

**“YOU SHALL NOT OPPRESS A RESIDENT ALIEN”:
THE CONCEPTION OF IMMIGRANTS IN THE
HEBREW BIBLE**

by

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An increase in global immigration has resulted in humanitarian crises across the world as countries struggle to respond to the growing number of refugees and asylum seekers arriving at their borders. Understanding the specific messages within the Hebrew Bible regarding immigrants is important for developing faith-informed responses to immigrants and refugees. Religion often influences people’s beliefs, actions, and even the policy decisions for which they advocate, and the various forms of Christianity practiced in the United States frequently use the Hebrew Bible and New Testament as their sacred instructive texts. A detailed study of relevant portions of the Hebrew Bible, coupled with analysis of biblical commentaries and scholarly criticism, suggests that the Bible underscores the imperative to care for the most vulnerable members of society, as well as to include immigrants in the community. Arguably, people of faith should take this overarching message into account when considering how to respond to immigrants’ arrival in the United States.

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Note to the Reader: The books of the Bible were originally written in biblical Hebrew, Aramaic, or Greek, depending on the time period in which each book was redacted. Because I do not read biblical Hebrew, all biblical passages quoted in this thesis are from the New Revised Standard Version (NRSV) of the Hebrew Bible. The NRSV is regarded as one of the most accurate and reputable recent English translations of the Bible because it was completed by a committee of biblical scholars.

My thesis advisor, Professor Deborah Green, checked the verses cited herein for accuracy against the original biblical Hebrew text and provided corrections to the translation where necessary. Verses that have been corrected from the original NRSV translation are footnoted. Unless otherwise noted, all other verses are from the NRSV translation.

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Introduction

The New Atheist Sam Harris once scathingly remarked, “Most people imagine that Iron Age philosophy represents the only available vessel for their spiritual hopes and existential concerns” and that people fail to recognize the possibility of living in an intellectually defensible and non-sectarian way.¹ Harris’ disdain for organized religion, however, ignores the reality that religion remains a powerful force in the modern world through influencing people’s beliefs and actions and even the policy decisions for which they advocate. Specifically in the United States, Christianity plays a powerful role in the political sphere. Evangelical voters have historically mobilized to vote against the liberalization of abortion, same-sex marriage, and promoting roles for women outside the home because these initiatives reflect liberal social and cultural values and contradict the more traditional conservative norms that they seek to uphold in society.² Further, a high rate of evangelical Christians view immigration—which is not as stringently opposed by religious groups that tend to identify as liberal—to the United

¹ Sam Harris, “Still Sleepwalking Toward Armageddon,” Podcast, November 15, 2015. <https://samharris.org/podcasts/still-sleepwalking-toward-armageddon/>

² Three political campaigns inaugurated the modern political alliance between the New Christian Right and the Republican Party in the 1970s. These campaigns included a protest against teaching subjects deemed too liberal in schools, mobilization against protections from discrimination for lesbian and gay people, and the campaign against the passage of the Equal Rights Amendment, which would have established legal rights and protections for women if it had received ratification from 38 states (the amendment failed to receive ratification from the requisite number of states). See Kenneth Wald, “The Political Mobilization of Evangelical Protestants”, *Religion and Politics in the United States* (Lanham, Maryland: Rowman and Littlefield Publishers, 2011), 205-208. See also the 2015 Pew Research Center analysis of the Religious Landscape Study on evangelicals’ political positions regarding social issues. This analysis demonstrates that the majority of evangelical Christians who were interviewed tend to oppose abortion, same-sex marriage, and other traditionally liberal social positions. Forty-eight percent of the evangelical Christians interviewed for the study also responded that they viewed a growing population of immigrants to the United States as a “change for the worse”; this is the highest rate out of any religious group interviewed for the study of respondents who viewed immigration as having a negative impact on the country (“Chapter 4: Social and Political Attitudes”, *Religious Landscape Study*, Pew Research Center, November 3, 2015, URL: <https://www.pewforum.org/2015/11/03/chapter-4-social-and-political-attitudes/>). Karla Suomala also comments that President Trump’s support of these policies could have encouraged evangelicals to vote for him. See Karla R. Suomala, “Immigrants and Evangelicals: What Does the Bible Say?” *Cross Currents* 67:3 (September 2017), 591.

States as having a negative impact on the country.³ The 2016 U.S. presidential election strikingly highlighted the correlation between voters' religious affiliations and the political candidates for whom they voted. According to the Pew Research Center, an astounding 81% of evangelicals voted for then-candidate Donald Trump,⁴ presumably due to his support of their political platform and validation of their communal identity.

President Trump has supported the political agenda of the evangelical voting bloc through legislation passed under his administration. He has also expressed disdain for human rights, especially regarding immigrants and refugees, a position that contrasts with the charity and compassion espoused by the Gospels. His zero-tolerance policy for migrants detained at the U.S.-Mexico border resulted in the separation of thousands of families⁵ and migrants being forced to wait indefinitely in dangerous Mexican border cities for their asylum cases to be heard.⁶ The policies of the Trump administration have dehumanized these individuals and are directly responsible for the deaths of migrants: lack of medical care and negligence at detention centers has led to the preventable deaths of sick adults and children;⁷ individuals who have been forced to wait in

³ "Chapter 4: Social and Political Attitudes", Pew Research Center.

⁴ Jessica Martínez and Gregory A. Smith, "How the faithful voted: a preliminary 2016 analysis", Pew Research Center, November 9, 2016, URL: <https://www.pewresearch.org/fact-tank/2016/11/09/how-the-faithful-voted-a-preliminary-2016-analysis/>

⁵ John Burnett, "How the Trump Administration's 'Zero-Tolerance' Policy Changed the Immigration Debate", *National Public Radio*, June 20, 2019, URL: <https://www.npr.org/2019/06/20/734496862/how-the-trump-administrations-zero-tolerance-policy-changed-the-immigration-deba>

⁶ Zolan Kanno-Youngs and Adam Liptak, "Supreme Court Revives 'Remain in Mexico' Policy for Asylum Seekers", *The New York Times*, March 11, 2020, URL: <https://www.nytimes.com/2020/03/11/us/supreme-court-mexico-asylum-seekers.html>

⁷ Sheri Fink and Caitlin Dickerson, "Border Patrol Facilities Put Detainees With Medical Conditions at Risk", *The New York Times*, March 5, 2019, URL: <https://www.nytimes.com/2019/03/05/us/border-patrol-deaths-migrant-children.html>. See also the study on human rights violations and medical negligence of migrants arriving in the U.S.: Kathryn Hampton, "Zero Protection: How U.S. Border Enforcement Harms Migrant Safety and Health", *Physicians for Human Rights*, Jan. 10, 2019, URL: <https://phr.org/our-work/resources/zero-protection-how-u-s-border-enforcement-harms-migrant-safety-and-health/>

Mexican cities across the border have been killed by armed gangs and face the daily threat of robbery and rape.⁸ These tragedies could have been prevented if the Trump administration had taken asylum claims seriously and allowed migrants to stay in the country, with proper medical attention and humane living conditions, until their cases were decided. It is difficult to imagine how such heinous disregard for human life could take place under an administration that was, at least in part, launched into power by one of the most powerful religious blocs within the country—especially when Christianity is associated with the ethical and compassionate treatment of people.

The various forms of Christianity practiced in the United States often use the Hebrew Bible and the New Testament as their sacred instructive texts. Although the New Testament is regarded as more authoritative within the Christian tradition—as a fulfillment of the prophecies and theology outlined in the Hebrew Bible—the Hebrew Bible nevertheless continues to be relevant and act as the root and inspiration for much of the theology found in the New Testament.⁹

Modern Christians use these texts to inform and justify their actions. For example, one of the complexities that evangelical Christians confront with regard to their political positions on immigration is the tension between the humanitarian concern for vulnerable people reflected in the Gospels and upholding the law.¹⁰ Several well-

⁸ Kanno-Youngs and Liptak, “Supreme Court Revives ‘Remain in Mexico’ Policy for Asylum Seekers”, *The New York Times*.

⁹ Throughout the Gospels Jesus repeatedly references the law and the Hebrew prophets and states, “Do not think I have come to abolish the law or the prophets; I have come not to abolish but to fulfill” (Mt. 5:17). This statement was interpreted by Jesus’ followers to mean that he was the messiah. Subsequent generations of Christians would come to understand its significance to mean that Jesus fulfilled the prophecies foretold in the Hebrew Bible and his arrival exemplified the fulfillment of the laws outlined in the Torah—not the letter of the law, but rather its spirit, a revitalization of the commandments to reflect a more humane execution of God’s commandments.

¹⁰ Robert W. Heimburger, *God and the Illegal Alien: United States Immigration Law and a Theology of Politics* (New York: Cambridge University Press, 2018), 3-4.

known passages within the New Testament sanction the rights of civil government and the necessity of Christians' obedience to authority. According to the Gospel of Matthew, Jesus commands, "Give therefore to the emperor the things that are the emperor's, and to God the things that are God's" (Mt. 22:21). Jesus' statement indicates a separation between Christians' duties of obedience to temporal authority and their responsibility to follow God's commandments. The apostle Paul also reminds his followers: "Let every person be subject to the governing authorities, for there is no authority except from God, and those authorities that exist have been instituted by God...if you do what is wrong, you should be afraid, for the authority does not bear the sword in vain!" (Romans 13:1-10).¹¹ Tension arises when government policies conflict directly with religious commandments, and determining when this is the case, especially with regard to immigration, is often up to individual conscience. Conservative evangelical voices have often decided the issue of how to treat immigrants

¹¹ See Romans 13:1-10. It is interesting to note, however, that before this passage Paul exhorts his followers to "extend hospitality to strangers" (Rom. 12:13), a command that is in opposition to governmental discrimination against resident aliens, foreigners, or, in the modern context, immigrants. This suggests that the modern idea of immigration was not an issue in the first century CE. Alternatively, Paul was comfortable with contradicting himself.

in favor of obedience to civil authority rather than recognize and act on the humanitarian aspect of immigration.¹²

While these interpretations of the Scriptures are valid, this thesis argues that greater attention should be paid to the overarching themes of the protection and inclusion of resident aliens within Israelite society. These biblical motifs run throughout both the Hebrew Bible and the New Testament in different iterations.¹³ Further, the influence of the Hebrew Bible on Jesus' teachings is important to acknowledge when interpreting the New Testament. The texts, theologies, and law codes of the Hebrew

¹² Attorney General Jeff Sessions cited Romans 13 to support the execution of immigration law at the U.S.-Mexico border, arguing that governments are imposed by God and people should obey the law or face the consequences. Sessions presumably quoted Romans in this capacity to appeal to more conservative evangelical voters. See Emily McFarlan Miller and Yonat Shimron, "Why is Jeff Sessions quoting Romans 13 and why is the bible verse so often invoked?" *USA Today*, June 16, 2018, URL: <https://www.usatoday.com/story/news/2018/06/16/jeff-sessions-bible-romans-13-trump-immigration-policy/707749002/>. Additionally, Professor James Hoffmeier of the Trinity Evangelical Divinity School is one of the most well-known advocates for the conservative evangelical position on immigration. Hoffmeier argues that the *gerim*, the resident aliens, only received protection and favorable treatment because they were in Israel legally (Suomala 594). Other non-Israelites—the *nokhri*, *nehar*, or *zar*, all of which are Hebrew terms referring to foreigners or strangers—resided within Israel's borders illegally and therefore had no right to protection or compassion (Suomala 594). However, Hoffmeier's argument is difficult to accept at face value because ancient Israelite society was vastly different from the modern United States. Consequently, scholars can only approximately reconstruct its structure and legal norms—how, then, would anyone know whether *gerim* were given "legal" status within Israel when such a concept is the product of modern nationalism? In addition, from biblical narratives and extant scholarship it is clear that Late Bronze and Early Iron Age Israelite society was tribal and not based around a centralized government, as the United States is. This centralization of government only came about after the establishment of the Davidic monarchy, though the Israelite tribes still maintained a significant degree of independence, and even then the borders of Israel did not keep out all non-Israelites (this point will be discussed further in Chapter 2).

¹³ When interpreted in the spirit of the humanitarian aspect of the Hebrew Bible, the passages regarding giving the emperor his due and being subject to temporal authorities take on a new significance. Coins may belong to a human emperor, but life belongs only to God. God states through the prophet Ezekiel, "Know that all lives are mine; the life of the parent as well as the life of the child is mine: it is only the person who sins that shall die" (Ezek. 18:4). The story of Cain and Abel (see Gen. 4), the Noahide covenant (Gen. 9:1-7), and the sixth commandment given to Moses ("You shall not murder", Ex. 20:13) all emphasize the sanctity of human life and condemn killing another human being. It is God that takes life or gives it, and humans do not have the authority to decide who gets to live and who gets to die. People are judged according to the standards set forth by God, and it is on this basis that they will live or die. For many individuals today, immigration is a matter of life or death—people migrate because they are fleeing violence, war, extreme poverty, lack of opportunity to make a decent life for themselves and their families, etc. If God and not the emperor (i.e. temporal authorities) is sovereign, and life belongs to God, then the preservation of life is a religious imperative—not the support of policies that endanger or end life.

Bible formed the basis of Jesus' ministry. Like Jesus, the Jews who authored the New Testament viewed the Hebrew Bible as holy. Given that people today interpret the Bible according to their experiential and temporal context, it is also important to note that the texts that compose the Hebrew Bible and the New Testament were written over nearly a millennium in an ancient Near Eastern context. This means the texts reflect ideologies and worldviews much different than modern sensibilities, ideologies that are nevertheless reinterpreted according to readers' time period and circumstances. Given the continued influence of the Judeo-Christian tradition on modern society, it is of the utmost importance to understand the biblical texts for what they actually say, within their social, historical, and cultural context. With regard to developing faith-informed responses to immigrants and refugees, this understanding is even more important.

Due to the multiplicity of authors and the scope of time over which the Hebrew Bible was written, this compilation of literature reflects a great diversity of views.¹⁴ On

¹⁴ The texts of the Hebrew Bible were written over nearly a millennium. One of the earliest books, Judges, contains stories of tribal life that occurred before the Davidic monarchy (hence, before the tenth century BCE), and some of the oldest material may date to the twelfth century BCE. See Susan Niditch, "Introduction", *Judges: A Commentary*, 1st ed. (Louisville: Westminster John Knox Press, 2008), 8-9. Chapters 7-12 of Daniel, one of the latest books in the Hebrew Bible, have been dated with some certainty to the mid-second century BCE because they contain references to the persecution of the Jews under the Seleucid king Antiochus Epiphanes. See John Collins, "General Introduction", *Daniel: A Commentary on the Book of Daniel* (Minneapolis: Fortress Press, 1993), 29. On the basis of this rough dating, then, the time span over which the Hebrew Bible was written amounts to approximately a millennium. Although these texts were edited over time, they were not made uniform in their message through the editing process. The stories related in the Hebrew Bible were passed down orally, copied down by scribes, edited over time, and eventually made it into the canonized form of the Bible. For a general overview of this process, see Eugene Ulrich, "The Old Testament Text and Its Transmission" in *The New Cambridge History of the Bible: Volume 1: From the Beginnings to 600* (*Cambridge Histories Online*), ed. Joachim Schaper and James Carleton Paget (Cambridge: Cambridge University Press, 2013). The continuing debates among biblical scholars regarding the dating of certain passages and their attribution to the authorized chairs of specific biblical traditions attests to the presence of different views within the same texts, even as those texts may have a unified theme. For example, the Documentary Hypothesis proposes that the Torah is composed of four main narrative strands: J (Yahwist), E (Elohist), P (Priestly), and D (Deuteronomist), all of which are distinguishable based on the unique themes, style, and terminology that correspond to each one. See Joel Baden, "The Documentary Hypothesis," *The Composition of the Pentateuch: Renewing the Documentary Hypothesis* (Yale University Press, 2012), 20-21, 27-29.

the one hand, the fair treatment of strangers, foreigners, and resident aliens—the people whom we might refer to today as “immigrants”—is a recurring ethical teaching throughout much of the Bible.¹⁵ The book of Exodus, for example, exhorts the Israelites: “You shall not oppress a resident alien [*ger*]...for you were aliens in the land of Egypt” (Ex. 23:9), and this command is repeated in Leviticus (Lev. 19:33-34)¹⁶ and Deuteronomy (Deut. 10:17-19, see also Deut. 24:14-22)¹⁷ and echoed by the Prophets.¹⁸ Additionally, the Israelites paradoxically view themselves as both the rightful heirs to Canaan—the land promised to them by God—and also as *gerim*, or resident aliens, themselves, because the land is God’s and they are guests on it.¹⁹ At the same time, the Bible contains passages in which God commands the Israelites to slaughter all of the indigenous inhabitants of Canaan or “foreign” peoples because foreignness is seen as a threat to religious orthopraxy. The incorporation of foreigners into the community could have encouraged Israelites to commit idolatry by worshipping other gods, which would

¹⁵ By “fair treatment”, I mean respect for the dignity and personhood of immigrants and the protection of their basic rights, including their right to make a living, membership in the community, ability to seek and receive legal redress for grievances, legal protection against injustice, and the right to have and provide for their families.

¹⁶ “When an alien resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself, for you were aliens in the land of Egypt: I am the Lord your God” (Lev. 19:33-34).

¹⁷ Deut. 10:17-19 states, “For the Lord your God is God of gods and Lord of lords, the great God, mighty and awesome, who is not partial and takes no bribe, who executes justice for the orphan and the widow, and who loves the strangers, providing them food and clothing. You shall love the stranger, for you were strangers in the land of Egypt”. This passage indicates that Israelites were expected to take care of the resident aliens in their midst, an imperative informed by their experience of enslavement and exploitation as resident aliens in Egypt. Deut. 24:14-24 contains a set of commands that protect the rights of widows, orphans, and resident aliens within Israelite society, which will be discussed in greater detail in Chapter 1.

¹⁸ The Major Prophets are Isaiah, Jeremiah, and Ezekiel; these all condemned the abuse of resident aliens as sinful (see Jer. 7:5-7, 22:3; Ezek. 22:6, 22:29). Throughout Isaiah the prophet condemns the abuse of widows, orphans, and the poor, social groups with whom resident aliens were often associated due to their shared vulnerability (see Isa. 1:16-17, 1:23, 3:14-15).

¹⁹ Rolf Rendtorff, “The *Ger* in the Priestly Laws of the Pentateuch,” in *Ethnicity and the Bible*, ed. Mark G. Brett (Boston: Brill Academic Publishers, Inc., 2002), 79. See also Leviticus 25:23, in which God says to the Israelites: “The land shall not be sold in perpetuity, for the land is mine; with me you are but aliens and tenants.”

have broken the covenant with YHWH. Intermarriage is also condemned in the Ezra-Nehemiah memoirs, resulting in the heartbreaking mass-divorce of “foreign” wives and the abandonment of half-Judahite children.²⁰

Because of its composite nature it would be simplistic and inaccurate to say that the Hebrew Bible provides a clear and unified ethical message regarding the treatment of immigrants. Nevertheless, an overarching theme of inclusion and protection of the resident alien (*ger*) can be traced throughout the different genres (and the time periods from which they date) that compose the Hebrew Bible. In Exodus, Leviticus, and Deuteronomy, laws specify the treatment of, protections for, and expectations of the *ger*; the *ger* appears as an integrated member of the Israelite community within the narratives of the Davidic monarchy and under the rule of subsequent kings; and the way in which the *ger* is treated forms part of the conception of social justice articulated in the prophetic literature. This emphasis on the inclusion and protection of the *ger* is too significant to dismiss, and its presence throughout the biblical texts suggests its importance in Israelite and Jewish theology throughout time.

Additionally, to make sense of these complex texts, it is necessary to understand the context in which they were written. This requires investigating how and under what circumstances the Israelites formed into a distinct political, ethnic, and religious group, what this distinctiveness meant to them, their social and historical reality, and how they

²⁰ Christine Hayes defines intermarriage as “interethnic sexual unions” between Jews and Gentiles, meaning that one partner in such a union is ethnically Jewish (or Israelite, which is the term used for a Jewish person prior to the Babylonian Exile) and the other partner belongs to a different ethnic group. See Christine Hayes, “Intermarriage and Impurity in Ancient Jewish Sources”, *The Harvard Theological Review* 92:1 (1999), 5. Therefore, for the purposes of this thesis, intermarriage is defined as the marriage between an Israelite and a non-Israelite. As will be discussed later in the thesis, the concept of which individuals qualified as “foreign” and which as “Israelites” or “Jews” was debatable and a matter of contention within Israelite, and later Jewish, communities.

saw themselves in relation to other tribal groups and peoples.²¹ It also requires a literary analysis of the biblical text, as the authors used language to construct nuanced depictions of identity and did not necessarily intend for their words to be taken literally.

