

“They Shall Be To You As Citizens” ó Prophets, Laws, and the “Resident Alien”

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Thesis

Submitted to the Faculty of the
Graduate School of Vanderbilt University
in partial fulfillment of the requirements
for the degree of

MASTER OF ARTS

in

Religion

May 11, 2018

Nashville, Tennessee

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To my amazing wife Maggie, whose passion for those seeking a better life provided the impetus for this project, and for her continued love and support.

To my parents Jane and Ron for their endless encouragement and support in pursuing my education at all levels.

To my adviser, Annalisa, who just kept refusing to give up on this project. *Non potrò mai ringraziarti abbastanza.*

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LIST OF ABBREVIATIONS

<i>AB</i>	Anchor Bible
<i>BAR</i>	Biblical Archaeology Review
<i>BDB</i>	Brown Driver Briggs
<i>CAD</i>	Chicago Assyrian Dictionary
<i>JPS</i>	Jewish Publication Society
<i>JSOT</i>	Journal for the Study of the Old Testament Supplement Series
<i>LE</i>	Law of Eshnunna
<i>NRSV</i>	New Revised Standard Version

Chapter 1 INTRODUCTION

The study of human cultures in a historical setting inevitably brings to light recurring themes and questions. One such issue that continues to appear is how one society treats those who are different and deemed to be outsiders or others. A broad view of how one culture treats the legal rights of the foreigner varies throughout human history and continues to be a question today. In the United States, the rights of immigrants, both documented and undocumented, continue to be debated by the government, with citizens often holding sharply contrasting opinions.

Another factor in this immigration debate is the Bible. Claims of biblical authority regarding LGBTQIA rights, reproductive, and immigrants' rights have produced divisive opinions and heated debates. It is the question of immigration and the Bible that provided the impetus for my study. While both sides of the debate on immigration can use the Bible to further their cause, my question became, "What does the Bible really say about this issue?"

The focus of my work examines how the prophetic and legal texts of the Hebrew Bible are in conversation with each other regarding the resident alien. My concern will be how the prophets use the legal material in commenting on the Israelites, specifically in terms of their treatment of the alien.

My question is "How is the Hebrew Bible directing the treatment of resident aliens?" It is my hope that my work will demonstrate that despite lacking control over the land, and perhaps precisely because of that, Ezekiel, working within the prophetic tradition of using the Deuteronomic Code to justify protection of the "alien," will extend this notion by creating an idealized Israel in which he incorporates the Holiness Code in order to raise "aliens" to the status

of citizens. My approach is best described as a diachronic approach that does not seek to look at the development of the text, but rather how concepts and terms differed in various situations. For my linguistic analysis of the Biblical Hebrew, my focus will be on the word *gēr*, typically translated as “foreigner,” “stranger,” “resident alien,” or “alien.” I will render *gēr* as “resident alien” in my translations. I will use a comparative method to see how ancient Near Eastern cultures use terms that broadly mean “alien” or “foreigner” and use that background to illuminate how the Hebrew Bible uses the term to mean “resident alien.” I will first look at various ancient Near Eastern uses of terms that broadly mean “alien.” In this thesis, I will make the case to translate *gēr* as “resident alien.” This will provide a starting point for how various cultures of the ancient world understood the concept of the “other.” I will then narrow my study to show how the concept of the “resident alien” appears throughout the biblical text, including a look at various terms that also convey “foreignness,” with a final focus on the term *gēr*. The emphasis on this term will lead to an examination of the various law codes in the Bible that mention the “resident alien,” finally moving into a look at what various prophets say about how Israel should treat the “resident alien.” I will show how the word and notion behind it has developed throughout the ancient Near East, both in other Semitic languages and Hebrew and its more closely related Ugaritic¹ and Moabite.²

Before delving into the Hebrew, I will provide some background information about the historical context out of which the texts have been produced. Regarding this, Mario Liverani begins the foreword to his work *Israel’s History and the History of Israel* with the following statement:

¹ John Huehnergard, *An Introduction to Ugaritic* (Peabody, Mass.: Hendrickson, 2012), 1-2.

² See the Philological comments regarding the Mesha Inscription and Moabite in Kent P. Jackson, “The Language of the Mesha Inscription,” in *Studies in the Mesha Inscription and Moab* (ed. Andrew Dearman; Atlanta: Scholars Press, 1989), 98-100.

Another history of ancient Israel? Are there not enough of them already? And what if its author is not even a professional Alttestamentler, but a historian of the ancient Near East? It is true: we already have many (perhaps too many) histories of ancient Israel, but they are all so similar to each other because, inescapably, they are all too similar to the story we find in the Biblical text. They share its plot, its way of presenting facts, even when they question critically its historical reliability.³

Liverani is correct in that a plethora of histories of ancient Israel have been committed to print and therefore we must continue to find new ways to nuance our understanding of the biblical text. For my study, I will use historical analysis to ground the text in some sort of *Sitz im Leben*. However, the historical analysis will provide the framework for the focus, which is on how the text regards the *ǎalien.ö* From a historical point of view, I do not seek to reinvent the wheel with this study, but rather build on what other historians have concluded before me.

Like Liverani, Philip Davies notes the complexities in approaching the issue of history and the Bible. He argues that the Bible must be taken into account when constructing a history of ancient Palestine, with the problem becoming how the historian evaluates the texts of the Bible⁴. Davies's argument points out the trap that a biblical historian/historian/Biblicist encounters when discussing a history pertaining to the Bible. Writing a history without the Bible becomes difficult as very few writings of any kind from *ǎancient Israelö* exist. Thus, the use of the Bible is virtually necessitated, with the larger hurdle becoming how one uses it as a historical source. Questions pertaining to real vs. myth, literal vs. figurative, and dating issues plague the historian.

One of the key elements for discussing the history of ancient Israel, and thus a key component in discussing how one builds a historiography of ancient Israel, is the quandary of just how one defines the term *ǎIsrael.ö* As one example, Davies noted in his study *In Search of 'Ancient Israel'* that the term Israel was not a datum, but rather a problem, and that two scholars alone (Hulst and Hayes) were able to provide no less than ten definitions of how one could possibly define Israel, including a sacral league of tribes, descendants of Jacob/Israel, and

³ Mario Liverani, *Israel's History and the History of Israel* (London: Equinox, 2003), xv.

⁴ Philip R. Davies, *Memories of Ancient Israel* (Louisville: Westminster John Knox Press, 2008), 5.

adherents of various forms of Hebrew and Old Testament religion⁵. This problem is further complicated by an attempt to assemble a history of 'Israel,' as a specific definition of the term is elusive.

J. Alberto Soggin provides a simple and succinct definition of the discipline, stating, 'For just over a century there has been a discipline called 'history of Israel' (which is taken to mean the history of Israel, Judah, and neighbouring countries).' To further nuance, Soggin's definition essentially articulates how scholars generally view the history of ancient 'Israel' through the lens of the biblical narratives. In other words, much of the study still relies heavily on the biblical text. It is critical to note that I am not stating whether this approach is sufficient, proper, etc., merely that the biblical text is strongly connected to this type of historiography.

The scholarly influences used to guide my study are Christina Van Houten's *The Alien in Israelite Law* and Liverani's *Israel's History and the History of Israel*. I use Liverani's work to ground my historical analysis and Van Houten's for her work on the *gēr*. Van Houten's proposal for her examination states the following:

This survey indicates that there is a need for a study which will use the biblical evidence in the context of ancient Near Eastern culture and literature, paying attention to dating, genre, and to the society presupposed by the literature, as well as to its theological agenda, and on this basis attempt to reconstruct the legal status of the alien, its rationale, and how both developed through Israel's history.⁷

For my study, I adopt a similar method. I will build on Van Houten's research and approach in terms of examining the text using linguistic and historical tools, however whereas Van Houten's approach focuses on the legal materials, my focus will be on the prophetic texts and their use of *gēr* in conversation with the legal material. Additionally, Van Houten's analysis relies heavily on arguing for various dates, acknowledging the unreliable nature of the

⁵ Davies *Memories of Ancient Israel*, 47-48.

⁶ J. Alberto Soggin, *An Introduction to the History of Israel and Judah* (2d ed.; Valley Forge: Trinity Press International, 1993), 34.

⁷ Christiana van Houten, *The Alien in Israelite Law* (Sheffield: Sheffield Academic Press, 1991), 20.

Documentary Hypothesis. For dating the legal material in my study, I follow generally held theories and rely on established scholarly voices. Because my focus is on how the prophetic material reacts to the legal material, I will acknowledge the dating of the legal material, but focus on its temporal placement vis-à-vis the prophetic material.

Finally, because my study addresses questions pertaining to the "resident alien," I must briefly mention the role of land in this discussion. Land plays a significant role as the concept of a resident alien is difficult without an area or land in which to define a "them" and "us." Briefly, the historical reality of the land from the time of the Exile and through the postexilic time was not as straightforward as the Bible presents. The Babylonians did not take all the Israelites into captivity and the land was not empty when the descendants of the captives returned.⁸ I prefer to follow Hans M. Barstad's succinct view that, "By bringing the aristocracy of Judah into exile, Nebuchadnezzar in fact removed its statehood, which was identical with the royal family and the upper classes. In addition, a number of artisans were probably deported."⁹ Additionally, as I will discuss in the chapter on Ezekiel, the biblical writers wrote about land and boundaries from a position in which they did not possess their own land or boundaries. Overall, the Bible is a vital tool for understanding the Israelites; however, we must remember that it is presenting an idealized version of history that typically looks back after the fact.

In terms of the land, I do not hold to the notion that the land was left completely empty following the Babylonian Exile. I agree with B. Oded that the notion, which stemmed from 19th century scholarship, is both outdated and unnecessary. Oded argues it is unnecessary because the people were returned to their land and thus could continue life within the Judean cities and build

⁸ See Liverani, *Israel's History and The History of Israel*, Chapter 13.

⁹ Hans M. Barstad, "After the 'Myth of the Empty Land': Major Challenges in the Study of Neo-Babylonian Judah," in *Judah and the Judeans in the Neo-Babylonian Period* (eds. Oded Lipschits and Joseph; Winona Lake, IN: Eisenbrauns, 2003), 3.

a new temple.¹⁰ I would nuance this understanding further for the purposes of examining the Bible's treatment of the "resident alien" by saying that any given Biblical writer's perspective on foreigners in general can be complicated based on that writer's own relationship with the land. Biblical narratives that originated in Babylon during the exile may carry a different perspective than those written by exiles after the return to the land.

Another key aspect for my study is the understanding of the impact of the Exile on the Biblical writings and ideas relating to the "resident alien." This becomes particularly vital in the discussion regarding the prophetic texts of chapters 4 and 5. In order to understand this notion, I will employ the Dalit Rom-Shiloni notion of exilic literature as a term that carries multiple meanings.¹¹ Written, compiled, or edited literature that occurred in Babylon is one way to comprehend this designation. Secondly, it can refer to the authorship of various written works, writing from an exilic context. In other words, this understanding includes returnees who experienced the exile and returned to the land.¹² This nuanced understanding of what it means to be writing from an "exilic context" will inform my discussions on the relationship between the prophetic writings and their relationship with the land of Israel itself. Finally, it will further my position that as land enters an idealized vision of the future in Ezekiel, the "resident alien" is still included in the prophetic conversation of who is to be protected within Israel's borders.

To guide my study, I focus on the single term *gēr* used throughout the Bible, and see how it is used through the ancient Near East, within biblical legal material, and finally by the prophetic material.

¹⁰ B. Oded "Where Is the 'Myth of the Empty Land' to be Found? History versus Myth," in *Judah and the Judeans in the Neo-Babylonian Period* (eds. Oded Lipschits and Joseph Blenkinsopp: Winona Lake, IN: Eisenbrauns, 2003), 55-71.

