior (unharmonized), so does MT Lev 17:3 omit the גֵּר accidentally? More likely, a distinction is being made, as Jan Joosten claims: “The MT rules that, to the Israelites, all slaughter of domestic animals is forbidden except as zebah š'lāmīm [peace offering] at the tent of meeting (17:3, 4). However, this rule does not apply to the resident alien, which implies that to them profane slaughter is permitted (though it is not encouraged).”

Joosten interprets this omission of the גֵּר as evidence that the גֵּר was religiously free, not obligated to present offerings to YHWH. Jacob Milgrom clarifies that H’s concern is that the גֵּר, residing in Israel but not in covenant with YHWH, had the ability to pollute the land:

The גֵּר is bound by the Noahide law to drain the blood (Gen 9:4), but since he is required to worship Israel’s God, he need not bring the blood to his altar…it is

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165 A lexeme that Baruch A. Levine (Leviticus [JPS Torah Commentary; Philadelphia/New York/Jerusalem: The Jewish Publication Society, 1989], 112) believes “expresses the close relationship and common descent of Israelites, even in exile.”


167 Joosten (People and Land, 65-6) contends, “The גֵּר is an exceptional situation: not an Israelite, yet entitled to live as a free man among the people. Taking account of this, the sacral law does not oblige him to behave like an Israelite: he is not required to bring sacrifices to YHWH. Yet he must observe certain prohibitions, such as those prohibiting sacrifices to other gods or the eating of blood. A transgression against those prohibitions would bring guilt on the whole people; it must not be tolerated.”

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incumbent on the *gēr* to obey only YHWH’s prohibitive commandments, since their violation generates impurity that pollutes the land and ultimately results in Israel’s exile. The violation of performative commandments, however, is characterized not by action, but by neglect. No pollution is generated by inaction, and the ecology is not upset… Thus in H’s view, the *gēr* does not belong in this law.\(^{168}\)

This is an intriguing reading, except for the major problem that 17:8-9 includes the *גֶּר* and regulates *performance* of sacrifice; it is not a prohibitive command. Verses 3-4 and vv. 8-9 are identical in syntactical structure and in their opening, closing, and middle lexemes:

<table>
<thead>
<tr>
<th>17:3-4</th>
<th>17:8-9</th>
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<tr>
<td>אישׁ אישׁ מבית ישׂראל אישׁ אישׁ מבית ישׂראל</td>
<td>ואלהם תאמר אישׁ אישׁ מבית ישׂראל ומן־הגר אשׁר־יגור בתוכם</td>
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<td>אשר ישחט שור או־כשׂב או־עז במחנה או אשר ישחט מחוץ למחנה ואל־פתח אהל מועד לא הביאו להקריב קרבן</td>
<td>והאמרה אשׁר־יעלה עלה אורובות ואל־פתח אהל מועד לא יביאו לעשׂות אתו ייהוה</td>
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<td>והאלizoph אתול מים לא הביאו לעשׂות אתו</td>
<td>והאלียง אתול יותם לא ביאו לעשׂות ייהוה</td>
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3 Any one of the house of Israel who kills an ox or a lamb or a goat in the camp, or kills it outside the camp,\(^4\) and does not bring it to the entrance of the tent of meeting to offer it as a gift to YHWH in front of the tabernacle of YHWH, bloodguilt shall be imputed to that person. He has shed blood, and that person shall be cut off from among his people.

8 And you must say to them, any one of the house of Israel, or of the immigrants who reside in your midst, who offers a burnt offering or sacrifice\(^9\) and does not bring it to the entrance of the tent of meeting to offer it to YHWH, that person shall be cut off from his people.

17:3-4 continues into v. 5:

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<th>לmates אשׁר יביאו בני ישראל את־זבחיהם אשׁר הם זבחים על־פני השׂדה והביאם ליהוה אל־פתח אהל</th>
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<tr>
<td>לmates אשׁר יביאו בני ישראל את־זבחיהם את־זבחים על־פני השׂדה והביאם ליהוה אל־לבן אהל</td>
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This is so that the Israelites may bring their sacrifices that they sacrifice in the open field, that they may bring them to YHWH, to the priest at the entrance of the Tent of Meeting, and sacrifice them as sacrifices of peace offerings to YHWH.

The absence of the גֶּר in 17:3-7 implies that he was granted the prerogative to profane slaughter: to kill and consume the same livestock that the Israelites would present to the sanctuary as בְּהֵמָה "peace offerings to YHWH" (v. 5). Of all the offerings that H explicitly permits the גֶּר to perform – whole burnt, grain, drink, vow, freewill and peace offerings – only the peace offering is consumed by its devotee, in this case the גֶּר. Conversely, the whole burnt offering was completely burned (Lev 1:3-17; 6:8-13); of the grain offering, a handful was burned and the rest was eaten by priests and his sons (2:1-16; 6:14-23); the drink offering was poured before YHWH (Num 28:7); vow and freewill offerings were consumed by priests (7:14-17). All of these offerings, with the sole exception of the peace offering, presumes that the devotee, גֶּר or Israelite, had the financial means to give away these offerings without eating them.

Leviticus presupposes that גֶּר worked and hunted and had children who probably did the same (16:29; 17:13; 20:2), and that גֶּר had the potential for becoming wealthy, just as an Israelite could became poor (25:35, 47). Therefore, some גֶּר must have acquired “an ox or a lamb or a goat” that they could give away as a sacrifice, without getting a meal out of it (17:3). However, for other גֶּר in Leviticus they were classified with the poor and needed to glean for their survival:

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169 H permits the גֶּר to prepare or offer (עָשָׂה) an אָשֶׁר רְחַמִּית לַיהוה "offering by fire that is a pleasing aroma to YHWH" (Num 15:14-15), which could include a whole burnt offering, grain or drink offering, and peace offerings (אָשֶׁר רְחַמִּית "pleasing aroma" modifies these three types: Lev 1:9, 13, 17; 2:2, 9; 3:5, 6:8, 14; 23:13, 18). The גֶּר’s burnt offering as a vow or freewill offering to YHWH had to be without blemish (22:18-19), and he was required to bring his עלָה או זֶבַח "burnt offering or sacrifice,” which could encompass all animal sacrifices, to the sanctuary (17:8).

170 For a good synthesis of the limited data on the drink offering, see Martin Noth, Numbers (OTL; London: SCM, 1968), 221.

171 In Deut 28:43-44 the economic inversion of גֶּר and Israelite is the product of breaking covenant (§3.1.11). Its rhetorical force among the heinous curses derives from the fact that it is unimaginable in light of the prior laws that portray the גֶּר as a dependent (client) or member of the personae miserae, not as one who could potentially be equal to the Israelite, as is possible in H.
If your brother becomes poor and cannot maintain himself with you, you must support him as though he were an immigrant or a sojourner, and he will live with you (23:35; italics mine).

You may not strip your vineyard bare, nor may you gather the fallen grapes of your vineyard. You must leave them for the poor and the immigrant. I am YHWH your God (19:10).

When you reap the harvest of your land, you must not reap your field up to its edge, nor may you gather the gleanings after your harvest. You must leave them for the poor and the immigrant. I am YHWH your God (23:22).

The same גרים protected in these laws from the malnourishment to which they were susceptible, are protected from the same plight by their freedom to perform profane slaughter: they could immediately kill and consume their domestic livestock. Other גרים who could afford to sacrifice their animals as gifts to YHWH were certainly allowed and protected in their right to do so (17:8-11; 22:18; Num 15:13-16), but the גרים who were predisposed to food scarcity and hunger were not required to complete the time-consuming sacrificial process before consuming their meat. What about the impoverished גר who longed to express, via an offering of which he eats no part, his full devotion to YHWH? The whole burnt offering of two birds, rather than a herd animal, would be a viable possibility for him (Lev 1:14).

What we encounter, then, in both H and the DC is a kind תורא, one that accommodates its expectations to the גר. This is not a matter of membership or non-membership in YHWH’s people, but of tailored legislation that allows the גר and his family to worship YHWH according to his financial capabilities and desires. While Deuteronomy 12 probably does not presume H’s sacrificial גר laws, D demonstrates a greater accommodation for the גר than H. If H’s humanitarianism affords the גר with the
option, based on his resources and wishes, to present offerings at the sanctuary or not, DC’s system removes any and all expectations on the גר to participate in the sacrificial cult. The presence of the גר at the DC’s feasts of Shavuot and Sukkot, and as I argued, at the DC’s Pesach (§5.2.1.2) suggest that the גר would have been permitted to accompany a בֶּט-תָּב and Levites, or journey alone, to present and consume tithes and offerings at the central shrine. Even so, the גר’s wellbeing in the DC was contingent on local means, and the DC places no expectations on the גר to exit the town of his residence to offer sacrifices. This corresponds with our understanding that D allows, but does not coerce, the גר to devote himself as a protégé to Israel’s deity, YHWH (see §3.3). The kindness of גוֹרָה’s yoke on the גר is also evident in Deut 14:21 to which we now turn.

5.2.2.2. גר and Carcass Eating (Lev 17:15; Deut 14:21)

Lev 17:15-16

Leviticus 17:15-16 includes Asher Ha-olah Nélah and Tefára, or human-worn garments torn by beasts, or animals torn by beasts in the presence of the community, together with all flesh that was torn or devoured by beasts. Every person who eats what dies naturally or what is torn by beasts, whether he is a native or an immigrant, must wash his clothes and bathe himself in water and be unclean until the evening; then he will be clean. But if he does not wash them or bathe his body, he will bear his iniquity.