Background

The *ger* appears in several areas within the Hebrew Bible: in a legal context within the Torah, in the narratives regarding the Davidic monarchy and later kings, and in the prophetic literature. The laws of the Torah specify ethical and practical commandments that the Israelites were expected to follow to maintain their relationship with God and remain on the land he gave them. Several of these pertain to the treatment of immigrants in the community. The books of Joshua through Second Kings chronicle the formation of Israel into a unified nation, from the conquest of Canaan to the establishment of the Davidic monarchy and the secession of the north (Israel) until the downfall of Judah.²² These books contain passages and stories that demonstrate the Israelites' relation to and conception of "foreign" peoples, both inside and outside of their community. Meanwhile, the prophets were voices of conscience who criticized the existing social order of Israelite society and called for social justice, condemned the Israelites' infidelity to God and the Covenant, and told the people what they should do in order to be faithful to the divine law. It is important to note that while these biblical

²¹ In the context of this thesis, "tribal groups" refers to the extended kinship networks that made up ancient Israel, such as Judah, Benjamin, Ephraim, and Manasseh. These groups understood each other to be descended from a common ancestor and were thus linked through blood and loyalty, even as they distinguished between each other. "Peoples" refers to communities and empires designated as non-Israelite and, in a post-exilic context, as non-Jewish.

²² The Former Prophets are composed of Joshua, Judges, 1 and 2 Samuel, and 1 and 2 Kings; some scholars refer to these books collectively, in conjunction with Deuteronomy, as the Deuteronomistic History because their theology is influenced by the theology of Deuteronomy and priestly concerns addressed therein. See "Deuteronomistic History", *The Anchor Bible Dictionary: Volume 2*, ed. David Noel Freedman (New York: Doubleday, 1992), 160.

narratives purport to be true, not all of them are archaeologically substantiated or supported by other sources from these time periods; rather, they were written to further theological and nationalistic agendas. However, the biblical accounts are still valuable because they reflect the Israelite biblical writers' values, customs, and worldviews, and certain sections are based in actual historical events.²³

On the basis of archaeological excavation, the earliest presence of Israelite settlements in the central hill country of Canaan (now modern Israel-Palestine) can be dated to between the thirteenth and the twelfth centuries BCE.²⁴ A monarchy established by King David, which enjoyed a brief period of regional power and autonomy from surrounding kingdoms, developed in the tenth and ninth centuries BCE.²⁵ Contrary to the biblical account, the Israelites were most likely descended from indigenous Canaanites rather than migrants from another region.²⁶ There are conflicting theories regarding the origins of Israel: some scholars propose that the Israelites could have been settler-pioneers who established agrarian settlements, or indigenous Canaanites who allied with migrating bandits, mercenaries, and former slaves to overthrow the ruling class and establish a new social order.²⁷ Given the archaeological evidence of Iron Age settlement in Canaan, the narratives of the Exodus and the

²³ Certain events related in the Hebrew Bible, such as the Assyrian conquest of Israel and the Babylonian conquest of Judah, can be substantiated through extrabiblical sources such as cuneiform inscriptions on stelae, clay tablets, and in other Assyrian and Babylonian records. For a complete overview of the kinds of extrabiblical sources available to scholars, see Paul-Alain Beaulieu, "Introductory Concerns" in *A History of Babylon, 2200 BC-AD 75* (Chichester, West Sussex: John Wiley & Sons Ltd, 2018), 1-23.

²⁴ William G. Dever, *What Did the Biblical Writers Know, and When Did They Know It?* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 2001), 110, 119.

²⁵ John J. Collins, "Deuteronomy and the Invention of the Torah" in *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul* (University of California Press, 2017), 22.

²⁶ Dever 121.

²⁷ Susan Niditch, "The Ban as God's Portion", *War in the Hebrew Bible: A Study in the Ethics of Violence* (New York: Oxford University Press, 1993), 52-53.

conquest of Canaan appear to be myths written to substantiate Israel's national identity rather than narratives based on actual historical events.²⁸

Ancient Israelite religion began as henotheism (when worship is directed principally towards one god but other deities are also acknowledged) due to the worship and recognition of multiple gods; however, the Israelites differentiated themselves from other ethnic groups through their special emphasis on worship of the deity YHWH.²⁹ Deities that the Israelites worshipped in addition to YHWH included Baal, the Canaanite god of storms and fertility,³⁰ and Asherah, a popular fertility goddess who was sometimes referred to as YHWH's consort.³¹ It is important to note that although henotheistic worship was common among the populace, at least during the Iron Age, this practice was condemned by the Israelite priests, who promoted monotheistic worship of YHWH (as reflected in the biblical texts that condemn idolatry). This emphasis on monotheism, though not accepted initially by the entire Israelite populace, was unique for Iron Age Canaanite society where polytheism was the standard. Over time, emphasis on the sole worship of YHWH became more widely accepted within the Israelite and Judahite community, and eventually monotheistic worship of YHWH

²⁸ Dever 121.

²⁹ YHWH ("Yahweh") is the personal name of God, so noted because there are no vowels in biblical Hebrew. This annotation is also known as the Tetragrammaton, the grouping of the four Hebrew letters yod, he, waw, he. Many Jews considered (and still do) this name to be too sacred to be pronounced, so they refer to God as "Adonai" ("my Lord") or "HaShem" ("the Name"). See "Yahweh" in *The Anchor Bible Dictionary: Volume 4*, ed. David Noel Freedman (New York: Doubleday, 1992), 1011.

³⁰ See "Baal" in *The Anchor Bible Dictionary: Volume 1*, ed. David Noel Freedman (New York: Doubleday, 1992), 545-547.

³¹ See "Asherah" in *The Anchor Bible Dictionary: Volume 1*, ed. David Noel Freedman (New York: Doubleday, 1992), 484.

became normalized.³² Ultimately, the Israelites differentiated themselves from other ethnic groups through their devotion to the specific god YHWH, and this unique monotheism also contributed to the formation of their identity as a group.³³

Due to the Israelite community's covenant with YHWH, the biblical texts contain commandments meant to preserve the identity and security of the community. These included exhortations to avoid associating with foreign peoples and the prohibition on intermarriage (see Deut. 7:3-4). In some instances the biblical text commands the slaughter of the peoples of the lands in order to ensure ethno-religious separation and avoid breaking the covenant with God.³⁴ However, Israel's relationship with God is characterized by contention, since the Israelites fail time and again to remain completely faithful to God because they intermarry with other ethnic groups and worship other deities. An important and recurring theme within the biblical stories is the cyclical nature of the Israelites' relationship with YHWH: when they fail to follow the Covenant they often incur God's wrath, resulting in calamity and subjugation at the hand of other peoples; realizing by their misfortune that they have sinned, the Israelites plead for mercy; God takes pity on them, delivers them from their oppression, and they reform their ways for a time. Then the cycle repeats.³⁵ This biblical motif is significant

³² While the earlier biblical texts recognize the existence of other gods, YHWH is considered to be the supreme or most powerful god. In exilic and postexilic writings Jewish theology changes to reflect the idea that YHWH is the one true god, and all the others are mere constructions of stone and wood: "Truly, O Lord, the kings of Assyria have laid waste all the nations and their lands, and have hurled their gods into the fire, though they were no gods, but the work of human hands—wood and stone—and so they were destroyed. So now, O Lord our God, save us from his hand, so that all the kingdoms of the earth may know that you alone are the Lord" (Isaiah 37:18-20).

³³ John Collins comments that the observance of YHWHism, as outlined in Deuteronomy, is tied to the formation of Israelite ethnic identity. See Collins, "Deuteronomy and the Invention of the Torah", *The Invention of Judaism*, 39.

³⁴ Deuteronomy 7:1-5; see also the Book of Joshua, which chronicles the Israelites' conquest of Canaan and YHWH's command to slaughter all of the native inhabitants of the land.

³⁵ See the Book of Judges and the story of the Israelites' wandering in the wilderness for 40 years in the Exodus narrative for examples of this biblical motif.

because it created a framework for understanding events that happened in the Israelites' national history, such as war, famine, and disaster. The cycle of maintaining, breaking, and renewing the Covenant reminded the Israelites that they were responsible for their own actions and that they had a choice whether to follow the Covenant. God held them to a high standard of conduct, and it was their choice whether they lived up to his laws.

Interestingly, when intermarriage and interactions with foreigners are condemned by certain biblical writers, it is almost always because the risk of such exposure can lead the Israelites to the worship of deities other than YHWH. However, the position of the entire Israelite community on intermarriage is far from unified. Not all biblical texts condemn intermarriage: For example, Moses marries Zipporah, a Midianite woman who bears him a son. Moses names their son Gershom, which means "I have been a stranger there" (Ex. 2:22).³⁶ The Moabite Ruth marries an Israelite and continues the line of David (Ruth 4:13-17). And various Judahite and Israelite kings, most notably King Solomon, marry non-Israelite wives (1 Kings 11:1-2), a maneuver that, while problematic for the priestly tradition that authors the account of his reign, was an already well-established diplomatic tactic that maintained political alliances and kept the peace during his kingship.³⁷ The biblical position on intermarriage is not monolithic: laws in the Torah such as the prohibition on intermarriage in Deuteronomy 7:3-4 are contradicted by biblical narratives such as the examples above that present intermarriage as a non-issue.

³⁶ The name Gershom is derived from the Hebrew *ger*, meaning "stranger" or "alien", and *sham*, meaning "there". The name translates roughly to "I have been a stranger there." Thanks to Professor Deborah Green for providing the Hebrew translation.

³⁷ Professor Deborah Green, personal communication, University of Oregon, April 20, 2020.

The Covenant makes a clear distinction between foreigners (*nokhri*) and resident aliens (*gerim*). *Nokhri* are treated with caution and subject to different laws than Israelites; they are not permitted to assume kingship over the community (Deut. 17:15); they may be charged interest on loans (Deut. 23:19-20); Israelites may not be sold to them as slaves (Ex. 21:17); and their gods are regarded as inferior.³⁸ The caution and distrust with which foreigners are treated may be due to the fact that they maintain their own customs and loyalty to a different people or country, which could be perceived as threatening to Israel. By contrast, the Covenant contains several protective provisions for the *gerim*, the resident aliens.³⁹ For example, the *gerim* are often mentioned in conjunction with the poor, widows, and orphans, which suggests that they were perceived as marginalized and thus subject to the same charity and protective laws as these other vulnerable groups.⁴⁰ Further, the Deuteronomist specifies that “the aliens within your camp” are subject to the same covenant as the Israelites (Deut. 29:11), and the *gerim* are bound by the same prohibitive commandments as the Israelites so as not to defile the land.⁴¹ Arguably, the main difference between the *gerim* and the *nokhri* is that the *gerim* had no loyalties outside of Israel and had integrated into Israelite society, whereas the *nokhri* maintained their loyalties to their people and place of origin.

³⁸ Deuteronomy specifies that idolatry to gods other than YHWH is punishable by stoning to death (Deut. 17:2-7); further, idolatry will incur God’s wrath and cause YHWH to blight the land and drive all of Israel from it, which other nations shall observe. In doing so, foreigners will recognize the supremacy of God (Deut. 29, *ibid passim*).

³⁹ The Hebrew *ger* (a singular noun) usually refers to a “resident alien”; *gerim* is the plural noun form derived from the root *garah*, “to reside” or “to sojourn”. Thanks to Professor Deborah Green for providing the Hebrew translation.

⁴⁰ Rolf Rendtorff, “The *Ger* in the Priestly Laws of the Pentateuch,” in *Ethnicity and the Bible*, edited by Mark G. Brett (Boston: Brill Academic Publishers, Inc., 2002), 85; see also José E. Ramírez Kidd, *Alterity and Identity in Israel: The Ger in the Old Testament* (New York: Walter de Gruyter, 1999), 35-36.

⁴¹ José E. Ramírez Kidd, *Alterity and Identity in Israel*, 68.

Perhaps one of the most blatant examples of nativism found in the Hebrew Bible is in the book of Ezra. Understanding the historical context in which this narrative was written illuminates the influences on Ezra's stance on foreignness. The Jews were conquered in 586 BCE by the ruthless Babylonian king Nebuchadnezzar, whose forces destroyed their Temple and deported their leaders and intellectuals out of Judah (the Jewish kingdom) to Babylon.⁴² However, when the Persian emperor Cyrus the Great conquered Babylon in 539 BCE, he allowed the Judahites to return home and rebuild the Temple (Ezra 1:1-3).⁴³ Of course, Judah had not been completely depopulated because the lower-ranked Judahites were overlooked by the Babylonians and remained there. Further, given their long exile in Babylon, many of the Judahites who had gone to Babylon had married non-Judahite wives and started families there (Ezra 9:1-2, 10:2). Ezra saw intermarriage as breaking God's Covenant and commanded the people to divorce their wives and disown their children to retain their ethnic distinctiveness, which he viewed as a religious imperative (Ezra 10:10-11). However, Ezra is by no means the only voice on the subject of intermarriage. A passage in Malachi, likely included as a direct response to Ezra, condemns divorce and indicates that it is a worse violation of God's will than intermarriage (Mal. 2:10-16). Further, the Book of Ruth supports intermarriage because its protagonist, a Moabite woman, marries an Israelite man and becomes the great-grandmother of David, the first king of Israel (Ruth 4:13-

⁴² E.J. Bickerman, "Nebuchadnezzar and Jerusalem", *Proceedings of the American Academy for Jewish Research*, vol. 46/47, Jubilee volume (1928-29 / 1978-79) [Part 1] (American Academy for Jewish Research, 1979-1980), 81.

⁴³ The Persian king Cyrus' campaign against Babylon began in 538 BCE and led to the Jews being permitted to return to Judah in 539 BCE. See Peter Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah", *Vetus Testamentum* vol. 52, no. 2 (2002), 147-148; see also Amélie Kuhrt, "Ancient Near Eastern History: The Case of Cyrus the Great", *Understanding the History of Ancient Israel*, ed. H.G.M. Williamson (New York: Oxford University Press, 2007), 109.

17). And as discussed previously, Moses marries a Midianite and has a family with her, which the text regards as a non-issue.

Arguably, the discriminatory marriage laws of Ezra-Nehemiah are extreme and not representative of biblical thought on ethnicity as a whole.⁴⁴ Rolf Rendtorff has pointed out that the Covenant indicates that integration of the *ger* into the Israelite community is possible,⁴⁵ which contradicts Ezra's complete hostility to non-Israelites. The Book of Ezra was written in a postexilic context much later than most of the Hebrew Bible (ca. 458 to 398 BCE, according to some scholars)⁴⁶ and is reflective of specific historical circumstances that encouraged nativism instead of the integration of foreigners into the Israelite community.

The Scope and Structure of this Thesis

This thesis is divided into four chapters that concern the conception of resident aliens in the Hebrew Bible.⁴⁷ The first chapter addresses the laws in the Torah that establish special protections for the *ger* against exploitation and abuse. This chapter considers how the Israelites in the Hebrew Bible, and by extent the biblical authors, perceived foreigners and resident aliens and the laws regarding their treatment. It addresses the distinction made between “foreigner” (*nokhri*) and “resident alien” (*ger*).

⁴⁴ Mark G. Brett, “Interpreting Ethnicity: Method, Hermeneutics, Ethics” in *Ethnicity and the Bible*, ed. Mark G. Brett (Boston: Brill Academic Publishers, 2002), 11.

⁴⁵ Rendtorff 86-87

⁴⁶ John J. Collins, “Torah in the Persian Period”, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul* (University of California Press, 2017), 53.

⁴⁷ Contemporary immigration activists do not consider the term “resident alien” to be politically correct because it can be considered dehumanizing, although “resident alien” is still used as a legal term in U.S. law. In the biblical context, the terms “resident alien” (*ger*, singular noun; *gerim*, plural noun) and foreigner (*nokhri*) are used instead of the modern term “immigrant”. Because “resident alien” is the most widely accepted and accurate translation of the Hebrew *ger*, and since the NRSV translates *ger* as “resident alien”, within this thesis the term “resident alien” will be used. However, I also recognize that this is not an appropriate term to use when describing contemporary immigrants or in modern discussions of immigration.

It also explores why they are treated differently, and how they are integrated into, or excluded from, Israelite society.

The second chapter analyzes the inclusion and integration of *gerim* into Israelite society during the Davidic monarchy. In particular, this chapter addresses whether the nation-building of Israel under King David and his descendants necessitated an “other”—that is, an opposite people or peoples that Israel defined itself against—or if David created a political state using an alternative method to construct group identity. This chapter also explores how the construction of Israel as a nation-state relates to the treatment of non-Israelites within Israelite society.

The third chapter considers nativism and xenophobia in the book of Ezra-Nehemiah. This chapter addresses the troubling aspects of Ezra-Nehemiah’s stance on non-Jews and explores how the ideas of intermarriage and the foreigner change over time according to historical circumstances. The chapter also addresses whether Ezra’s prohibition of intermarriage is ethnically discriminatory or if this prohibition is motivated by religious, political, social, or other reasons.

The fourth chapter addresses exilic and postexilic prophetic thought on resident aliens and foreigners and the theology of divine universalism. It argues how the prophets rearticulate the imperatives within the Torah to take care of the most vulnerable members of society, including resident aliens, in their postexilic theology. This chapter also considers how Israel’s national identity and relationship to other peoples changed after the exile and how the prophets developed a more inclusive postexilic conception of membership in the community of Israel.

Over the course of these four chapters, this thesis will demonstrate that despite the diversity of views preserved within the Hebrew Bible, the theme of welcoming, including, and protecting the *ger* (resident alien) is significant within Israelite society and religion. The conclusion comments on the modern significance of the conceptions of resident aliens within the Hebrew Bible and how the biblical messages regarding immigrants may be harnessed in service of acceptance of immigrants in the United States.

Chapter 1: The *Ger* [Resident Alien] in the Torah

Introduction

The resident alien appears in several different areas within the legal matrix of the Torah. The *gerim* within Israelite communities were subject to the prohibitive commandments within the law but not the performative ones, indicating the degree to which they were integrated into Israelite society. The biblical traditions within the Torah frequently associate resident aliens with widows and orphans, two groups that were especially vulnerable in ancient Near Eastern societies, suggesting that the *gerim* were conceived of as equally vulnerable and merited the same kinds of charity and social protection. The text depicts God as a champion who will defend the poor and weak from people who exploit or abuse them. Further, the commandments that concern social justice often appeal to Israel's empathy and sense of solidarity by referring to the Israelites' ancestral experience of enslavement in Egypt as a motivation to protect the *ger*. Ultimately, these themes within the text indicate that the contributors and editors of the Torah believed that God was the defender of the most vulnerable members of society—widows, orphans, and resident aliens—and, in recognition of their vulnerability, resident aliens deserved to be protected from abuse and were eligible to receive charity.

Performative versus Prohibitive Commandments

The Levitical and Deuteronomic laws suggest that the *ger* is both a member of Israelite society and simultaneously not fully Israelite.⁴⁸ Biblical scholars disagree about the exact characterization of the *ger* within Israelite society—as will be explained below, there is debate over whether the *ger* could be a native displaced Israelite rather than a foreign-born individual—but either way, most agree that the *ger* was a displaced, kinless individual whose vulnerability qualified him or her for social protection. Nahum Sarna defines the *ger* as “a foreign-born permanent resident whose status was intermediate between the native-born citizen (*‘ezrah*) and the foreigner temporarily residing outside his community (*nokhri*)”.⁴⁹ Mark Awabdy also maintains that the *ger* was not a countryman or an Israelite, but could only be a person of foreign origin.⁵⁰ Mark Glanville agrees that the *ger* is a vulnerable and displaced person⁵¹ but argues that the text does not make it clear whether that person is a foreigner or a Judahite because the status of an individual as a *ger* does not necessarily depend on their ethnic origin, but rather is predicated on lacking a kinship group in the area in which the person

⁴⁸ Rendtorff, “The *Ger* in the Priestly Laws of the Pentateuch”, 81. Ramírez Kidd also comments that the *ger* occupies an intermediate position between native Israelites and the surrounding peoples of the land. See Ramírez Kidd, *Alterity and Identity in Israel*, 62.

⁴⁹ Nahum Sarna, *JPS Torah Commentary. 2: Exodus*, 1st ed. (Philadelphia: Jewish Publication Society, 1991), 137.

⁵⁰ Mark Awabdy, “Social and Religious Integration”, in *Immigrants and Innovative Law: Deuteronomy’s Theological and Social Vision for the Ger* (Tubingen: Mohr Siebeck, 2014), 227.

⁵¹ Mark R. Glanville, “The *Ger* in Social Law”, *Adopting the Stranger as Kindred in Deuteronomy* (Atlanta: SBL Press, 2018), 45.

lives.⁵² Ultimately, most scholars agree that the *ger* was a displaced and kinless person whose vulnerability merited special protection. For the purposes of this thesis, this is the definition of the *ger* that I will use.

To what extent the *gerim* were integrated into Israelite society can be studied not only through the text's compassionate stance towards resident aliens, but also through the way in which *gerim* were subject to the prohibitive, but not the performative, commandments found in the Torah.⁵³ Prohibitive commandments concern actions that are forbidden and will cause divine judgment and wrath, whereas performative commandments are actions that are encouraged to honor YHWH. For resident aliens, failure to execute the latter is not as egregious as doing something that is forbidden because *gerim* are not necessarily YHWH-worshippers and are thus not subject to the covenant in the same way that native Israelites are.⁵⁴ Observance of the prohibitive commandments prevented the pollution of the land and the sanctuary and thus preserved the safety of the entire community, whereas performative commandments concerned the worship of YHWH. Resident aliens were not obligated to do the latter because sins of

⁵² Glanville, "The *Ger* in Social Law", 58. His argument has precedent within the biblical text: Leviticus 25:35-36 compares poor Israelites to *gerim* and specifies that both should be taken in and protected from exploitation: "If any of your kin fall into difficulty and become dependent on you, you shall support them; they shall live with you as though resident aliens. Do not take interest in advance or otherwise make a profit from them, but fear your God: let them live with you." This conception of the *ger* as a displaced Israelite could have applied to Israelite refugees fleeing the Northern kingdom after the Assyrian conquest, which will be discussed further in Chapter 2. José E. Ramírez Kidd also makes this point in his chapter on "The Use of the Term *Ger* as Legal Status" in *Alterity and Identity in Israel: The Ger in the Old Testament* (New York: Walter de Gruyter, 1999), 46. These people had an ambiguous status because the Southern kingdom of Judah had on past occasions waged war on them, indicating a divide between Judahites and Israelites, yet also recognized them as kin when refugees fled the Assyrian assault.