¹¹ Dalit Rom-Shiloni, "From Ezekiel to Ezra-Nehemiah: Shifts of Group Identities within Babylonian Exilic Ideology," in *Judah and the Judeans in the Achaemenid Period* (ed. Oded Lipschits, Gary N. Knoppers, and Manfred Oeming; Winona Lake, IN: Eisenbrauns, 2011), 127-151.

¹² Rom-Shiloni, "From Ezekiel to Ezra-Nehemiah," 127f.

Chapter 2 LANGUAGE

2.1 Introduction

Before delving into the biblical material relating to the *resident alien*, I will first establish a linguistic overview of the *resident alien* in both the biblical text and within the broader ancient Near Eastern context. I will look at various words that convey the meaning of *resident alien* throughout the ancient Near East. The purpose of this will be to connect these concepts to the terms that also denote *foreignness* in Hebrew. Finally, I will look at specific terms that carry the implication of a *resident alien* within the Hebrew Bible. One caveat to this study: not every ancient Near Eastern Semitic language possesses a term that means *resident alien*. Below, I will show several terms that relate to the *foreigner* and *being foreign*, however this limitation should be noted at the outset. I still include the more generic terms for *foreignness* in this study to show their linguistic connections to the Hebrew as well as general attitudes towards foreigners within the ancient world.

2.2 Biblical Hebrew

The Hebrew root *nkr* also carries meanings of *foreignness*. Its various nuanced meanings include the verb *nākar*, *to regard or recognize*, a noun *nēkār*, *that which is foreign, foreignness*, and the adjective *nokrî*, *foreign, alien*.¹³ The root *nkr* and its forms are found throughout the Hebrew Bible.

¹³ Francis Brown, S.R. Driver, Charles A. Briggs, *The Brown-Driver-Briggs Hebrew and English Lexicon* (Peabody, Mass.: Hendrickson Publishing, 2000), 647-648.

The Hebrew root *zwr* means *to be a stranger*, and also carries the meanings of *to become estranged* in the perfect, *strange* as an adjective, and *stranger* as a noun.¹⁴ The root itself occurs 28 times in the Hebrew Bible.¹⁵ These 28 occurrences include instances in which it is used as a noun to mean *border* or *circlet*.

The noun *gēr* relates to the root *gwr*, *to sojourn*. As a noun, *gēr* appears in the Hebrew Bible nearly 90 times, including the root *gēr*,¹⁶ with the definite article¹⁷, the plural¹⁸, and plural with the definite article.¹⁹ Unlike the other words conveying a meaning of *foreign* or *foreignness*, *gēr* specifically refers to a *resident alien*, that is, a non-Israelite residing within Israel's territory.²⁰ A strong argument in this favor is the basic meaning of the root that relates to *residing*, differently from the others. The *zwr* and *nkr* convey the general sense of *foreignness*, however they lack the nuanced meaning of one who dwells among the Israelites.

2.3 Akkadian

In Akkadian, we have the verb *gerû*, meaning *to be hostile*, to start a lawsuit in the G-stem and *to open up hostilities*, to make war, to start a lawsuit in the D-stem.²¹ There is also the noun *gērû*, *foe*, *adversary*²² clearly connected with this verb. These terms are found in Old Babylonian and forward, reflecting an idea of a *foe* or *another*. They give us a sense of

¹⁴ BDB, 266.

¹⁵ Exod 25:11, 24f; 30:3, 33; 37:2, 11f, 26; Lev 22:10, 12f; Num 17:5; Deut 25:5; 1 Kgs 3:18; Job 15:19; 19:27; Ps 44:21; 81:10; Prov 11:15; 14:10; 20:16; 27:2, 13; Isa 17:10; 28:21; 43:12; Hos 8:12.

¹⁶ Gen 15:13; 23:4; 35:27; Exod 2:22; 12:48; 18:3; Lev 19:33; 25:35, 47; Num 9:14; 15:14; Deut 10:18; 18:6; 23:8; 24:17; 27:19; Judg 17:7; 19:1, 16; 2 Sam 1:13; Ezra 1:4; Job 28:4; 31:32; Ps 39:13; 105:23; 119:19; Isa 27:9; 54:15; Jer 7:6; Ezek 47:23; Zech 7:10; Mal 3:5

¹⁷ Gen 16:1, 3f, 8, 15f; 21:9, 14, 17; 25:12; Exod 12:49; 23:9; Lev 16:29; 17:8, 10, 12f; 18:26; 19:34; 20:2; 22:18; Num 15:15f, 26, 29f; 19:10; Deut 10:19; 28:43; Josh 20:9; Isa 14:1; Ezek 22:29; 47:23

¹⁸ Exod 22:20; 23:9; Lev 19:34; 25:23; Deut 10:19; 2 Sam 4:3; 1 Chr 29:15; Ps 146:9; Isa 5:17; Jer 35:7

¹⁹ Lev 25:6, 45; 1 Chr 22:2; Ezek 47:22

²⁰ For a more detailed analysis, see José E. Ramírez Kidd, *Alterity and Identity in Israel* (Berlin: Walter de Gruyter, 1999), 12-22 and Van Houten's engagement with Spina in Van Houten, *The Alien in Israelite Law*, 18-20.

²¹ CAD G volume, page 61f.

²² CAD G volume, page 62f.

opposition and hostility that can be associated with reactions to others, while again carrying the Semitic *gr* root.

Another Akkadian term that relates to this idea of foreignness or alienness is *nakāru*, which carries a wide range of nuanced meanings. The verb's meaning is to become hostile, to be or become an enemy, to engage in hostilities, to be at war, to rebel against a ruler, to be an alien, an outsider, to become estranged.²³ Both *nakāru* and *gerû* convey connotations of hostility, but *nakāru* seems to be more narrowly addressing a foreign/enemy/estranged other, whereas *gērû* is often used in the legal sphere for adversary in a lawsuit therefore making it closer to the Hebrew term *ger*, which is also used in a legal context.

2.4 Ugaritic

In Ugaritic, we also have the verb *gr*, meaning to lodge, to take refuge, to be protected (in the N-stem) and to settle (in the R-stem).²⁴ The noun *gr* appears to have a meaning of protected; guest, foreigner.²⁵ The meaning protected presented by Gregorio Del Olmo Lete and Joaquin Sanmartin's *A Dictionary of the Ugaritic Language in the Alphabetic Tradition* is justified by text KTU 1.40/RS 1.002, where the word *gr* repeats three times in a formulaic fashion. Lines 35 through 36 contain the phrase, *w npy . gr / ḥmyt . ugrt*, translated as, and well-being of the alien in the walls of Ugarit.²⁶ The phrase is also found, albeit with some reconstruction needed, on lines 18 and 25. Dietrich and others classify the text as ritual.²⁷ The wall here conveys a sense of protection for the alien. And given that Dietrich and others have

²³ CAD N Part 1 volume, 159.

²⁴ Gregorio Del Olmo Lete and Joaquin Sanmartin, *A Dictionary of The Ugaritic Language in the Alphabetic Tradition: Part One* (trans. Wilfred G.E. Watson; Leiden: Brill, 2003), 305f.

²⁵ Gregorio Del Olmo Lete and Joaquin Sanmartin, *A Dictionary of The Ugaritic Language in the Alphabetic Tradition*, 306.

²⁶ Manfred Dietrich, Oswald Loretz, and Joaquin Sanmartin, *The Cuneiform Alphabetic Texts from Ugarit, Ras Ibn Hani and other Places* (2d ed.; Münster: Ugarit-Verlag, 1995), 77.

²⁷ Ibid.

classified it as a ritual text, it is possible to see this as a religious concern. This theme will become more relevant in my discussion of the biblical material.

Another example comes from RS 2.002/ KTU 1.23. Line 66 contains the simple phrase *tm . tgr gr*, translated as “where you will dwell as aliens.”²⁸ This text underscores the connection of the “alien” to the dwelling place, which establishes the antecedent for the connotation of alien as resident dweller in the Hebrew Bible. An example of similar language within the biblical text would be the various passages pertaining to the Israelites’ enslavement in Egypt, such as, “You shall not wrong or oppress a resident alien, for you were aliens in the land of Egypt” (Exod 22:21).²⁹

2.5 Moabite

Finally, another Northwest Semitic parallel of *gr* comes from the Moabite Mesha Inscription, also known as the Mesha Stone. Discovered in 1868 and dating to the Ninth Century BCE, the black basalt stela contains 34 lines of Moabite and details the successful capture of Israelite territory by the Moabite king, Mesha. Although the authenticity and exact context of this inscription have been debated³⁰, what is evident is the fact that the stela discusses Moab’s relation with Israel. Moab is attested in various ancient records, with the subject of the stela overlapping with the biblical account of Israel’s war with Moab (2 Kgs 3). As mentioned earlier, Moabite is linguistically similar to Biblical Hebrew, thus making this relevant for my discussion.³¹ The relevant passage in this inscription is in lines 16-17:

Line 16: *zh.w’hrg.kl(h) .šk’t. ’lpn.g(b)rn.w(gr)n wgbrt.w(gr)*

²⁸ Manfred Dietrich, Oswald Loretz, Joaquin Sanmartin, *The Cuneiform Alphabetic Texts*, 69.

²⁹ Unless otherwise noted, all biblical passages are from the NRSV.

³⁰ See M. Patrick Graham, “The Discovery and Reconstruction of the Mesha Inscription” in *Studies in the Mesha Inscription and Moab* (ed. Andrew Dearman; Atlanta: Scholars Press, 1989), 75-78.

³¹ For a history of the archaeology and reading of the inscription, see J. Maxwell Miller “Moab and Moabites” in *Studies in the Mesha Inscription and Moab* (ed. Andrew Dearman; Atlanta: Scholars Press, 1989), 1-27.

Line 17: *t.wrḥmt k'.l'štr. kmš.*

ōí (16) took it and slew all in it, seven thousand men and women, both natives and aliens (17) and female slavesí ö³²

While I agree with John Gibson's translation overall, I prefer to translate *gbrn* as öcitizen-menö and *grn* as öresident aliensö respectively. It is my contention that the listing of the four terms specifically differentiates between legal classes of people in Israel. The ötopö tier would be those who are full citizens of Israel, with the next level being those who are living within the land but are not Israelites themselves (resident aliens), with the final designation being slaves. Listing different classes of people encompasses a broader range of social status in ancient Israel, giving a broader picture of the totality of the victory of Moab's Mesha over the Israelites.

André Lemaire offers another possible translation for this passage: öMen, boys, women, girls, and pregnant womení ö³³ While he agrees with Gibson that *gbrn* means ömen,ö he differentiates the *grn* from *gbrn* not as a legal status (native vs. citizen), but as a determination of age since he translates *grn* as öboys.ö³⁴ He derives this meaning from the term *gwr*, for which he suggests a meaning öwhelpö or öboy.ö³⁵ Therefore Lemaire sees this passage as creating a hierarchy divided by age and gender, thus suggesting that Mesha focused on conquering the totality of people as persons of all ages and genders. As seen before, Gibson had focused more on the legal status, which seems more in line with the use of the term *gr* in Ugaritic and Akkadian. I think that even more, one could imagine different legal layers in society: citizen, resident alien, and slaves.

³² Text and translation from John C. L. Gibson, *Textbook of Syrian Semitic Inscriptions: Volume 1. Hebrew and Moabite Inscriptions* (Oxford: Clarendon Press, 1973), 76.

³³ Ibid.

³⁴ André Lemaire, öHouse of David Restored in Moabite Inscription,ö *BAR* 20:03 (May/June 1994): 30-37.

³⁵ Lemaire, öHouse of David Restored in Moabite Inscription,ö 33.

Another supporting factor for this notion in line 16 comes from an examination of the stela as a whole. Scholars like K.A.D Smelik have noted the careful and deliberate literary structure of the stela, suggesting the inscription functions as a crafted narrative overall as opposed to simply a list of victories.³⁶ A crafted account of warfare, in opposition to a simple list of conquered territories and people, suggests a more sophisticated reading of the texts that leans towards a literary presentation rather than an item-by-item list.