Deut 14:21a-e

Deuteronomy 14:21 allows both גר and אֵתָרֹת “native” Israelite to consume with consequent (but manageable) uncleanness an animal that has died of natural causes (נֵבָלָה) or been killed by another animal (טָרָפָה), whereas Deut 14:21 only allows the גר to eat an animal that has died naturally, without the requirement to wash his clothes and bathe himself in water. Thus, the text indicates a distinction between the permitted consumption of naturally dead animals by both native and immigrant, and the consumption of animals torn by beasts, which is only permitted for native Israelites.
and נכרי “foreigner” to eat a נבלה; Israel may not eat it because of its unique identity: “you are a holy people to YHWH your God.” Moshe Weinfeld argues that Leviticus’ נבָלָה and D’s are the same historical referent, but Leviticus (P/H) and D differ in the expectations that they place on the נבָלָה due to their divergent conceptions of holiness. In P and H (here undifferentiated by Weinfeld), the land where YHWH’s sanctuary dwells is holy, all who live in the land are in physical proximity to YHWH, and therefore, irrespective of ethnicity or status, all are required to obey YHWH’s law. Failure to do so automatically defiles YHWH’s land, and only by “constant physical purification and sanctification” can holiness be restored and maintained. This explains why priests, because of their closer proximity to YHWH’s presence, are prohibited from eating the נבָלָה וטרפה (Lev 22:8), whereas the same code presumes that laypersons, the נבָלָה and אזרח, do eat a נבלה or טטרה (Lev 17:15-16). By contrast, holiness in D is the result of God’s election of Israel, which places the onus on every Israelite to not profane their conferred, holy condition. This underlies the discrepancy between Lev 17:21 and Deut 14:21:

The author of the Priestly Code, to whom sacral-ritual matters are of primary importance, is concerned with preserving the sanctity and purity of the congregation inhabiting the holy land and therefore takes steps to ensure that this sanctity be not profaned by the ger. The author of Deuteronomy, on the other hand, who is free of such sacral conceptions or indifferent to them, does not impose on the ger the obligation of holiness, which is peculiar to the people of Israel.174

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172 Weinfeld, Deuteronomic School, 225-32.
173 Weinfeld, Deuteronomic School, 226.
174 Weinfeld, Deuteronomic School, 232.
Matty Cohen calls Weinfeld’s thesis erroneous, primarily because it ignores the specific role in the priestly laws of reciting the impurity caused by breaking casuistic law. In Cohen’s judgment, Weinfeld would say that for P/H, eating a נבילה, for example, represents a state that ritual cleansing can later remedy, and this breach, even if done intentionally, does not constitute a violation. If true, then a significant mass of the priestly legislation is futile rhetoric: “Or, s’il en était effectivement ainsi, on serait amené à conclure à l’inanité d’une partie non négligeable de la legislation sacerdotale.” Cohen’s point is well taken, especially when we consider that ritual purification is only available to those who violate a law unconsciously or in ignorance, but not to willful violators.

The availability of purification in Lev 17:15-16 therefore is not an indicator that P allows a גר or anוש to eat a נבילה. Rather, P/H and D both agree to prohibit Israelites from consuming the נבילה, but they differ only on the formulation of the law: “D, à cause de sa conception judiciaire, préfère la prescription negative explicite. P, en raison du caractère foncièrement sacré de son code, attaunt le même objectif en alléguant la sanction d’impureté inhérente à la nebelah.” So P/H and D both prohibit Israelites from eating a נבילה, whereas P/H also prohibits the גר, but D does not.

Cohen successfully shows that both P/H and D agree that holiness, however each corpus nuances it, forbids the Israelite from consuming a נבילה. Where they differ fundamentally is on the גר. Cohen argues that both P/H and D share the same referent for the גר, post-721 Northern Kingdom refugees (a la Kellerman), and therefore Lev 17:15-

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16 and Deut 14:21 illuminates their separate responses toward these refugees: P manifests an integrationist response, whereas D, a segregationist response.\(^{179}\) This is problematic for two reasons: one, D does not command the נָּדִיג to eat a carcass, which means a נָּדִיג could abstain from carcass consumption and follow Israel’s standard; two, were the נָּדִיג to accept a carcass as a gift (נֵנַת), he might feel the social distinction between himself and the Israelite giver, but he would certainly enjoy a full stomach. So while we should endorse Cohen’s observation, against Weinfeld, that P/H and D contain divergent stipulations not for the Israelite, but for the נָּדִיג, it is not at all clear that D has adopted a segregationist disposition toward the נָּדִיג.

Earlier I argued that the second imperfect in Deut 14:21, תַּתְנָה, should not be rendered permissively “you may give it to the immigrant,”\(^{180}\) but as strong injunction followed by a consequential weqatal: “You must give it to the immigrant who is in your gates so that he may eat it” (לָּרָא אָשֶׁר בַּשְּׁעֵרִיךָ תַּתְנָה וַאֲכָלָה) (see §3.1.4).\(^{181}\) A strong injunction is preferable because it first, preserves the same imperatival force as the four preceding injunctions and prohibitions (vv. 20, 21a, 21, 22);\(^{182}\) second, corresponds thematically with the strong injunction in 14:29 to leave one’s triennial tithe בֵּשְׂרֵיהֶם “in your gates” for the Levite, נָּדִיג, orphan, and widow (see here נָּדִיג אָשֶׁר בַּשְּׁעֵרִיךָ); third, correlates with D’s other strong injunctions to supply food for the נָּדִיג.\(^{183}\) However, to direct one to give a carcass to the נָּדִיג precludes the option of selling it to the foreigner.

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\(^{179}\) Cohen, “Le ‘ger,’” 152, 156-58.

\(^{180}\) ESV, NAS, NLT, NRS, TNIV.

\(^{181}\) JPS Tanakh; see Waltke and O’Connor, *IBHS*, 509-10.

\(^{182}\) תַּתְנָה, לא תַאֲכֵלוּ, לא תַבְּשֵׁל, וְתַעֲשֵׂר, respectively.

\(^{183}\) Command to give tithes (26:12-15); YHWH loves the immigrant by giving him food and clothing and commands Israel to emulate his immigrant-love (10:17-19); command to compensate fairly (24:14); commands to leave produce for gleaning (24:19, 20, 21).
Consequently, it would be nonsensical to translate א is separating the imperatival first main clause from the permissive second main clause: “you must give it to the immigrant so that he may eat it, or you may sell it to the foreigner” (italics mine). Rather, the phrase “or sell it to the foreigner” (או מכר לגר) is a prerogative that D intends for the disadvantaged גר, not the landowning Israelite: the גר may either eat the carcass or sell it to a foreigner. Accordingly, א separates the sentence’s subordinate, not main, clauses: “You must give it to the immigrant who is in your gates, so that he may eat it or sell it to a foreigner.”

This plausibly explains the morphological shift from weqatal (ואכלה) to infinitive absolute (מכר). In both renderings (Israelite sells or גר sells), the infinitive absolute functions as a verbal substitute, but this is often its function when one expects a waw-consecutive form, as we would expect in my proposed reading:

Expected: לגר אשֶר בֵּיתךְ תתנַּנה ואכֹל או מָכָר לְנַכְרִי

Instead we find: לָגָר אָשֶר בֵּיתךְ תתנַּנה ואַמִּכֶּר לְנַכְרִי

“You must give it to the immigrant…so that he may eat it or sell it” indicates that 14:21 has socio-religious and socio-economic purposes. In this reading, Israel’s holiness to YHWH is best understood as the grounds for cultic purity (abstention from נבלה ingestion) and generosity to the גר.

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184 The coordinator א may separate main clauses or separate subordinate clauses: Waltke and O’Connor, IBHS, 654-55.

185 Eliezer Rubenstein (“A Finite Verb Continued by an Infinitive Absolute,” VT 2 [1952]: 262-67) concluded from observing this phenomenon that it signaled a transition to LBH; see Waltke and O’Connor, IBHS, 595-96.

186 See §5.2.2.1.
Deut 14:21 is not an isolated example in the DC of linking Israel’s holiness with generosity to the ֹ ה and other personae miserae. The relatively rare proposition in D that Israel is YHWH’s holy people is accompanied by YHWH’s land gift to Israel as he promised to their ancestors, and by YHWH’s double victory on Israel’s behalf: redeeming them out of Egypt and dispossessing Canaan’s inhabitants (Deut 7:6; 23:14). These motifs occur in the first fruits ritual and anticipate the statement of Israel’s holiness in Deut 26:19, but the notion of giving to the ֹ ה and other personae miserae is central to the text’s social and theological vision: YHWH redeemed you and gave you this fertile land, and he commands you to give your first fruits back to him (26:1-10), sharing your joy with the ֹ ה and other personae miserae (v. 11) and giving to them your triennial tithe (vv. 12, 13). If you obey these commands, “Then he will raise you above all the nations he has made and you will receive praise, fame, and honor. You will be a people holy to YHWH your God, as he has said” (v. 19). Ritually remembering Israel’s landless origins, and YHWH’s benevolence, rightly disposes Israel toward the land and personae miserae: “Dès l’origine, Israël – c’est l’autre nom de Jacob – est un «santerre», et le nomadisme exprime adéquatement sa vocation à la non-possession, à la limite de l’avoir et du désir, au manque qui fait pièce à la convoitise… De la sorte, la mémoire qu’Israël garde de son origine d’émigré est essentielle pour un juste rapport à la terre et aux démunis qui y vivent (Dt 26, 10-14).” As a result, through both Deut 14:21 and 26:1-19 the DC debunks the possible misunderstanding that Israel’s status as YHWH’s holy people

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187 See also Weinfeld, Deuteronomic School, 226.
188 The root נתן occurs as a Leitwort in the unit: 26:1, 2, 3, (6), 9, 10, 11, 12, 13, 14, 15, 19.
entitled them to fecundity, redemption from Egypt and from Canaan’s inhabitants.

Rather, these two texts regarding Israel’s holiness are missional: they reduce tôrâ’s expectations for the גֵּר and at the same time heighten its demands on Israel’s landowners to bless the גֵּר. In these texts, Israel’s election as YHWH’s holy people constrains them to imitate a holy YHWH who is predisposed to give to the גֵּר (Deut 10:17-19).

5.3. Conclusions

To avoid some of the pitfalls of reconstructive dating based on limited or elusive data (§5.1.1-5.1.2), in this chapter we followed a relative dating approach to inner-biblical revision (§5.1.3). This approach, as we have defined it, centers on empirical data, the indicators of the direction of literary influence (§5.1.4). I showed that with the exception of Exod 20:11, H’s גֵּר laws are not genetically related to D’s, but they offer us a distinct conceptuality that may be compared and contrasted with D’s (§5.1.5). All of the directionality indicators point, instead, toward a genetic relationship between the two Decalogues, and between the DC and CC. I argued that D’s revision of H’s Sabbath word (Exod 20:8-11) exposes the גֵּר to the ongoing benefits of YHWH’s redemption of Israel (§5.2.1.1). Deuteronomy 16’s reinterpretation of the earlier festivals of the CC, as well as comparisons with H, indicate that D afforded to the גֵּר the opportunity to enter into the full range of emotions associated with Israel’s formative historical origins: sorrowfully eating the unleavened bread of D’s Pesach-Matzoth, but also joyfully consuming the meals at the festivals of Shavuot and Sukkoth (§5.2.1.2). Through D’s inner-biblical revision, then, Sabbath and the festive meals are transformed into mechanisms by which
the בְּרָעָן, and sometimes other personae miserae in Israel, could experience vicariously YHWH’s redemption of Israel from Egyptian oppression. We also discovered that D’s inner-biblical revision manifested a tendency to accommodate its expectations for the בְּרָעָן. While H grants the בְּרָעָן with the choice, in light of his resources and desires, of offering sacrifices at the sanctuary, the DC’s system so shaped by humanitarian sensitivity eliminates all expectations on the בְּרָעָן to contribute to the sacrificial cult (§5.2.2.1). We also encountered tôrâ’s kindness toward the בְּרָעָן in its law regarding בֵּית בְּרָעָן consumption (§5.2.2.2). In contrast to H that prohibits both בְּרָעָן and native Israelite from eating an animal that has died of natural causes (or been torn by other beasts), Deut 14:21 prohibits only the Israelite, but not the בְּרָעָן, from eating it. A reexamination of the syntax in light of D’s other commands to give food to the בְּרָעָן indicates that this law’s purpose is not to exclude the בְּרָעָן, but to fill his hungry stomach. Deut 14:21 (and 26:1-19) recasts Israel’s status as YHWH’s holy people as a responsibility to imitate YHWH’s own generosity toward the בְּרָעָן.