⁵³ For an additional explanation of the significance and role of the prohibitive commandments, see Ramírez Kidd, *Alterity and Identity in Israel*, 62-63.

⁵⁴ Jacob Milgrom, *Leviticus 17-22: A New Translation with Introduction and Commentary*, 1st ed. (New York: Doubleday, 2000), 1497.

omission would not cause the land or the sanctuary to become impure.⁵⁵ The way in which the *gerim* are treated within the Levitical and Deuteronomic laws demonstrates the simultaneous inclusion and distinction made between them and native Israelites.

A case study of such inclusion and distinction can be found in Deuteronomy 14:21, which specifies to Israelites: “You shall not eat anything that dies of itself; you may give it to aliens residing in your towns for them to eat, or you may sell it to a foreigner. For you are a people holy to the Lord your God”. This passage not only pertains to dietary laws, but acknowledges the reality of social class,⁵⁶ poverty,⁵⁷ and the way in which different demographics were perceived and treated within Israelite society. As indicated by the final phrase, the Israelites are clearly God’s chosen people and thus have a special status compared with other social groups. However, this does not exempt them from caring for people who are less favored, namely the resident aliens among them. The *gerim* are not required to observe all of the Israelites’ laws because they are not necessarily practitioners of YHWHism, which is why they may eat

⁵⁵ Ibid.

⁵⁶ In this context, I define “social class” as the relative power and status (e.g. rank within a hierarchy) of a group of people within a broader community. Social class can be influenced by the group’s wealth, access to and control of resources, the community’s positive, negative, or neutral perception of the group, the group’s influence in the government and implementation of policies in the community, and how the group is treated by the majority of the broader community. For an overview of the different definitions of social class and the theories of how social class developed over time, see Allen Kieran, “Social Class” in *Marx: The Alternative to Capitalism*, 2nd ed. (Pluto Press, 2017), 56-57.

⁵⁷ In this context, I define poverty as a lack of sufficient means to support oneself and one’s family.

an animal that died on its own.⁵⁸ At the same time, they are recognized as members of the community because giving the dead animal to the *ger*—a person who may have been landless and/or impoverished—both fulfills the Israelites’ covenantal duties and is an action of mercy on the part of the Israelite who does so, as the *ger* may have been unable to afford basic necessities such as food without the support of the community.⁵⁹ The exception in Israelite dietary law made for the *gerim* reflects the strong ethic for social justice within Israelite society and also a recognition that, as individuals who may not be YHWH-worshippers, resident aliens are not obligated to observe all of the commandments that the Israelites are expected to follow. Foreigners, however, clearly

⁵⁸ van Houten specifies that the *ger* may eat an animal that has died on its own because he is not subject to the laws of the Covenant prohibiting the consumption of meat that has not been properly drained of blood. See Deut. 12:15-16: “Yet whenever you desire you may slaughter and eat meat within any of your towns, according to the blessing that the Lord your God has given you; the unclean and the clean may eat of it, as they would of gazelle or deer. The blood, however, you must not eat; you shall pour it out on the ground like water.” Christiana van Houten, “The Deuteronomic Laws”, *The Alien in Israelite Law*, (Sheffield: JSOT Press, 1991), 81. This prohibition harkens back to the Noahide covenant, which similarly forbids the consumption of blood (Gen. 9:3-4), and is echoed in Leviticus 17:10-13. Jacob Milgrom explains that blood was thought to contain the life of an animal. Although it was permissible to consume meat, blood contained life, which belonged to God. Consequently, blood should be properly drained from the slaughtered animal so that it could be returned to God, its divine creator. See Jacob Milgrom, *Leviticus 17-22: A New Translation with Introduction and Commentary* (New York: Doubleday, 2000), 1503.

⁵⁹ It is simplistic to suggest that the *gerim* as an entire class were impoverished, because the biblical text contains some examples of resident aliens who are well-off. However, the Torah also indicates that the majority of *gerim* were of a low economic class. Within Leviticus and Deuteronomy, the *ger* is frequently mentioned in conjunction with widows and orphans, two classes that were at a social and economic disadvantage because they lacked male relatives to protect and provide for them (see Deut. 14:28-29, Deut. 24:17-22, Lev. 19:9-10). Ramírez Kidd and van Houten also comment on the association between widows, orphans, and *gerim*. See Ramírez Kidd, *Alterity and Identity in Israel*, 35-36, and van Houten, *The Alien in Israelite Law*, 78. This association suggests that the *gerim* tended to be less affluent than their Israelite neighbors. That being said, the distinction between the *gerim* and native Israelites may have manifested, in some cases, as class-based discrimination regardless of wealth. For example, Lev. 25:47-53 specifies: “If resident aliens among you prosper, and if any of your kin fall into difficulty with one of them and sell themselves to an alien, or to a branch of the alien’s family, after they have sold themselves they shall have the right of redemption...As a laborer hired by the year they shall be under the alien’s authority, who shall not, however, rule with harshness over them in your sight”. This passage suggests that resident aliens could become wealthy in Israelite society and even take on Israelite debt-slaves. However, the Levitical editor emphasizes that while it is within the rights of the wealthy *ger* to possess Israelite slaves, his free Israelite neighbors are entitled to watch him to ensure that he does not abuse the Israelite debt-slaves under his charge. The same provision does not exist to ensure that non-Israelite slaves will likewise be protected. This disparity suggests a class-based division between the native Israelites and the *gerim*.

have a different status: they are not members of the community and the text implies that as a class they are likely affluent enough to purchase meat from the Israelites.⁶⁰ This can be surmised from the distinction made between foreigners and resident aliens within the passage, as resident aliens are entitled to receive the dead animal free of charge, while foreigners will have to pay for it. While both resident aliens and foreigners are not ethnically Israelite, resident aliens establish themselves as members of the Israelite community and integrate into it to a significant extent, whereas foreigners have no desire to do so and typically relate to the Israelite community as visitors passing through due to trade or conflict.

The laws governing Israelite religious life indicate the Israelite community's inclusion of the *ger*. A *ger* who desired to participate in the Passover had to undergo circumcision (the sign of the covenant between YHWH and his people), but after he completed the process, the *ger* was considered completely eligible to worship the deity

⁶⁰ van Houten, *The Alien in Israelite Law*, 81.

and was furthermore regarded as a member of the Israelite community (Ex. 12:48-49).⁶¹ The full passage reads: “If an alien who resides with you wants to celebrate the passover to the Lord, all his males shall be circumcised; then he may draw near to celebrate it; he shall be regarded as a native of the land. But no uncircumcised person shall eat of it; there shall be one law for the native and for the alien who resides among you” (Ex. 12:48-49). Presumably, the “one law” that applies to both native Israelites and resident aliens maintains the distinction between those who can celebrate the Passover and those who cannot by virtue of circumcision, but the one law also means that the *ger* who chooses to become circumcised may worship YHWH and join the Israelite community as a full member. Further, religious festivals such as Shavuot⁶² (Deut. 16:11, Deut. 26:11) and Succoth⁶³ (Deut. 16:14) are all-inclusive celebrations that were celebrated by native Israelites and resident aliens alike. The Torah also commands the Israelites to support kin who have fallen on hard times *just as if they*

⁶¹ Female resident aliens are not mentioned in conjunction with the Passover celebration. It is difficult to know what the process for joining the Israelite community and worship of YHWH would have involved for women because the Torah does not explicitly address the issue. It is possible that female *gerim* may not have faced the same obstacles to joining the Israelite religious community as their male counterparts because inheritance and membership within the Israelite community was determined patrilineally until the Roman period. See Shaye J.D. Cohen, “The Matrilineal Principle”, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley: University of California Press, 1999), 263. Because of this, there are numerous examples within the Bible of ethnic non-Israelite women marrying into the community. These suggest that women who married into Israelite families were accepted as full members of the community because of their husbands. Numbers 31:17-18 commands the Israelite troops who have attacked the Midianites to “kill every male among the little ones, and kill every woman who has known a man by sleeping with him. But all the young girls who have not known a man by sleeping with him, keep alive for yourselves”. While horrible when evaluated through a modern ethical perspective, this passage suggests that virgin women were “blank slates” because prior to marriage or concubinage they lacked a relationship to a husband. After marriage they belonged to their husband and his family or tribe (Before marriage, girls were under the protection and ownership of their father or closest male relative. However, in the case of the Midianite virgins, this was a moot point because all the Midianite men had been killed). Yet virginity was not necessarily a prerequisite for joining a community. According to the Book of Ruth, the widow Ruth, a Moabite, marries the Israelite Boaz (her first husband had been an Israelite, too), is accepted into the Israelite community of Bethlehem, and has a son who becomes the ancestor of King David.

⁶² Shavuot refers to the Festival of Weeks, also known as Pentecost or the Festival of First Fruits.

⁶³ Succoth refers to the Festival of Booths or Tabernacles.

were resident aliens living within the Israelite community (Lev. 25:35), which indicates that both resident aliens and impoverished Israelites were considered to be of a similar social status and consequently merited the same special protection.

The prohibitive commandments that *gerim* were expected to observe indicates how they were integrated into the community as non-Israelites. For example, Leviticus specifies that “Aliens as well as citizens, when they blaspheme the name [of God], shall be put to death” (Lev. 24:16). This means that *gerim*, even if they were not YHWH-worshippers, were expected to maintain a basic level of respect towards the deity and, by extent, towards the Israelite community that YHWH patronized. This commandment also served to ensure that the wrath of God would not befall the Israelite community, because the *ger*, as a resident alien, was considered a community member and any of his or her actions could have repercussions on the Israelites as a group.⁶⁴ Along the same lines, during the Passover the presence of leaven was forbidden in both Israelite and resident alien households, regardless of whether the resident aliens are YHWH-believers (Ex. 12:19). This universal prohibition is because observance of the prohibitive commandments is necessary to ensure the welfare of the entire Israelite community. Any person who failed to follow these commandments would bring wrath not only on himself and his household, but on his neighbors as well.⁶⁵ Furthermore, God warns the Israelites to observe the covenant or face his wrath and includes resident aliens in this warning:

⁶⁴ Blasphemy of God threatened the whole community, so the law against it specifies that native Israelites and resident aliens will be judged according to the same standards (Ramírez Kidd, *Alterity and Identity in Israel*, 55).

⁶⁵ The *ger* was expected to observe the laws that preserve the holiness of the community, (such as performing correct sacrifices, not blaspheming the name of God, not committing child sacrifice, etc.) because these prohibitions have to do with preserving the security of the community as a whole (Ramírez Kidd, *Alterity and Identity in Israel*, 57-58).

“You stand assembled today, all of you, before the Lord your God—the leaders of your tribes, your elders, and your officials, all the men of Israel, your children, your women, *and the aliens who are in your camp*, both those who cut your wood and draw your water—to enter into the covenant of the Lord your God... You know how we lived in the land of Egypt, and how we came through the midst of the nations through which you passed. You have seen their detestable things, the filthy idols of wood and stone, of silver and gold, that were among them. It may be that there is among you a man or woman, or a family or tribe, whose heart is already turning away from the Lord our God to serve those nations... All those who hear the words of this oath and bless themselves, thinking in their hearts, ‘We are safe even though we go our stubborn ways’ (thus bringing disaster on moist and dry alike)—the Lord will be unwilling to pardon them, for the Lord’s anger and passion will smoke against them. All the curses written in this book will descend on them, and the Lord will blot out their names from under heaven” (Deut. 29:10-20, emphasis added).

This passage emphasizes that all members of the community of Israel, ethnic Israelites and resident aliens alike, were subject to the prohibition against idolatry. Any person who worshipped a deity other than YHWH would bring God’s wrath down not only on themselves, but on the entire community. Consequently, it was necessary to ensure that *gerim* observed the prohibitive commandments of the Covenant.

Other prohibitive commandments that the *ger* was required to follow include the prohibition on eating blood, regarded as the life source of humans and animals (Lev.17:12)⁶⁶; the prohibition on offering sacrifices to YHWH at any place other than

⁶⁶ The full prohibitive commandment states: “If anyone of the house of Israel or of the aliens who reside among them eats any blood, I will set my face against that person who eats blood, and will cut that person off from the people. For the life of the flesh is in the blood; and I have given it to you for making atonement for your lives on the altar; for, as life, it is the blood that makes atonement. Therefore I have said to the people of Israel: No person among you shall eat blood, nor shall any alien who resides among you eat blood” (Lev. 10-13). Blood was considered to be the source of life and was used in sacrifices to atone for individuals’ sins and ransom the lives of the Israelites; in this sense it was an intrinsic part of the offerings to God and belonged to YHWH. See Baruch Levine, *Leviticus = Va-Yikra: The Traditional Hebrew Text with the New JPS Translation*, 1st ed. (Philadelphia: Jewish Publication Society, 1989), 115).

the “tent of meeting”, the centralized place of worship (Lev. 17:8)⁶⁷; and the prohibition on offering child sacrifices to Molech (Lev. 20:2).⁶⁸ Arguably, the required observation of the prohibitive commandments on the part of resident aliens does not have to do with religious compulsion, but rather with preserving the welfare of the community as a whole.⁶⁹ This suggests the degree to which the *gerim* were integrated into the community and the simultaneous acknowledgement of their distinctiveness.

The Exodus Motif and God as Champion of the Poor

God reminds the Israelites that “The land shall not be sold in perpetuity; for the land is mine, with me you are but resident aliens and tenants” (Lev. 25:23). In this passage, God characterizes the Israelites as resident aliens because they are guests on his land and reside there because he allows them to. The structure of the agreement between God and Israel mirrors that of Assyrian vassal-suzerain treaties,⁷⁰ which delineate the relationship between a subservient people and an outside dominant empire. These treaties clearly specify the expectations for both parties, and the dynamic tends to be that of loyalty pledged and tribute provided by the vassal people to their suzerain and, in return, protection on the part of the suzerain or ruler. The Covenant made between the Israelites and God is that the Israelites pledge their loyalty and the observance of the commandments in exchange for YHWH’s protection and the gift of

⁶⁷ “And say to them further: Anyone of the house of Israel or of the aliens who reside among them who offers a burnt offering or sacrifice, and does not bring it to the entrance of the tent of meeting, to sacrifice it to the Lord, shall be cut off from the people” (Lev. 17:8).

⁶⁸ “Any of the people of Israel, or of the aliens who reside in Israel, who give any of their offspring to Molech shall be put to death; the people of the land shall stone them to death” (Lev. 20:2).

⁶⁹ Ramírez Kidd, *Alterity and Identity in Israel*, 59-60.

⁷⁰ Collins, “Deuteronomy and the Invention of the Torah”, *The Invention of Judaism*, 33-34; see also van Houten, *The Alien in Israelite Law*, 71. Awabdy characterizes the relationship between Israel and YHWH as that of “vassal Israel” suffering in Egypt who is ultimately delivered by a beneficent “suzerain YHWH” (Awabdy, “Social and Religious Integration”, 239).

land, offspring, peace, and prosperity. The Israelites have a covenantal relationship with God, but within this legal framework YHWH demonstrates his *hesed*, lovingkindness. A powerful deity decides to form an agreement to provide for and protect a small, vulnerable people in exchange for their commitment to him. The Covenant is not just a legal agreement, as are the Assyrian and Hittite international treaties with subject peoples, but a relationship between the two parties. This consciousness of YHWH's *hesed* and human vulnerability may have by extent engendered empathy towards individuals who were very vulnerable within Israelite society. In other words, Deuteronomic and Levitical legislation that encouraged benevolence to vulnerable members of Israelite society such as widows, orphans, and resident aliens reenacted YHWH's *hesed* towards Israel.⁷¹

Perhaps the most powerful recurring motif within the Deuteronomic laws that is used to inspire obedience to the covenant and compassion towards the resident alien is the Israelites' formative experience as slaves in Egypt and their self-conception as a once-enslaved people now freed through YHWH's intervention. Passages that reflect this consciousness are scattered throughout Exodus, Leviticus, and Deuteronomy. Some of the most notable examples are analyzed below.

A powerful example of the protection the *ger* merited, purely because of the vulnerability he or she shared with the Israelites' ancestors, can be found in Exodus 23:9: "You shall not oppress a resident alien; you know the heart of an alien, for you

⁷¹ Awabdy, "Social and Religious Integration", 239, 246; Glanville, "The *Ger* in Social Law", 73. Some of the Latter Prophets, including Isaiah, Jeremiah, Hosea, and Ezekiel, describe the Covenant between Israel and God as a marriage contract. For example, Ezekiel 16 characterizes Israel as a foundling that God saved and wed. This is of particular interest in conjunction with the discussion of resident aliens, because Israel as a foundling was a vulnerable individual who God noticed, saved, and cared for.

were once aliens in the land of Egypt”. This passage refers to the Israelites’ experience of oppression under Pharaoh because of their difference and the perceived threat they posed to the Egyptians, in whose country they resided for several generations. As resident aliens in Egypt they did not have the same rights as the Egyptians, they were enslaved and forced to make bricks, and some of their children were slaughtered under Pharaoh’s orders. They were powerless to defend themselves or alter their situation until God intervened. “You know the heart of an alien” suggests that the Israelites shared the same experience as resident aliens in other ancient Near Eastern societies, including their own; the clause also suggests that they ought to have empathy for resident aliens because of this shared experience. Due to this experience of oppression and deliverance, according to the Torah the Israelites were expected to maintain a feeling of empathy and sense of responsibility to care for the resident alien among them.⁷²

An earlier passage reflects this same message, but develops it a step further:

“You shall not wrong or oppress a resident alien, for you were aliens in the land of Egypt. You shall not abuse any widow or orphan. If you do abuse them, when they cry out to me, I will surely heed their cry; my wrath will burn, and I will kill you with the sword, and your wives shall become widows and your children orphans” (Ex. 22:21-23).

To wrong, oppress, or abuse one of the three individuals in this passage means to take advantage of their vulnerability and lack of protection from predators. Provisions for the protection of widows and orphans are common across other ancient Near Eastern law codes, but the Hebrew Bible is exceptional in its protections for resident aliens.

⁷² On the relationship between Israel’s experience in Egypt, relationship with YHWH, and consequent treatment of the *ger*, see Awabdy, “Social and Religious Integration,” 237-239.

Typically, foreign-born residents in other ancient Near Eastern societies received no special legal protection from exploitation and abuse.⁷³ By associating widows and orphans with resident aliens, the passage emphasizes the similar vulnerability of the *ger* and his or her right to the same kind of protection that widows and orphans receive. The fact that the statute concerning the *ger* appears next to those regarding the widow and orphan indicates that all three demographics were considered equally vulnerable and merited protection, despite the fact that the widow and orphan are autochthonous to the community, whereas the *ger* is foreign-born.⁷⁴ What the three groups share, however, is lack of a kinship network which would otherwise protect them.⁷⁵ It is also important to note that God himself is the champion of the oppressed and in direct opposition to any human who would dare harm them—which means that care for the poor is not only in accordance with God’s will, but failure to do so will incur divine anger.⁷⁶

Multiple passages within Leviticus and Deuteronomy further emphasize the connection between resident aliens, widows, and orphans, and specify the special considerations that landholding Israelites should make with regard to these particularly vulnerable groups. Widows, orphans, and resident aliens were given gleaning rights in the fields, vineyards, and olive orchards of Israelite farms.⁷⁷ Deut. 24:19-22 states:

“When you reap your harvest in your field and forget a sheaf in your field, you shall not go back to get it; it shall be left for the alien, the orphan, and the widow, so that the Lord your God may bless you in all your undertakings. When you beat your olive trees, do not strip what is left; it shall be for the alien, the orphan, and the widow. When you gather the grapes of your vineyard, do not glean what is left; it shall be for the

⁷³ Awabdy 228-231; Glanville 47, 57.

⁷⁴ Glanville, “The *Ger* in Social Law”, 54; Awabdy, 228-231, 237-238.

⁷⁵ Glanville, “The *Ger* in Social Law”, 58.

⁷⁶ See Glanville, “The *Ger* in Social Law”, 59 for an explanation of how the consciousness of God’s presence animated social justice.

⁷⁷ See also Lev. 19:9-10, Lev. 23:22.

alien, the orphan, and the widow. Remember that you were a slave in the land of Egypt; therefore I am commanding you to do this.”