2.6 Conclusion

Having narrowed the meaning of the element of *gr* in cognate languages, it seems plausible that the Biblical Hebrew *gēr* should be interpreted similarly as 'resident alien' and not surprisingly, most examples are found in legal context. This is why I am beginning the conversation of the biblical *gēr* usage in the legal material. This word has already been discussed by Van Houten, whose work provides a detailed account of the history of scholarship surrounding the study of the *gēr*. Briefly, Van Houten builds her history of scholarship with the writing about the *gēr* in the early 20th century, arguing that it typically relied solely on the biblical text. She notes that Weber's early work analyzed the role of the *gēr* as compared to Israel's development, Sulzberger's examined labor in light of the *gēr* in ancient Israel, and finally Meek looked at the *gēr* throughout the Hexateuch in which he concluded the *gēr* should be translated as 'immigrant'.³⁷ She concludes with Spina, who noted the various roots of *gwr*, including 'to sojourn' and 'to stir up strife', reinforced the idea of the *gēr* as 'immigrant'.³⁸

With this precise understanding that the *gēr* carries meaning of a 'resident alien', I will now turn to how various law codes through the ancient Near East and in the Bible address

³⁶ K.A.D Smelik, *The Literary Structure of King Mesha's Inscription*, JSOT 46 (1990): 21-30.

³⁷ Van Houten, *The Alien in Israelite Law*, 15.

³⁸ Van Houten, *The Alien in Israelite Law*, 14-19.

aspects of the "foreigner" broadly as well as the more specific instances involving those who are in residence.

Chapter 3 LAW CODES

3.1 Introduction

Raymond Westbrook expressed the difficulty of discussing the law in an ancient Near Eastern context succinctly:

í In assessing the sources of legal authority in the ancient Near East, we must not only take into account oral as well as written forms. We must also recognize that the document in which the source is now found would not necessarily have played the same role as in modern law and may not have been identical with the authoritative source itself.³⁹

The topic of law codes in the ancient Near East encompasses several cultures, a wide variety of written and oral sources, multiple societies and over three thousand years of history, which provide unending lines of inquiry. The scholarly corpus of material pertaining to this topic could also fill libraries. Ancient Near Eastern law provided the foundation for what would eventually become modern law, with aspects tracing from the ancient Near East through Greek and Roman civilizations to modern times.⁴⁰

It is within this broad tradition that the biblical legal material sits and it is difficult to engage in a study of the legal authority of biblical law, as we do not have records demonstrating the application of the law in a legal setting. Tikva Frymer-Kensky elaborates on this: “Almost all our information about law in ancient Israel comes from the Bible itself; practical documents would have been written on perishable material and have long since disintegrated.”⁴¹ As we will see below, legal protections and obligations of foreigners existed in a multitude of law codes throughout the ancient Near East.

³⁹ Raymond Westbrook, ed, *A History of Ancient Near Eastern Law* (2 vols.; Boston: Brill, 2003), 13.

⁴⁰ Westbrook, 1-2.

⁴¹ Tikva Frymer-Kensky, “Anatolia and the Levant” in Raymond Westbrook, ed., *A History of Ancient Near Eastern Law* (2 vols; Boston: Brill, 2003), 975.

Liverani notes an important distinction between the biblical legal material and other ancient Near Eastern law codes. Many law codes were linked to a king on a throne. In contrast, Israel's laws were, "conceived mainly during a (real) period of political de-structuring, it was retrojected into another (imaginary) period when the structuring had not yet taken place."⁴² This retrojection would mirror ancient Near Eastern practices; for example, Moses receives the "law" from Yahweh while on top of the mountain, becoming the intermediary between the deity and the people, much like Hammurabi receiving his "law" from the gods. By placing the writing of the law back in an "imaginary time," as Liverani would call it, a main purpose behind Israel's laws becomes a source of self-identification and identity.⁴³

By following Liverani's proposal, one may gain a better understanding of the context of the biblical legal material as an ideal for societal behavior. Regardless, these texts share language and content with various ancient Near Eastern law codes that address the idea of "foreignness." In this chapter I will review the relevant passages in these ancient Near Eastern codes and then finally focus on the resident alien in the Biblical law codes.

3.2 Laws of Eshnunna

An early mention of a "foreigner" comes in the Laws of Eshnunna (LE), a code originating from approximately 1770 B.C.E, during the Old Babylonian period. In section 41 of the code, one reads: *šumma ubarum nap̄tarum u mudû šikaršu inaddin s̄abīt Bum maḥīrat illaku šikaram inaddinšum.*⁴⁴ Martha Roth translates it as follows: "If a foreigner, a *nap̄taru*, or a *mudû* wishes to sell his beer, the woman innkeeper shall sell the beer for him at the current rate."⁴⁵ The

⁴² Liverani, *Israel's History and The History of Israel*, 344.

⁴³ Ibid.

⁴⁴ Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor* (Atlanta: Scholars Press, 1995), 65.

⁴⁵ LE 41 in Roth, *Law Collections from Mesopotamia and Asia Minor*, 65.

word *ubaru* as “foreigner,” actually carries similar meanings to *gēr*, as it is generally translated as “stranger, foreign guest, resident alien, guest-friend.”⁴⁶ However, we cannot connect it linguistically to the term *gēr* as its etymology is complicated. It originally derives from a designation of a type of foreigner, *wabru*, used primarily in Assyrian texts (also borrowed as an Akkadian word in Hittite),⁴⁷ borrowed into Sumerian U.BAR, then borrowed back into Akkadian as *ubaru*.

This shows a concern for the *ubaru* to have protections for the resident alien. Here we have the situation (a foreigner wants to sell his beer) and the societal prescription that addresses that situation (it is to be sold at the current rate). This protection is unique, especially when compared to the biblical material. Whereas the Hebrew Bible is concerned with the treatment of the “resident alien” within Israel, providing entry to the cult as well as the general declaration to be kind to the “resident alien,” here we have a specific protection in the form of economic fairness. In this case, though a foreigner, the person is allowed to sell his beer at the local tavern for the same going rate as the local product. This is especially interesting when compared to a modern context, in which “foreign” beer (i.e. imported) typically carries a higher price tag than domestic, at least in the United States.

3.3 Laws of Hammurabi

The broad reaching categories of the Law of Hammurabi, arguably the most well-known legal collection of the ancient Near East, also include provisions for the treatment of the

⁴⁶ CAD U Volume, 10-12.

⁴⁷ CAD W Volume, 398.

foreigner. Composed around 1750 B.C.E, the code reflects earlier traditions of legal codes as well as serves as a model for later legal codes in the ancient world.⁴⁸

For the topic of the *šumma awīlum*, the Hammurabi Code presents a more complex regulation than what we have seen thus far:

*šumma awīlum ina māt nukurtim wardam amtam ša awīlim ištām inūma ina libbū mātīm ittal kamma bēl wardim ulu amtim lu warassu ulu amassu ūteddi šumma wardum u amtum šunu mārū mātīm balum kaspimma andurāršunu iššakkan*⁴⁹

Roth translates LH 280 the following way: "If a man should purchase another man's slave or slave woman in a foreign country, and while he is traveling about within the country the owner of the slave or slave woman identifies his slave or slave woman or if they, the slave and slave woman, are natives of the country, their release shall be secured without any payment."⁵⁰ The relevant term in this passage is *nukurtim*, the root of which is *nakārum*. While this law is certainly more involved than material we have examined thus far, Westbrook is able to shed light on it, stating that, "According to LH 280, 'sons of the land' who are slaves and somehow find their way abroad, where they are purchased and brought home, may then be reclaimed by their local owner."⁵¹ Therefore for this portion of Hammurabi Code, location (i.e. land) plays a relevant role in the law. Although using a different term that does not necessarily convey the "resident" part of being a foreigner, this shows a view that a foreigner's location in part dictated the legal rights of said foreigner. Unfortunately, the implication presented here is, just like the Law of Eshnunna, the protection is for economic reasons, or more specifically, slavery. At the most basic level, this law recognizes and protects the status of one's citizenship with another country.

⁴⁸ Roth, *Law Collections from Mesopotamia and Asia Minor*, 71.

⁴⁹ Roth, *Law Collections from Mesopotamia and Asia Minor*, 132.

⁵⁰ Ibid.

⁵¹ Raymond Westbrook, *A History of Ancient Near Eastern Law*, 377.

3.4 The Resident Alien in The Covenant Code

The Covenant Code, also known as the Book of the Covenant, encompasses Exodus 21:1 through 23:19. Instead of a collection that is bookended by a prologue and epilogue, e.g. the Code of Hammurabi, the Covenant Code features cultic laws before and after the collection. The code itself consists of a variety of obligations and living standards. It is, as Van Houten describes it, a religious document with the trappings of a civil code.⁵² The code is divided, as Dale Patrick argues, between 'judgements' and laws directed towards the people that reflects a likely combining of two independent blocks of material.⁵³ These categorizations of the laws can be useful, however it is important to remember that such designations are modern ways of thinking about the text.

Regarding the conventional dating of the Covenant Code, Douglas Knight summarizes the dating of the law collections as follows:

[It] is generally regarded as the oldest collection of laws in the Hebrew Bible. Of all biblical law, it exhibits the strongest resemblance in both content and form to other ancient Southwest-Asian law collections. Moreover, its laws reflect more of the agricultural lifestyle than do any of the other biblical codes, and one finds here relatively little of the concern for cultic matters that occurs elsewhere.⁵⁴

While Van Houten is in general agreement with this historical view, Knight argues that despite the traditionally held historical view, the legal collections likely date to the Persian period.⁵⁵ Focusing specifically on the 'alien,' she notes that, 'The laws dealing with the alien, widow and orphan have been described as belonging to a later stage in the development of the Covenant Code, and showing signs of Deuteronomistic redaction.'⁵⁶ This works with Patrick's

⁵² Van Houten, *The Alien in Israelite Law*, 44f.

⁵³ Dale Patrick, *Old Testament Law* (John Knox Press: Atlanta, 1985), 65-66.

⁵⁴ Douglas A. Knight, *Law, Power, and Justice in Ancient Israel* (Louisville: Westminster John Knox Press, 2011), 21.

⁵⁵ Knight, *Law, Power, and Justice in Ancient Israel*, 24-29.

⁵⁶ Van Houten, *The Alien in Israelite Law*, 50.

view that the Covenant Code reflects multiple pieces of legal material that were combined.⁵⁷ To further Knight's point, by accepting the notion that the laws reflect an agricultural society with little focus on cultic aspects, then the legal material of the Covenant Code strongly carries an idea that it is meant as a social code for behavior of the people. This both echoes material we saw in the ancient Near Eastern legal material as well as will become more evident in my further discussions below.

The *gēr* occurs three times in the Covenant Code.⁵⁸ The first use is found in Exodus 22:

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. (Exo 22:21-24)

Here, Israel's responsibility regarding the *ōalienō* is not to harm the *ōalienō* in terms of everyday treatment, thus suggesting a social justice approach to the stranger. In this passage, we do not find a cultic responsibility or restrictions for the *ōalienō*, just as Knight's argument regarding an agricultural setting would suggest. The overall context also includes the *ōresident alienō* with other vulnerable classes: the widow and orphan. This grouping will become a major theme throughout various biblical passages.

The other element to this iteration, how Israel had been slaves in Egypt, provides the justification for the command. The memory of the harsh treatment in Egypt acts as the basis for Israel's standard of conduct toward *ōresident aliensō* within their midst. By linking this standard of conduct to a collective memory, it reinforces that the responsibility for treating the alien fairly is not on the individual, but the society as a whole.

⁵⁷ Patrick, *Old Testament Law*, 65f.