A final illustration highlights conclusions drawn in this chapter. A canonical reading of the pentateuchal laws regarding בְּרָעָן treatment evinces an ideational trajectory:

1. You must not oppress [לא תנו] the בְּרָעָן for you were גֵּרֵים in the land of Egypt (Exod 22:20).
2. You must not torment [לא תלחץ] the בְּרָעָן since you know the life of a בְּרָעָן, for you were גֵּרֵים in the land of Egypt (Exod 23:9).
4. The בְּרָעָן who resides with you must be to you as the native among you, so you must love [ואהבתם] him [the בְּרָעָן] as yourself; for you were גֵּרֵים in the land of Egypt. I am YHWH your God (Lev 19:34).
5. …YHWH loves the בְּרָעָן by giving him food and clothing, so you must love [ואהבתם] the בְּרָעָן for you were גֵּרֵים in Egypt (Deut 10:18-19).
The laws progress incrementally:

1. negative + גר-Egypt formula (Exod 20:22)
2. negative + empathy + גר-Egypt formula (Exod 23:9)
3. negative + גר resides in your land (Lev 19:33)
4. positive + self and neighborly-love + גר-Egypt formula (Lev 19:34)
5. positive + Yhwh’s ב-love + גר-Egypt formula (Deut 10:18-19)

We find different, yet still fruitful, results when we read the גר treatment laws in light of any ostensible genetic developments. Historically the CC contains the earliest of the laws with negative admonitions:

נָּוִ֖ר לְאֵתָהּ לַאֲמִ֣יִּים יְהֵ֗י יִשְׂרָאֵֽל׃
You must not oppress an immigrant or torment him, for you were immigrants in the land of Egypt (Exod 22:20).

נָּוִ֖ר לְאֵתָהּ לַאֲמִ֣יִּים יְהֵ֗י יִשְׂרָאֵֽל׃
You must not torment an immigrant. You know the life of an immigrant, for you were immigrants in the land of Egypt (Exod 23:9).

These two laws share the general prohibition “you must not torment” the גר (ьян + לָּהּ), and Exod 22:20 shares “you must not oppress” the גר (יָנָה + לָּא) with the following H prohibition:

וֹרֵינֵי מֹאָ֣ה לָּא בָּאֲרַצְכֶם לָא הֶ֔נִּיךְ אֵֽתִֽו׃
If an immigrant resides with you in your land, you must not oppress him (19:33).

DC’s counterpart prohibitions are not related to these in the CC and H; DC uses its own vocabulary and conceptuality to prohibit גר abuse:

לַאְכַלֶּשׁ שֶׁכֶֽר עָנִ֖י מַאֲחָכֶ֑ל אָמַ֖ר אֶתְחָךְ בְּאֶרֶץ בַּשַּׁעֲרֵֽךְ׃
You must not exploit the wages of one who is poor and needy, whether he is one of your brothers or one of the immigrants who are in your land within your gates (Deut 24:14).190

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190 See the MT emendation proposed in §3.1.8. Deuteronomical phraseology – to exploit (לַאְכַלֶּשׁ) the גר (often with the orphan-widow) – is found in Zech 7:10; Mal 3:5; Jer 7:6; 22:3; Ezek 22:7, 29.
You must not pervert the justice due to the immigrant or orphan, or take a widow’s garment in pledge (Deut 24:17).

“You must not pervert the justice due to the immigrant or orphan, or take a widow’s garment in pledge” (Deut 24:17).

“Cursed be anyone who perverts the justice due to the immigrant, orphan and widow.” And all the people will say, “Amen” (Deut 27:19).

We also encounter in H the continued apodosis of the aforementioned casuistic law “if an immigrant resides in your land, you must not oppress him…you must love him as yourself” (Lev 19:33-34). Similarly, Deut 10:18-19 commands Israel to love the גר.

Again we might speculate whether D has this H text in view since both command גר love positively – something found nowhere else in the Hebrew Bible – and both include the גר-Egypt formula. As for the גר-Egypt formulas in the CC, Brevard Childs believes them to be secondary deuteronomistic glosses (Exod 22:21; 23:9), but Christiana van Houten reduces the probability of this:

If apodictic law is described as a brief imperative, found in a series, which exhibits a regular rhythm, then these and all motivation clauses are secondary. However, the Book of the Covenant has nine motivation clauses, many of which Childs does not seem to consider glosses. This law in particular does not seem to be in a series of similarly formulated laws.

In all likelihood both the DC and H independently borrowed the גר-Egypt formula from the CC. As for the common positive command to love the גר, it is overshadowed by discrepancies. Or is it?

191 Christiana van Houten (The Alien in Israelite Law [JSOTSup 107; Sheffield: Sheffield Academic Press, 1991], 141) observes this protasis-apodasis casuistic genre.
192 Childs, Exodus, 454.
193 van Houten, Alien, 53.
Lev 19:34  Deut 10:18-19

<table>
<thead>
<tr>
<th>Lev 19:34</th>
<th>Deut 10:18-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>בכרה המכם היה לכם ולך הגר וגר אתכם</td>
<td>עשה משפט חוזי אלהיכם</td>
</tr>
<tr>
<td>ואהבת נ苄 ושם ופתא התאבדת BENיה ושם ופתא התאבדת אתchers אשר ויית בארם מטרים</td>
<td>אני יהוה אלהיכם</td>
</tr>
<tr>
<td>אים נבל ושם ופתא התאבדת Benיה ושם ופתא התאבדת אתchers אשר ויית בארם מטרים</td>
<td>He both executes justice for the fatherless and the widow, and loves the immigrant by giving him food and clothing. So you must love the immigrant, for you were immigrants in the land of Egypt.</td>
</tr>
</tbody>
</table>

You must regard the immigrant who resides with you as the native among you. So you must love him as yourself, for you were immigrants in the land of Egypt. I am YHWH your God.

He both executes justice for the fatherless and the widow, and loves the immigrant by giving him food and clothing. So you must love the immigrant, for you were immigrants in the land of Egypt.

The *Numeruswechsel* (ואהבת/ואהבת) and formal change in direct object (לおすすめ / לאהבת) render a genetic connection unlikely. However, the similar logical order and sequential *weqatal* commands invite comparison of their theologies. Both D and H have formulated their laws with socio-economic concerns (cf. §5.2.2.1), but D we may be confident is controlled by such concerns (as is true of Lev 17:15 vs. Deut 14:21; §5.2.2.2). Additionally, both present the Israelite’s experience as ירנה in Egypt as a motive for נר-love; H also enforces obedience by a favorite null-copula, “I am YHWH your God.” Yet, the ideational differences are important. For H, the conventional equalization of נר and native Israelite (Lev 19:34a) forms the logical basis for loving the נר as one loves oneself (19:34b). The profundity of H is that its command to love one’s neighbor as oneself is now applied to the נר:

(ואהבת לנר ושם ופתא התאבדת BENיה ושם ופתא התאבדת אתchers אשר ויית בארם מטרים) מכר. אני יהוה אלהיך (19:34)194

For D, YHWH’s own love for the נר, displayed by his material generosity, is the logical basis for loving the נר. Originating נר-love in the nature of YHWH moves theologically beyond the independent visions of the CC and H. The covenantal (suzerain-vassal) and

emotional overtones of love pervade Deuteronomy 1-11 (see §3.1.3). In this literary environment, we underinterpret 10:18-19 if we do not reiterate in one breath as D: YHWH loves Israel, YHWH loves the גְּרָן. D thereby infuses its distinctive humanitarian compassion with the very character of Israel’s deity.
Chapter 6
SOCIAL AND RELIGIOUS INTEGRATION

Questions remain about the identities represented by D’s גָּר laws and the extent to which גָּרִים were integrated socially into Israelite society after D’s legislation was implemented (Deut 29:8-13; 31:9-13; Josh 8:30-35; 2 Kgs 22-23). What we are able to construct from the data of chs. 3, 4, and 5 is D’s vision to integrate the גָּר socially and religiously. This integration, as we shall see, is presented as a byproduct of Israel’s election as the holy people of YHWH.


The evidence points to the גָּר in the Deuteronomic Code (DC) as a member of the personae miserae class, one outside the protection and provisions of an Israelite extended household (בֵּית-אֲבֵּי), often grouped with other landless individuals (Levite, orphan, widow), and dependent on the DC’s rather extensive welfare system for his survival (§3.1.3-§3.1.9; §3.3; §5.2.2.1). Some of the גָּרִים in the DC, although they were “poor and needy,” had entered into a client relationship with a patron (24:14; §3.1.8). The language of both the DC and D’s prologue and epilogue represents the גָּר as a non-Israelite and non-Judahite who resided among Israelites within Israelite settlements (§3.2.3). This non-Israelite גָּר in the DC was neither a countryman (חֲלָק; 24:14), nor a member of YHWH’s people (14:21), but he benefited from the covenant community in several respects: he was protected legally from exploitation and oppression (24:14;
27:19); received free food provisions from Israel’s landowners as they enacted the principle of *imitatio dei* (10:17-19; 14:28-29; 24:19-22; 26:10-13; see §4.4); he was given carcasses, unfit for native Israelite consumption, to alleviate his hunger (14:21); and consumed meals at the feasts of Shavuot and Sukkoth (16:11, 14).