Olive trees, vineyards, and fields for growing grain were important sources of sustenance in Israelite agricultural communities. Workers would harvest the produce when the time was right, but gleaning—the practice of collecting the food that the workers had missed—was a right reserved for the poorest members of society, who likely had no land with which to feed themselves and relied on their wealthier neighbors’ harvest leftovers for subsistence. The first motivating clause within the passage—“so that the Lord your God may bless you in all your undertakings”—indicates that when the Israelites support the less fortunate members of their community, YHWH will reward them with blessings.⁷⁸ The second motivating clause, “Remember that you were a slave in the land of Egypt; therefore I am commanding you to do this”, connects the Israelites’ experience of enslavement and penury in a foreign land with the imperative to ensure that the resident aliens within their own community do not have the same experience.⁷⁹ The consciousness of YHWH’s beneficence towards the Israelites in bringing them to a land of plenty should be reciprocated by the Israelites’ beneficence towards the vulnerable individuals within their community.⁸⁰

The Israelites are encouraged to care for the *ger* because according to the Exodus

⁷⁸ Glanville comments that the Israelites were encouraged to follow the laws through appeals to remember “the slavery/exodus motif” and “the contingency of blessing upon justice” (Glanville, “The *Ger* in Social Law”, 54). See also van Houten’s discussion of festivals and the commandments in Deut. 14:26, 26:15 (van Houten, *The Alien in Israelite Law*, 86).

⁷⁹ van Houten notes that the *ger* is most frequently mentioned in conjunction with widows and orphans, and charity towards him and his fellows is frequently encouraged through motivating clauses that cite slavery in Egypt (van Houten, *The Alien in Israelite Law*, 78). She adds, “the law [regarding the Israelites’ deliverance from Egypt] presupposes that the Israelites are in a position of power akin to God. The admonition then is appropriate, for it calls upon them to remember how God used his might for their benefit, and instructs them to do likewise to others” (Ibid., 92).

⁸⁰ Awabdy, “Social and Religious Integration”, 239.

narrative, their ancestors experienced discrimination and hardship due to their status as *gerim* among the Egyptians. It was only through YHWH's remembrance of the promise he had made to Abraham, Isaac, and Jacob that they were ultimately saved and brought to a land where they could prosper. This consciousness of redemption should, according to Deuteronomy, animate concern for and responsibility towards the *ger*.

A second example of the connection between widows, orphans, and resident aliens can be found in the law regarding the distribution of triennial tithes to these groups. Deuteronomy 14:28-29 states:

“Every third year you shall bring out the full tithe of your produce for that year, and store it within your towns; the Levites, because they have no allotment or inheritance with you, as well as the resident aliens, the orphans, and the widows in your towns, may come and eat their fill so that the Lord your God may bless you in all the work that you undertake.”

The triennial tithes refer to the produce that farmers were required to bring to town storehouses, to be distributed to people who had no means of supporting themselves. In this passage the traditional triad of widows, orphans, and resident aliens is supplemented by Levites, landless priests who were in charge of administering sacrifices on behalf of Israel. Although they may have belonged to a higher socio-religious class, the Levites could be just as vulnerable to poverty and lack of food as widows, orphans, and resident aliens because they lacked the land to support themselves and instead relied on the sacrifices of meat, grain, and other foods that Israelites brought to them. For example, Deut. 14:27 specifies to the Israelites, “As for the Levites resident within your towns, do not neglect them, because they have no allotment or

inheritance with you.”⁸¹ The law recognizes the heightened risk of destitution for the Levites, who rely solely on the offerings of their fellow Israelites to sustain themselves.⁸² In this sense, their plight is similar to that of the *ger*, so they are included in some charitable provisions within the text.

Resident aliens were also entitled to receive their wages in a timely manner. The *ger* was frequently—though not always—a hired worker,⁸³ and as a poor day-laborer he or she relied on daily money to subsist. Deut. 24:14-15 specifies:

“You shall not withhold the wages of poor and needy laborers, whether other Israelites or aliens who reside in your land in one of your towns. You shall pay them their wages daily before sunset, because they are poor and their livelihood depends on them; otherwise they might cry to the Lord against you, and you would incur guilt.”

This law recognizes the reality of poverty within Israelite society and emphasizes the Israelite employer’s obligation to pay his hired laborers on time—regardless of whether they are native Israelites or *gerim*—to avoid causing them to suffer. There are two motivating clauses within this passage that encourage the timely payment to resident aliens. The first, “because they are poor and their livelihood depends on them [the wages]” recognizes the real risk of destitution for these workers and exhorts timely payment by appealing to human compassion. If the hired laborers are poor, then they are living day-to-day and need the wages in order to subsist. The second motivating clause, “otherwise they might cry to the Lord against you, and you would incur guilt”, is even more powerful. It suggests that God is the champion of the poor and will fight

⁸¹ See also Deut. 12:19: “Take care that you do not neglect the Levite as long as you live in your land.”

⁸² van Houten, *The Alien in Israelite Law*, 84.

⁸³ Glanville, “The *Ger* in Social Law”, 55.

against abuse or exploitation on their behalf. This is a noteworthy theme because it indicates that the most powerful being conceivable in Israel chooses to protect the weakest and most vulnerable members of society, instead of allying with the greatest members of the community like priests, kings, or wealthy citizens. The cause of the poor is linked directly to God's justice.⁸⁴

Israelite Self-Identity Through the Stories of the Patriarchs

Also important to the Israelites' sense of self-conception are the stories of the patriarchs, all of whom self-identified as resident aliens. According to the biblical text, until their arrival in Egypt the Israelites were nomads who wandered in search of safety and pasture for their flocks. They were also vulnerable to the will of neighboring, settled, more powerful tribal groups. Abraham and Isaac, the first patriarchs of the Israelites, are characterized as aliens by God throughout Genesis because they could call no place their homeland. For example, God promises to Abraham, "I will give to you, and to your offspring after you, the land where you are now sojourning, all the land of Canaan, for a perpetual holding; and I will be their God" (Gen. 17:8).⁸⁵ The Israelites are not indigenous to the land and their illustrious ancestor himself was a resident alien.⁸⁶ The consciousness that the Israelites were descended from an

⁸⁴ See also Deut. 24:17-18: "You shall not deprive a resident alien or an orphan of justice; you shall not take a widow's garment in pledge. Remember that you were a slave in Egypt and the Lord your God redeemed you from there; therefore I command you to do this". This law prohibits the abuse of widows, orphans, and resident aliens and states that they are entitled to receive the same justice as landholding Israelites. See also Lev. 19:15: "You shall not render an unjust judgement; you shall not be partial to the poor or defer to the great: with justice you shall judge your neighbor." This indicates that all members of the community were to be judged according to the same legal standards. Justice was not meant to be partial to the rich or to the poor, to the strong or to the weak, to the powerful or to the least influential.

⁸⁵ Correction to the NRSV translation provided by Professor Deborah Green.

⁸⁶ See also Gen. 23:3-4: "Abraham rose up from beside his dead, and said to the Hittites, 'I am a stranger and an alien residing among you; give me property among you for a burying place, so that I may bury my dead out of my sight'" (NRSV translation). Professor Deborah Green translates Abraham's words as "I am a resident alien-settler with you".

immigrant and a resident alien is reflected in the Deuteronomic legislation regarding the presentation of the first produce of the land to YHWH's sanctuary:

“When the priest takes the basket from your hand and sets it down before the altar of the Lord your God, you shall make this response before the Lord your God: ‘A wandering Aramean was my father; he went down to Egypt and lived there, few in number, and there he became a great nation, mighty and populous. When the Egyptians treated us harshly and afflicted us, by imposing hard labor on us, we cried to the Lord, the God of our ancestors; the Lord heard our voice and saw our affliction, our toil, and our oppression. The Lord brought us out of Egypt with a mighty hand and an outstretched arm, with a terrifying display of power, and with signs and wonders; and he brought us into this place and gave us this land, a land flowing with milk and honey. So now I bring the first of the fruit of the ground that you, O Lord, have given me.’” (Deut. 26:4-10).⁸⁷

This passage not only reflects the idea that Abraham was himself a resident alien, as a “wandering Aramean”, but also that the Israelites are resident aliens in the land to which God led them, even though he meant for them to settle down there. The prosperity and bounty of the land are God's, and the Israelites owe this to his goodness. Because of this debt to God, the law recognizes that the Israelites owe the first produce of the land—the choicest examples of its bounty—to him.

Further, despite Abraham's tenuous status as a nomad, his hospitality towards strangers is exemplary, indicating that his descendants should follow his example. Gen. 18:1-8 narrates Abraham's response to the angels sent by God to his dwelling. The patriarch sits outside his tent almost as if he were waiting for strangers to appear. When the angels arrive in the guise of ordinary men, he welcomes them, entertains them to stay, and rushes to offer them food and water to wash their feet. His response to the visitors is

⁸⁷ Correction to the NRSV translation provided by Professor Deborah Green.

notable because strangers were frequently subject to mistrust and violence in the ancient Near East;⁸⁸ Abraham's behavior is exceptional because he breaks that norm.

A direct contrast to Abraham's welcome is provided in the subsequent narrative of the angels' visit to the town of Sodom, where the townspeople, assuming they are ordinary men, attempt to gang-rape them. Abraham's nephew Lot tries to shelter and protect the two visitors from the mob of Sodomite men outside of his door, as he recognizes the angels' apparent vulnerability to attack because of their status as friendless strangers. This exemplifies the rules of hospitality in ancient Near Eastern societies, which were put in place to counteract the frequent violence against travelers and foreigners who had no kin to protect them.⁸⁹ However, the Sodomites dismiss Lot's entreaties for justice, jeering, "“This fellow came here to dwell, and he would play the judge!”" (Gen. 19:9).⁹⁰ Lot's position within the community of Sodom is precarious because although he was accepted into their society, he still maintains his position as an outsider in the community. He has not yet been fully integrated and the lack of respect that the Sodomite men demonstrate towards him suggests that he retains a lower social status. The fact that he tries to protect the angels despite his vulnerability is all the more commendable.⁹¹

Like Abraham, Moses, the prophetic leader of the Israelites, lives the experience of a resident alien. As an Israelite child he was raised in the Egyptian court by Pharaoh's daughter. After killing an Egyptian, he flees the wrath of Pharaoh and

⁸⁸ Glanville, "The *Ger* in Social Law", 57; Tikva Frymer-Kensky, *Reading the Women of the Bible* (New York: Schocken Books, 2002), 122.

⁸⁹ Sarna, *The JPS Torah Commentary: Genesis*, 135-136; Frymer-Kensky 122.

⁹⁰ Correction to the NRSV translation provided by Professor Deborah Green.

⁹¹ Sarna, *The JPS Torah Commentary: Genesis*, 136.

becomes a fugitive in the land of Midian, where he marries the daughter of a Midianite priest. Moses names his firstborn son Gershom, to commemorate his status as “an alien residing in a foreign land” (Ex. 2:22).⁹² Not only do a foreign people give Moses refuge, but he also intermarries with them. Moses’ mixed-ethnicity family normalizes intermarriage, despite the commandments within the Torah that prohibit it.

Additionally, Moses’ father-in-law, Jethro, is instrumental in setting up the Israelite judicial system, as he proposes a new administrative infrastructure which is more effective than Moses’ initial judicial procedure.⁹³ This is notable because Jethro is a Midianite.⁹⁴ Although he comes from a different ethnic background, Jethro expresses belief in YHWH, which may be why he is accepted into the broader Israelite community. There is no issue within the text of Exodus with Moses’ marriage to a Midianite woman or his intimate and trusting relationship with her father. This indicates that non-Israelites are not necessarily perceived as threats—indeed, could even be beloved allies—provided they recognize the supremacy of YHWH and support Israel. Even when Aaron and Miriam, Moses’ brother and sister, speak out against him “because of the Cushite woman whom he had married”, God ignores their criticism and reminds them that, while they may be prophets, Moses has been “entrusted with all my house. With him I speak face to face—clearly, not in riddles; and he beholds the form of the Lord” (Num. 12:1-9). In this exchange God reminds Miriam and Aaron that, while they may be prophets, Moses has been entrusted with leading all Israel; further, he is the

⁹² The name Gershom means “an alien there”, from the Hebrew *ger-sham*. Sarna comments that Gershom means “a stranger in a foreign land” and echoes God’s Covenant with Abraham (Sarna, *The JPS Torah Commentary: Exodus*, 12-13).

⁹³ See Ex. 18:6-23.

⁹⁴ See Sarna, *The JPS Torah Commentary: Exodus*, 99-100.

sole person with the honor of being able to communicate directly with God. God does not address the issue of intermarriage; instead he condemns Miriam and Aaron for their jealousy because what he most cares about is the successful leadership of Israel. This story suggests that, while intermarriage may have been a concern for some members of the Israelite community, others—such as the redactors of this particular tale—believed that there were more important issues.

Conclusion

This chapter has explored the ways in which the *ger* appears in the Torah. The expectation that the *ger* observe the prohibitive commandments indicates the degree to which he or she was integrated into Israelite society; at the same time, because resident aliens were not expected to observe all of the performative commandments, they were not considered full members of Israel. The law specifies clear protections for resident aliens and links *gerim* to widows and orphans to emphasize these groups' shared vulnerability and the social and religious imperatives to provide for them and protect them from abuse. Further, the Israelites are reminded of their ancestors' experience as slaves in Egypt to encourage their empathy towards resident aliens in their own society and, by extent, to remind them of their duty not to enact the same oppression as they themselves suffered under Pharaoh. Ultimately, God is depicted as the champion of the poor, and to abuse or exploit the vulnerable is represented as a violation of his will.

Chapter 2: The *Ger* [Resident Alien] in Biblical Narratives

Introduction

The Former Prophets—Judges, Joshua, First and Second Samuel, and First and Second Kings—chronicle the Israelites’ conquest of Canaan, the Davidic monarchy, the rules of subsequent kings, the Assyrian invasion, and the Babylonian exile. Throughout these narratives, and principally within the stories about the Davidic monarchy, resident aliens appear as soldiers, mercenaries, and loyal citizens within Israelite society. The Bible depicts the golden age of Israel to be the monarchy under King David, a charismatic leader who unified the North and South of the country, defeated Israel’s enemies, and enabled his son and successor Solomon to reign in peace. David’s governance was unique in that he included not just Israelites but ethnic non-Israelites in his armies and in the kingdom that he ultimately constructed. To understand the way that David included *gerim* within this restructured Israelite society, it is necessary to explore the nature and organization of Israelite society prior to the monarchy.

Judges and Joshua: The Pre-monarchic Period

The Book of Judges contains some of the oldest stories about Israel within the Hebrew Bible and relates the tribal structure of ancient Israelite society and stories of tribal warfare in the land. Although Judges is difficult to date because it contains narratives from different time periods and multiple redactional layers, the earliest stories have been dated with some confidence to circa the twelfth century BCE.⁹⁵ The earliest stories were probably told orally centuries before they were transcribed, and although

⁹⁵ Susan Niditch, “Introduction”, *Judges: A Commentary* (Louisville: Westminster John Knox Press, 2011), 9.

they may not accurately reflect Israelite history during this time, they nevertheless convey Israel's self-conception⁹⁶—a self-conception that was deemed worthy of preservation by later redactors. Judges relates a much messier and fractious process of conquest and settlement in the land than the book of Joshua does. In Judges, the Israelites fail to eliminate all the other peoples in the land and they fail to conquer all the territory for themselves. Warfare with the surrounding peoples of the land is a recurring issue, and the smaller narratives are arranged in a structure that culminates in a civil war between the Benjaminites and the other tribes.

The civil war is triggered by the abuse of the vulnerable, specifically the gang-rape and murder of the concubine of Gibeah (related in Judges 19-21). The story tells of a traveling Levite and his concubine who spend the night in a Benjaminite town, but the residents of the town demand that the Levite come out of the house in which they are staying and present himself to them so that they can gang-rape him (Judges 19:22). Terrified, the Levite throws his concubine out to appease the mob, who gang-rape and torture her and finally leave her for dead (Judges 19:25). The rape and murder of the concubine elicits outrage from the rest of the Israelite tribes, who declare war on Gibeah and the entire tribe of Benjamin, as the tribe failed to turn over the perpetrators of the atrocity. The somber conclusion of the story is that “In those days there was no king in Israel; all the people did what was right in their own eyes” (Judges 21:25). The redactor of Judges suggests that a king is necessary to ensure order and that the most vulnerable members of society—in this case exemplified by the concubine, a defenseless and innocent woman—are protected from harm.⁹⁷ Arguably, the merit and morality of a

⁹⁶ Niditch, “Introduction”, *Judges: A Commentary*, 11-12.

⁹⁷ Tikva Frymer-Kensky, *Reading the Women of the Bible*, 137-138.

society can be gauged by its treatment of its most vulnerable members: women, children, and travelers. The individuals who “did what was right in their own eyes”, abuse two travelers and in doing so break the Covenant they made with God, which involves the protection and preservation of human life.⁹⁸ The text condemns the abuse of the concubine as lawless and unconscionable, emphasizing that to violate the rights of the vulnerable breaks the Covenant.⁹⁹ The vulnerable members of society should be protected by the Covenant, but because the Israelites disregard the law, a king is necessary to enforce the law. Additionally, the narrative hearkens back to the story of Sodom and Gomorrah because it demonstrates the importance of hospitality to strangers, the terrifying social consequences when this imperative is ignored, and the emphasis on the importance of protecting the vulnerable, in this case travelers and women.¹⁰⁰ Ultimately, the story of the concubine relates to attitudes about the *ger* because the resident alien, like the Levite at risk of abuse or the woman vulnerable to predation and rape, depends on the goodness of the people he or she meets to stay safe.

Joshua and *Herem*

The book of Joshua purportedly narrates the conquest of Canaan, but the text itself was only composed as early as the tenth century BCE and quite possibly much

⁹⁸ See the Ten Commandments, which include: “You shall not murder. Neither shall you commit adultery. Neither shall you steal. Neither shall you bear false witness against your neighbor. Neither shall you covet your neighbor’s wife” (Deut. 5:17-21). The Gibeonites clearly violated the prohibitions against killing another person and, through the violation of the concubine, coveted and committed adultery with her.

⁹⁹ The men in the narrative considered their women to be “disposable and replaceable”, but the narrator clearly condemns this view: “They [the men] emerge as cowardly, and their complicity in the rape and murder of the woman is a clear and reprehensible violation of the covenant” (Niditch, *Judges: A Commentary*, 193).

¹⁰⁰ Frymer-Kensky, *Reading the Women of the Bible*, 124-126.

later in a post-monarchic context.¹⁰¹ Reading Joshua is useful for understanding a particular Israelite attitude towards ethnic non-Israelites that is not reflected in many other biblical books¹⁰² and an agenda of extermination that was never fully carried out.¹⁰³ One of the most troubling aspects of the book of Joshua for modern readers is the divine commands to annihilate all the indigenous residents of Canaan in order to purify the land from idolatrous practices. This practice, known as *herem*, means that conquered objects, animals, and even people were totally annihilated and their destruction was dedicated to God.¹⁰⁴ *Herem* could have been encouraged for several reasons: because it was mandated by God and was therefore not a choice; because it had to do with the indigenous people's idolatry and the risk they posed to the Israelites; because the Israelites needed a religious excuse to commandeer resources and seize territory for themselves; because the dedication of human sacrifice actually pleased YHWH. The possibilities are numerous but it is difficult to determine which were really the cause.¹⁰⁵ Joshua 10:40 states that Moses' successor "left no one remaining, utterly destroyed all that breathed, as the Lord God of Israel commanded." This mass genocide

¹⁰¹ Niditch, "Introduction", *Judges: A Commentary*, 9.

¹⁰² Niditch, "Introduction", *War in the Hebrew Bible: A Study in the Ethics of Violence* (New York: Oxford University Press, 1993), 5.

¹⁰³ Niditch, "The Ban as God's Portion", *War in the Hebrew Bible*, 55.

¹⁰⁴ Niditch, "Introduction", *War in the Hebrew Bible*, 8; see also "The Ban as God's Portion", *War in the Hebrew Bible*, 29.

¹⁰⁵ For a discussion of the various potential motivations for *herem*, see Susan Niditch, "The Ban as God's Portion" in *War in the Hebrew Bible*, 28-55.

was in fulfillment of the commandment of Deuteronomy 20:16,¹⁰⁶ which is otherwise a text that preaches compassion and mercy towards other people, including resident aliens. There is a clear division, ethnic and religious, between the Israelites and the Canaanite peoples, and there is no indication in the text that any Canaanites were to be integrated into the Israelite community.

However, the Israelites never actually destroy the indigenous Canaanites—the commands within the text are never fulfilled, and several of these groups coexist with the Israelites over the long term. Joshua acknowledges the inability of the Israelites to conquer Philistine and Sidonian communities (Josh. 13:1-7); Geshurites and Macaathites (Josh. 13:13); and the Jebusites, the original inhabitants of Jerusalem (Josh. 15:63). The contradiction between the *herem* exhorted by God and the surviving groups of autochthonous people reflected in the text indicates the military impracticality of destroying all other ethnic groups and the Israelites' adaptation to this practical reality. Further, the contradiction within the text reflects the tension between Joshua's theological and nationalistic agenda, which was to support the Israelites' claim to the land, their righteousness, and God's patronage,¹⁰⁷ and a grudging recognition of the

¹⁰⁶ “But as for the towns of these peoples that the Lord your God is giving you as an inheritance, you must not let anything that breathes remain alive. You shall annihilate them—the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites—just as the Lord your God has commanded, so that they may not teach you to do all the abhorrent things that they do for their gods, and you thus sin against the Lord your God” (Deut. 20:16-18). This passage contains two important points. Firstly, annihilation of non-Israelites was seen as a necessity to ensure religious orthopraxy and was the only thing that would allow the Israelites to reside safely within the land, as any idolatrous practices they adopted would turn YHWH against them. Secondly, because different peoples had different deities, the surrounding peoples would not have been associated with YHWH.