⁵⁸ Exodus 22:21, 23:9, and 23:12

3.5 The Resident Alien in the Deuteronomic Code

Deuteronomy's law collection shows attention to several facets of life for Israelites. As Knight describes, the subjects range from religious matters regarding the central location of the cult, apostasy, impurity, tithing, the Sabbatical Year, religious festivals; leadership roles of judges.⁵⁹ Regulations regarding the resident alien are similar in that they are referenced several times through Deuteronomy. I will first examine the use of *gēr* as it is found in three separate lists in Deuteronomy.

A similar version of a Deuteronomic Code law pertaining to the resident alien is, "You shall not deprive a resident alien or an orphan of justice; you shall not take a widow's garment in pledge" (Deut 24:17). The combination of the resident alien with orphans and widows in both texts places the resident alien in a class of people, which shall be expanded on below as well as the various prophetic usage of these terms.

An early mention is in Deuteronomy 5, which states the following:

Observe the Sabbath day and keep it holy, as the Lord your God has commanded you. Six days you shall labor and do all your work, but the seventh day is a Sabbath of the Lord your God; you shall not do any work of you, your son or your daughter, your male or female slaves, your ox or your ass, or any of your cattle, or the stranger in your settlements, so that your male and female slave may rest as you do. (Deut 5:12-14, JPS)

In this iteration of the law, the resident alien (translated as "stranger" here) is listed among forms of property. This listing also occurs within the context of Deuteronomy's version of the Decalogue, a likely later version of the list found in Exodus.⁶⁰

Additionally, this setting does not promote care for the vulnerable, but rather a religious requirement. Thus, cultic law is shown to apply to the resident alien as well. The law is specific in showing virtually every living creature in the society must adhere to this standard, as it moves from the Israelites who are directly addressed, to their offspring, to their slaves, to their

⁵⁹ Knight, *Law, Power, and Justice in Ancient Israel*, 22.

⁶⁰ See Van Houten, *The Alien in Israelite Law*, 62-66.

animals, and finally to anyone else living within their midst. In Hebrew, the word phrase *biš 'ārekā*, literally translated as "in your gates." This more closely resembles the language of the Ugaritic tablet that pertains to "aliens within the gates of the city, which was discussed above. Finally, it is important to note that the other vulnerable members of society are not mentioned in this iteration of the law.

The mention of the "alien" in Deuteronomy 16 occurs within the context of the Feast of Weeks, a festival that celebrated the harvest seven weeks after Passover. Deuteronomy 16 says, "You shall rejoice before the Lord your God with your son and daughter, your male and female slaves, the Levite in your communities, and the stranger, the fatherless, and the widow in your midst" (Deut 16:11). Here the "alien" is required to take part in a religious celebration, however as Van Houten notes, the redactor of this passage omits historical theological foundation for the celebration and those included.⁶¹

A similar list occurs in verse 14: "You shall rejoice in your festival, with your son and daughter, your male and female slave, the Levite, the stranger, the fatherless, and the widow in your communities" (Deut 16:14, JPS). As with the earlier passage, these two examples arise out of a cultic context rather than a social treatment concern. Also of note is the inclusion in both passages of the other vulnerable members of society, the widow and the orphan (translated in the JPS as "fatherless"). This inclusion ties together cultic regulations with social treatment. The differences here are interesting for comparison, however I agree with Van Houten who argues that the differences between 16:11 and 16:14 "can be explained as a matter of style."⁶² The categories in the verse 11 passage and the verse 14 passage are the same and both begin with the verb *šmh*, to rejoice. However, verse 11 tells the Israelites to rejoice "before the Lord your God,"

⁶¹ Van Houten, *The Alien in Israelite Law*, 84.

⁶² Van Houten, *The Alien in Israelite Law*, 77f.

whereas 14 states to rejoice “during your festival.” For the purposes here however, the categories of people are similar to other iterations found in the legal material.

3.6 The Resident Alien in The Holiness Code

The final legal code for my examination in the Hebrew Bible pertaining to the “resident alien” is the Holiness Code. Although some scholars discuss aspects of the book of Leviticus under the broader term of “Priestly Code,” this examination will follow the distinction used by Knight that the Holiness Code is essentially Leviticus 17-26.⁶³ Additionally, this work will assume that the Holiness Code, at least in its final form, was a product of the postexilic period of Israel’s history, thus likely making it the latest legal code in the Hebrew Bible. Reading through the Priestly material, one will note the recurrence and familiar language regarding the “resident alien” from the other legal codes. Regarding the repetitions, Van Houten argues, “This is due to the existence of a living legal tradition in ancient Israel, a tradition which continually re-applied and reformulated the laws. The laws concerning the alien can be seen as one example of this dynamic of Israel’s faith.”⁶⁴ While I agree that this code can be dated late in Israel’s history, this statement is problematic. The law codes resemble collections more than codes, due primarily to the absence of evidence that suggests their use in a legal setting and the lack of a punishment nature within the text itself. Along the same lines, it is difficult to assume a connection between the living legal tradition, if such a thing existed, and the realities of faith in ancient Israel.

Additionally, in order to have a living legal tradition, one would need examples in which the law was applied in legal cases and interpreted by a court. Such evidence does not exist in the Israelite tradition. Rather, I view the code as a product of Israel’s projection of a stable and

⁶³ Knight, *Law, Power, and Justice in Ancient Israel*, 23.

⁶⁴ Van Houten, *The Alien in Israelite Law*, 109.

autonomous society, a religious ideal that was non-existent at the time of the collection's composition and redaction. In order to view how the position of power and control may have changed, I will now look at four instances of the use of "alien" within the Holiness Code of Leviticus.

First, the law pertaining to the "resident alien" in chapter 19 reflects an often-repeated view throughout the legal collections and biblical material in general. Though the second part echoes the Exodus experience of Egypt, the Priestly law is straightforward in terms of its expectations of the treatment of the "resident alien": "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). Here we have, in unmistakable terms, the general approach Yahweh commands Israel to take in dealing with resident aliens. While specific commands, both preventative and proactive, are absent from this declaration, the main point is for Israel not to act cruelly towards the alien, again tying in the reasoning to Israel's own Exodus experience.

Unique to the Holiness Code's address of aliens is the idea that they are to be citizens. While the general message of the Holiness Code echoes the Deuteronomic Code in that Israel is not to oppress the alien, the idea that they should treat them as citizens is distinctive to this portion. Knight argues that this legal material is, in its final redacted form, postexilic.⁶⁵ By treating the alien as a citizen, indeed the very notion of having aliens and citizens, demonstrates the connection and importance of land in this portion. Placing this material in a postexilic context as Knight does supports the idea that the "resident alien" could easily come from those who remained in the land upon Israel's return, or even those who came to the land after Israel had returned and settled.

⁶⁵ Knight, *Law, Power, and Justice in Ancient Israel*, 23.

Another key aspect is the final line of the command, *ōI am the Lord your God.* A reading of Leviticus reveals this formulation after many of the laws, thus begging the question of what weight the statement brings to the legal material. Regarding this command, one commentator notes the following:

It becomes a formula for sanctification insofar as the mentioning of Yahweh's name after every inserted commandment section recalls the demand of v. 21. The listeners are required to be holy or to become holy. They are to avoid sources of cultic defilement, keep Yahweh's commandments. In short, they are to be his partners alone.⁶⁶

Thus, not only does the *ōI am the Lord* formulation add a divine authority to the command, but it also puts Israel at risk of cultic defilement for breaking the command, i.e. abusing the resident alien.

Further exploring the relationship between the resident alien and the cult is the Holiness Code, particularly with the following command:

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. 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. 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. And anyone of the people of Israel, or of the aliens who reside among them, who hunts down an animal or bird that may be eaten shall pour out its blood and cover it with earth. For the life of every creature its blood is its life; therefore I have said to the people of Israel: You shall not eat the blood of any creature whoever eats it shall be cut off. (Lev 17:8-14)

For the purpose of this study, two features of this statement pertain to the resident alien. First, the commands explicitly explain the barring of the consumption of blood for both Israel (i.e. the citizens) and the resident aliens living within Israel. Because of the cultic nature of the command and the inclusion of the resident alien not to eat blood, the law presupposes, at least at some level, resident alien participation in cultic life. Viewed through the lens of power and sovereignty, this suggests a projected invented state of Israel as an autonomous entity, in which those that lived within its walls and participated within the official cult of the text were

⁶⁶ Erhad S. Gerstenberger, *Leviticus: A Commentary* (trans. Douglas W. Stott; Louisville: Westminster John Knox Press, 1996), 281.

protected. Alternatively, the command could be making a blanket statement for acceptable practice for anyone living within the bounds of Israel, regardless of participation in the Yahweh cult.

Another legal aspect concerning the "resident alien" from the Holiness Code takes the concept of a foreigner residing in a strange land and applies it broadly from the cultic point of view. Within the context of the Sabbatical Year the Jubilee, the Priestly redactor writes, from Yahweh's perspective, "The land shall not be sold in perpetuity, for the land is mine; with me you are but aliens and tenants" (Lev 25:23). Here is the full realization of the holiness of the land. Not only is Israel to treat the "resident alien" as one of their own and not oppress them in the land, because Israel itself was oppressed in a foreign place, but the land itself belongs to Yahweh and Israel is but a resident alien. Gerstenberger draws the parallel that, "This argumentation is new and unprecedented, recalling tribal constitutions of nomadic peoples that decisively reject any private ownership claims to the land."⁶⁷ As strong as a statement that this verse represents, Gerstenberger also notes that it is highly unlikely that it reflected reality.⁶⁸ Regardless, this command demonstrates the relationship of the land and the people, requiring Israel to treat the foreigners living among them with kindness and a basic standard of decency, while at the same time reminding Israel that they too are merely resident aliens, bringing in a sharp cultic focus.

Although the Holiness Code appears to reflect a tolerant and inclusive approach to the foreigner as it pertained to cultic practice, it reflects a societal viewpoint that demonstrates that the alien was not considered a full citizen of Israel. In terms of the regulation of slavery, Leviticus regulates the enslavement of aliens in the following manner:

⁶⁷ Gerstenberger, *Leviticus: A Commentary*, 382.

⁶⁸ *Ibid.*

As for the male and female slaves whom you may have, it is from the nations around you that you may acquire male and female slaves. You may also acquire them from among the aliens residing with you, and from their families that are with you, who have been born in your land; and they may be your property. You may keep them as a possession for your children after you, for them to inherit as property. These you may treat as slaves, but as for your fellow Israelites, no one shall rule over the other with harshness. (Lev 25:44-46)

This is a surprising caveat to the message of not oppressing the "resident alien." It is vital to keep in mind that slavery in an ancient Near Eastern context differed greatly from the version perpetrated in the United States. Since this phenomenon is very complex, both in the ancient and modern worlds, and since such a discussion *par force* would misrepresent its complexity, suffice it here to note Laura Culbertson's introductory remarks:

í [E]nslaved people in the Near Eastern contexts could engage in social maneuvering and hierarchal ascension even within the confines of slavery and cannot be considered socially dead or dispossessed. Moreover, slave status could be terminated or transformed through a variety of mechanisms (e.g., payments, court proceedings, religious conversion), meaning that the formerly enslaved could return to their homes and families, not permanently displaced from their original social networks or birth entitlements as a result of becoming a slave.⁶⁹

Even with these *caveats*, one has to acknowledge that the Bible overall accepts the notion of slavery. With that in mind, I will now examine what provisions are made for "resident aliens" regarding slavery.

Leviticus 25 appears to provide the native Israelites with a loophole for slavery with regards to "resident aliens." Not only can Israelites take slaves from the surrounding territory, but also from those that reside within the land itself. Going yet another step further, this regulation allows for the taking of slaves of aliens that were born within the land. This marks a clear separation between the rights and privileges of those born as native Israelites and those who are "resident aliens."