These provisions for the ה in the DC raise the sociological issue of ancient Near Eastern and Old Testament hospitality. T. R. Hobbs’ believes that the ה in the First Testament was not a guest or an outsider, but a member of Israel’s covenant community and was sufficiently protected by Israelite law. \(^2\) “Hospitality, then, is directed at those relatively unknown travellers [sic] who are assumed to be members of one’s larger community, but not immediately recognized as such. In no cases are threatening foreigners (*nokrīm*) or resident aliens (*gērīm*) offered hospitality.” According to Hobbs’ acceptable definition of hospitality, derived from William Robertson Smith and Roland de Vaux, \(^3\) we must concur that the ה in the DC was not the object of Israelite hospitality, but we conclude this for reasons other than what Hobbs suggests. His cursory mention of only eight out of over 50 ה references in the Pentateuch, and his conflation of priestly and non-priestly laws, results in the hasty generalization that the ה in the DC was not an outsider, but a covenant member. Against Hobbs, the ה in the DC was of outsider origins, non-Israelite and non-Judahite (§3.2.3), and was *not* a member of the covenant community (14:21; §3.1.4; §5.2.2.2). As an abiding non-threatening resident, the ה in

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\(^1\) For the language of 10:17-19 reflecting and preparing for the DC laws, see §3.3.


the DC was not an unrecognized guest (§3.3) and, therefore, did not benefit from Israelite hospitality. This is not the complete picture, however, because the DC does instruct local Israelite farmers to provide for the survival of the גר (§4.4). While this was not hospitality, it was to be a sustained benevolence toward certain non-Israelites with whom Israel interfaced regularly, the גר but not the נכרי. This openness toward certain individuals of allochthonous origins warrants mention of comparable currents in ancient Near Eastern law.

6.1.1. Non-Indigenous Residents in a Selection of Ancient Near Eastern Laws

Many interpreters believe that the גר-orphan-widow triad is a novelty of D, and a survey of the ANE references to the widow-orphan dyad, often grouped with other personae miserae figures, but not with an “immigrant” figure, appears to confirm this view. José Ramírez Kidd explains the reason for this by a comparison with Egyptian society:

In the hierarchical structure of the Egyptian society, for instance, those who were in a superior position had the duty of beneficence to those who were below them. But this was a closed society and the principals of solidarity applied primarily to its members. This may explain why, although the protection of the weak was a common policy in the legal and wisdom tradition of the ancient near Eastern societies, the stranger was very seldom mentioned among them.

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4 Jose E. Ramírez Kidd (Alterity and Identity in Israel: The גר in the Old Testament [BZAW 283; Berlin/New York: Walter de Gruyter, 1999], 39) has provided a helpful sampling of the alternatives from various texts. In Egypt the typical dyad is the widow-fatherless, which is augmented at times with one or more of the following: poor, humble, Egyptian citizen, fearful, one-who-has-nothing, prisoner, sick one, stranger. In Mesopotamia the recurring dyad is the waif(orphan)-widow and is augmented in certain texts with the weak, widower, abused, deprived, man of one shekel, poorest, refugee, weak. In Ugarit the dyad is the waif(orphan)-widow and includes in instances the poor and oppressed. Kidd (Alterity, 39) writes, furthermore, “it must be noted that among the characters mentioned together with the pair ‘widow-orphan,’ the stranger is not mentioned. This absence is not extraordinary.”

5 Ramírez Kidd, Alterity, 39.
A majority of ANE personae miserae texts evince a closed societal system that would account for the absence of a non-indigenous class. A hymn to Shamash,\(^6\) the Cylinders of Gudea,\(^7\) and the Kirta and ’Aqhatu narratives,\(^8\) to name just a few, assign to gods and kings the responsibility to guard the vulnerable, indigenous widow and orphan against victimization by higher classes. Even so, ancient Near Eastern societies were not always closed to certain non-indigenous residents. Daniel Bodi argues that David’s crime in the David-Bathsheba-Uria story centers on David’s coldhearted disposal of Uriah the Hittite, whom the rabbis rendered as a ובשׁוּבְגָר “resident-alien.”\(^9\) This was a violation of the expectation that royal palace officials of Pharaoh were to protect the rights of the ubārum (\textit{a la} El-Amarna letter 162 [\textit{u-bá-a-ra}]), a semantically comparable class to the ג, which he argues included Uriah, in the Hebrew Bible. Bodi’s methodology places too

\(^6\) The personified sun deity illuminates all people, warming even the personae miserae: “O Shamash, when you rise, the four quarters brighten. The destitute, widow, waif, female companion, At your rising, all humanity is warmed”: “To Shamash (e) Against Ghosts” (Benjamin R. Foster, \textit{Before the Muses: An Anthology of Akkadian Literature} [2d ed.; Bethesda, Md.: CDL, 1996], 2:637-38).

\(^7\) These were composed to celebrate ruler Gudea’s construction of an Eninnu temple for the god Ningirsu, patron deity of Lagash, just prior to or during Ur-Nammu’s Ur-III dynasty (ca. 2112-2004). The story highlights Gudea’s faithfulness in preparing a temple dedication banquet for Ningirsu: “To the laws of Nanshe and Ningirsu he paid close attention. He did not deliver the orphan up to the rich man; he did notdeliver the widow up to the powerful man. In the house that had no male heir, he installed its daughter as the heir. A day of majestic justice arose for him; he put his foot on the neck of (the) evil one(s) and complainer(s)”: “The Cylinders of Gudea,” translated by Richard E. Averbeck (\textit{COS} 2.155:432).

\(^8\) King Kirta is sick and neglecting his royal duties, including defending the personae miserae, so his son, Yaṣṣubu, petitions Kirta, albeit unsuccessfully, to crown him king: “Listen, noble Kirta, listen closely and tend (your) ear: When raiders lead raids, and creditors detain (debtors), You let your hands fall slack: you do not judge the widow’s case, you do not make a decision regarding the oppressed, you do not cast out those who prey upon the poor. Before you, you do not feed the orphan, behind your back the widow” (CTA 16): “The Kirta Epic,” translated by Dennis Pardee (\textit{COS} 1.102:333-43). In the ’Aqhatu legend, Dānī’lilu is venerated for his actions: he “Arose and sat at the entrance to the (city-)gate, among the leaders (sitting) at the threshing floor. He judged the widow’s case, made decisions regarding the orphan” (CTA 17, 19): “The ’Aqhatu Legend,” translated by Dennis Pardee (\textit{COS} 1.103:343-56). Another possibility is to read these verbs with an imperfective aspect, suggesting a gnomic quality to Dānī’lilu’s character: “he judges (yatpuṭa) [the decision (dina) for widows (’almanāti)]; he judges (yatpuṭa) the cause (taṭa) [of orphans (yatāmīni)]”: \textit{KTU} 1.19:21-24 (translation and vocalization mine).

much interpretive weight in one Akkadian law that is chronologically removed from the DtrH, yet this law does manifest the severity of abusing a specific class of non-indigenous persons.\textsuperscript{10} The following examples may also be classified with ancient Near Eastern ideals, rare as they may be, to protect defined subsets of non-indigenous residents.

\textit{1) Anatolia}

Hittite laws, first composed at the beginning of the Old Hittite period (ca. 1650-1500), with copies produced in the Middle and Neo-Hittite periods (ca. 1500-1180), are casuistic in form, like parts of Deuteronomy 12-26, whereas Hittite treaties and loyalty oaths include apodictic forms. There is an absence, to my knowledge, of any imperatives to proactively care for resident non-Hittites, and no laws that pair the widow and orphan, or group together other members of a \textit{personae miserae} class. Conversely, there is an interest to protect ethnic Hittites: “If anyone kills a Hittite merchant (in a foreign land), he shall pay 4,000 shekels of silver. He shall look to his house for it. If it is in the lands of Luwiya or Pala, he shall pay the 4,000 shekels of silver and also replace his goods. If it is in the land of Hatti, he shall also bring the merchant himself for burial.”\textsuperscript{11} There is, however, evidence of concern for at least one non-Hittite ethnicity, the Luwians who also resided in Anatolia: “If a Hittite man abducts a Luwian man in the land of Hatti itself, and leads him away to the land of Luwiya, formerly they gave 12 persons, but now he shall

\textsuperscript{10} One who violates El-Amarna 162 incurs the death penalty; this resembles, to some degree, the severity of the so-called Shechemite Decalogue: “‘Cursed is one who perverts justice for an immigrant, orphan, and widow.’” And all the people will say, ‘Amen.’” (27:19).

\textsuperscript{11} “Hittite Laws” (Martha T. Roth, \textit{Law Collections from Mesopotamia and Asia Minor} [SBLWAW 6; Atlanta: Scholars Press, 1995], 217).
give 6 persons. He shall look to his house for it.”

Luwian became the primary language of many in Neo-Hittite Anatolia, but Luwians in the Old Hittite through the Neo-Hittite periods were one of several ethnicities: “We are probably right in assuming that the ethnic mix of the area was as variegated as earlier, including Canaanites, Aramaeans, Hurrians, Hittites and Luwians.” The above law protects Luwian men in Hatti (traveling, sojourning, or residing indefinitely or permanently) from being abducted and returned to Luwiya. The phrase “formerly they gave 12 persons, but now he shall give 6 persons” is evidence of revision for a subsequent period, still during the Old Kingdom, and although it mitigates the original penalty, “6 persons” would have still been a costly fine for maltreating a Luwian man in Hatti.

2) Mesopotamia

The earliest law collection (ca. 2100) from the city of Ur in Mesopotamia has been attributed to King Ur-Namma or his son Shulgi. Following the collapse of the Akkad Dynasty (ca. 2334-2193), Ur-Namma founded the Ur-III Dynasty and united the city-states of Sumer and Akkad, southern and northern Mesopotamia, respectively. The prologue reads: “[At that time, (I)], Ur-Namma, [mighty warrior, lord of the city of Ur, king of the lands of Sumer and] Akkad, [by the might] of the god Nanna, my lord, [by the

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12 In addition to the Luwians, there are two extant laws that reference the ḫipparāš-man, but the nature of this person is elusive (“Hittite Laws” [Roth, Law Collections, 216, 220, 224-25]).