¹⁰⁷As Susan Niditch comments, Joshua was written from a triumphalist perspective to legitimize Israel and its claim to the land, as was common practice in ancient Near Eastern societies (Niditch, “Introduction”, *Judges: A Commentary*, 9).

historical reality, which was the inevitable but necessary coexistence among different ethnic groups within the region.¹⁰⁸

Loyalty Trumps Ethnic Identity

The foreigners and resident aliens who made up part of Israelite society during the Davidic monarchy strengthened it to a great extent. Several hundred Cherethites, Pelethites, and Gittites compose king David's elite military corps and are among his most loyal followers, supporting him even when his son Absalom rebels against him and forces him to flee Jerusalem:

“The king left, followed by all the people; and they stopped at the last house. All his officials passed by him; and all the Cherethites, and all the Pelethites, and all the six hundred Gittites who had followed him from Gath, passed on before the king. Then the king said to Ittai the Gittite, ‘Why are you also coming with us? Go back, and stay with the king; for you are a foreigner, and also an exile from your home. You came only yesterday, and shall I today make you wander about with us, while I go wherever I can? Go back, and take your kinsfolk with you; and may the Lord show steadfast love and faithfulness to you.’ But Ittai answered the king, ‘As the Lord lives, and as my lord the king lives, wherever my lord the king may be, whether for death or for life, there also your servant will be’” (2 Sam. 15:18-20).

This passage demonstrates the unswerving loyalty of Ittai and his kin, who are ethnic non-Israelites, to David, and David's high regard and respect for them. The interaction between the two suggests that loyalty to the king was much more important than a person's ethnic origin. David's concern with Ittai's welfare suggests that the Gittite has no obligation to support him, as he is a foreign mercenary, but also that he may be at a

¹⁰⁸ Although *herem* is promoted in Joshua, this does not mean it was ever actually historically implemented (Susan Niditch, “The Ban as God's Portion”, *War in the Hebrew Bible*, 55). The historical truth to the *herem* declared on the indigenous Canaanites has not been substantiated through archeological finds or extrabiblical sources, but the presence of these peoples throughout the Bible suggests their survival and continued coexistence alongside Israel.

heightened risk for violence if he continues to ally himself with David because he is a non-Israelite. The king does not want his comrade to suffer on his account because of his position as a foreigner within the rapidly changing kingdom; this concern demonstrates that David valued loyalty over a person's ethnic origin.

Uriah the Hittite is one of the most well-known examples of a resident alien serving to great acclaim within the Israelite army; he is a respected warrior who defends Judah in its war with the Ammonites (see 2 Sam. 11). It is important to note that Uriah belongs to the Hittites, one of the ethnic groups listed as an ancient enemy of Israel that deserved to be completely wiped out. Of course, Uriah's presence in the text suggests that not only were the Hittites not annihilated, as God and the Israelite leaders exhorted during the Israelite conquest of Canaan, but that he was also considered to be an equal and elite member of Israelite society during the Davidic monarchy.

Other anecdotes within the text that suggest the integration of non-Israelites into Israelite society include David's just treatment of Araunah the Jebusite, from whom he purchases a threshing-floor to build an altar to YHWH (2 Sam. 18-25).¹⁰⁹ Araunah is a member of the ethnic group autochthonous to Jerusalem and from which David's army seized the city (2 Sam. 5:6-7); however, he has clearly become a loyal subject—and

¹⁰⁹ First Chronicles relates a parallel anecdote but refers to the Jebusite who willingly cedes his threshing-floor to David as Ornan (1 Chr. 21:18-27). Chronicles is an alternative account of the Israelite nation's development; it echoes many of the stories from Samuel and Kings but has a perspective that is oriented more towards the experience of Israel (the northern kingdom) rather than Judah (the southern kingdom). First and Second Chronicles recount the formation of Israel as a nation, the Davidic monarchy, and the fall of Israel and Judah. Although this narrative draws heavily on Samuel and Kings as source material, it reflects a much more open and welcoming attitude towards the northern kingdom than those narratives ("Chronicles, Book of 1-2", *The Anchor Bible Dictionary*, vol. 1, 1001; Peter Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah," *Vetus Testamentum* 52:2 (2002), 150). Sarah Japhet notes that ancient tradition ascribes the authorship of Chronicles to Ezra, although this is probably untrue due to differences in theology and worldview between the two books. See Japhet, "The Relationship between Chronicles and Ezra-Nehemiah," *From the Rivers of Babylon to the Highlands of Judah* (Winona Lake: Eisenbrauns, 2006), 175. Although both were written roughly contemporaneously, Chronicles has a much more favorable and open view towards non-Israelites than Ezra does (Japhet 175; see also Bedford, 148).

thus a fully integrated member of Israelite society—because of his willingness to help David and also because of David’s considerate treatment of him. The relationship between Araunah and David demonstrates the inclusivity and pluralism of David’s kingdom. Further, although David would be within his rights as Israelite king and conqueror to seize Araunah’s land without payment or discussion, he pays for everything he takes and treats the Jebusite respectfully.¹¹⁰

Social Inequality of the People Under the Monarchy

When Rehoboam, a grandson of David, ascends the throne, the Israelites foment rebellion because he answers them harshly when they request that he ease some of the pressure on them: “My father made your yoke heavy, but I will add to your yoke” (1 Kings 12:14). Rehoboam’s comment alludes to the indenture of many Israelites during Solomon’s rule to accomplish his vast building projects.¹¹¹ As a result, Israelites—particularly those from the North, which had a larger population than Judah and thus would have provided the majority of the workers—could have been subject to exploitation because they were conscripted as forced labor for national projects. The northerners likely would have viewed their servitude to Judah as a skewed power dynamic, because even though Israel had much greater geographical size, a larger population, and more agricultural resources, the tribe of Judah was sovereign over the

¹¹⁰ An alternative interpretation of David’s payment of Araunah is that he desires to owe the Jebusite nothing, and so he pays the full price for the Jebusite’s property to avoid future contestation of his purchase. This was also the case when Abraham purchased the cave of Machpelah from Ephron the Hittite in which to bury his wife Sarah, as he paid the full price for the cave in order to avoid any ambiguity over ownership or becoming indebted to the original owner. He even ensures that the bargain is observed by a group of Hittites to ensure that witnesses are present to attest to the purchase (see Genesis 23). At the root of both exchanges, however, is a basic respect for the other person’s rights to the property and an observance of the rules of conducting trade and maintaining civility, which would not be the case if either party disrespected the other’s power or place in society.

¹¹¹ See 1 Kings 5:13-17.

ten tribes of Israel.¹¹² Further, after Solomon's building projects ended, and given Rehoboam's disrespect, the northerners believed they had nothing more to gain by assenting to Davidic rule.¹¹³ The northern Israelites who had been brought to Judah to work on Solomon's Temple may have voluntarily come for the project under Solomon's reign because he employed them and they had accepted him as king. However, after Rehoboam succeeded Solomon the northerners were undervalued, faced harsh treatment, lacked a say in the governance of the kingdom, and had a disproportionate responsibility for the upkeep of the royal court.¹¹⁴ Rehoboam promised to be more exploitative than his father, and so the northerners renounced his kingship. The story of the rebellion against Rehoboam suggests that those of non-Judahite origin, Israelites and surrounding peoples included, may have been vulnerable to forced conscription.¹¹⁵ In a sense, this kind of vulnerability parallels that of resident aliens, who could also be subject to harsh treatment under those who governed them. Israel's rejection of Rehoboam also suggests that loyalty to one's tribe (or tribal federation, as in the case of the ten unified northern tribes) superseded loyalty to a monarch who did not treat his subjects well.

The National Identity of Israel and Judah

Israel, which had previously been unified under David and Solomon, split into two kingdoms after Rehoboam refused to listen to the Israelites' petition. The kingdom

¹¹² Michael Satlow, "The Northern Kingdom: Israel, 922–722 BCE", *How the Bible Became Holy* (Yale University Press, 2014), 13.

¹¹³ Marvin Alan Sweeney, *I & II Kings: A Commentary*, 1st ed. (Louisville, Kentucky: Westminster John Knox Press, 2007), 171.

¹¹⁴ Sweeney, *I & II Kings: A Commentary*, 168-169.

¹¹⁵ See 1 Kings 5:13-17, which states that Israelites were forcibly conscripted to build the Temple; 1 Kings 9:15-22 states that Solomon conscripted the descendants of the indigenous "peoples of the lands" but did not conscript Israelites.

of the north took the name Israel, and the kingdom of the south, Judah. The text of Kings was written from a Judahite perspective and is biased against the north.¹¹⁶ Despite accusations of northern idolatry, the dismissal of the northerners was likely because of the political contention between the two kingdoms rather than significant religious differences between them. Indeed, the text reports that both Israel and Judah practiced idolatry and broke the Covenant.¹¹⁷ In essence, the division between the two kingdoms occurred because of political contention. Both Israel and Judah continued to share a religious identity even after they split into two kingdoms, as demonstrated by Judah's response to Israelite refugees during the Assyrian conquest.

The successful conquest of the northern kingdom by the Assyrian king Sargon II in 722/721 BCE redefined the relationship between Israel and Judah. This conquest resulted in a mass deportation of Israelites and the forced resettlement of foreign peoples in their place, which destroyed the kingdom of Israel and established Assyrian control over the region.¹¹⁸ The conquest also led to a massive exodus of Israelite refugees who fled to Judah, where they were received by king Hezekiah.¹¹⁹ Hezekiah was responsible for a modest religious reform that attempted to eradicate the high places of worship, but additionally he made overtures to the survivors of the northern

¹¹⁶ Satlow, "The Northern Kingdom: Israel, 922–722 BCE", 13.

¹¹⁷ "They [the Israelites] went after false idols and became false; they followed the nations that were around them, concerning whom the Lord had commanded them that they should not do as they did" (2 Kings 17:15). Within Judah, too, pagan cults sprung up: "Judah did what was evil in the sight of the Lord; they provoked him to jealousy with their sins they committed, more than all their ancestors had done. For they also built for themselves high places, pillars, and sacred poles on every high hill and under every green tree; there were also male temple prostitutes in the land. They committed all the abominations of the nations that the Lord drove out before the people of Israel" (1 Kings 14:23-24).

¹¹⁸ Michael Satlow, "The Northern Kingdom: Israel, 922–722 BCE," 30.

¹¹⁹ Archaeological evidence indicates that the area of Jerusalem more than doubled due to the influx of Israelite refugees, and surrounding Judahite settlements also increased massively during this time to accommodate the new arrivals (Satlow 30). 2 Kings 17:24-41 also provides an account of the Assyrian conquest and its aftermath.

kingdom who had come to him for asylum by inviting them to participate in the Judean
Passover:

“So couriers went throughout all Israel and Judah with letters from the king and his officials, saying, ‘O people of Israel, return to the Lord, the God of Abraham, Isaac, and Israel, so that he may turn again to the remnant of you who have escaped from the hand of the kings of Assyria. Do not be like your ancestors or your kindred, who were faithless to the Lord God of their ancestors, so that he made them a desolation, as you see. Do not now be stiff-necked as your ancestors were, but yield yourselves to the Lord and come to his sanctuary, which he has sanctified forever, and serve the Lord your God, so that his fierce anger may turn away from you. For as you return to the Lord, your kindred and your children will find compassion with their captors, and return to this land. For the Lord God is gracious and merciful, and will not turn his face away from you, if you return to him’” (2 Chron. 30:6-9).

This action served as an attempt to reunite the remnant of the northern kingdom with Judah, with the caveat of centralized worship at the Jerusalem Temple. In addition, the Passover not only included displaced and visiting Israelites but also resident aliens from both Israel and Judah: “The whole assembly of Judah, the priests and the Levites, and the whole assembly that came out of Israel, and the resident aliens that came from the land of Israel and the settlers in Judah, rejoiced” (2 Chron. 30:25).¹²⁰ The Passover celebration indicates that, despite the political division between Israel and Judah, Hezekiah and his people perceived the Israelites as kin and attempted to integrate them into their community. It is difficult to know whether a national Passover of this nature actually happened, but the greater point is that the Chronicler believed in the importance of national and religious unity and inclusivity, regardless of political affiliation in the case of the Israelites or ethnic origin in the case of the *gerim*.

¹²⁰ Correction to the NRSV translation provided by Professor Deborah Green.

Conclusion

As the presence of integrated *gerim* in the Davidic monarchy suggests, national identity was something one adopted when one swore allegiance to a ruler or, as indicated in the Torah, when one adopted the religion of a people.¹²¹ David's policies encouraged a sense of nationalism not predicated on homogeneous ethnic and religious affiliation, but rather on loyalty to the monarchy, the security of Israel, and a basic respect for the Israelite cult.¹²² In the case of the Davidic monarchy, David constructed a political state through creating a sense of comradeship among those who pledged their loyalty to him and to his cause of securing the borders of Israel. Through this process Israel became sovereign (although it conceived of itself as a people under the beneficent protection of YHWH). Resident aliens were treated equally with native Israelites provided they served the king with the same commitment.¹²³

¹²¹ See Exodus 12:48-49, which states that if a *ger* wishes to celebrate the Passover with the Israelites, he must be circumcised. After circumcision, he was regarded as "a native of the land" and, having adopted the sign of the Covenant, he was presumably considered a full member of Israel.

¹²² See discussion of *gerim* within the Davidic monarchy.

¹²³ When considering the formation of Israel as a nation under David, it is important to note that nation-states in the modern sense emerged in the eighteenth and nineteenth centuries; whether the modern idea of a nation-state applies to peoples in antiquity is dubious. The two approaches to defining nationhood are as follows: as an essential characteristic of a people, or as something more malleable and circumstantial. See Erich S. Gruen, "Nationhood: Was There Such a Thing in Antiquity?", unpublished manuscript of a lecture delivered at the University of Oregon, October 30, 2019. Similarly, Benedict Anderson proposes that the modern idea of nationalism emerged in the eighteenth century and may not have applied to peoples in antiquity; however, his framework for understanding the concept of the nation may still be helpful for understanding the political state that David constructed. Anderson notes that nationalism is constructed through a series of cultural artifacts and beliefs that a group of people have, among them a shared sense of comradeship, a sense of limitation (physical boundaries), sovereignty (answerable to no higher power), and community (a sense of fraternity regardless of actual social inequality within the society). See Benedict Anderson, "Introduction", *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Rev. and extended ed. (New York: Verso, 1991), 6-7.

Chapter 3: Nativism and the Construction of Post-Exilic Jewish

Identity in Ezra-Nehemiah

The Historical Context of Ezra and Nehemiah

In 539 BCE, the Persian emperor Cyrus the Great defeated the Babylonian empire and permitted the Jews in exile to return to Judea.¹²⁴ The Jews who returned from exile were known as the *golah* community¹²⁵ and were the elites of Jewish society, the descendants of the original exiles, those who chose to return to their homeland.¹²⁶ Cyrus' successor, Artaxerxes I, mandated that the Jewish priest Ezra return to Judea to teach the Torah there. Ezra likely arrived and began this task in 458 BCE.¹²⁷ Over a decade later, Nehemiah was appointed governor of Judea and served in this role from 445 until at least 433 BCE under Persian rule, after which he may have continued to govern for an indeterminate period of time.¹²⁸ Although the Jews had been repatriated to Judah with Cyrus' blessing, the returnees' lives were still difficult because of the necessity to reestablish their claim to the land over the claims of other peoples.

Arguably, the main issue during both Ezra's service and Nehemiah's tenure was

¹²⁴ Amélie Kuhrt, "Ancient Near Eastern History: The Case of Cyrus the Great," in *Understanding the History of Ancient Israel*, ed. H.G.M. Williamson (New York: Oxford University Press, 2007), 109. Jews who lived outside of Judea were considered to live in the Diaspora, or *golah* in Hebrew.

¹²⁵ Tamara Ezkenazi, "Marriage to a Stranger in Ezra 9-10", *Second Temple Studies, Vol 2: Temple Community in the Persian Period* (Sheffield, Eng.: JSOT Press, 1994), 266; see also Joseph Blenkinsopp, *Ezra-Nehemiah: A Commentary*, 1st ed. (Philadelphia: Westminster Press, 1988), 77.

¹²⁶ During the first deportation in 597 BCE, king Jehoiachin, the royal court, and the elites of the society were deported; in the second deportation of 586 BCE the remaining upper classes and important officials were also removed from Judea. The only Jews left in the land were the poorest (2 Kings 24:10-17 relates the first deportation; 2 Kings 25:7-12 relates the second deportation. See also E.J. Bickerman, "Nebuchadnezzar & Jerusalem", *Proceedings of the American Academy for Jewish Research*, 69, 81).

¹²⁷ "Ezra-Nehemiah, Books of" in *The Anchor Bible Dictionary*, ed. David Noel Freedman, 1st ed. (New York: Doubleday, 1992), 732.

¹²⁸ Joseph Blenkinsopp, *Ezra-Nehemiah: A Commentary*, 1st ed., Old Testament Library (Philadelphia: Westminster Press, 1988), 207. See also "Ezra-Nehemiah, Books of" in *The Anchor Bible Dictionary*, ed. David Noel Freedman, 1st ed. (New York: Doubleday, 1992), 732.

political control over Judea, as the *golah* community struggled for dominance with the factions of Tobiah, Sanballat, and Geshem, powerful political leaders in the region at the time of their return. In consequence, both Ezra and Nehemiah used ethno-religious identification as a proxy to promote their political agenda of control over Judea and to depict the *golah* as the rightful heirs of the land. Further, despite its prominence in Ezra 9-10 and Nehemiah 13, intermarriage was an issue of secondary importance. The battle for political control within Ezra-Nehemiah is linked to the struggle to define Jewish identity, because if the Jews did not control Jerusalem, the Temple, and membership in their own community, both Ezra and Nehemiah feared the returnees would assimilate into the surrounding peoples and cease to exist as a distinctive group.¹²⁹

Separation from Foreigners

The Bible calls the inhabitants of Judea at the time of their return the “peoples of the lands”.¹³⁰ While this phrase suggests that these people were not Jewish, it is likely that they were indigenous, non-exiled Jews¹³¹ whom Ezra dismissed as foreign because they had different religious practices or because he wanted to establish the dominance of the returned exiles within Judean society. While Ezra predicated Jewishness on the experience of exile,¹³² this was a narrow definition, as several other verified Jewish communities existed contemporaneously with the *golah* community. In addition to the Jewish exiles who returned to Judah from Babylon, the other Jewish communities

¹²⁹ Smith-Christopher suggests that the *golah* community was exclusivist as a survival mechanism in order to maintain group solidarity and integrity (Daniel L. Smith-Christopher, “The Politics of Ezra: Sociological Indicators of Postexilic Judaeon Society”, *Second Temple Studies: Persian Period*, vol.1 (Sheffield, Eng.: JSOT Press, 1991), 83-84).

¹³⁰ Eskenazi, “Marriage to a Stranger”, 266.

¹³¹ Eskenazi, “Marriage to a Stranger,” 268-269.

¹³² Peter R. Bedford, “Diaspora: Homeland Relations in Ezra-Nehemiah”, *Vetus Testamentum* (52:2), 2002, 149.

included the Judahites who remained in the land and were not exiled; the Israelites who remained in Israel (the former northern kingdom) after the Assyrians conquered it, as well as the foreigners who were forcibly resettled there by the Assyrian army and who may have assimilated into the local Israelite population; the community of exiled Jews in Babylonia and Persia; the community of Jews who settled in Egypt (this includes Judahite refugees fleeing the Babylonian invasion); the possible Jewish community in Ammon, whose existence is suggested by the presence of Tobiah the Ammonite, a YHWH-worshipper; and the decimated descendants of the ten tribes of Israel, who might have survived the Assyrian conquest and deportation and lived on in the Diaspora.¹³³ Consequently, there were various communities who had a claim to the title “Israel” but most were scattered throughout the ancient Near East, so biblical thinkers like Ezra and Nehemiah had to redefine who constituted Israel.¹³⁴ Ezra-Nehemiah is the biblical example of extreme exclusivism and separatism, but it is clearly an outlier when compared to the other ways in which biblical authors define which communities qualify as Jewish.

Both Ezra and Nehemiah have an antagonistic stance against “the peoples of the lands”. Although the representatives of the indigenous peoples claim to have worshipped YHWH ever since being resettled in Judah’s territory by the Assyrians, the

¹³³ Sarah Japhet, “People and Land in the Restoration Period”, *From the Rivers of Babylon to the Highlands of Judah: Collected Studies on the Restoration Period* (Winona Lake, Indiana: Eisenbrauns, 2006), 98-100.