Another interesting aspect to this passage is the lack of legal reasoning for the allotment of enslaving "resident aliens." A justification is not a requirement for a legal code. However, for the Holiness Code's prohibition against oppressing the alien, the text states, "for you were slaves

⁶⁹ Laura Culbertson, "Introduction" in *Slaves and Households in the Near East* (ed. Laura Culbertson; Oriental Institute Seminars 7; Chicago: Oriental Institute of the University of Chicago, 2011), 9.

in Egypt, providing a "historical" justification for prohibition in Leviticus 17:34. Chapter 25's passage does not provide justification for why aliens may be taken into slavery, much less why it is unacceptable to do the same to Israelites. It does demonstrate a capacity of control and power however, one that portrays Israel as an independent entity with the ability to enslave people within its borders.

If this is indeed correct, the four examples of the use of "alien" in the Holiness Code provide a diverse and progressively idealized picture for the text's requirements. Leviticus 19 provides the blanket statement for Israel to not oppress the alien, Leviticus 17 requires the "aliens" to follow cultic regulations, and Leviticus 25 reminds the Israelites that they too are but "aliens" in Yahweh's land. Yet despite these affirmations, Yahweh permits the enslavement of "aliens" based on Leviticus 25:44-46. This is only possible in a specific historical context where the people are attempting to preserve their cultic traditions in the face of lacking any real political control over the land. This fits with Knight's contention that the writing of the legal material comes about in a postexilic, Persian age, in which Israel is the subject of empire. With this in mind, I will now turn to how the prophetic writers looked at the "alien."

Chapter 4 THE PROPHETS AND THE RESIDENT ALIEN

4.1 Introduction

I will now examine how various prophetic materials address questions regarding the *resident alien*. Using Jeremiah, Zechariah, Malachi, and finally Ezekiel, I will look at how their interpretation of the Torah reflects an understanding of the *resident alien*. These prophetic texts were chosen because they directly refer to a formula regarding the *alien* found in various biblical legal materials, as well as specifically referring to the *gēr*. My primary concern is how the *resident alien* functions within the texts of these four prophets.

The prophetic material provides an insight into just how important the care of the *resident alien* was for Israel and Judah. The examples of Jeremiah, Zechariah, and Malachi provide examples in which the *resident alien* is explicitly mentioned, both within the context of a cultic or temple regulation on the part of the people as well as a duty to the *resident aliens* on a social level. This will be demonstrated further by later prophets (namely Zechariah) referring back to previous prophetic voices that criticized Israel's treatment of the stranger. Just as we saw with the legal collections, the treatment of the *resident alien* was an ongoing moral concern, just within a shorter span of time than what was shown above.

The ultimate objective will be to show how Ezekiel reinterprets the edicts regarding the *resident alien*, creating a new paradigm for Israel. Ezekiel will accomplish this by interpreting Torah to redefine the *resident aliens* as citizens. First, I will examine three prophets and their encounters with the *resident alien*.

Before delving into my analysis of the various prophetic texts, I must first say something regarding the relationship between the prophets and law.⁷⁰ While this topic alone could easily fill this entire thesis, Anthony Phillips's work *Essays on Biblical Law* provides the foundation for which I approach the material. Regarding the legal material itself, Phillips holds that, "These motive clauses indicate that, like the prophetic speeches, the law collections were addressed to the people at large and not simply to legal officials."⁷¹ A major focus for my examination of the prophetic material will be how the prophets address the people themselves and their disregard for Yahweh's commands. This will play out primarily in a lack of social justice for the fringe members of society.

4.2 The *gēr* and Jeremiah

The Book of Jeremiah depicts a tumultuous time in Israel's history. Illustrating the aftermath of the Babylonian conquest of Judah, in Leslie Allen's view, Jeremiah stands in the prophetic tradition of applying a religious meaning to the political realities of the day, noting the violence and uncertainty of the conquering of Jerusalem and, in later prophetic material, the uneasiness of the returnees under Persian rule.⁷² Even under these circumstances of great societal change and upheaval, the issue of Israel and its treatment of the "resident alien" continued to be a topic worth discussing.

Dating Jeremiah's work is a more difficult task than first appearances might suggest. Christl M. Maier's article "Jeremiah as Teacher of Torah" notes that the multiple literary genres and traditions found throughout Jeremiah make it difficult for scholars to come to a consensus on the book's development. Further, whereas some scholars, notably German scholars, place the

⁷⁰ "Law" in this sense refers to the biblical legal material.

⁷¹ Anthony Phillips, *Essays on Biblical Law* (Winona Lake, IN: Eisenbrauns, 2002), 175.

⁷² Leslie C. Allen, *Jeremiah: A Commentary* (Louisville: Westminster John Knox Press, 2008), 1.

Book of Jeremiah in line with Noth's Deuteronomistic History and thus see it originating from the exile, other scholars follow Frank Moore Cross and place it in the 7th century BCE during the reign of King Josiah.⁷³

Looking specifically at the Temple Sermon in Jeremiah 7, there is a debate as to whether the passages produce a coherent unit. Pauline Viviano sees separate units within the passage, with verses 1-15 forming one unit and 16-20. This is because Yahweh addresses the listener in the second-person plural in the first fifteen verses, but then the text switches to the second-person singular "you" for 16-20. The latter passage presumably addresses the prophet Jeremiah because of the singular "you."⁷⁴ For the purposes of my inquiry, I follow Viviano's conclusion that the two passages likely originated separately and were later combined, albeit roughly.

Looking at how Jeremiah critiques Israel's treatment of the "resident alien," the relevant passages occur within the plural "you" portion of the passage.

Jeremiah's use of the *gēr* occurs within the context of Yahweh's judgment on Judah. In chapter 7, we have the following charge:

For if you truly amend your ways and your doings, if you truly act justly one with another, if you do not oppress the alien, the orphan, and the widow, or shed innocent blood in this place, and if you do not go after other gods to your own hurt, then I will dwell with you in this place, in the land that I gave of old to your ancestors forever and ever. (Jer 7:5-7)

Regarding its link to the law, this portion of the text, like much of Jeremiah, is heavily rooted in the Deuteronomic tradition, as evidenced by the formulation of the "alien, orphan, and widow."⁷⁵ This passage reflects an overall concern with the vulnerable of society, demonstrated throughout the biblical text by Yahweh's care for this group, a feature built into the

⁷³ Christl M. Maier, "Jeremiah as Teacher of Torah," *Interpretation* 62, no. 1 (January 2008): 23.

⁷⁴ Pauline A. Viviano, "Exhortation and Admonition in Deuteronomistic Terms: A Comparison of Second Kings 17:7-18, 34-41, Second Kings 21:2-16, and Jeremiah 7:1-83," *Biblical Research* 56 (2001): 35-54.

⁷⁵ This grouping appears in Deuteronomy 14:29; 16:11,14; 24:17, 19,20-21. See also Jack R. Lundbom, *Jeremiah 1-29* (AB 21A; New York: Doubleday, 1999), 463.

Deuteronomic Code. This plays into a larger theme of Israel's experience in oppression and slavery, a topic of great concern for the prophetic writers.⁷⁶

Known as Jeremiah's Temple Sermon,⁷⁷ this passage occurs within the context of a section that is concerned with cultic matters of the temple. As Allen describes this portion of Jeremiah, "The collection marks the first appearance in the book of a series of what are called prose sermons, since these prose oracles are all marked by recurring solemn, sermonistic phraseology. So it stands apart from the poetic oracles that precede and follow."⁷⁸ In this way, Yahweh through Jeremiah speaks directly to the people. The condition presented by Yahweh is that his presence among the people is contingent on their treatment of the vulnerable. Additionally, not only will Yahweh dwell among the people, but as verse 7 states above, Israel will dwell within the land promised to their ancestors. In this context, the focus is not on the temple, but on the treatment of the people. The beginning of the passage states, "Thus says the Lord of hosts, the God of Israel: Amend your ways and your doings, and let me dwell with you in this place. Do not trust in these deceptive words: 'This is the temple of the Lord, the temple of the Lord, the temple of the Lord' (Jer 7:3-4). Rather than the temple, Yahweh's favor is gained through the actions of the people.

The opening verses of Jeremiah 7 also contain a literary allusion to this concept of the protection of the "resident alien." The Deuteronomic focus is the protection of the vulnerable on the part of the society and ancient Near Eastern tradition demonstrates a pattern of care for the other within the walls of the city. Jeremiah 7:2 says, "Stand in the gate of the Lord's house, and proclaim there this word, and say, Hear the word of the Lord, all you people of Judah, you that enter these gates to worship the Lord" (Jer 7:2). Here we see a symmetry as Yahweh is declaring

⁷⁶ Jack R. Lundbom, *Jeremiah 1-20*, 463f.

⁷⁷ William L. Holladay, *Jeremiah 1* (ed. Paul D. Hanson; Philadelphia: Fortress Press, 1986), 241.

⁷⁸ Allen, *Jeremiah: A Commentary*, 93f.

He will look after those who enter the gates to his house, suggesting Israelites as "resident aliens" within their land. Alternatively, if Israel cares for those who enter their city gates, Yahweh will look after the Israelites who enter his temple gates.

Another link to Deuteronomy occurs in Jeremiah 7:7: "Then I will dwell with you in this place." The Hebrew word translated as place is *māqôm*. The text is not specific as to whether this refers to land or temple, but Viviano makes the following observations:

The ambiguity regarding [*māqôm*]'s may be the result of an editorial addition to the text, but the effect of it is to create a connection between the Temple and the land. What is done in the Temple has repercussions, not simply for the Temple, but for the people's well-being in the land as well. This theme accords well with the Book of Deuteronomy's as well as in the Deuteronomistic History.⁷⁹

These themes tie closely together and reinforce the Temple and cultic duty of the people to care for the vulnerable, as demonstrated by the link between the command to care and the Temple.

Delving deeper into this category of the vulnerable, Holladay describes them as, "The child without a father, the widow without a husband, and the resident alien all lack a natural spokesman to defend their legal rights within Israel and therefore need special consideration."⁸⁰ With this idea of a lack of a spokesperson as the definition of the vulnerable in society, the "resident alien" becomes a particular case within this category as they lack a default advocate for their rights. In other words, the widow and the orphan had a societal protector (husband and father); however by default, no one was required to care for the resident alien. This problem is solved by the Deuteronomic Code's inclusion of the "resident alien" with the vulnerable, assigning the people of Israel as the de facto guardians of their well-being. Similarly, the "resident alien" is not different from the widow or orphan as all three categories lack a current

⁷⁹ Viviano, "Exhortation and Admonition in Deuteronomistic Terms: A Comparison of Second Kings 17:7-18, 34-41, Second Kings 21:2-16, and Jeremiah 7:1-83," 48.

⁸⁰ Holladay, *Jeremiah 1*, 243.

protector. Jeremiah, and the other prophets, therefore reminded the Israelites of their duty to protect the vulnerable and voiceless on behalf of Yahweh.

Finally, the moral obligations presented by Jeremiah and rooted in the Deuteronomistic tradition also relate to the people's relationship with the land. In chapter 9, Jeremiah presents the questions of, "Who is wise enough to understand this? To whom has the mouth of the Lord spoken, so that they may declare it? Why is the land ruined and laid waste like a wilderness, so that no one passes through" (Jer 9:12)? This idea of a decimated land, stated earlier in verse 10, says, "Take up weeping and wailing for the mountains, and a lamentation for the pastures of the wilderness" (Jer 9:10). The text paints a vivid picture that the land itself has been destroyed in the wake of the destruction of Judah. Jeremiah also presents the reasoning for this as Yahweh declares that it is the failure of the people to keep Yahweh's laws (Jer 9:13-15). Hilary Marlow's article "Law and the Ruining of the Land; Deuteronomy and Jeremiah in Dialogue" notes the connection between the depiction of the land in Jeremiah and Deuteronomy. For Marlow, the questions in verse 12 represent allusions to Israel's beginnings as a nation and the formation of the Sinai covenant. It is likely that Jeremiah intentionally uses the word *mīdbār*, or wilderness in Jeremiah 9:12 in order to evoke images of the Exodus.⁸¹ Marlow concludes by stating:

[A]dherence to *tôrâ* and following God's ways are fundamental to the order of the world, and failure to do so results in catastrophe devastation for the natural world as well as its human inhabitants. In terms of the editorial process that has gone on, the inserting of the sermon at this point in the lament suggests not merely continuity between biblical law and natural order, but a sense that the two are viewed as virtually indivisible, overlapping concepts.⁸²

This notion of natural law linking with biblical law bolsters the importance of not only Yahweh's law but also the importance of the land within the context of obeying Yahweh's law, including care for the vulnerable.