14 Harry A. Hoffner, Jr.’s note (in Roth, Law Collections, 214) on Hittite legal revisioning applies to this law: “Even the OH [Old Hittite] copies occasionally indicate a process of revising an earlier form of the laws that has not come down to us. These notations are worded thus: ‘Formerly they did such-and-such, but now he shall do such-and-such,’ with the second ruling differing significantly from the former. Since the Main Version itself dates from the Old Kingdom, the earlier formulations marked by the word ‘formerly’ (Hittite karū) must belong to an early stage of the Old Kingdom, perhaps to the reigns of the very first monarchs, Labarna I and Ḫattušili I (first half of the seventeenth century).”
true command of the god Utu(?), I established [justice in the land(?)].”15 It was Shulgi, however, who was known for his administrative and judicial reforms and may have used his father’s legacy to advance his own. Whether the laws originated from Ur-Namma or Shulgi, the royal intent was to maintain the land’s equilibrium and to receive honor for doing so. In the prologue “Ur-Namma” isolates at least three groups of people from whom he liberated Sumer and Akkad: one, “the nisku-people”16 who “had control of the fields”; two, the “sea-captains” who “had control of the foreign maritime trade”; three, “those who appropriate(?) [the oxen] … those who appropriate(?) [the sheep …].” Later he recounts that he, by the strength of god Nanna, “liberated Akshak, Marad, Girkal, Kazallu, and their settlements, and for Uṣarum, whatever (territories) were under the subjugation of Anshan.”17 Apropos to our study is this statement of liberation that follows a lacuna in the cuneiform tablet: “[…] I returned. I established freedom for the Akkadians and foreigners(?) in the lands of Sumer and Akkad, for those conducting foreign maritime trade (free from) the sea-captains, for the herdsmen (free from) those who appropriate (?) oxen, sheep, and donkeys.”18 While “foreigners” (gi[r₅-ra]) is a restored reading of a broken text, they are paired with the Akkadians as those “in the lands of Sumer and Akkad” who benefited from the king’s liberation program. In contrast to the nisku-people and Anshan, who were a negative presence supplanted by the king, the gi[r₅-ra] “foreigners” were granted residence and freedom in Sumero-Akkadian city-states. The

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15 “Laws of Ur-Namma” (Roth, Law Collections, 15). This section is damaged, and it is Roth’s practice to bracket [ ] what has been restored from the broken original, and to parenthesize ( ) additions to the English translation. The sign (?) indicates the bracketed reconstruction is questionable.

16 The nisku-people were probably a menial or lower-class of persons: Roth, Law Collections, 271.

17 “Laws of Ur-Namma” (Roth, Law Collections, 15-16). Anshan was an Iranian city, north of Persepolis (modern Tall-iMalyân): Roth, Law Collections, 267.

18 “Laws of Ur-Namma” (Roth, Law Collections, 15).
final words of the prologue read, “I established justice in the land,”19 which probably functions as a synopsis of Ur-Namma’s (or Shulgi’s) record of actions, beginning with his care for Ur’s subclasses: “I did not deliver the orphan to the rich. I did not deliver the widow to the mighty. I did not deliver the man with but one shekel to the man with one mina (i.e., 60 shekels). I did not deliver the man with but one sheep to the man with one ox.”20

Four centuries after Ur-Namma, and two centuries after Lipit-Ishtar,21 the law collection attributed to Eshnunna (ca. 1770) likely emerged during the reign of Dadusha, who later fell to King Hammurapi. Although more than one law may relate to our topic,22 one stands out: “If a foreigner [ubârum], a napṭaru, or a mudû wishes to sell his beer, the woman innkeeper shall sell the beer for him at the current rate.”23 

Ubârum, translated by Roth as “foreigner,” is probably more precisely rendered “Ortsfremder,”24 a “resident alien” (a la Bodi above). The need for such a law may suggest that the ubârum (and napṭaru and mudû classes) was at times unjustly denied the prerogative of selling their

19 “Laws of Ur-Namma” (Roth, Law Collections, 17).
20 “Laws of Ur-Namma” (Roth, Law Collections, 16).
21 In the prologue of the laws of Lipit-Ishtar (ca. 1930), fifth dynast of Isin, Lipit-Ishtar announces that he liberated Sumer and Akkad, established justice, eradicated violence, restored children and fathers to each other, among other beneficent deeds. The first laws of possible relevance relate to the miqtu-person whom Roth (Law Collections, 24, 29) defines as a “palace dependent or client” (cf. Deut 24:14 and prologue-epilogue). Another law reads: “If he [a father?] takes a slave […] he dies […] an outsider […] marries(?) […]” (“Laws of Lipit-Ishtar” [Roth, Law Collections, 30]). Unfortunately, this tablet is irreparable.
22 A second law from Eshnunna may be relevant, but not demonstrably. This law protects a man, captured and residing in a foreign land, from losing his wife to another: “If a man should be captured or abducted during a raiding expedition or while on patrol(?), even should he reside in a foreign land for a long time, should someone else marry his wife and even should she bear a child, whenever he returns he shall take back his wife”: “Laws of Eshnunna” (Roth, Law Collections, 63). Was this law also to be understood conversely, that is, protecting foreign captives residing in Eshnunna? If so, these persons would have been included in Eshnunna’s personae miserae class as they would have been doubly victimized: captured, and unbeknownst to him, abandoned by his wife.
23 “Laws of Eshnunna” (Roth, Law Collections, 65).
beer at the inn, or was permitted to sell their beer only at a lower price, or was required to pay innkeepers a larger fee to sell their beer. They were, in any case, by this law protected from a type of inequitable trade.

3) Egypt

In the “Instruction(s)/Wisdom of Amenemope(t),” a wisdom collection dating originally to the Ramesside Period (ca. 1300-1075), the twenty eighth chapter includes imperatives to act beneficently toward the widow, stranger, brothers, and the poor:

Do not pounce on a widow when you find her in the fields and then fail to be patient with her reply. Do not refuse your oil jar to a stranger, double it before your brothers. God prefers him who honors the poor to him who worships the wealthy (italics mine).

In its wisdom genre, obeying the injunction “do not refuse your oil jar to a stranger” was a praiseworthy expression of one’s virtue of generosity. Although New Kingdom Egypt was an increasingly international society, the Egyptians remembered the unpalatable era of Hyksos rule (ca. 1720-1550). “All the great kings of this period,” writes Kuhrt, “acted vigorously to protect Egypt’s boundaries, particularly against nomadic and landless groups in Libya and the Levant, some of whom were enrolled in the army.” Thus, perhaps it is surprising to find in this context a wisdom imperative commanding benevolence toward the stranger in Egypt.

26 New Kingdom Egyptians interacted with Mittani, Babylon, the Hittites, Assyrians, Canaanites, Libyans, Nubians, among others.
27 Kuhrt, Ancient Near East, 1:207.
6.1.2. Defining the גר’s Social Integration in the Deuteronomic Code

In addition to the above examples of openness in ANE law, or wisdom, toward certain non-indigenous residents, we must also infer that in certain laws non-indigenous residents were implied members of a land’s inhabitants. Hammurapi’s Mesopotamia, for example, was ethnically heterogeneous, and it is improbable that he was closed in his relationship toward non-indigenous residents, as he clearly was toward his foreign enemies. The allochthonous residents in his land were included in the “inhabitants/people of Sumer and Akkad” whom he liberated. Moreover, in Hammurapi’s heterogeneous Mesopotamia, the “orphan and widow” might have included some allochthonous orphans and widows. Similarly in the DC, only certain non-Israelites, גרים not נכרים, were extended legal prerogatives (see §3.1.7.3). In contrast to the non-Israelite inhabitants of Canaan (Deuteronomy 7, 12, et al.), the גר in the DC was a non-threatening non-Israelite who lived within the parameters of deuteronomic Yahwism (see Deut 24:15). Therefore, D’s addition of the גר to the orphan-widow dyad is, first, a formal or literary innovation that signals Israel’s development of the traces of ANE societal openness to certain, but not all, outsiders (contra Ramírez Kidd).

The second innovation of the גר in D’s personae miseræ laws is simply that these are extant social reform laws. Several Mesopotamian kings boast in the prologues and epilogues of their legal codes that they enacted the will of their deities by enforcing justice and social reform. Norbert Lohfink rightly asserts that Hammurapi’s aggrandizement is the most developed, even sketching a scene in the epilogue of an “oppressed man” who is invited to journey to the Esagila temple, read Hammurapi’s stele
that will “make the case clear to him,” and then he can “set his mind at ease.”28 If an oppressed man actually read all 282 paragraphs of the law code proper, he would find no laws dealing with the “oppressed” or “poor.” The evidence is even more extensive, for there is “no social legislation in the code of Hammurabi. Nor is such to be found in the laws of Ur-Nammu, nor in the laws of Lipit-Ishtar, nor in any other law collection of Mesopotamia.”29 However, what Lohfink calls “oppressed man” is better translated “wronged person” (awīlu ḫa-ab-lum), which in context indicates a victim who has a case against a violator of the law code.30 Thus, a personae miserae member finds himself neither in this scene in the epilogue, nor in any of the laws in the code. By contrast, if a resident non-Israelite, a _HEAP, were to hear in D’s prologue not of the king’s protection, but of YHWH’s protection for the orphan and widow, and love for the _HEAP (10:17-19), that _HEAP would indeed “make the case clear” and “set his mind at ease” upon reading that he was protected and provided for throughout the law code proper. Likewise, the orphan and widow find themselves both in D’s prologue – as in Hammurapi’s prologue – and in multiple laws with the _HEAP in the DC. Hammurapi’s code does not hold him accountable to carry out justice for the deity (Shamash) on behalf of the orphan and widow, whereas in D the king, along with the rest of Israel, is accountable to the DC to carry out justice for the deity (YHWH) on behalf of the _HEAP and other personae miserae (Deut 17:18-20).

The third innovation of the  HEAP in D’s personae miserae laws is that these laws are motivated by formulaic propositions of Israel’s historical experience and relationship

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30 “Wronged person who has a case”: *CAD*, “ḫablu,” 6:16.
with its deity. For this reason, the ideology underlying D’s *personae miserae* legislation does not reflect an ANE hierarchical model whereby officials were expected to protect lower classes, or a royal-political model whereby the king attempted to advance his reputation. Rather, “drawing on the treaty traditions of the ANE rather freely,” vassal Israel’s history of suffering under a foreign power (Egypt) and suzerain YHWH’s beneficent deliverance are paradigmatic for treatment of the vulnerable classes within Israel. D’s openness to certain non-Israelites, גרים, is therefore expressed in the historically oriented עב-_LINUX -Egypt formula, motivating beneficence toward the composite גר, and the עב-_LINUX -Egypt formula, motivating beneficence toward the גר *individuum* (see §4.4; and §6.3 below). Israel’s ongoing dependence on YHWH for fertility in the land he gave them also motivated care for the landless גר, orphan, widow, Levite, as indicated by the formula: למען יברכך יהוה אלהיך בכל-מעשׂה “so that YHWH your God may bless

31 Harriet K. Havice (“The Concern for the Widow and the Fatherless in the Ancient Near East: A Case Study in Old Testament Ethics” [Ph.D. diss., Yale University, 1978]) concludes from Egyptian, Mesopotamian, Ugaritic and Old Testament materials that ANE superiors (rulers, officials, kings, and deities) were responsible to show beneficence towards (and conversely, to not oppress) inferior classes.