¹³⁴ Japhet, “People and Land in the Restoration Period”, 100.

returned exiles refuse to allow them to participate in the rebuilding of the Temple.¹³⁵ On the surface, the rejection of these people by the leaders of the *golah* community suggests that the latter considered the residents of the land to be illegitimate YHWH worshippers, perhaps because they worshipped other deities in addition to YHWH or followed unorthodox religious practices. At a deeper level, however, the rejection was likely *politically* motivated—by designating the returned exiles as the only legitimate Jews, Ezra reserved control over Judea exclusively for himself and for his followers. A decade later, Nehemiah rebuffs Tobiah and Sanballat’s mockery of the Jews’ rebuilding efforts, stating, “‘The God of heaven is the one who will give us success, and we his servants are going to start building; but you have no share or claim or historic right in Jerusalem’” (Neh. 2:20). Similarly to Ezra’s stance, Nehemiah’s rejection has both political and religious implications: he not only excludes these people from any sort of political control over the future of Jerusalem, but also excludes them from participating in the cult of YHWH, which served as a legitimization of a person’s membership in the Jewish community.¹³⁶

Despite these examples of exclusion within the Ezra-Nehemiah narratives, there are indications that the *golah* community was not entirely isolated or homogenous. Ezra reports that “upon the exiles’ return to Judah, the Passover meal was eaten by the people

¹³⁵ “When the adversaries of Judah and Benjamin heard that the returned exiles were building a Temple to the Lord, the God of Israel, they approached Zerubbabel and the heads of families and said to them, ‘Let us build with you, for we worship your God as you do, and we have been sacrificing to him ever since the days of King Esar-haddon of Assyria who brought us here.’ But Zerubbabel, Jeshua, and the rest of the heads of families in Israel said to them, ‘You shall have no part with us in building a house to our God; but we alone will build to the Lord, the God of Israel, as King Cyrus of Persia has commanded us’” (Ezra 4:1-3).

¹³⁶ Blenkinsopp notes that in this passage (Neh. 2:20), the term “right” “probably alludes to the right to participate in the Jerusalem cult...How important this right was will be appreciated if we recall that membership in the cult community also conferred civic status” (Blenkinsopp 226-227).

of Israel...and *all who had separated themselves* from the pollutions of the nations of the land to worship the Lord, the God of Israel” (Ezra 6:21, emphasis added).¹³⁷ The reference to “all who had separated themselves” is a significant slip on Ezra’s part, as the priest almost never acknowledges the presence of either the Jews who had never been exiled and remained in the land or the peoples who had adopted YHWHism.¹³⁸ However, the presence in the text of this category of non-*golah* Jews indicates that for all Ezra’s rhetoric of separation between the *golah* community and the peoples of the lands, he could not ignore the reality of the presence and integration of non-exiled Jews within the community. The presence of “all who had separated themselves” within the *golah* community suggests that Ezra’s position did not reflect the attitudes of most of the community towards Jews who had not experienced exile. The majority of the community apparently had less aversion to integrating Jews who were not initially members of the *golah* into their ranks, provided those non-Jews were YHWH-believers.

For the day of atonement, Nehemiah notes that “those of Israelite descent separated themselves from all foreigners, and stood and confessed their sins and the iniquities of their ancestors” (Neh. 9:2). To understand the full implications of this, it is important to note that religion was very intimately tied to ethnicity because so many different ancient Near Eastern peoples had their own deities and practices. Exclusion of non-Jews from the *golah* community was regarded as necessary because “the peoples of the lands” were perceived as likely to corrupt the Israelites into practicing idolatry.

¹³⁷ Correction to the NRSV translation provided by Professor Deborah Green.

¹³⁸ Blenkinsopp suggests that the phrase “all who had joined them” (his translation of the Hebrew) refers to local people and Samaritans who accepted YHWH (Blenkinsopp 133). The term could also refer to non-exiled Jews who had remained in Judah during the Babylonian Exile and joined the *golah* community.

Therefore, Jews were forbidden from intermarrying with foreign peoples, as the latter could encourage them to commit idolatry.¹³⁹ The basis for this discrimination was not necessarily ethnicity. This concern for religious orthopraxy rather than ethnic background suggests that adoption of YHWHism was possible for non-Jews. What mattered to most members of the Jewish community was the sincerity of proselytes' faith rather than their ethnic identity. Religious proceedings were controlled by a handful of leaders from the *golah* community—those who would be most opposed to the integration of non-exiled Jews—but the separation mandated by the elites was not necessarily reflective of the attitudes of the rest of the Jewish community. Under Ezra and Nehemiah, ethnicity happened to be associated with religion, but the two are not equivalent.

Political Issues and the Threat Posed by Sanballat and Tobiah to Nehemiah's Authority and His Idea of Jewish Identity

Evidence for the integration of ethnic non-Jews within the Jewish community in Judah during the Persian period can be found in the stories about Tobiah and Sanballat, rivals of Nehemiah. Both men were powerful figures in the region during Nehemiah's term as governor, and in Nehemiah's view both were not ethnically Jewish. Although neither qualified as a *ger*, their close involvement with the Jewish community suggests that the community was much more integrated than Nehemiah would have had his readers believe and that the majority of Jews had no issue with ethnic non-Jews as neighbors or family members.

¹³⁹ See Deuteronomy 7:3-4: "Do not intermarry with them, giving your daughters to their sons or taking their daughters for your sons, for that would turn away your children from following me, to serve other gods".

Nehemiah introduces Sanballat the Horonite and Tobiah the Ammonite as political threats to the sovereignty of the *golah* community (Neh. 2:9-10). Sanballat was the governor of Samaria, a neighboring district close to Judah,¹⁴⁰ and Tobiah was likely the governor of Ammon, Judah's ancestral enemy.¹⁴¹ Sanballat was a YHWH-worshipper and opposed Nehemiah for political, not religious, reasons. As governor of Samaria, Sanballat sought control over Jerusalem, and Nehemiah's mission would usurp his bid for power. "Horonite" likely refers to a place of origin and is a neutral term; Sanballat was probably descended from a family resettled in the north (in the territory of the former kingdom of Israel) by the Assyrians in the eighth century BCE.¹⁴² His provenance as a descendant of these forcibly resettled individuals—who adopted YHWHism as their own despite their "foreign" origin¹⁴³—indicates the fuzziness of national and ethnic identity within the ancient Near East. People migrated or were forced to move because of the shifting political dynamics within the region; no ethnic group remained stationary or completely isolated from its neighbors. Consequently, integration and religious syncretism among different peoples was common.

Similarly, because Tobiah was supposedly an Ammonite he was excluded from any participation in the affairs of Israel, regardless of his proximity to the community and his apparent desire to become involved in the reconstruction effort. Ironically, despite his exclusion he is quite possibly the ancestor of the Tobiad family, a powerful

¹⁴⁰ Blenkinsopp, *Ezra-Nehemiah: A Commentary*, 217.

¹⁴¹ Blenkinsopp, *Ezra-Nehemiah: A Commentary*, 218.

¹⁴² Blenkinsopp, *Ezra-Nehemiah: A Commentary*, 216-217.

¹⁴³ See 2 Kings 17:24-33 for an account of the Assyrians' forced resettlement of Israel with non-Israelite conquered peoples. These forcibly resettled people adopted YHWHism, but they also, according to the biblical account, continued to worship other deities. The worship of gods besides YHWH serves as a reason for the writer of Kings, as well as Ezra and Nehemiah, to dismiss any claim these people might make to the title "Israel". Ironically, as the biblical narrative reports, Israelites and Judahites also worshipped deities other than YHWH.

Jewish clan associated with the Jerusalemite priesthood, which Nehemiah had worked so hard to purify.¹⁴⁴ Although Nehemiah suggests that Tobiah is a foreigner, the possibility exists that he could have been a Jew based in Ammon instead of an Ammonite with connections to the Jerusalemite elite.¹⁴⁵ In other words, Nehemiah's labeling of Tobiah as a foreigner could have been politically motivated rather than fact-based, as Nehemiah wanted to contest Tobiah's legitimacy to maintain his political power.¹⁴⁶ Nehemiah's politically-motivated classification of Tobiah—which is a common rhetorical tool used across cultural and historical contexts to discredit “undesirables”—emphasizes the arbitrary way in which group identity can be constructed.

Further, when Nehemiah returns to Jerusalem after a visit to the Persian king, he finds that Tobiah was allowed to reside in the Temple, which in Nehemiah's view defiles it:

“Now before this, the priest Eliashib, who was appointed over the chambers of the house of our God, and who was related to Tobiah, prepared for Tobiah a large room where they had previously put the grain offering, the frankincense, the vessels, and the tithes of grain, wine, and oil, which were given by commandment to the Levites, singers, and gatekeepers, and the contributions for the priests. While this was taking place I was not in Jerusalem, for in the thirty-second year of King Artaxerxes of Babylon I went to the king. After some time I asked leave of the king and returned to Jerusalem. I then discovered the wrong that Eliashib had done on behalf of Tobiah, preparing a room for him in the courts of the house of God. And I was very angry, and I threw all the household furniture of Tobiah out of the room. Then I gave orders and they cleansed the chambers, and I brought back the vessels of the house of God, with the grain offering and the frankincense” (Neh. 13:4-9).

¹⁴⁴ Blenkinsopp, *Ezra-Nehemiah: A Commentary*, 218-219.

¹⁴⁵ “Tobiah”, *The Anchor Bible Dictionary*, Vol. 6, 584.

¹⁴⁶ “Tobiah”, *The Anchor Bible Dictionary*, Vol. 6, 584.

Nehemiah reacts to the presence in the Temple of one whom he considers impure with outrage and disgust. He considers Tobiah's residence to be a challenge to his authority and an affront to God. However, the high priest Eliashib left in charge during Nehemiah's absence clearly saw no issue with his entry into the Temple, as he allowed Tobiah to reside there. The text even states that "Eliashib...was related to Tobiah" (Neh. 13:4), presumably by marriage.¹⁴⁷ This indicates two possibilities: that Tobiah was in fact a Jew, despite Nehemiah's views to the contrary, or, if he was indeed not Jewish, that intermarriage within the Jewish community was normal even among the upper echelons of the society. Compared to the attitudes of most of his contemporaries' attitudes toward ethnic non-Jews, Nehemiah's reaction to the presence of Tobiah in the Temple is extreme.¹⁴⁸

Sanballat and Tobiah both had contacts within Jewish society,¹⁴⁹ so they were by no means outsiders to it even if Nehemiah believed they were. Tobiah's interactions with the Jewish community indicate that even the *golah* community was not isolated from the surrounding peoples; further, individuals from other ethnic groups—such as non-Jewish women and the descendants of parents from different ethnic communities—eventually became integrated into the Jewish community regardless of Nehemiah's efforts to exclude them. The majority of the returned exiles did not define Jewishness as

¹⁴⁷ See Neh. 6:18: "For many in Judah were bound by oath to him [Tobiah], because he was the son-in-law of Shecaniah son of Arah: and his son Jehohanan had married the daughter of Meshullam son of Berechiah". Tobiah is intimately connected with the Jewish community through his marriage to a Jewish woman and his relationship with her extended family; it is presumably through this network that he is related to the high priest Eliashib.

¹⁴⁸ As Olyan comments, "the priest-administrator Elyashib obviously found nothing objectionable in Tobiah's presence in the sanctified space of the Temple sphere. Clearly, Tobiah is a polluter only in the eyes of the circles responsible for the Nehemiah memoir". See Saul Olyan, "Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community", *Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Period* 35:1 (2004), 12.

¹⁴⁹ Blenkinsopp 252.

narrowly as Nehemiah or his followers; membership in the community could not be so clearly broken down along ethnic lines, orthopraxy, political affiliation or agenda, or ancestral experience of exile.

Religious versus Ethnic Distinctiveness and Membership in Israel

Although their terms of service are separated by a decade, both Ezra and Nehemiah use genealogies to determine which people qualify as Jewish and which do not. Ezra consults the genealogical records made of the Judahite families who were exiled to select which descendants should be a part of the expedition back to Judah. Priests whose ancestors are not listed are forbidden from entering the priesthood or consuming sanctified food (Ezra 2:59-63). Similarly, Nehemiah's genealogy indicates the importance he placed on recorded ancestral membership in the Jewish community: when several priests come forward to be registered as members of the community, because their ancestors are not found in the records of those who were exiled, Nehemiah rejects them by excluding them from the priesthood as unclean (Neh. 7:61-64). For both Ezra and Nehemiah, the genealogical list has theological significance because it legitimizes the Jewish community based on its provenance from the past.¹⁵⁰ Both the scribe and the governor consider the experience of exile to be a defining characteristic of Jewishness.¹⁵¹ But although Ezra and Nehemiah considered exile to be the main determinant of Jewishness, this was not necessarily a widely-held belief across the Jewish community in Judah, Babylon, or the wider Diaspora.

¹⁵⁰ Blenkinsopp 281-282

¹⁵¹ Peter R. Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah," *Vetus Testamentum* 52:2 (2002), 149.

An additional example of the *golah* leaders' views on which individuals qualified as Jews and which did not occurs when Nehemiah criticizes Jews whose children spoke a language other than Aramaic due to their parents' intermarriage: "In those days also I saw Jews who had married women of Ashdod, Ammon, and Moab; and half of their children spoke the language of Ashdod, and they could not speak the language of Judah, but spoke the language of various peoples. And I contended with them and cursed them and beat some of them..." (Neh. 13:23-25). However, intermarriage was common among the Jewish community and presumably not an issue for the majority of its members: the practice continued even after Ezra's condemnation 30 years before Nehemiah's arrival. Nehemiah did not enjoy unconditional support from the *golah* community, which indicates that the Jews likely disagreed about whether intermarriage was a sin.¹⁵² The evidence suggests that the religiously and ethnically homogeneous, monolingual, closed community that Nehemiah desired never existed in the first place.

Nehemiah's anti-assimilationist policy is based on one interpretation of Deuteronomic law; undoubtedly there were pro-assimilationist interpretations within the community based on the same text, which were not included in Nehemiah's account of his tenure due to his political agenda.¹⁵³ The Books of Ruth and Malachi are two examples of biblical sources that contradict Nehemiah's anti-foreigner stance. Ruth tells the story of a Moabite woman who marries into an Israelite family and King David

¹⁵² Blenkinsopp 252.

¹⁵³ Blenkinsopp 364. Blenkinsopp presumably refers to the passages in the Torah that prohibit intermarriage, such as Deut. 7:3-4: "Do not intermarry with them, giving your daughters to their sons or taking their daughters for your sons, for that would turn away your children from following me, to serve other gods". However, as discussed in Chapter 1, other sections of the Torah suggest that intermarriage was a non-issue within the community.

comes from her line. The other source is the prophetic book of Malachi, in which the prophet denounces divorcing the wife of one's youth as one of the sins that God most hates:

“Have we not all one father? Has not one God created us? Why then are we faithless to one another, profaning the covenant of our ancestors? Judah has been faithless, and abomination has been committed in Israel and in Jerusalem; for Judah has profaned the sanctuary of the Lord, which he loves, and has married the daughter of a foreign god. May the Lord cut off from the tents of Jacob anyone who does this—any to witness or answer, or to bring an offering to the Lord of hosts. And this you do as well: You cover the Lord's altar with tears, with weeping and groaning because he no longer regards the offering or accepts it with favor at your hand. You ask, ‘Why does he not?’ Because the Lord was a witness between you and the wife of your youth, to whom you have been faithless, though she is your companion and your wife by covenant. Did not one God make her? Both flesh and spirit are his. And what does the one God desire? Godly offspring. So look to yourselves, and do not let anyone be faithless to the wife of his youth. For I hate divorce, says the Lord, the God of Israel, and covering one's garment with violence, says the Lord of hosts. So take heed to yourselves and do not be faithless” (Mal. 2:10-16).

Due to its complicated language, this passage has been difficult to interpret for many scholars. Some argue that Malachi's declaration supports Ezra's position against intermarriage because Malachi condemns marrying “the daughter of a foreign god” as breaking the Covenant.¹⁵⁴ The phrase “daughter of a foreign god” presumably refers to wives who came from ethnically non-Jewish communities that worshipped other deities.¹⁵⁵ However, it is also important to recognize that many Jewish men might have married Babylonian wives while in exile.¹⁵⁶ These wives would have not only qualified

¹⁵⁴ Beth Glazier-McDonald, “Intermarriage, Divorce, and the Bat-’el Nēkār: Insights into Mal 2:10-16”, *Journal of Biblical Literature* 106, no. 4 (1987), 603-604. <https://doi.org/10.2307/3260822>.

¹⁵⁵ Fanie Snyman, “Investigating the Issue of Mixed Marriages in Malachi, Ezra-Nehemiah and the Pentateuch”, *Scriptura* 116, no. 2 (2017): 178. <https://doi.org/10.7833/116-2-1326>.

¹⁵⁶ Eskenazi, “Marriage to a Stranger”, 270.

as the wives of their youth, but presumably they would have integrated into the Jewish community and become, in some sense, Jewish. In this latter case, Malachi may have condemned intermarriage in the legal sense, but argued against divorcing the “wife of one’s youth” regardless of her ethnic background as a principle of compassion and pragmatism.

Both the reinterpretation of the law and the difference between the views of the people and their governor indicate that although Nehemiah possessed a powerful political voice, his idea of what was best for the community and what the Jewish community actually *was* differed substantially from the way the people perceived themselves, what they desired, and what at least one of their own prophets believed was proper adherence to the Covenant. Further, the theology of Ezra-Nehemiah is by no means the defining version found within the Bible; some biblical authors directly contradict its message and advocate for a more inclusive community under one God (this topic is explored further in the next chapter).

The Intermarriage Issue and the Divorced Wives

When Ezra arrives in Jerusalem from Persia, he is appalled to discover that some of the returned exiles have intermarried with “the peoples of the lands”:

“After these things had been done, the officials approached me and said, ‘The people of Israel, the priests, and the Levites have not separated themselves from the peoples of the lands with their abominations, from the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites. For they have taken some of their daughters as wives for themselves and for their sons. Thus the holy seed has mixed itself with the peoples of the lands, and in this faithlessness the officials and leaders have led the way.’ When I heard this, I tore my garment and my mantle, and pulled hair from my head and beard, and sat appalled. Then all who trembled at the words of the God

of Israel, because of the faithlessness of the returned exiles, gathered around me while I sat appalled until the evening sacrifice” (Ezra 9:1-4).

Ezra believes that this transgression breaks the Deuteronomic imperative against intermarriage¹⁵⁷ and will incite God’s wrath against the already vulnerable “remnant” of the Jewish community. Consequently, his reaction is panic, guilt, and fury. To rectify what he sees as a threat to the survival of the community, he convenes an assembly of the Jews and commands those who have intermarried to ““separate yourselves from the people of the land and from the foreign wives”” (Ezra 10:11). The women are then evaluated and, if deemed non-Jewish, they are banished from the *golah* community along with their children: “All these [Jewish men] had married foreign women, and they sent them away with their children” (Ezra 10:44).

This story is regarded by most biblical scholars and readers as a horrifying episode in the history of Israel, even given the possibility that it is a nationalistic fiction and did not actually occur. However, it is also important to contextualize Ezra’s dismissal of the “foreign” wives to better understand why he responded to the situation so vehemently.

The post-exilic community was traumatized and under an incredible amount of stress, not only due to its experience of exile but also because of the political threats posed by neighboring peoples who also had a stake in control over Judea. There are various estimates of how many Jews were taken into exile, but what remains clear is that the population was devastated—the number of exiles would have reached the tens

¹⁵⁷ See Deut. 7:3-4.

of thousands.¹⁵⁸ The Babylonians used various terror tactics to subdue the conquered populations and keep their morale low. These tactics included public executions, carrying away temple goods, humiliation of the gods and temples of conquered peoples, renaming captives, and mass deportations.¹⁵⁹ The trauma caused by the experience of exile led to the development of a “minority consciousness” embodied by Ezra, who worried that engagement with surrounding peoples could potentially lead to the dissolution of a community which had almost become extinct.¹⁶⁰ It is perhaps because of this chronic, generational stress and fear that Ezra associated ethno-religious separation with the maintenance of group identity.¹⁶¹ Ezra may have condemned what he perceived to be “mixed” marriages because he saw these as a threat to the cultural, ethnic, and religious identity of a group which was already marginalized and at risk of extinction (via annihilation or integration into other groups); further, it was likely that only he and his supporters actually considered such marriages to be “mixed”, but not the married persons themselves or the rest of the community.¹⁶²

The uncertain relationship the *golah* community had to the neighboring peoples of Judah, especially the Samaritans, would have augmented their stress. Socioeconomic tensions could also have played a role in dismissing some women as “foreign”.¹⁶³ In some cases Jewish women could inherit land, which may have encouraged a rejection of

¹⁵⁸ Daniel L. Smith-Christopher, “The Politics of Ezra: Sociological Indicators of a Postexilic Judean Society”, *Second Temple Studies, 1: Persian Period*, (Sheffield, Eng.: JSOT Press, 1991), 75-76.

¹⁵⁹ Smith-Christopher, “The Politics of Ezra: Sociological Indicators of a Postexilic Judean Society”, 77.

¹⁶⁰ Smith-Christopher, “Between Ezra and Isaiah: Exclusion, Transformation and Inclusion of the ‘Foreigner’ in Post-Exilic Biblical Theology”, *Ethnicity and the Bible* (Boston: Brill Academic Publishers, Inc., 2002), 124.

¹⁶¹ Smith-Christopher, “Between Ezra and Isaiah”, 125; see also Smith-Christopher, “The Politics of Ezra: Sociological Indicators of a Postexilic Judean Society”, 85.

¹⁶² Smith-Christopher, “Between Ezra and Isaiah”, 123-124.

¹⁶³ Eskenazi, “Marriage to a Stranger”, 271.