⁸¹ Hilary Marlow, "Law and the ruining of the land: Deuteronomy and Jeremiah in dialogue." *Political Theology* 14 no. 5 (2013): 655-656.

⁸² Marlow, "Law and the Ruining of the Land," 656.

4.3 The *gēr* and Zechariah

The Book of Zechariah contains depictions of apocalyptic imagery while also carrying a familiar prophetic message. Over the course of the first six chapters, the author describes visions of a man riding a red horse, images of horns, and Joshua with Satan (Zech 1-6). Within the book are at least two distinct parts, Zechariah 1-8 consisting of one corpus and 9-14 another.⁸³ Chapter 7 provides a bridge between these passages.⁸⁴ With a focus on the Second Temple and its role in religious life, Zechariah looks both ahead to Judah's future as well as to its prophetic past to remind the people of previous injustices.⁸⁵ Under this dual role of looking forward and backwards, Zechariah discusses the single use of the "resident alien."

The mention of the "resident alien" occurs in the seventh chapter, in which Zechariah states, "Do not oppress the widow, the orphan, the alien, or the poor; and do not devise evil in your hearts against one another" (Zech 7:10). This language ties directly to Deuteronomy and its continued use of the treatment of the alien as a matter of social justice. Zechariah's use echoes Deuteronomy 24's use of the alien, "You shall not deprive a resident alien or an orphan of justice; you shall not take a widow's garment in pledge" (Deut 24:17), as well as other similar iterations in Deuteronomy.⁸⁶ One notable difference between Zechariah's iteration and the instances from Deuteronomy is the inclusion of the poor (*'ānî*) in Zechariah.

⁸³ Yo-han Im and Pieter Venter, "The Function of Zechariah 7-8 Within the Book of Zechariah" *HTS Theological Studies/Theological Studies* 1 vol 69 (2013): 1.

⁸⁴ Mark J. Boda, "From Fasts to Feasts: The Literary Function of Zechariah 7-8." *The Catholic Biblical Quarterly* 65 no 3 (2003), 390-407.

⁸⁵ The idea of at least two separate authors for Zechariah is generally agreed upon. For this and introductory matters, see Julia M. O'Brien, *Nahum, Habakkuk, Zephaniah, Haggai, Zechariah, Malachi*, Abingdon Old Testament Commentaries (Nashville: Abingdon Press, 2004) and Mark J. Boda, *The Book of Zechariah* (Grand Rapids: William B. Eerdmans Publishing, 2016).

⁸⁶ See Deuteronomy 10:17-18 and 27:19.

The context of the mention of the alien is the broader theme of Israel returning to Yahweh. Im and Venter argue that this idea of returning to Yahweh occurs both in Zechariah 1 and continues in the material of Zechariah 7-8. Im and Venter note the following:

The themes of the stubbornness and disobedience of the fathers are repeatedly mentioned in 7:11-13. It caused the judgement that scattered them amongst the nations as indicated in 7:14. The exhortations in 8:16-17 and those expressed by the imperatives in 8:9, 13, and 15 are reminiscent of the exhortation *return to me* in 1:3.⁸⁷

As we saw with Jeremiah, the prophetic material links the idea of social responsibility with Israel's relationship with Yahweh. Caring for Israel's vulnerable is part of returning to Yahweh. Having taken advantage of the poor, widow, and orphan, Israel has turned away from Yahweh. For Zechariah, the concept of a *return* carries the dual meaning of the people returning to the land as well as Yahweh returning to the people.⁸⁸

The identity of the *gēr* becomes difficult in Zechariah. With the combination of the people of Israel (previously in Babylon) returning to the land as well as Yahweh returning his favor to the people, this excludes people still living in the land of Israel during and after the exile. Regarding the people of Judah, the text states that, *and I scattered them with a whirlwind among all the nations that they had not known. Thus the land they left was desolate, so that no one went to and fro, and a pleasant land was made desolate* (Zech 7:14). The two uses of *desolate* in this verse come from the root *šāmāh*, which also carries the meaning of *waste*.⁸⁹ Regarding this view, Dalit Rom-Shiloni argues that, *The repatriate-exilic community of the Persian period styles itself as the one and only people of Judah – confronting on its return either an empty land or foreign people.*⁸⁹ Therefore, for Zechariah, the writer has chosen not to address the historical reality of people living in the land once the Judeans returned. The identity

⁸⁷ Im and Venter, *The Function of Zechariah 7-8 Within the Book of Zechariah*, 4.

⁸⁸ Rom-Shiloni, *From Ezekiel to Ezra-Nehemiah*, 136f.

⁸⁹ Rom-Shiloni, *From Ezekiel to Ezra-Nehemiah*, 138.

of the *gēr* in Zechariah's text is thus a non-Judean or Israelite who comes into the land separate of Yahweh's people.

Contextually, this chapter involves a group coming to Zechariah from Bethel with the intent of asking about fasting and religious matters. Upon asking about the fasting, Zechariah redirects the question back to the travels for them to reflect on the meaning behind their practice (Zech 7:3-6). Also, in asking the group to examine their actions, Zechariah recalls unnamed past prophets, a reminder that Yahweh had sent others to rebuke the people for their behavior, by saying, "Were not these the words that the Lord proclaimed by the former prophets, when Jerusalem was inhabited and in prosperity, along with the towns around it, and when the Negeb and the Shephelah were inhabited?" (Zech 7:7)?

The likely identity of this past prophet is Jeremiah. The call for social responsibility with the vulnerable classes looks similar in the Jeremiah and Zechariah texts. In the NRSV translation, the Jeremiah text reads, "For if you truly amend your ways and your doing, if you truly act justly one with another, if you do not oppress the alien, the orphan, and the widow, or shed innocent blood in this place" (Jer 7:5-6). Similarly, the Zechariah text reads, "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).

Michael Stead notes the strong connection between Zechariah and Jeremiah. He points out that Zechariah possesses an "intertextual search warrant," in which Zechariah invites the reader to contemplate another prophet whose context matches a time when Jerusalem was inhabited along with the Negeb and the Shephelah, forming a literary and vocabulary link between Zechariah and Jeremiah.⁹⁰

⁹⁰ Michael R. Stead, *The Intertextuality of Zechariah 1-8* (New York: T&T Clark, 2009), 231.

Beyond vocabulary and literary concepts, Zechariah's allusion to Jeremiah also shows a link between "cult" and "ethics." As Stead points out, the Temple Sermon of Jeremiah showed a people that were confident that the mere presence of the temple of Yahweh was a guaranteed sign of Yahweh's favor. The Temple Sermon railed against this view, much in the same way Zechariah 7 admonishes those who hold to the idea that once the temple is rebuilt, fasting would no longer be required.⁹¹ Stead summarizes this connection by stating, "The mere completion of the temple will not guarantee the return of Yahweh to dwell with his people. It must be accompanied by the ethical transformation of the people of God."⁹² In the case of Zechariah, just as with Jeremiah, that ethical transformation is an adherence to the Deuteronomistic Code's requirement to care for the vulnerable.

The consequence for not following the command to care for the vulnerable is explicit in Zechariah. Regarding the Israelites, the text provides the following:

But they refused to listen, and turned a stubborn shoulder, and stopped their ears in order not to hear. Therefore great wrath came from the Lord of hosts. Just as, when I called, they would not hear, so, when they called, I would not hear, says the Lord of hosts, and I scattered them with a whirlwind among all the nations that they had not known. Thus the land they left was desolate, so that no one went to and fro, and a pleasant land was made desolate. (Zech 7:11-14).

This passage provides a few insights into this notion of caring for the defenseless. First, the text makes it clear that the people refused to follow the command. Second, the text links the Exile to this disobedience, by stating that the people were scattered with a whirlwind. This warning to Israel and their treatment of the vulnerable was also prevalent in Jeremiah's writing, a fact not lost on the author of Zechariah. This is furthered by the similarities between Zechariah 7 and Jeremiah's Temple Sermon.⁹³

⁹¹ Stead, *The Intertextuality of Zechariah 1-8*, 234.

⁹² Stead, *The Intertextuality of Zechariah 1-8*, 234f.

⁹³ See Boda, *The Book of Zechariah*, 421.

Secondly, this passage provides a theological grounding for the punishment of Israel. Israel's covenant with Yahweh was tied to the land; thus by choosing to not follow the commands, the punishment is to be exiled away from the land. From the perspective of social responsibility, this ties in to what we have seen thus far with the ancient Near Eastern tradition of caring for the "alien." The people of the land are to care for those who are foreign and living amongst them; therefore to lose the land would reflect a mismanagement of that resource.

Also of note in Zechariah's message of chapter 7 is the symmetry it shares with the first 6 verses of chapter 1.⁹⁴ Chapter 1 contains much of the same information in that Zechariah commands the people to heed the warnings of the former prophets, reminding the people what happened to their ancestors (i.e. the Exile), and implores them to turn away from their evil ways (Zech 1:1-6). The major departure between this passage and the one in chapter 7 is the lack of any specificity in terms of what it was the people were supposed to be doing. Chapter 7 spells out the Deuteronomic command to care for the widow, orphan, alien, whereas chapter 1 makes no mention of these or any classification of people. However, both sections do share the common thread that the prophet reminds the people that this is not the first time they have heard this message, nor is this the first time a prophet of Yahweh has warned them.

Another notable feature that differentiates the two passages is the response of the people to the charge. In the first iteration of the speech in chapter 1, the people respond with "The Lord of hosts has dealt with us according to our ways and deeds, just as he planned to do" (Zech 1:6). However, even though the chapter 7 charge is similar in its vocabulary and structure as well as provides more in-depth charges, such as the inclusion of the "resident alien," the passage lacks a response from the people. Boda suggests the following:

⁹⁴ See Boda, *The Book of Zechariah*, 425-426.

The absence of any depiction of the people's response, especially after the initial ideal response in 1:6b, implies that Zechariah's audience did not respond, and leaves the literary audience with the exhortations and warnings in the account as enduring invitations to respond to Zechariah's message and as explanations for the enduring challenges to restoration evident in Zechariah 9-14.⁹⁵

This observation fits because of the iterated Deuteronomic regulations, suggesting that the reading audience is also to care for the vulnerable, including the "resident alien." Zechariah's shift in focus from the regulatory practice of fasting to a focus on care for the vulnerable demonstrates how important this concept was, at least in Zechariah's understanding, but also likely for that of Israel and Judah as well. Grounding the edict to care for the vulnerable in the Deuteronomistic language provided the religious justification by reminding the people that it was a command that came from Yahweh.

4.4 The *gēr* and Malachi

Before delving into Ezekiel's use of the law as applied to the "resident alien," we will turn to Malachi. Although the text itself is brief as compared to Ezekiel and Jeremiah, the book of Malachi provides another example of how the "alien's" treatment was paramount to the overall religious duties of Israel.

The text of Malachi provides little in terms of clear historical information. Further, the title of the book, Malachi, could refer to a person's name or simply be read literally as "my messenger." For its historical setting, scholars place Malachi in the postexilic Persian period.⁹⁶

The setting of Malachi presents a challenging time for Israel. The relationship between Yahweh and Judah is strained, as Judah has profaned their part of the covenant (Mal 2:10-12). To complicate matters further, Judah is now under Persian rule, which regarding this circumstance Snyman remarks that, "Politically the kingdom of Judah was reduced to a small

⁹⁵ Boda *The Book of Zechariah*, 427.