32 Many scholars, such as J. G. McConville (Deuteronomy [Apollos Old Testament Commentary 5; Leicester: Apollos; Downers Grove, Ill.: InterVarsity, 2002], 201), believe Deut 10:17-18 exhibits “a king exercising just and merciful rule.” Yahweh assumes royal responsibilities to defend the vulnerable. Commenting on a similar text, Deut 24:17-22, Jeffrey Tigay (Deuteronomy [JPS Torah Commentary; Philadelphia: The Jewish Publication Society, 1996], 228) notes that “ancient Near Eastern wisdom literature and texts about the activities of kings” commonly mention the king’s obligation to protect and provide for the welfare of the fatherless and orphans, but “concern for the alien [גר] is not nearly so common outside the Bible.”

33 McConville, Deuteronomy, 24.

34 Anna Norrback (The Fatherless and the Widow in the Deuteronomic Covenant [Åbo, Finland: ÅboAkademiFörlag – ÅboAkademi University Press, 2001]) has argued convincingly, against Havice (see n. 30), that D does not reflect its aNE hierarchical neighbors, but emphasizes brotherhood and is shaped as a “national constitution, which uses the ancient Near Eastern treaty pattern and its terminology” (252). The pattern, then, is the people’s loyalty to Yahweh, the great suzerain King, and Yahweh’s beneficence toward the people (e.g., land grant and productivity), and particularly toward the *personae miserae*: “Deuteronomy also presents YHWH as the ideal superior who is the redeemer of the fatherless and the widow and who loves the alien. It is in his interest to protect them, the Israelites are expected to include them as a part of the nation” (Norrback, Fatherless, 252).
you in all you do” (Deut 14:29; 16:15; 24:19). Where ANE laws expose traces of societal openness toward non-indigenous residents, such openness was hierarchically or royal-politically motivated. For the DC, compassion to certain non-Israelites was a faithful expression of the Israelites’ own identity, forged by suffering in a foreign land and reoriented by the loving nature of their deity, YHWH himself.

Historical identity and *imitatio dei* are the foundational motivations, unparalleled in Near Eastern law, to fulfill the DC’s vision for the גר and other *personae miserae*. Somewhat surprisingly, then, the DC, with the exception of Deut 23:4-9, is not chiefly concerned with the *religious* integration of the גר. This would appear to validate Sara Japhet’s conclusion that the גר in the Hebrew Bible is not defined religiously, but sociologically.35 Following Rashi’s view that גר designates a social status of a temporary resident living among the Israelites, she argues that the גר in the Hebrew Scriptures came to reside in Israel for social, but never religious purposes. Rather, the גר obeyed the demands of Israel’s deity only because this was the “rule of the God of the land.” Deities in the ancient Near East were associated with specific regions, so if a גר were to reside amicably in Israel, he had to fulfill the expectations of the deity of Israel’s land (e.g., 2 Kgs 17:24–28).36 Japhet also argues that religious conversion occurs only when one consciously chooses to adopt a new religion out of religious convictions. By Japhet’s useful definition, the גר represented throughout the laws of the DC is not clearly a

35 Sara Japhet, “The Term Ger and the Concept of Conversion in the Hebrew Bible” (Jewish Culture and Contexts; ed. Theodor Dinkelgrun and Pawel Maciejko; Philadelphia: University of Pennsylvania Press, forthcoming); I express gratitude to professor Japhet for providing me with a pre-publication draft.

36 Although the term גר is not mentioned in 2 Kgs 17:24-26, Sargon II and later Assyrian emperors settled foreigners from Babylon and other cities in Samaria; cf. מסרו in 2 Chr 30:25.
convert because it is not perceptible that he observed Israelite religious practices out of an uncoerced will and his own religious convictions.

Thinking similarly, Markus Zehnder infers: “Aus Dtn 24,15 lässt sich ableiten, dass dem גăr für nicht-jahwistische religiöse Handlungen nur wenig Freiraum zur Verfügung stand, womit die Stellung des גăr hinsichtlich seines Verhältnisses zum JHWH-Bund bereits relativ nahe an diejenige des vollbürtigen Israeliten rückt.” This might suggest that the גăr in the DC was socially constrained to abandon non-YHWH religious activities and serve only the deity of the land of Israel. If this text presumes Yahwism, it does not center on religious constraints, but prerogatives. In D only Israelites and the poor and needy גăr are said to have the privilege of crying out to YHWH who is apparently inclined to respond justly to his cry (§3.1.8; see §3.1.3 on 10:17-19). Religious subservience to the stipulations of YHWH in the land of Israel is of less interest than the DC’s YHWH-centric humanitarian aid for the disenfranchised. Such humanitarianism is why the landless גăr is enjoined to fill his stomach joyfully with the food at YHWH’s feasts of Shavuot and Sukkoth (§5.2.1.2). This controlling charity becomes even more clear in contrast to H’s גăr laws, which are also devoted to humanitarian care, but much less so (§5.2.1.2; §5.2.2.1; §5.2.2.2). In contrast to H, the DC decreases its tōrā expectations for the non-Israelite resident, something we would not expect were the DC primarily concerned that גăr simply obey the law of the deity of Israel’s land. While H offers גăr a choice of offering sacrifices at the sanctuary, assuming that some were financially capable of doing so, the DC’s system removes all expectations on גArn, who

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are always portrayed as landless dependents, to contribute to the sacrificial cult
($5.2.2.1)$. H prohibits both רָבָא and native Israelite from eating a carcass, but the DC
prohibits only the Israelite, but not the רָבָא, from eating it (Lev 17:15; Deut 14:21). This
law purposes not to exclude the רָבָא from the central cultic community, but to meet his
physical needs. In summary, the רָבָא in the DC was integrated sociologically, but not
religiously. The reason for this was not merely that the רָבָא was obligated against his
preferences to observe the law of Israel’s deity, but that יְהוָה accommodated his tôrâ
through Moses to alleviate the plight of יְהוָה. The DC reduces both the stipulations for
the resident non-Israelites, but also heightens the liability of Israel’s landowners to
protect them.

6.2. Religious Integration: The רָבָא in Deuteronomy’s Prologue and Epilogue

Although Japhet’s conclusion on the רָבָא in the Hebrew Bible may be generally
true of the רָבָא in the DC, it is incompatible with one text in the DC, Deut 23:2-9, which
prepares readers to encounter the רָבָא in the epilogue, and, retrospectively explains the
nature of the רָבָא in the prologue. In Deut 23:2-9 we find a unit of laws that attempted to
broaden the Israelite mind to incorporate into their community certain residential non-
Israelites not just socially, but to a meaningful degree, religiously (see §3.1.7.2-§3.1.7.3).
Kenton Spark’s comments, while inappropriate for all of D, readily apply to 23:4-9 and
the prologue and epilogue:

In Deuteronomy, the most important criterion for community membership was
one’s status with respect to Yahweh, the national deity of Judah (and Israel). That
the priority of this religious standard for group membership exceeded the ethnic
requirement is quite clear, since it appears that a foreigner who joined himself to

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the national God (the assimilating רב) was quite readily accepted into the community. The foreigner who accepted this arrangement would necessarily have avoided non-Yahwistic “foreign” gods as well as any religious practices that were considered “non-Yahwistic” and were by association “foreign” practices. That Deuteronomy’s preoccupation was more religious than ethnic is evidenced by the semantic range of רב (‘sojourner’), which was broad enough to qualify people of almost any origin for a non-Israelite social position that invited cultural and religious assimilation.

In particular, sustained residence in Israel and a favorable disposition toward Israel are requisite for one seeking religious assimilation. If a non-Israelite, initially identified as a נכר “foreigner,” came from ethnic origins that had historically blessed Israel, and he resided (גור) in Israel for two generations, ostensibly a period of testing his loyalty to Israel and YHWH, deuteronomistic law endowed him with the prerogative to join YHWH’s assembly privileged to gather, hear and obey the terms of the covenant, the word of YHWH to his people (Deut 23:2-9; §3.1.7.2; §3.1.7.3). The non-integration of the נכר into YHWH’s assembly explains why he is also characterized as one who was financially independent and had not settled within any Israelite town or resided in Israel’s midst, and even if he did, a historically antagonistic attitude toward Israel indefinitely precluded him from entering the assembly of YHWH’s people and enjoying the benefits of the רב (23:4-9).

I have argued that H’s and D’s רב laws are lexemically and often conceptually independent of one another (§5.1.5; §5.2; §5.3), and yet another comparison is illuminating. H’s criterion for the רב to participate meaningfully in Israel’s religious expression, to celebrate Pesach is physical circumcision (Exod 12:48-49); D’s criterion for the Israelite, and by inference for the YHWH-worshiping רב, is spiritual circumcision.

38 Kenton L. Sparks, Ethnicity and Identity in Ancient Israel: Prolegomena to the Study of Ethnic Sentiments and their Expression in the Hebrew Bible (Winona Lake, Ind.: Eisenbrauns, 1998), 264.
This sub-motif frames the DC with a variation of human and divine agency: “circumcise the foreskin of your heart” (וּמְלַתָם אַתָּה יְרָלָת לְבָבְךָ; 10:16) and “YHWH, your God, will circumcise your heart and the heart of your descendants” (יְהוָ֑ה אֱלֹהֵיכֶֽם וּמְלַתָּם אַתָּה יְרָלָת לְבָבֶֽךָ וְלַבֶּֽךָ זֵרֵֽעָה; 30:6). Circumcising one’s own heart is the logical (volitional weqatal\textsuperscript{39}) response to YHWH’s supremacy and love for Israel which results in Israel’s election (10:14-15), but also, curiously, progresses poetically toward YHWH’s love for the גֵ֥ר and the imperative of imatito dei, to emulate his גֵ֥ר love (10:17-19). In comparison, when YHWH circumcises Israel’s heart, this impels love for YHWH (30:6), and, curiously again, we find on either side of this passage units that incorporate the גֵ֥ר into the covenant community – to enter and obey the terms of the covenant with Yhwh (29:10), and to read and obey tôrâ (31:12). While Deut 23:2-9 could not prevent non-Israelites from religious involvement devoid of religious conviction, of love for YHWH, neither could it preclude non-Israelites, emigrating from nations who treated Israel humanely, from worshiping YHWH out of genuine commitment. Yet, we must at the same time affirm Japhet’s important work, for the גֵ֥ר reflected in D must have felt pressure to conform to the regional law of Israel’s deity, even if the DC reduced that pressure by its accommodating tendencies toward the גֵ֥ר.\textsuperscript{40} A number of גֵ֥ר must have also sought admission into the religious community (\textit{a la} Deut 23:4-9) for the social advantages that accompany assimilation, since the prologue and epilogue portrays the גֵ֥ר as a resident non-Israelite and non-Judahite who was not only a cultic participant (29:10; 31:12), but also legally protected against impartial adjudication (1:16-17; cf. 24:14-15); not noticeably

\textsuperscript{39} Waltke and O’Connor, \textit{IBHS}, 536.