“foreign” wives in order to keep properties within the Jewish community. Similarly, concerns over land tenure could have been a contributing factor to the rejection of people who were seen as a potential threat to the economic viability of the community.¹⁶⁴ The landlessness of the returnees compared with the already-settled inhabitants would have automatically created an imbalanced power dynamic because the returnees had to fight to reestablish their claim to the land, even if their ancestors had resided there.¹⁶⁵

Another major issue was that of identity: the syncretistic YHWHism practiced by the Samaritans probably challenged the returnees’ conception of Jewish identity, who could claim membership in their community, and who had the right to settle in the land.¹⁶⁶ Ironically, the community would have had an easier time reestablishing themselves in Judah if some members intermarried with the indigenous population, because this would give formerly exiled individuals a chance to become part of already landed and well-off families instead of fighting them to establish dominance and control resources.¹⁶⁷ Based on the high instance of intermarriage reported by Ezra and Nehemiah, this was likely the case. Indeed, from a sociological perspective, having a

¹⁶⁴ Smith-Christopher, “The Mixed Marriage Crisis in Ezra 9-10 and Nehemiah 13: A Study of the Sociology of Post-Exilic Judaeon Community”, *Second Temple Studies, Vol 2: Temple Community in the Persian Period* (Sheffield, Eng.: JSOT Press, 1994), 245.

¹⁶⁵ Smith-Christopher, “The Politics of Ezra: Sociological Indicators of a Postexilic Judean Society”, 86-88, 93.

¹⁶⁶ Smith-Christopher, “The Politics of Ezra: Sociological Indicators of a Postexilic Judean Society”, 86-88, 90-91.

¹⁶⁷ See Smith-Christopher’s explanation of hypergamy theory, which argues that being a member of a disadvantaged group increases the pressure to marry into the local community, at least until the group establishes itself, because this gives members of the minority an avenue for social mobility that they would not otherwise be able to access (Smith-Christopher, “The Mixed Marriage Crisis in Ezra 9-10 and Nehemiah 13”, 249, 252-253). Even though the *golah* were already elites, they were still returnees who needed to reestablish their claim to the land. The conflicts between *golah* leaders such as Ezra and Nehemiah and local political leaders such as Tobiah indicate that resettlement of the returnees and establishing their position in Judean society was not easy or straightforward.

low ratio of Jewish women to men among the returnees may have facilitated intermarriage as the most practical option for establishment in the Judean community.¹⁶⁸ However, Ezra and Nehemiah were against intermarriage because it threatened their idea of what the *golah* community should be. In addition, the women who were targeted could have been of a different ethnic group, or they could have been Babylonians who married Jewish husbands and accompanied them to Judah.¹⁶⁹

Conclusion

Exclusionary attitudes towards foreigners co-existed with welcoming ones within Jewish society.¹⁷⁰ The exclusionist attitudes of Ezra-Nehemiah can be better understood by the survival mechanisms used by minority communities to adapt to and survive adversity.¹⁷¹ Further, the perspectives on the post-exilic Jewish community articulated by the Prophets diverge substantially from Ezra and Nehemiah's views, which suggests that both Ezra and Nehemiah were outliers in their beliefs regarding who qualified as Jewish and how non-Jews were to be treated. The later Prophets articulate a much more inclusive Jewish society and leave open the possibility of the integration of foreigners into the Jewish community. These prophets recognize that even foreign-born peoples may become legitimate YHWH-worshippers and be blessed by God. I explore the latter theme of the inclusion of foreigners within the Jewish community and divine universalism in the next chapter.

¹⁶⁸ Smith-Christopher, "The Mixed Marriage Crisis in Ezra 9-10 and Nehemiah 13", 247.

¹⁶⁹ Eskenazi, "Marriage to a Stranger", 270.

¹⁷⁰ Smith-Christopher, "Between Ezra and Isaiah", 129-130.

¹⁷¹ Smith-Christopher, "The Politics of Ezra", 97.

Chapter 4: The *Ger* and the Prophets

Foreign Nations as Instruments of God's Wrath and the Diaspora as the Ultimate Punishment

Exilic prophetic theology views foreigners as the instruments of God's wrath against Judah. Although they differ in their specific theologies, the three late prophets Isaiah, Ezekiel, and Jeremiah concur that the ultimate punishment for transgressing God's commandments is being handed over to foreigners for destruction, which is God's judgment, and to be sent into exile far from the homeland.¹⁷² God's renunciation of the Israelites has a twofold cause: the prophets, particularly Ezekiel, maintain that God rejects the Israelites because of their idolatry; Jeremiah and Isaiah, in particular, also suggest that the Israelites' failure to care for the most vulnerable members of society, such as widows, orphans, and resident aliens, resulted in God's rejection. The trauma of the exile is carried out by non-Israelites who sweep into Judah and enslave or deport the populace. These non-Israelites then exploit the bounty of the land and claim it as their own. This is all part of God's design, however; the foreigners in and of themselves are not independent agents, but rather the instrument of the will of YHWH. The foreign nations' initial role as persecutors is often followed by the prediction that they will be destroyed, but there are also passages that suggest foreigners will ultimately join the Jewish community in the prophetic conception of the restored Israel. The post-

¹⁷² Acting as God's mouthpiece, the prophet Ezekiel claims, "I will bring desolation upon the land and everything in it by the hand of foreigners" (Ezek. 30:12). Isaiah illustrates the point with equal detail: "Your country lies desolate, your cities are burned with fire; in your very presence aliens devour your land; it is desolate, as overthrown by foreigners" (Isaiah 1:7). See also Ezek. 7:21, 7:24; Jer. 13:24-25, 15:15-19, 17:4.

exilic period saw a radical new conception of Israel rise, a conception that did not just include the exiles but rather integrated peoples from around the world under one God.

The sense of longing for home and the knowledge that to return there means safety and peace is reflected throughout exilic and post-exilic prophetic thought. The Diaspora is regarded as a punishment for the iniquity of Israel's sin that God will ultimately forgive through allowing the return to the homeland.¹⁷³ These two themes suggest that the Judahites' experience of exile was parallel to that of strangers and resident aliens living in a land that is not their own. The emphasis on the difficulty of the exile, the longing for home, and the eventual relief of return ground the theological imperative within the Bible to offer resident aliens the protection that the Israelites themselves did not have when exiled in Babylon.

Along these lines, the prophet Jeremiah is clear that the worst fate that could befall a Jew is not death, but rather exile.¹⁷⁴ However, Jeremiah advocates for submitting to Babylonian rule because he believes it is the will of God that the Jewish community accept their punishment of exile and that God will eventually return them home.¹⁷⁵ He encourages the exiles in Babylon to create lives for themselves in the land where they have been forced to settle instead of refusing to accept their new reality:

“Build houses and live in them; plant gardens and eat what they produce. Take wives and have sons and daughters; take wives for your sons, and give your daughters in marriage, that they may bear sons and daughters; multiply there, and do not decrease. But seek the welfare of the city where I have sent you in exile, and pray to the Lord on its behalf, for in its welfare you will find your welfare” (Jer. 29:5-7).

¹⁷³ See Ezekiel 28:25-26; Jer. 30:3-8, 31:16-17.

¹⁷⁴ “Do not weep for him who is dead...weep rather for him who goes away, for he shall return no more to see his native land” (Jer. 22:10). The prophet considered that to be kept away from one's homeland was a fate worse than death.

¹⁷⁵ See Jeremiah's letter to the exiles, in which he condemns prophets who falsely testify that Babylon will soon fall and the exiles will be quickly restored to their land (Jer. 29).

In this passage, Jeremiah clearly advocates for integration and resettlement into Babylon. Jeremiah is concerned both with God’s impending deliverance of the exiles¹⁷⁶ and for their immediate material welfare. This missive to the Jewish community in Babylon was likely written to dissuade the exiles from rebelling, as an attempted rebellion in 595-594 BCE against Babylon had inspired hope among vassal states that a more widespread, successful one might take place.¹⁷⁷ The prophet explicitly ties the exiles’ prosperity to that of the community in which they now find themselves, and he asks them not to mourn but to continue with their lives. This passage relates to resident aliens because the exiles now find themselves in a foreign land where they will be forced to adapt to an unfamiliar culture and navigate new social expectations. The exiles’ situation parallels how *gerim* may be transplanted—voluntarily or forcibly—from their homeland to another country and must adapt to their new environment. Jeremiah’s encouragement to the exiles to settle down and the association he makes between the exiles’ prosperity and that of the country they are living in hearkens back to the necessity for *gerim* to integrate into the communities that host them to survive. From Jeremiah’s perspective, this integration is not positive or negative but rather a necessity for survival.

¹⁷⁶ “For thus says the Lord: only when Babylon’s seventy years are completed will I visit you, and I will fulfill to you my promise and bring you back to this place” (Jer. 29:10). The actual Babylonian exile must have lasted about 58 years, from 597 BCE (the first deportation) until 539 BCE (when the Persian emperor Cyrus conquered Babylon and allowed the Jews to return home), although it is uncertain how long the exiles’ return to Judah actually took.

¹⁷⁷ William McKane, “Introduction”, *A Critical and Exegetical Commentary on Jeremiah: International Critical Commentary on the Holy Scriptures of the Old and New Testaments* (Edinburgh: T& T Clark, 1986), cxxxix-cxl. See also William Lee Holladay, *Jeremiah 2: A Commentary on the Book of the Prophet Jeremiah, Chapters 26-52*, (Minneapolis: Fortress Press, 1989), 141, <https://muse.jhu.edu/book/45966/>.

The submission to Babylonian rule also applies to the Jews who remained in the land. God warns the nations to submit to Babylon, because if they do not “you will be removed far from your land; I will drive you out, and you will perish. But any nation that will bring its neck under the yoke of the king of Babylon and serve him, I will leave on its own land, says the Lord, to till it and live there” (Jer. 27:10-11). This oracle occurred in response to the arrival of envoys from Moab, Ammon, and Tyre to Jerusalem in 594 BCE who sought to convince king Zedekiah to rebel against Nebuchadnezzar.¹⁷⁸ Jeremiah, foreseeing the destruction that a rebellion would cause, dismissed the prophets who supported rebellion as false.¹⁷⁹ He also advocated for people to stay in Jerusalem rather than flee to Egypt, because to stay was the will of God.¹⁸⁰ This advice to remain in place and submit to a foreign authority is also repeated in Jer. 42, as Jeremiah advises the surviving Jews left in Judah to stay put and submit to Babylonian rule. Jeremiah recognizes that the people must somehow live through the impending difficult times, and if they have to submit to foreign rule to survive—at least for the immediate future—then such submission is permissible. Further, submission to foreign rule is part of their divine punishment. His theology is not so uncompromising that it ignores the reality of the situation in which the Jews find themselves, but rather recognizes the necessity to take steps for the exiles to survive.

¹⁷⁸ William Lee Holladay, *Jeremiah 2: A Commentary on the Book of the Prophet Jeremiah, Chapters 26-52* (Minneapolis: Fortress Press, 1989), 118, <https://muse.jhu.edu/book/45966/>.

¹⁷⁹ William McKane, "Introduction", *A Critical and Exegetical Commentary on Jeremiah: International Critical Commentary on the Holy Scriptures of the Old and New Testaments* (Edinburgh: T& TClark, 1986), cxxxv-cxxxvii. See also William Lee Holladay, *Jeremiah 2: A Commentary on the Book of the Prophet Jeremiah, Chapters 26-52* (Minneapolis: Fortress Press, 1989), 118, <https://muse.jhu.edu/book/45966/>.

¹⁸⁰ McKane, *A Critical and Exegetical Commentary on Jeremiah*, cliii; Holladay, *Jeremiah 2: A Commentary on the Book of the Prophet Jeremiah, Chapters 26-52*, 300.

Ultimately, Jeremiah's position on the exiles is reminiscent of how resident aliens must make decisions regarding what actions they will take to respond to conflict. Both the Jews in Babylon and the *gerim* are displaced from their homeland, and both groups must confront the immanent challenges—often insurmountable political problems outside of their control—in the country in which they find themselves.

Divine Universalism and the Inclusion of Foreigners in the Jewish Community

During the exilic and post-exilic period, Judaism needed to redefine its conception and treatment of foreigners in order to adapt to its precarious new reality and survive.¹⁸¹ Some late/post-exilic authors view the restoration of the Jews not as involving punishment of foreign peoples, but as having foreign peoples *join* their community under God.¹⁸² This is a departure from the more punitive us-versus-them language of the earlier biblical texts such as Joshua and demonstrates how Jewish theology evolved over time according to the circumstances in which the community found itself. Later biblical texts such as Ruth, Third Isaiah, and Zechariah speak of foreigners joining the Jews.¹⁸³

Examples of this inclusive ideology are scattered throughout the later Prophets, but the two passages which perhaps best illustrate the point can be found in Zechariah and Third Isaiah.

“Thus says the Lord of hosts: Peoples shall yet come, the inhabitants of many cities; the inhabitants of one city shall go to another, saying, ‘Come, let us go entreat the favor of the Lord, and to seek the Lord of hosts; I myself am going.’ Many peoples and strong nations shall come

¹⁸¹ Smith-Christopher, “Between Ezra and Isaiah”, 119-120

¹⁸² Smith-Christopher, “Between Ezra and Isaiah”, 140

¹⁸³ Smith-Christopher, “Between Ezra and Isaiah”, 137-138. For example, the prophet Zechariah claimed, “Many nations shall join themselves to the Lord on that day, and shall be my people; and I will dwell in your midst” (Zech. 2:11).

to seek the Lord of hosts in Jerusalem, and to entreat the favor of the Lord. Thus says the Lord of hosts: In those days ten men from nations of every language will take hold of a Jew, grasping his garment and saying, 'Let us go with you, for we have heard that God is with you'" (Zech. 8:20-23).

This passage reflects the themes within exilic and post-exilic prophetic theology of the universal blessing which God will bestow, regardless of nationality; the coming peace among nations; and the leadership role of the Jews in bringing this about.¹⁸⁴ Zechariah clearly believes in the Jews' righteousness and their role as facilitators and leaders in bringing the nations of the world to God, but alongside his idea of Jewish exceptionalism is the inclusion of gentiles. All peoples are welcome to join the Jews in their worship of YHWH because YHWH is the universal God. As long as people recognize YHWH's supremacy, they will be free to join the Jewish community. In particular, the emphasis in the passage on the joining of "strong nations" and the difference in language among the peoples who will follow YHWH is worth noting. "Strong nations" refer to the peoples such as Assyria and Babylon that historically threatened the existence of Israel, but according to the prophet the threat they pose will be neutralized because they recognize the supremacy of YHWH and seek to peaceably join Israel. Further, in this passage Zechariah includes speakers of different languages in the inclusive post-exilic kingdom he envisions ("In those days ten men from nations of every language will take hold of a Jew"), which is a departure from certain biblical

¹⁸⁴ This idea is also reflected in Isaiah 2:3-4: "Many peoples shall come and say, 'Come, let us go up to the mountain of the Lord, to the house of the God of Jacob; that he may teach us his ways and that we may walk in his paths.' For out of Zion shall go forth instruction, and the word of the Lord from Jerusalem. He shall judge between the nations, and shall arbitrate for many peoples; they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more."

stances on people who spoke other languages. Biblical thinkers such as Nehemiah and Jeremiah associated language with foreignness in a negative way.¹⁸⁵ They indicated that the Israelites' inability to speak the language of the other people meant that these people were a danger to them. However, Zechariah refutes this idea, suggesting that language is not necessarily a barrier to inclusion or peaceful coexistence. The idea that language did not prohibit membership in the Jewish community fits into the broader theme of divine universalism throughout the exilic and post-exilic prophetic literature.

The text that contains the most powerful prose regarding divine universalism is arguably Isaiah, written from the perspective of a purist minority group that views the social and religious practices of the dominant group as corrupt.¹⁸⁶ Among the criticisms of the dominant group—that is, the priests, administrators, and kings who governed the Jewish community—are the exploitation and abuse of the poor, widows, orphans, and resident aliens. Isaiah promotes an inclusive view of the community of Israel that is not limited by ethnicity; any person can join the community provided they observe proper worship practices.¹⁸⁷ The passage that perhaps best illustrates this theology is the following:

“Do not let the foreigner joined to the Lord say, ‘The Lord will surely separate me from his people’; and do not let the eunuch say, ‘I am just a dry tree.’ For thus says the Lord: To the eunuchs who keep my sabbaths,

¹⁸⁵ See Neh. 13:23-25; also Jer. 5:15: “I am going to bring upon you a nation from far away, O house of Israel, says the Lord. It is an enduring nation, it is an ancient nation, a nation whose language you do not know, nor can you understand what they say”. In this oracle Jeremiah associates the destruction brought by Babylon with the unintelligibility of its language.

¹⁸⁶ John Goldingay, “Introduction”, *A Critical and Exegetical Commentary on Isaiah 56-66: The International Critical Commentary on the Holy Scriptures of the Old and New Testaments*, ed. G.I. Davies and C.M. Tuckett, (New York: Bloomsbury, 2014), 10-11.

¹⁸⁷ Goldingay, “Introduction”, *A Critical and Exegetical Commentary on Isaiah 56-66*, 11-12. Isaiah even explicitly mentions the inclusion of aliens in the Jewish community: “aliens will join them [the Jews] and attach themselves to the house of Jacob” when the Jews are restored to their homeland by God (Isa. 14:1). This idea is reflected throughout the text, especially in Third Isaiah, which will be discussed later in this section.

who choose the things that please me and hold fast my covenant, I will give, in my house and within my walls, a monument and a name better than sons and daughters; I will give them an everlasting name that shall not be cut off. And the foreigners who join themselves to the Lord...I will bring to my holy mountain, and make them joyful in my house of prayer; their burnt offerings and their sacrifices will be accepted on my altar, for my house shall be called a house of prayer for all peoples. Thus says the Lord God, who gathers the outcasts of Israel, I will gather others to them besides those already gathered” (Isa. 56:3-8).

The phrase “join themselves to the Lord” is significant because it indicates a wholehearted and sincere commitment to YHWH.¹⁸⁸ Importantly, the phrase “join themselves to the Lord” is also used by Jeremiah to illustrate the tearful repentance and renewed commitment of the exiles in Babylon to God.¹⁸⁹ The fact that the phrase applies to both Jewish exiles and non-Jews indicates that, according to post-exilic prophetic thought, foreigners were just as eligible as Jews to make a commitment to YHWH and consequently become part of the community under God. By saying that foreigners—people who are usually regarded with distrust and suspicion—can attach themselves to God, Isaiah indicates that a person’s ethnic background or previous religious practices are no barrier to them joining the Jewish community; what matters most is whether their social and ethical conduct adheres to the religious standards of the Jewish community.¹⁹⁰

It is also important to note the paradox that the prophets articulate regarding the potential integration of non-Jews into the community: the gentiles who follow YHWH will be seamlessly integrated into the Jewish community, but those who persecute the Jewish community will be subordinated or annihilated. Isaiah states:

¹⁸⁸ Goldingay 71-73.

¹⁸⁹ See Jer. 50:5; Goldingay comments that Isa. 56:3 may be a reference to Jer. 50:5 (Goldingay 71).

¹⁹⁰ Goldingay 73.

“But the Lord will have compassion on Jacob and will again choose Israel, and will set them in their own land; and aliens will join them and attach themselves to the house of Jacob. And the nations will take them and bring them to their place, and the house of Israel will possess the nations as male and female slaves in the Lord’s land; they will take captive those who were their captors, and rule over those who oppressed them” (Isa. 14:1-2).¹⁹¹

This passage, from First Isaiah, has been dated to the postexilic period by some scholars but may actually date from king Hezekiah’s reign because it alludes to the restoration of Jacob, which is a euphemism for the Northern kingdom.¹⁹² The paradox of this passage is the tension between “aliens will join them and attach themselves to the house of Jacob”—which suggests that non-Israelites are welcome to integrate into the Jewish community—and the idea that revenge will be exacted on the Assyrians who conquered Israel. The enslavement of former oppressors is clearly a reversal of fortunes and a taunt to the foreigners who subjugated Israel. However, it is hard to reconcile the inclusion of “aliens” and revenge on foreigners, as these concepts, especially when articulated in the same oracle, seem to be mutually exclusive. One interpretation of the text is that those who acknowledge the supremacy of YHWH will be spared, while those who resist will be enslaved or otherwise perish. This is not a unique worldview: many religions believe themselves to be exceptional and will discriminate against individuals or groups who do not adhere to their beliefs. An alternative, non-literal interpretation of these passages suggests that the concept of the enslavement of nations that do not adhere to YHWH can be read as a dramatic flourish added to the text, an idealistic desire of the prophets

¹⁹¹ See also Isa. 25:6-8, 45:14; Isa. 60, Isa. 61:5-6, which express similar ideas. Zechariah, too, expresses the desire for punishment of foreign peoples for past wrongs and, simultaneously, the possibility of inclusion of foreigners within Israel (Zech. 2:9; 12:9; 14:16).