⁹⁶ For a discussion on historical considerations of Malachi, see Andrew E. Hill, *Malachi: A New Translation with Introduction and Commentary* (AB 25D; New York Doubleday, 1998), 51-84.

part of the Persian Empire, perhaps with the status of a province (Yehud) within the larger Empire. On a more personal level, little is seen of justice and righteousness so characteristic of Yahweh and embodied by the Torah.⁹⁷ This historical backdrop provides the context for the questioning nature of the text, as the people question Yahweh and his treatment of the people.

In order to understand Malachi's use of the "resident alien," it is important to note how it is placed within the overall structure of the book. The first two chapters of the book function as an argument that Yahweh has with Israel. Several rhetorical questions are posed, to which Yahweh responds. For example, in the first chapter, Yahweh says, "I have loved you," says the Lord. But you say, "How have you loved us?" (Mal 1:2). At this point, Yahweh reminds the people that he favored Israel over Edom, and then proceeds to criticize the priesthood and the Covenant itself on Judah's part (Mal 1:3). Overall, Yahweh expresses his displeasure with Israel by arguing that they claim to adhere to the Covenant and provide sacrifice, yet it is not their best offerings (Mal 1-2).

The latter halves of chapters two and three share similarities with the prophetic writings that I have examined thus far. Chapter two ends with the question, "You have wearied the Lord with your words. Yet you say, 'How have we wearied him?' By saying, 'All who do evil are good in the sight of the Lord, and he delights in them.' Or by asking, 'Where is the God of justice?'" (Mal 2:17). The issue of justice becomes central to this passage of Malachi, just as the treatment of the "alien" remains an issue of justice throughout the prophetic corpus.

The rhetorical question of "Where is the God of justice?" in Malachi 2:17 demonstrates a parallel with another part of the text. Regarding this question of location, Hill notes the following:

⁹⁷ S.D. (Fanie) Snyman, *Malachi, Historical Commentary on the Old Testament* (Leuven: Peeters, 2015), 121f.

Ironically, the interrogative was applied to God in Mal 1:6 as well: "where is my honor?" and "Where is my respect?" Had the people shown Yahweh the honor and respect due him as the God of the covenant promises, perhaps they would have recognized the judgment of God acted out in their very midst.⁹⁸

This repetition marks the importance of justice not only for the text, but between Yahweh and the people. Just as it is demonstrated in other prophetic texts, this passage solidifies the role of justice for Malachi. The emphasis on justice then carries over into chapter 3. Malachi 3:1-7 describes a messenger who will come to the temple and purify the priests. Although this passage offers several interpretations, especially in terms of a messianic promise, what is clear from the text is that this messenger will bring restorative justice to Yahweh's people. The messenger is likened to refiner's fire and fuller's soap, with verse 4 concluding with, "Then the offering of Judah and Jerusalem will be pleasing to the Lord as in the days of old and as in former years" (Mal 3:4). The result of this restoration is Yahweh's judgment against various transgressors against his covenant, such as sorcerers, adulterers, and those who swear falsely (Mal 3:5). The next set of examples is familiar territory: "I am against those who oppress the hired workers in their wages, the widow and the orphan, against those who thrust aside the alien, and do not fear me, says the Lord of hosts" (Mal 3:5). Here we see a reflection of the Deuteronomic Code with the "resident alien" once again categorized with the orphan and the widow. Malachi adds a different twist of hired workers. The lack of justice for the vulnerable classes functions as a violation against Yahweh and the covenant as well, thus presenting two reasons why such infractions by Judah are significant.⁹⁹

This iteration of the pattern requires comparison to the version presented in Zechariah. First, of the prophetic books known as the "minor" prophets or "the Twelve," Zechariah and Malachi are the only two that contain examples of the *gēr*. Secondly, although they include the

⁹⁸ Hill, *Malachi*, 264.

⁹⁹ Snyman, *Malachi*, 122.

ōalienö in a similar iteration as we have seen before, there are differences. As mentioned above, Zechariah includes the ōpoorö in his list of the vulnerable, whereas they are absent in Malachi's version. Instead, the text draws on Mosaic Law by prohibiting the wages to be withheld from the labors.¹⁰⁰

Another significant difference occurs in Malachi's usage of the ōresident alien.ö Rather than list the ōalienö as a classification of vulnerable persons as the other prophetic material has done, Malachi nuances it with, as the NRSV translates, ōthose who thrust aside the alienö (Mal 3:5). In this context, the phrasing makes more sense as Yahweh is not directly commanding Israel to care for these people, but rather promising judgment on those who break covenantal law. In Hebrew, the phrase reads *ūmaṭṭê -gēr*. The root of this verb is *nṭh*, meaning ōextend or stretch outö in the Qal. In this form, the verb is a Hiphil participle, thus the verb means ōto turn or incline,ö and therefore as participle, ōone who turns.ö Hill notes that, ōThe construct-genitive form proves awkward to translate literally as thrusters aside of the alien,ö but the emphasis on verse 5 is on divine judgment *against those* perpetrating evil deeds, so the construction fits the pattern.¹⁰¹ The intention of the text is quite clear: divine judgment will come to those who mistreat the *gēr*.

In his commentary on Malachi, Hill notes a unique aspect to this typical classification of the oppressed in which the ōresident alienö is found throughout the prophetic material. In addition to this, Hill notes that, ōThey also share a common heritage and destiny, in that the God who is their maker is also their advocate.ö¹⁰² The reference Hill lists is for Psalm 72, verses 2, 4 and 12. Psalm 72:2 reads, ōMay he judge your people with righteousness, and your poor with justiceö (Ps 72:2). Verse 4 refers to defending the cause of the poor and crushing their oppressor,

¹⁰⁰ For a discussion regarding this phrase and the issues of translation, see Hill, *Malachi*, 282.

¹⁰¹ Hill, *Malachi*, 283.

¹⁰² Hill, *Malachi*, 290.

and verse 12 speaks of delivering the needy and the poor. Here, Hill shows that the theme of caring for the needy extends throughout the Hebrew Bible. I would argue further that although the Psalm only lists the needy and the poor, the sentiment is rooted in the Mosaic Law and therefore, if only implied, likely extends to the "resident alien" and widow as well.

Jeremiah, Zechariah, and Malachi are prophetic texts that share a similar outlook as to how Israel should treat the "alien," both as a classification itself and within the context of vulnerable persons. All three note Israel's failure to care for them with Yahweh's divine judgment resulting in the punishment. With that in mind, I now turn to the fourth prophetic voice that addresses the "alien," Ezekiel. For this passage, I will show how Ezekiel fits within the tradition of the other three prophets, but also completely changes the paradigm understanding of the "resident alien."

CHAPTER 5 EZEKIEL'S USE OF THE LAW

5.1 The *gēr* in Ezekiel

The narrative of Ezekiel presents strange visions from the prophet, a reaction to the destruction of Judah, and a vision for a new temple and the restoration of Yahweh's people. These visions include fantastical beasts (Ezek 1:6-14), and the prophet eating a scroll (Ezek 3:1-9) among others.

As evident by the concluding chapters, Ezekiel constructs an idealized hope for a new, restored Israel within the land, featuring clearly delineated borders (Ezek 47:13-23). The description of the borders in the latter half of Ezekiel 47 provides a mental image of hope for the people in exile. The land division from Ezekiel 47 results in Ezekiel 48 calling for the land of Israel to be separated into equal portions for the various tribes. Regarding this, Mario Liverani states the following:

Whoever created this image had no idea of the real historical distribution of the tribes, or else deliberately ignored it because he considered it as completely dismantled, needing to be established again *de novo*. In this case, it is not a question of one or other region missing from the conquest, but rather of a total territory considered as an empty space, a geometrical, we would say "Euclidean" space to be divided into equal portions, as in a survey exercise.¹⁰³

Through Ezekiel's idealized lens, the instruction for the treatment of "resident alien" offers a contrast from the political reality that the book is attempting to portray. What works especially well in this understanding is that it does not matter whether Ezekiel is looking backwards at an idealized version of Israelite history (i.e. a "return" to the former borders and distribution of the land), or if he is proposing a new vision of Israel for the returnees. Within the framework of drawing the borders for Israel, I will suggest how Ezekiel looks to the Law in order to build a case for the treatment of "resident alien" within Israel. This approach shows

¹⁰³ Liverani, *Israel's History and The History of Israel*, 291.

how the Ezekiel text expands and reinterprets the law, specifically the Holiness Code and the Deuteronomic Code.

My examination operates from the premise that Ezekiel and the Holiness Code are linked with similar language and ideas. I recognize that the pursuit of the question of whether Ezekiel created the code or copied the code is a valuable endeavor, however for this study, I wish to highlight the general connection.¹⁰⁴ I will now turn to an analysis of the chapters pertaining to the *gēr* within Ezekiel.

The first mention of the *ōresident alienō* in Ezekiel is in chapter 14. The context of chapter 14 is a series of passages that address Israel's religious conduct, particularly the worship of idols. Beginning with verse 6, the text says the following:

Therefore say to the house of Israel, Thus says the Lord God: Repent and turn away from your idols; and turn away your faces from all your abominations. For any of those of the house of Israel, or of the aliens who reside in Israel, who separate themselves from me, taking their idols into their hearts and placing their iniquity as a stumbling block before them, and yet come to a prophet to inquire of me by him, I the Lord will answer them myself. (Ezek 14:6-7).

This command charges Israel with a cultic requirement not to worship other gods. There is a clear connection in this text to the Holiness Code, as it calls back to Leviticus in which Yahweh commands, *ōDo not turn to idols or make cast images for yourselves; I am the Lord your Godō* (Lev 19:4). While both the Ezekiel passage and Levitical passage target communities in exile, here Ezekiel places it explicitly within the exilic community's context whereas in Leviticus it was written to the community that leaves Egypt. Both instances are examples of a command to a group that is devoid of their homeland. Yahweh's command is to Israel and the *ōaliensō* living within Israel, however in Ezekiel's context, Israel is not in possession of the land.

Referencing the Law grounds Ezekiel's statement to a divine command. Zimmerli argues that *ōThe call is not to be regarded as a sentimental inconsequential saying of Yahweh. It is*

¹⁰⁴ For an examination of the relationship between *ōHō* and Ezekiel, see Michael A. Lyons *From Law to Prophecy: Ezekiel's Use of the Holiness Code* (New York: T&T Clark, 2009).

God's judgement upon sin which calls to repentance. Thus the oracle harks back directly to the clear remembrance of the sacred law.¹⁰⁵ While it would be difficult to classify any saying of Yahweh as 'inconsequential' throughout the Bible, Zimmerli's statement reinforces that the primary focus of the people regarding their view and relationship with the legal material is to be faithful to Yahweh alone. This reference back to the law also ties with the notion that Israel are a people without land, as a remembrance of the law becomes a tool for maintaining a national identity and source of authority, which in this regard, the law stands as an artifact that held heavy authoritative power for the people.

In a similar fashion, in Block's commentary on Ezekiel he sees an urgency and seriousness in the invocation of the law, but notes the anachronistic nature of discussing 'aliens' while Israel is in exile.¹⁰⁶ To further this idea, I argue that Ezekiel's inclusion of both the Deuteronomic Code and the Holiness Code shows the reverence of Ezekiel towards the law in order to make his point regarding the *gēr*. This is due to his inclusion of both the Holiness Code and Deuteronomic Code elements throughout the book. As the passage above shows, he is using similar language to the Leviticus passage and showing how it can be applied within his context. Here, Block's assertion that the inclusion of the 'resident alien' is an anachronism may be correct, but I argue that it does not diminish Ezekiel's argument for the treatment of the 'resident alien.' He is purposefully bringing in the treatment of the alien to instruct Israel on how they should treat the alien.

Within the context of Ezekiel, the call to turn away from false idols while including 'resident aliens' with Israelites demonstrates a communal standard that applied to both citizens

¹⁰⁵ Walther Zimmerli, *Ezekiel 1: A Commentary of the Book of the Prophet Ezekiel, Chapters 1-24* (Philadelphia: Fortress Press, 1979), 308.