\textsuperscript{40} See 2 Kgs 17:24-28 (n. 35 above); §5.2.1.2; §5.2.2.1; §5.2.2.2.
predisposed to impoverishment (unlike the DC); in a client relationship with a patron
(וֹֹֹרֶּּרֹֹרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּרֶּr
into “your countrymen,” “all Israel,” “the people” (1:16; 31:10-13). Just as the Israelites
needed to circumcise and re-circumcise their hearts (10:16), the גר who had entered
YHWH’s assembly out of religious convictions could devolve into apathetic activity in the
YHWH cult, as a non-Israelite minority might acquiesce to the directives of an Israelite
majority. After all, while those addressed in ch. 29’s covenant ceremony included the גר
(“all of you”; 29:9-10), Israel’s landowners were the ones accountable to administrate the
tôrâ reading ritual, which meant enforcing that Israel’s גר were present (31:12-13).

Zehnder argues that the גר is present at these ceremonies to witness to the validity
of the rights granted to him in the DC, but also “selbst als (im Vergleich zum Vollbürger
beschränkt) eigenverantwortliches Glied der israelitischen Volksgemeinschaft
angesprochen und auf diejenigen Bundesbestimmungen verpflichtet wird, die auch für
ihn gelten.” For the גר in these ceremonies to be partially integrated, Zehnder must
dissolve the discrepancy between the גר in the DC who, in contrast to native Israelites, is
permitted to eat carcasses (14:21), and the גר in the epilogue who affirms the terms of the
covenant: the גר is a member of עִם יִשְׂרָאֵל “people of Israel” (31:12), but not a member
of the עִם קָדָשָׁה “holy people” (14:21), and so was not liable with native Israelites to laws
maintaining holiness (what Zehnder labels קָדָשָׁה). Against Zehnder, such a bifurcation
between “holy people” and “people of Israel” cannot be maintained. In addition, the
synchronic analyses of 29:8-12 and 31:10-13 will not allow us to interpret the גר’s

41 Zehnder, Fremden, 369.
presence at these ceremonies as anything other than covenant integration (§3.1.12; §3.1.13); there is no evidence of partial versus full integration. Therefore, while the גר was an embodied accountability to Israel’s landowners to observe tôrà by protecting and providing for him, the גר himself was also fully accountable to the terms of the covenant. Therefore, the discrepancy between 14:21 and 31:12 is best explained as a development from the social to the social and religious integration of the גר. Deut 23:2-9 provides the legal mechanism for this religious integration. The קהל יהוה is best understood as the assembly of YHWH’s people privileged to hear and observe YHWH’s word (§3.1.7), and so when the non-Israelite is permitted to enter this assembly, Riecker correctly observes, “kommt einer Anerkennung als Israelit gleich.”42 In the vision of Deut 23:4-9 and D’s prologue-epilogue, the covenant-guarding גר was forever marked as an ethnic non-Israelite (by gentilics אדם, מצרי, et al.), but with respect to membership in YHWH’s covenant people, he was undifferentiated from native Israelites.

6.3. Israel’s Election and Deuteronomy’s גר: Incipient Mission to Non-Israelites?

In Deut 29:21-28 the נכר “foreigner,” in parallelism with כל הנכרים “all the nations” (v. 24), is captivated by a conundrum: why would YHWH devastate his covenant people and the land he gave them? This was, after all, never YHWH’s intended outcome for Israel’s election, which was beautifully enunciated in D’s prologue:

Observe them and do them, for this is your wisdom and your understanding in the sight of the peoples, who when they hear all these statutes, will say, ‘Indeed this great nation is a wise and understanding people.’

For what great nation is there that has a god so near to it as YHWH our God is to us, whenever we call upon him? And what great nation is there, that has statutes and rules as righteous as all this law that I set before you today? (Deut 4:6-8)

The nation of Israel, positioned in the Levant at the intersection of three continents, is dwarfed in stature, geographically and politically, by its neighbors. According to this passage, however, Israel’s election, YHWH’s nearness, and Moses’ tôrâ were instruments of inspiring international awe. David Frankel remarks:

It is not by accident that this passage invokes the phrase “great nation.” This phrase appears often in the patriarchal promises (12:1-2; 18:18; 46:3) and could connote not merely populousness but political and territorial expansiveness as well. It is employed in a strikingly different sense in the present passage. Israel’s destiny, according to this passage, is indeed to become a “great nation.” National greatness, however, is not measured by physical size and is not achieved by incorporating other nations into a greater Israel. God loves Israel, which is the smallest of the nations (Deut 7:7). Biblical Israel’s task is to “captivate” the nations surrounding them – not in the political sense, by military force or territorial expansion, but in the spiritual sense, by living in accordance with just laws that evoke awe and admiration. Israel’s task is to achieve greatness and glory both for itself and, implicitly, for God, by establishing a society governed by laws that reflect a universal wisdom that is naturally and spontaneously appreciated by all human beings who hear of it. In contrast to the approach reflected in the Priestly sources, Israel’s law in this conception is not meant to keep Israel isolated from the nations but to serve as a spiritual pull, attracting the nations! The borders, in this conception, no longer serve a double function. They are meant to keep the Israelites in but not to keep the outsiders out.

Israel’s borders were to be porous for non-Israelites to encounter YHWH’s nearness and Israel’s sagacious law. The DC, however, provides limitations on those who were permitted to enter these permeable borders: the foreigner (נָכְרָי) whose nation was

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43 David Frankel, The Land of Canaan and the Destiny of Israel: Theologies of Territory in the Hebrew Bible (Siphrut 4; Winona Lake, Ind.: Eisenbrauns, 2011), 398.
antagonistic toward Israel might pass into Israel’s land but would forever be alienated by the covenant community (see §3.1.7.3), and YHWH urges Israel to annihilate the inhabitants of Canaan because of their abominable practices (i.e., Deut 7:1-26, see v. 2).

The גֵר was also a non-Israelite, but by contrast, was allowed to assimilate into Israeliite society (§6.1), and if he desired, into YHWH worship, too (§6.2). James Okoye believes that “texts where captives, slaves, and strangers (גֵרִים) are integrated into Israel present us not with mission but with the normal process of assimilation. Mission implies a community’s conviction of responsibility toward the rest of humankind.” This is a reasonable implication for the term “mission,” but if we accept it, Okoye’s conclusion is incompatible with the DC’s humanitarian concern for the גֵר. Recall our discussion of the גֵר-Egypt and עבד-Egypt formulae, for example (§4.4). The גֵר-Egypt formula, based on a reciprocity principle, motivates Israel’s kindness and empathy toward the גֵר by acknowledging Egypt’s care for Jacob’s family (as גֵר-גוּר) and living as dependent, allochthonous residents in Egypt. The עבד-Egypt formula with a statement of YHWH’s redemption employs an imitatio dei principle: just as YHWH redeemed Israel from exploitation in Egypt, so Israel must redeem others vulnerable to exploitation in Israel. On an existential level, the גֵר encounters YHWH’s redemption of Israel vicariously through Israel’s redemptive activities (see §5.2.1). The עבד-Egypt formula without mention of YHWH’s redemption of Israel implies an inversion principle: Israel worked ruthlessly in Egypt for survival, but now Israel’s landowners must give away food for

45 Exod 22:20; 23:9; Lev 19:34; Deut 10:19; 23:8.
free to *personae miserae*. Additionally, Deut 14:21 (and 26:1-19) recasts Israel’s election as YHWH’s holy people as a responsibility to imitate YHWH’s own generosity toward the *personae miserae* רַנ (§5.2.2.2).

Generosity, however, is not by necessity interchangeable with love. Thus, does not one of the classic texts on Israel’s election, Deut 7:7-9, suggest that YHWH exclusively loves his chosen people? The answer is ‘no’ because Deut 7:7-9 shares too much of the ideology of Deut 10:14-22 (with רַנ-love in vv. 18-19) to divorce them. In addition to the creedal language, Georg Braulik observes that in 7:9 and 10:17 ‘ēl “God” is articulate, unlike the anarthrous ‘ēl in Deut 4:24, 31 which resembles the Canaanite El (*Studien zur Theologie des Deuteronomiums* [SBAB 2; Stuttgart: Katholisches Bibelwerk, 1988], 280).

1. Panegyric creed of YHWH’s nature (7:9-10; 10:17-18)
2. Out of all the nations, YHWH set his affection (ְשׁוֹחַ) on Israel’s ancestors, loved them (הָבֹר), and elected them (בָּשְׂר) (7:7-8; 10:15)
3. YHWH redeemed Israel from Egypt (7:8; 10:21)
4. Therefore obey YHWH’s decrees (7:11; 10:20)

The profundity of 10:17-19 is its divergence from 7:7-9: YHWH loves Israel, resulting in election and covenant (10:15), and YHWH loves the רַנ, resulting in a command for Israel to love the רַנ. “This is unusual,” Richard D. Nelson observes, “not only because the beneficiaries of this love are non-Israelites, but because elsewhere Deuteronomy commands love for Yahweh, not for other humans.” Moreover, because the רַנ is

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47 Deut 16:12; 24:22.
48 In addition to the creedal language, Georg Braulik observes that in 7:9 and 10:17 ‘ēl “God” is articulate, unlike the anarthrous ‘ēl in Deut 4:24, 31 which resembles the Canaanite El (*Studien zur Theologie des Deuteronomiums* [SBAB 2; Stuttgart: Katholisches Bibelwerk, 1988], 280).
49 For the parallel use of ְשׁוֹחַ in 7:7 and 10:15, see Gottfried Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart: Verlag W. Kohlhammer, 1971), 165 n. 224, 218 n. 392.
50 Braulik (*Theologie*, 277) properly traces 7:8-11’s trajectory: “In der freieren, dreigliedrigen Form, die auch in 7,8-11 vorliegt, wird aus einem Rückblick in die Geschichte (I) eine grundsätzliche, glaubensmäßige Folgerung gezogen (II), die dann in Konsequenzen für das Handeln, konkret die Gesetzesbeobachtung mündet (III).” Such movement from creed to legal obedience recurs, perhaps nowhere more clearly in D, than in 10:17-20.
51 Richard D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox, 2002), 137; we have noted earlier that in D, YHWH commands Israel through Moses to direct its love (הָבֹר) toward only two objects: YHWH (5:10; 6:5; 7:9; et al.) and the רַנ (10:19) (see §3.1.3).
ethnically non-Israelite and non-Judahite (§3.2.3), YHWH’s particular election of Israel can be reasonably viewed as a means of expressing his concern for other nations. This claim resonates with the Joel Kaminsky’s concluding remarks of insightful essay:

If God’s love is like human love in any way whatsoever, then it is unlikely that God has an identical love for all nations and all individuals. While this theological idea may seem arbitrary and unfair, it may also be taken as a sign of God’s close and merciful relationship towards humanity as a whole, and of his profoundly personal character. Thus, even the notion of God’s mysterious love for Israel, far from being simply a blunt assertion of unbridled ethnocentrism, is ultimately an outgrowth of Israel’s conception of how God lovingly interacts with the larger world, including the non-elect."