¹⁹² J. J. M. Roberts, *First Isaiah: A Commentary* (Minneapolis: Fortress Press, 2015), 201.

that would never come to fruition because of its impracticality.¹⁹³ The enslavement of foreigners in this passage can be read as a metaphor of Israel's supremacy, but not as the literal enslavement or killing of peoples who do not acknowledge YHWH.¹⁹⁴

The Prophetic Conception of Righteousness and the Resident Alien

Isaiah, Ezekiel, and Jeremiah all rearticulate the Deuteronomic conception of righteousness in their exilic and post-exilic theology, and the resident alien fits into this framework. For example, Ezekiel states that the people have sinned because they “have practiced extortion and committed robbery; they have oppressed the poor and needy, and have extorted from the alien without redress” (Ezek. 22:29).¹⁹⁵ The prophets rearticulate the broader imperatives for social justice within Deuteronomy of which the *ger* was a recipient. Jeremiah echoes the themes articulated by Ezekiel and cites the Deuteronomic imperative in his theology of redemption for the exiles: “Act with justice and righteousness, and deliver from the hand of the oppressor anyone who has been robbed. And do no wrong or violence to the resident alien, the orphan, and the widow, or shed innocent blood in this place” (Jer. 22:3). Isaiah denounces injustice and

¹⁹³ Consider the passages in Joshua that talk about the annihilation of the “peoples of the lands”—these never came to fruition because they were both impractical and impossible to carry out; rather, they were inserted for nationalistic and theological purposes.

¹⁹⁴ With regard to a different but related passage, Goldingay suggests that the radical inclusivity espoused in Isaiah 56:1-8 “by anticipation makes it impossible for anyone to read Isaiah 60-62 [more exclusive, revenge-oriented passages] in a way that imperils the position of other peoples” (Goldingay 93). That is, Isa. 56:1-8 contradicts the more divisive position of Isaiah 60-62, suggesting that any revenge advocated against foreign peoples could be a rhetorical flourish. Alternatively, these oracles could contradict each other simply because they were written by authors who had different opinions. It is important to note that Isaiah was composed over an extended period of time by multiple people. The oldest oracles in the text are attributed to Isaiah of Jerusalem, an eighth century BCE prophet; however, other oracles are clearly rooted in an exilic or post-exilic context, as in the passages that are addressed to the exiles in Babylon. Due to the multiplicity of authors, parts of the text contradict each other. See J.J.M. Roberts, “General Introduction”, *First Isaiah: A Commentary* (Minneapolis: Fortress Press, 2015), 3.

¹⁹⁵ Ezekiel also previously mentions extortion of resident aliens as an issue within the community (Ezek. 22:6).

condemns oppressive policies against the poor, widows, and orphans, with whom resident aliens were associated, although he does not mention *gerim* specifically.¹⁹⁶ These commands clearly refer to related passages in Deuteronomy, including those which explicitly protect *gerim* from exploitation.¹⁹⁷ Ultimately, the prophets suggest that when Israel negates their responsibility to care for the most vulnerable members of society, they go against God's will.

Another important re-articulation of the Deuteronomic imperative emphasizes that true righteousness lies not just in properly performed ritual, but in actions that promote social justice. Isaiah condemns Jews who outwardly worship YHWH but do little to substantiate their piety through action.¹⁹⁸ He suggests that the Israelites were destroyed by God not only because they neglected to follow rituals, but because they were unjust, especially to the vulnerable: "Because these people draw near with their mouths and honor me with their lips, while their hearts are far from me, and their worship of me is a human commandment learned by rote" (Isa. 29:13). Devotion to God that is not accompanied by service to the most vulnerable within the community is meaningless.¹⁹⁹ According to Deuteronomy and the prophets, the most vulnerable include widows, orphans, the poor, and resident aliens (while Isaiah does not explicitly mention *gerim*, resident aliens were associated with widows and orphans; it is arguable

¹⁹⁶ "Ah, you who make iniquitous decrees, who write oppressive statutes, to turn aside the needy from justice and to rob the poor of my people of their right, that widows may be your spoil, and that you may make the orphans your prey!" (Isa. 10:1-2).

¹⁹⁷ See Deut. 24:14-22.

¹⁹⁸ J. J. M. Roberts, *First Isaiah: A Commentary*, (Minneapolis [Minnesota]: Fortress Press, 2015), 369.

¹⁹⁹ See Isa. 58:1-9. Zechariah also articulates this idea: "Render true judgments, show kindness and mercy to one another; do not oppress the widow, the orphan, the alien, or the poor; and do not devise evil in your hearts against one another" (Zech. 7:9-10). None of these actions have to do with the observance of ritual but rather with the qualitatively just treatment of others.

that they may have fallen under the label of “the poor”).²⁰⁰ In other words, the prophets viewed the observance of religious ritual when it was not accompanied by action to promote social justice as hypocritical.

The Powerful are Particularly to Blame for Injustice

Although all members of the community are guilty of transgressions, the elites are often singled out as the worst offenders because they are charged with preserving the people’s welfare and are looked to as examples of righteousness but fail to live up to their office.²⁰¹ For example, Jeremiah articulates how helping the poor and needy is to know and follow God’s will in his criticism of King Jehoiakim, one of the descendants of Josiah. Josiah was the king who was widely regarded as one of the few righteous rulers of Judah before the exile (see Jer. 22:11-19). Jeremiah may have condemned Jehoiakim in part due to political reasons, as Jehoiakim was a puppet king put on the throne by Egypt and upheld Judah’s subordinate position as a vassal state,²⁰² while Jehoahaz was the real king in exile.²⁰³ However, the prophetic condemnation may have been more than politically motivated: according to the oracle, Jehoiakim ruled with violence and oppression and focused on developing his own wealth rather than on the cause of uplifting the poor and needy. This criticism was likely based on Jehoiakim’s indenture of Judahites to build an extravagant new palace and his taxation of the Judean gentry to pay tribute to Egypt.²⁰⁴ Isaiah echoes a similar sentiment when he gives voice

²⁰⁰ See Isa. 1:16-17, 3:14-15, 10:1-2.

²⁰¹ Holladay comments that “It is almost as if Jrm was convinced that the social injustice of the people stems from the behavior of the king” (William Holladay, *Jeremiah 1: A Commentary on the Book of the Prophet Jeremiah, Chapters 1-25* (Philadelphia: Fortress Press, 1986), 594.

²⁰² Holladay 594.

²⁰³ Holladay 596.

²⁰⁴ Holladay 594.

to God's displeasure with the leaders of Israel: "It is you who have devoured the vineyard; the spoil of the poor is in your houses. What do you mean by crushing my people, by grinding the face of the poor?" (Isaiah 3:14-15).

Further, Ezekiel suggests that the high officials of Israel were exiled in part because they did not take care of their subjects but exploited them instead:

"Make a chain! For the land is full of bloody crimes; the city is full of violence. I will bring the worst of the nations to take possession of their houses. I will put an end to the arrogance of the strong, and their holy places shall be profaned. When anguish comes, they will seek peace, but there shall be none. Disaster comes upon disaster, rumor follows rumor; they shall keep seeking a vision from the prophet; instruction shall perish from the priest, and counsel from the elders. The king shall mourn, the prince shall be wrapped in despair, and the hands of the people of the land shall tremble. According to their way I will deal with them; according to their own judgments I will judge them. And they shall know I am the Lord" (Ezek. 7:24-27).

Ezekiel condemns "the arrogance of the strong", which alludes to the impunity of the rulers of Judean society at this time and suggests that they abused people who were less powerful and perhaps had no recourse to justice. He predicts that the leaders' punishment will be in the form of foreign nations appropriating their land and abandonment by God. YHWH will refuse to communicate with the priests and prophets or aid the elders in providing counsel and will thus respond with silence to the rulers' entreaties. YHWH concludes his condemnation with "according to their way I will deal with them; according to their own judgments I will judge them", suggesting that the leaders will receive the same harsh treatment they meted out to their subjects, as a divine comeuppance for their injustices against the weak. Through this punishment the leaders of Judah will understand that God is the supreme being to whom they are answerable. Their arrogance led them to assume that they could act with impunity, but

God will avenge the crimes they commit and through this retribution establish his position as the ultimate guarantor of justice.

Ezekiel also condemns the kings' shortcomings: "You have not strengthened the weak; you have not healed the sick, you have not bound up the injured, you have not brought back the strayed, you have not sought the lost, but with force and harshness you have ruled them" (Ezek. 34:4). The leaders responsible for guiding and caring for the people reneged on their duty by neglecting, abusing, and misleading their subjects. The conception of the duty of the powerful to wield their power responsibly and take care of the weak and vulnerable—who include *gerim*, the resident aliens—fits into the Deuteronomic conception of a just society. The prophets' ultimate promise is that God will judge between the mighty and the weak, and he will protect the weak while condemning the mighty.

Conclusion: Contemporary Immigrants as *Gerim*

Migration is motivated by multiple causes, including war, violence, political conflict, natural disasters, employment opportunities, and economic necessity.²⁰⁵ Undocumented immigrants are some of the most vulnerable people in society. When in transit they deal with an increased risk of violence because of the lack of law enforcement en route to their destination and the threat of organized crime and opportunists.²⁰⁶ The militarization of borders forces undocumented immigrants to take more clandestine routes that often go through rugged and isolated areas, such as deserts or mountains, leading to an increased risk of death.²⁰⁷ Female undocumented immigrants are at an especially high risk of sexual assault and trafficking.²⁰⁸ The well-being of immigrants also tends to be lower than that of native-born citizens of a country because of the stress and uncertainty of finding and keeping employment and supporting themselves economically.²⁰⁹ Further, once established in a country,

²⁰⁵ Genoveva Roldán Dávila, in-class lectures, Universidad Nacional Autónoma de México, Mexico City, August 14, 2019 and October 9, 2019.

²⁰⁶ Zolan Kanno-Youngs and Adam Liptak, “Supreme Court Revives ‘Remain in Mexico’ Policy for Asylum Seekers”, *The New York Times*, March 11, 2020, URL: <https://www.nytimes.com/2020/03/11/us/supreme-court-mexico-asylum-seekers.html>

²⁰⁷ “La migración y los migrantes: una perspectiva global”, *Informe sobre las migraciones en el mundo 2018* (Geneva: Organización Internacional para las Migraciones, 2018), 28; see also Sónia Parella Rubio, “Los desafíos del estudio de las movilidades femeninas desde una perspectiva de género y de la interseccionalidad”, *Las odiseas de Penelope: feminización de las migraciones y derechos humanos*, ed. Genoveva Roldán Dávila, María José Guerra Palermo, Nancy Pérez García (Mexico City, Mexico: Universidad Nacional Autónoma de México, 2017), 91.

²⁰⁸ Parella Rubio, “Los desafíos del estudio de las movilidades femeninas desde una perspectiva de género y de la interseccionalidad”, 89.

²⁰⁹ Rodolfo García Zamora and Patricia Gainza, “Economía, migración y política migratoria en Sudamérica: Avances y desafíos”, *Migración y Desarrollo* 12:23 (México: Universidad Autónoma de Zacatecas, 2014), 75. URL: <http://rimd.reduaz.mx/revista/rev23/3.pdf>.

immigrants often become members of ethnic minorities and face racialized discrimination from the dominant social group.²¹⁰

The situation with regard to immigrants in the United States has deteriorated over the last few years due to the influx of Central and South American asylum seekers arriving at the U.S.-Mexico border and the hostile response of the current presidential administration to their plight. President Donald Trump has only worsened the situation for these migrants by barring asylum seekers from entering the country, separating families that have been detained, and keeping detained migrants in inhumane and unhealthy conditions. I would argue that the President has sanctioned human rights abuses because of these policies.

Trump rose to power in part because 81% of evangelical Christians, who make up a little over a quarter of the U.S. population,²¹¹ voted him into office.²¹² Research has demonstrated that religion can be influential in shaping a person's political views.²¹³ Of course, religion is not the only influence on people's political beliefs and actions: Factors such as race, class, and political orientation also play a role in evangelicals' positions with regard to immigration.²¹⁴ However, the purpose of this thesis is not to

²¹⁰ See Stephen Castles and Mark J. Miller, "El proceso migratorio y la formación de minorías étnicas" in *La era de la migración: movimientos internacionales de población en el mundo moderno*, trans. Luis Rodolfo Moran Quiroz (Universidad Autónoma de Zacatecas, 2004), 49-51.

²¹¹ "Religious Landscape Study", Pew Research Center, 2014. URL: <https://www.pewforum.org/religious-landscape-study/>

²¹² Jessica Martínez and Gregory A. Smith, "How the faithful voted: a preliminary 2016 analysis", Pew Research Center, November 9, 2016. URL: <https://www.pewresearch.org/fact-tank/2016/11/09/how-the-faithful-voted-a-preliminary-2016-analysis/>

²¹³ Benjamin Knoll, "And Who is My Neighbor? Religion and Immigration Policy Attitudes", *Journal for the Scientific Study of Religion* (48:2), June 2009, 313-314.

²¹⁴ Suomala, "Immigrants and Evangelicals: What Does the Bible Say?", 591; Grace Yukich, *One Family under God: Immigration Politics and Progressive Religion in America* (New York: Oxford University Press, 2013), 2. For a more detailed explanation of the influence of factors other than religion on people's political beliefs, see Arlie Russell Hochschild, "The Deep Story and the People in It", *Strangers in Their Own Land: Anger and Mourning on the American Right*, (New York: The New Press, 2016), 135-143.

analyze the sociological reasons why evangelicals vote a certain way (that would undoubtedly require an entire book). Instead, in recognition of the power of religion on decision-making and political action, the thesis has made a case for the biblical imperative to treat immigrants compassionately and humanely instead of rejecting them, and appeals to people of faith to act accordingly with the knowledge of these imperatives.

One of the oldest, and perhaps one of the most haunting, stories in the Hebrew Bible illuminates the relationship between the contemporary immigration crisis within the U.S. and biblical imperatives regarding immigrants. At the U.S.-Mexico border, asylum seekers wait for admission to the United States in dire circumstances.²¹⁵ This situation is reminiscent of the story of the concubine of Gibeah and the response to her plight within Israel. The concubine traveled through unknown territory with companions who did not protect her; she was then raped, tortured, and left for dead with impunity by a mob who lived in the town where her husband had brought her to stay for the night. Most readers react with horror when reading this story because of the impunity and violence of the Gibeonites' actions and the woman's wretched fate. Yet this is arguably not far from the situation of female migrants waiting at the border, who confront the daily threat of assault, rape, sex trafficking, and death in makeshift migrant camps and at the hands of the gangs that control border cities. The awful risk that awaits these women every day could be mitigated or avoided entirely if the President permitted them to shelter in the United States while they waited for their asylum cases to be heard.

²¹⁵ "US: COVID-19 Policies Risk Asylum Seekers' Lives", *Human Rights Watch*, April 2, 2020. URL: <https://www.hrw.org/news/2020/04/02/us-covid-19-policies-risk-asylum-seekers-lives#>

But the president is not entirely to blame, for he assumed office because of the people who voted him in. Perhaps the situation that these migrant women face would not be as dire if the people had not voted for a man with an utter lack of empathy, sense of justice, or feeling of responsibility towards those who are vulnerable. The president and his followers may not be the ones who physically violate these migrant women's bodies, but they allow this to happen because they willfully decide to do nothing to preserve the women's lives even though it is within their power to act. They are the Levite and the old man, the silent bystanders who closed the door and ignored the screams of the anguished woman outside because it was convenient.

What the story of Gibeah suggests is that the merit of a society is based on the way in which it treats its most vulnerable members.²¹⁶ Those vulnerable members often include women, children, immigrants, and refugees. When applied to the contemporary situation with the U.S. government's treatment of migrants, the United States is failing the biblical imperative to take care of the most vulnerable according to the standards indicated by Judges' condemnation of the concubine's treatment. If religious voters are truly influenced by their faith, perhaps they should consider whether their support for a leader whose policies have been responsible for violations of immigrants' rights aligns with the themes of social justice found in the Hebrew Bible.

The standards for the treatment of the *ger* in the Torah and in the Prophets have also been violated by the American governmental response to migrants. As described in the Covenant, justice was not meant to be partial to the rich or to the poor, to the strong or to the weak, to the powerful or to the least influential. Deut. 24:17-18 states, "You

²¹⁶ Tikva Frymer-Kensky, *Reading the Women of the Bible*, 137-138.

shall not deprive a resident alien or an orphan of justice; you shall not take a widow's garment in pledge. Remember that you were a slave in Egypt and the Lord your God redeemed you from there; therefore I command you to do this". This law prohibits the abuse of widows, orphans, and resident aliens and states that they are entitled to receive the same justice as landholding Israelites. It is worth noting that the treatment of the *ger* in the Hebrew Bible is unique because it represents a shift away from caring only for those in one's kinship group to caring for those who are outside of the group and who have no one to protect them.²¹⁷ This shift in loyalty to one's immediate kin or ethnic group to having a responsibility for the *personae miserae* of society is not found elsewhere in ancient Near Eastern law codes,²¹⁸ which makes the Hebrew Bible remarkable among other legal codes of its time.

Further, this passage references the Israelites' ancestral experience of enslavement in Egypt as a motivation for the protection of resident aliens. If interpreted in a modern context, these passages remind Americans who are descended from

²¹⁷ Ramírez Kidd, *Alterity and Identity in Israel*, 47.

²¹⁸ Awabdy, "Social and Religious Integration", 228-231.

immigrants to recall our roots.²¹⁹ Most of our ancestors undoubtedly migrated to this land because of an Exodus experience of their own: they may have fled religious or political persecution or famine or poverty. When we think back to the mythic foundation of the United States, even if we and our parents and grandparents have been settled here for so long that the ancestral memories passed down generation after generation have been obliterated by the passage of time, our founders were all *gerim*.

How does understanding the imperatives to protect and include the *ger* within the Hebrew Bible relate to evangelicals, who tend to rely on the New Testament for religious inspiration? It is important to recognize that Jewish elements run through the New Testament.²²⁰ While the focus of this thesis is on the Hebrew Bible, it is worth noting the connection between the Old and the New Testaments, as outlined in the passage below about Jesus' ministry:

“While he was still speaking to the crowds, his mother and his brothers were standing outside, wanting to speak to him. Someone told him, ‘Look, your mother and your brothers are standing outside, wanting to speak to you.’ But to the one who had told him this, Jesus replied, ‘Who

²¹⁹ It is important to recognize that the United States is also composed of groups that do not have immigrant origins. These groups include Native Americans, who are indigenous to the land and are not the descendants of immigrants in the modern sense. Native Americans are likely the descendants of people who crossed the Bering Strait, or possibly the descendants of groups who sailed across the ocean from Eurasia to North America. They established communities throughout the Americas several thousand millennia ago and were the first people to settle in the land. Some contemporary Native Americans reject these migration theories and claim that their ancestors had always resided in the land. See Simon Worrall, “When, How Did the First Americans Arrive? It’s Complicated”, *National Geographic*, June 9, 2018. URL: <https://www.nationalgeographic.com/news/2018/06/when-and-how-did-the-first-americans-arrive--its-complicated/>. African Americans are the descendants of people who were brought to this country against their will and enslaved. Their migration was by no means voluntary. These groups played significant roles in the formation of the United States and contributed greatly to the development of the country and to contemporary American society. It is important to recognize that they form part of the American people, in addition to people descended from more contemporary, voluntary immigrant groups. At the same time, the formation of the country as we know it today is due in large part to great influxes of immigrants from Europe, Asia, Latin America, the Middle East, and Africa. It is to these latter people, particularly the ones who find themselves in positions of power and governance, that the thesis appeals to recall their roots and ancestral story of immigration.

²²⁰ Christopher Maronde, “Moses in the Gospel of John”, *Concordia Theological Quarterly*, vol. 77 (2013), 23; Randi Rashkover, “Christianity and the Law: The Law as the Form of the Gospel”, *Freedom and Law: A Jewish-Christian Apologetics* (Fordham University Press, 2011), 274.

is my mother, and who are my brothers?’ And pointing to his disciples, he said, ‘Here are my mother and my brothers! For whoever does the will of my Father in heaven is my brother and sister and mother’” (Mt. 12:46-50).

Jesus did not consider his loyalty or responsibility to be solely to his family. He considered himself responsible to all the people in his community, even the ones who were usually rejected by society—such as tax collectors and prostitutes—who were some of his most dedicated apostles and followers. The idea of including and serving the people who are not of one’s immediate kinship group is reflected in the Hebrew Bible and rearticulated through Christian ministry.

Jesus himself was a Jew and his ministry was informed by his understanding of the Jewish law. Several of the apostles expressed the idea that Jesus as the messiah fulfilled the law.²²¹ The meaning of fulfilling the law is ambiguous, but the phrase suggests that Jesus’ conduct and deeds were the epitome of what upholding the law meant.²²² Further, his teachings synthesize the messages found in the Torah (the law) and the Prophets,²²³ and in this sense the law of the Torah and the Prophets is not abandoned but reinterpreted. Jesus’ arrival and the Gospels do not negate the importance of the Old Testament; rather, they are new expressions of many of the teachings found inside the Hebrew Bible. Evangelical Christians should take into account the link between the values expressed in the Hebrew Bible and Jesus’ ministry

²²¹ See Matt. 5:17: “Do not think that I have come to abolish the law or the prophets; I have come not to abolish but to fulfill”. See also John 1:17: “The law indeed was given through Moses; grace and truth came through Jesus Christ”. Both passages suggest that Christ, through his actions, embodied the law of the Torah.

²²² Philip la Grange Du Toit, “The Fulfilment of the Law According to Matthew 5:17: A Dialectical Approach”, *Acta Theologica* 38, no. 2 (2018), 55.

²²³ *Ibid* 56-57.

as outlined in the New Testament, and how these might inform their politics and actions with regard to immigrants.

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