In sum, the DC purposefully envelops the personae miserae רָבָּם into the care of Israel’s landowners as a tangible and human extension of YHWH’s love (10:17-19), and Deuteronomy 23, along with D’s prologue and epilogue, offers the prospect for the רָבָּם to integrate meaningfully into Israel’s religious congregation. Even so, D’s רָבָּם laws do not call Israel to a centrifugal mission to leave its borders and disseminate Yahwism, nor to a centripetal mission to attract nations to itself and to YHWH, as Deut 4:6-8 might suggest, in a way that ideationally anticipates non-Israelites streaming to Jerusalem (Isa 2:2-4), to join themselves to the house of Jacob (םָּני in Isa 14), worship YHWH on Mt. Zion (נֵבְרֵי in Isa 56:1-7/8), and even serve as priests in the Jerusalem temple (Isaiah 66). Instead, D’s רָבָּם laws mandate, what we might call, centribenefical mission to represent the imago dei, the beneficent nature YHWH, to those disenfranchised non-

54 See Frankel, Land of Canaan, 398-99; John N. Oswalt (“The Nations in Isaiah: Friend or Foe; Servant or Partner” BBR 16 [2006]: 50-51) contends that Isaiah 56-66 is framed by 56:1-7 and 66:18-24 so that readers will regard “the statements about submission of the nations to Zion (not only in chs. 60-62 but also in 45:14-17 and 49:22-26) as partial and not final. God wants the nations to come into his house (56:7) to worship him (66:23)…”
Israelites who already inhabited the geographical center of Israel (10:17-19). This mission, at least as far as religious integration is concerned, was also conditional: Israel is enjoined to bless residential non-Israelites whose nations of origin had conventionally blessed Israel (Deut 23:4-9). Such conditionality codifies the spirit of YHWH’s promise to Abram in Gen 12:3:

ואברכה מברכיך ומקללך אאר ונברכו בך כל משׁפחת האדמה

I will bless those who bless you, and the one who dishonors you I will curse, and in you all the families of the earth will be blessed.

The minuscule, prepositional phrase בך has engendered a number of plausible interpretations, and Deuteronomy’s גר legislation offers us yet another: “among you all the families of the earth shall be blessed.”
Chapter 7

CONCLUSIONS

From the history of research on the בּ in Deuteronomy (D), I identified five gaps or conflicts that I have attempted to close or resolve in this study (see §2.4). We will now review these attempts. First, in ch. 1, I sought to show that the variegated nature of the topic warrants a heretofore unused, multi-dimensional approach, one that examines syntagmatic and contextual features, inner-biblical phenomena, theological and sociological elements. Second, historical reconstructions of the referents and motivations for drafting D’s בּ laws have devoted less attention to synchronic features and have thereby risked superimposing unsatisfying theories on the data. Since diachronic theories, which this study does propose (§4.5, §5.1.5), are only as valuable as their success in explaining synchronic features, I presented a synchronic analysis of each of D’s בּ texts (ch. 3). This laid the foundation for chs. 4-6, and especially for: 1) critiquing arguments to catalogue D’s בּ texts by theme or by separate historical referents; 2) identifying the בּ’s non-Israelite and non-Judahite ethnic origins; and 3) discerning D’s rhetorical potency with respect to the בּ figure. Third, historical reconstructions of D’s בּ legislation, preoccupied with later historical influences, have failed to give adequate consideration to the narratival dimension of D’s laws. This study has, instead, examined in detail D’s בּ-Egypt and יִבְעֶר-Egypt formulae in light of the Genesis and Exodus narratives (ch. 4). Also, data from our analysis of these formulae have exposed two deficiencies in a growing consensus on the Pentateuch’s Überlieferungsgeschichte.
Fourth, in light of the major difficulties that accompany a “reconstructive” dating approach to D’s laws, I explained the benefits of a “relative” dating approach that gives priority to empirical data, namely, the indicators of the direction of literary influence between the Pentateuch’s genetically related laws. I argued that D has revised certain "laws from the Covenant Code (CC), but has diverged both lexically and often conceptually from "laws from the Holiness (H) collection. Our inner-biblical analyses have uncovered D’s theological and sociological tendencies displayed in its "laws.

Fifth, scholarship has not adequately explained D’s "legislation in terms of its vision to integrate the "socially and religiously. Scholarly comparisons with ANE societies have proven to be insightful, but have not carefully represented the data of D’s "texts. In response, I have offered more precise conclusions regarding ANE comparative material and their implications for D’s social integration of the "Also, I explored D’s mechanism for religious integration of the "and considered the implications of Israel’s election for its relationship with the "

From these five endeavors to advance the research, I drew nine primary conclusions:

1. D’s "laws resist subdivision by theme or historical referent.
2. The "reflected in the language of D must be non-Israelite and non-Judahite.
3. The "in the Deuteronomistic Code (DC) is integrated socially into Israelite settlements, whereas the "in the Prologue and Epilogue (P-E) is integrated socially and religiously (liable to obey YHWH’s tūrā and affirm the covenant).
Deut 23:2-9 is the mechanism for the גר to transition from social to social and religious integration.

4. Reading D canonically has a rhetorical affect: the גר who once ate profane carcasses and was outside God’s people (ch. 14) now affirms loyalty to YHWH’s covenant as a member of the Israelite cultic community (chs. 29, 31).

5. D distinguishes the גר-Egypt “immigrant in Egypt” formula which reflects Jacob’s favorable, yet dependent, גן activity in Egypt (Genesis), from theעבד-Egypt “slave in Egypt” formula, which reflects Israel’sעבד oppression era in Egypt (Exodus). These formulae are nuanced in their connotations and reflect unique literary origins.

6. D’s גר laws inner-biblically interpret Exodus’ Decalogue and the CC, but are lexically and often ideationally independent of H’s גר laws. Through analyses of these inner-biblical phenomena, and through comparison with H, two deuteronomic tendencies emerged: 1) the ongoing, communal implications of YHWH’s redemption of Israel from Egypt, which benefited the גר; and 2) an accommodation of tôrâ’s demands to the גר’s socio-economic needs, with an increased liability placed on Israel’s landowners to provide and protect for the גר, orphan, and widow.

7. In comparison with ANE texts, the novelties of D’s personae miserae גר laws are three: first, the addition of the גר to the orphan-widow dyad is a formal innovation that marks Israel’s development of the traces of ANE societal openness to certain allochthonous residents; second, D’s personae miserae
laws are actual examples of social reform laws (contra ANE law codes); third, these laws are motivated by formulaic statements of Israel’s historical experience and relationship with YHWH.

8. D affords the גֵּר the opportunity to adopt Yahwism not only as one subject to the law of the land of Israel’s deity, but out of religious convictions and an uncoerced will.

9. Israel’s election as the holy people of YHWH has direct implications for Israel’s treatment of the גֵּר (chs. 14; 26).

There are three principal areas for further research. First, when the transmission history and sociological influences of a biblical text, book or corpus are elusive, then scholars must forego attempts at reconstruction, provocative as such attempts are, and redirect investigation toward empirical data, such as, signs of the direction of literary influence between two genetically related texts. The methodology that I have formulated in ch. 4 could be developed further and applied both to D’s reuse of other laws, and other instances of inner-biblical reuse or revision of prior גֵּר texts.¹ Second, in instances of inner-biblical reuse when provenance is reconstructable, diachronic proposals are heuristically useful. In such cases, reconstructing Israelite society, giving particular attention to the גֵּר within that society, could be a very fruitful avenue of research. Third,

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¹ Examples of genetically related גֵּר texts may include: Gen 23:4 and 1 Chr 29:15; Gen 23:4 and Ps 39:12; Exod 2:22 and 18:3; Jer 14:8 and Job 31:32. For inner-biblical legal interpretation of גֵּר texts, consider: the reuse of lexemes within H (for H laws, see §5.1.5, §5.2.2.1); other texts that reuse H lexemes (e.g., Josh 8:33; 20:9; Ezek 14:7; 47:22, 23; for Ezekiel’s reuse of H, see Mark A. Awabdy, “YHWH Exegetes Torah: How Ezek 44:7-9 Bars Foreigners from the Sanctuary,” JBL [2012], forthcoming); texts that appear to repeat or reformulate D’s גֵּר, orphan, widow triad (Ps 94:6; 146:9; Zech 7:10; Mal 3:5); texts that might reuse D’s triad and the lexeme יָנַח “to oppress” from Exod 22:21 and Lev 19:33 (Jer 7:6; 22:23; Ezek 22:7, 9); and texts that reflect other deuteronomic language (cp. Deut 29:10; 31:12 to Josh 8:35).
the implications of Israel’s election on its interrelationship with non-Israelite נָחַל, such as those underlying D’s legislation, may be pursued in much greater depth. Joel Kaminsky’s categories of elect, non-elect, and anti-elect could provide a helpful entry into such inquiry (§6.3 n. 52). This third area of research may be particularly apropos to the ongoing struggles between allochthonous Jews, Christians, and Muslims residing in one another’s lands. After all, D’s נָחַל legislation is not _alien_ to any of these three, primary monotheistic religions. God’s _ṭôrâ_ mediated through Moses is respected by Muslims, and fulfilled, in various degrees, by Jews and Christians. In particular for Christians, what does it mean to live holy lives as παροίκους καὶ παρεπιδήμους “immigrants and strangers” (1 Pet 2:11)? Because this probably alludes to נָחַל imagery,² one way of answering this question, which to my knowledge has yet to be pursued, is to enter vicariously into the experiences of the נָחַל as mediated through D and the rest of the Hebrew Scriptures.

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² 1 Pet 2:11 is probably an allusion to Ps 39:12 (G = Ps 38:13), which itself may allude to Gen 23:4; the G translations of both OT texts use the two adjectives from 1 Pet 2:11.
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