¹⁰⁶ Daniel I. Block, *The Book of Ezekiel: Chapters 1-24* (Grand Rapids: William B. Eerdmans, 1997), 428-429. The notion of 'aliens' within an exilic text also supports the idea that Ezekiel was written and/or redacted at a later date and represents an idealized world.

and aliens. In addition to viewing the law as a source of authority, Ezekiel pushes the understanding of it further by incorporating the alien into those who are affected. As it states in verse 7 of chapter fourteen, he is addressing not only those in the house of Israel, but ðof the aliens who reside in Israelö (Ezek 14:7) as well, a feature that is missing in the Levitical text.

Ezekiel 22 combines the cultic regulations of the Holiness code with the social edicts of the Deuteronomic Code. For the Holiness Code, we again have ties to the regulation of the Sabbath when Ezekiel states, ðYou have despised my holy things, and profaned my Sabbathsö (Ezek 22:8). The preceding verse however adds the elements more closely linked with the Deuteronomic code, stating, ðFather and mother are treated with contempt in you; the alien residing within you suffers extortion; the orphan and the widow are wronged in youö (Ezek 22:7). This connection between the alien and the orphan and widow demonstrates the now familiar group of vulnerable people, perhaps with fewer rights of the native-born Israelites. This understanding heavily follows the Deuteronomic Code, especially Deuteronomy 27:19.¹⁰⁷ It also follows in the prophetic tradition of Jeremiah, Zechariah, and Malachi using said code. The mention of having despised holy things connects back to the cultic regulations of the Holiness Code and is similar to the passage from chapter 14.

This chapter adds the focus on the ðresident alienö within the context of a social responsibility. Zimmerli says ðThe three verses 6, 9, and 12í all have to do with crimes of a social nature, which in fact could also point throughout to a quite graphic meaning for bloodshed.ö¹⁰⁸ The imagery of bloodshed adds a degree of seriousness to the social crimes, reinforcing the severity of the social injustice. Additionally, Zimmerli notes the connection of the mention of the alien to the commandments in Exodus and the commandments regarding orphans

¹⁰⁷ ðCursed be anyone who deprives the alien, the orphan, and the widow of justice.ö All the people shall say, Amen!ö

¹⁰⁸ Zimmerli, *Ezekiel 1*, 457.

and widows in various passages from Deuteronomy, finally noting that the Holiness Code does not mention the orphan and widow.¹⁰⁹ This lack of a grouping follows the understanding that I have presented, in that the Holiness Code's concern is primarily that of cultic matters, whereas the Deuteronomic Code regulates more social aspects.

Block notes a nuance with the inclusion of the "resident alien," stating, "They violate the Mosaic guarantees for the well-being of proselytes or aliens (*gēr*), orphans (*yātôm*), and widows (*'almānâ*), the most vulnerable members of society. While Ezekiel's accusation, especially the reference to proselytes, alludes to Lev. 19:33-34, his linkage of these three groups is traditional."¹¹⁰ For Block, this traditional linkage includes the Deuteronomic passages, as well as the Jeremiah and Ezekiel passages mentioned above. The Malachi passage is omitted. This again demonstrates a combining of the Holiness Code and the Deuteronomic passages, with a focus on both cultic and social responsibilities, both pertaining in some way to the "resident alien."

Ezekiel reiterates the argument of the treatment of the "resident alien" and the vulnerable in chapter 22 verses 23-31. The point of extortion and injustice is stated as follows: The people of the land have practiced extortion and committed robbery; they have oppressed the poor and needy and have extorted from the alien without redress (Ezek 22:29). Unlike the passage in verse 8, the cultic nature of the laws that have been transgressed is more specific:

Its priests have done violence to my teaching and have profaned my holy things; they have made no distinction between the holy and the common, neither have they taught the difference between the unclean and the clean, and they have disregarded my Sabbaths, so that I am profaned among them. (Ezek 22:26)

Finally, Ezekiel identifies the source of these inequities as the ruling class over the people of Israel. In verse 25, he states, "Its princes within it are like a roaring lion tearing the prey; they

¹⁰⁹ Zimmerli, *Ezekiel 1*, 458.

¹¹⁰ Block, *Ezekiel 1*, 708.

have devoured human lives; they have taken treasure and precious things; they have made many widows within itö (Ezek 22:25).

In her analysis of this passage, Van Houten sees a distinction in the presentation of the alien in chapter 22. She notes that, regarding the alien, öEzekiel 22.7 groups them with the fatherless and widow; and Ezek. 22.29 with the poor and needy.ö¹¹¹ Expanding this grouping further, the 22:7 mention of the öalienö occurs within the context of actions by the princes of Israel (*něšî'ê yīsrā'ēl*). The inclusion of the öresident alienö with the poor and needy of verse 29 places the blame of exploiting the öalienö on the people of Israel themselves. This suggests that not only is Israel not to oppress the öresident alienö based on law, but this command runs through the entirety of society, from the rulers (princes) to the people themselves.

Regarding the judgment against Israel for their failures, Eichrodt points out that, öIt may be conceded that the way in which the trespasses are enumerated is undoubtedly specifically influenced by the legal style of the law of holiness in Lev. 18-20. That is not surprising in view of the prophet's priestly origin.ö¹¹² Ezekiel 22:10's mention of a father's nakedness and a woman's menstrual cycle heavily echoes Leviticus 18:9 and 18:19, as well as Ezekiel 22:11's ties to Leviticus 18:6-18.

5.2 Ezekiel 47 And 48: Holiness Code and Citizenship Redefined

Turning to chapters 47 and 48 of Ezekiel, we find a unique application of law within the prophetic text. The second half of chapter 47 and the concluding chapter of the book of Ezekiel, chapter 48, describes in detail the physical borders of Israel and its cities. It describes the various

¹¹¹ Van Houten, *The Alien in Israelite Law*, 115.

¹¹² Walther Eichrodt, *Ezekiel: A Commentary* (trans. Cosslett Quin; Philadelphia: The Westminster Press, 1970), 309f.

allotment of land for the different tribes. After a description of the division of the land, Ezekiel states the following:

So you shall divide this land among you according to the tribes of Israel. You shall allot it as an inheritance for yourselves and for the aliens who reside among you and have begotten children among you. They shall be to you as citizens of Israel; with you they shall be allotted an inheritance among the tribes of Israel. In whatever tribe aliens reside, there you shall assign them their inheritance, says the Lord God. (Ezek 47:21-23)

First, it should be noted that this passage, as with the others analyzed in this work, uses the term *gēr* for the "resident alien," clearly signifying that this directive applies to the foreigners who lived among the Israelites. Second, unlike the previous passages, Ezekiel's allotment of land to the "resident aliens" reflects the language of the Holiness Code exclusively, with no reference to Deuteronomic Code categorizing the "resident alien" with the vulnerable. However, it does reflect the Holiness Code's charge that "you shall not oppress the alien" (Lev 19:33).

This land division serves an important function of the text. Just as the commands of Yahweh regarding the treatment of the "resident alien" were to be taken seriously, so was the ideal of this land division. For Steven Tuell, the division of land represents a religious doctrine. He argues for the following view of this division:

For while the division itself could not actually be accomplished, owing to the uneven qualities and asymmetry of the land and the loss of tribal identity, the intention to divide the land in these ways was vitally important, reflecting a certain attitude toward God, history and the identity of Israel.¹¹³

Tuell's view reinforces this notion of a people without a land, as it ties heavily to the sense of national identity in light of not having a physical location. Building on this idea that the land division was reflecting a certain attitude, it should be added to this statement that the tribes themselves are non-existent; thus not only is the land not available for division, but there are not tribes to give the land to in the first place.

¹¹³ Steven Shawn Tuell, *The Law of The Temple in Ezekiel 40-48* (Harvard Semitic Monographs 49; Atlanta: Scholars Press, 1992), 171.

With the stipulation that the "resident alien" was to be granted citizenship rights, Ezekiel now echoes the Leviticus 19:34, "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" (Lev 19:34). The language is similar to Ezekiel's version, stating, "You shall allot it as an inheritance for yourselves and for the aliens who reside among you. They shall be to you as citizens of Israel" (Ezek 47:22). The obvious distinction between these is a lack of a mention of Egypt within Ezekiel's text. Also, whereas the Deuteronomic Code and verse 33 of Leviticus 19 explicitly told Israel how they should treat the alien, the text now takes it a step further by commanding them to love the alien as themselves and treat them as equals because the "resident aliens" are now to be considered citizens.

One overlap to note in this passage is the fact that the citizenship command comes from the Holiness Code, which until this point in my discussion of Ezekiel has revolved around specific Yahwistic practices with the "resident alien," as I discussed with chapters 14 and 22. The edicts from the Deuteronomic Code focused more on social justice and conditions of equality, but in this instance, the text carries more of a social justice motivation as the "alien" is granted more rights and the citizens are to love them.

A counter point to this line of reasoning is the idea that Ezekiel 47, in essence, creates an exclusive setting rather than an inclusive one. Kathryn Darr argues in her article "The Wall Around Paradise," that the punitive nature of Yahweh's pronouncements through Ezekiel creates an exclusionary culture in which the other nations are not favored by Yahweh. Chapters 1 through 24 contain threats against Israel whereas chapters 25 through 32 contain denouncements

and curses against other nations.¹¹⁴ Regarding the differences in treatment, Darr concludes the following:

Israel's final outcome differs from that of its foes, however. In the third section of Ezekiel's oracles of judgement against Israel give way, for the most part, to pronouncements of its salvation and restoration. However, nowhere within the book is it stated that, after suffering Yahweh's punishments, other nations also will partake of the restoration and renewal promised to Israel.¹¹⁵

For Darr, the blessings incurred by Israel exclude the other nations by not extending beyond the borders. From the perspective of analyzing Israel's relationship with the "resident alien," this position does bring to light more nuanced understandings. I agree with Darr's assessment that the blessings for Israel are exclusive to Israel but no other nations. Given that Ezekiel's context was that of a prophet and people in exile, it is not surprising that Ezekiel focuses on Israel and its borders.

Also regarding Darr's argument, I agree with the premise; however I think a more nuanced understanding would be to look at how Ezekiel includes the "resident alien" within the borders of Israel and thus within the blessings offered by Yahweh. In that sense, Ezekiel does become quite inclusive. For the legal and cultic perspective, the "resident alien" is very much included within Israel's privilege. Ezekiel's exclusivity of other nations ties in with his position in the legal and cultic material, as demonstrated by his usage of the Holiness Code.¹¹⁶

Another way to understand the inclusion of the aliens in a more cultic sense is by a connection to the Book of Numbers, articulated by Block. He argues for a link between Ezekiel's allotment of land and the land division passage of Numbers 34. This text is similar in that Yahweh lays out an allotment of land in specific detail to Israel. It ends with a note regarding the Reubenites, Gadites, and the half-tribe of Manasseh inheriting land beyond the Jordan (Num

¹¹⁴ Katheryn Pfisterer Darr, "The Wall Around Paradise: Ezekielian Ideas About The Future." *Vetus Testamentum* 37, no. 3 (1987): 271-279.

¹¹⁵ Darr, "Walls Around Paradise," 274.

¹¹⁶ Michael A. Lyons, *From Law to Prophecy*, 44-46.

34:13-15). For Block, the addition of these smaller tribes at the end of the list represents groups on the fringe of Israelite society, now having been given portions of land. He sees a parallel with the Ezekiel passage, in which those on the fringe of society itself (i.e. the *ōresident aliensö*) are given at allotment at the end of the list.¹¹⁷ I agree with this assessment and would suggest taking it a step further. Not only are the *ōresident aliensö* on the fringe of society now included within the land allotment, but they are to be cared for and treated as citizens in every territory in which they reside. They are not limited to one area, but rather Israel is commanded to treat them as equals regardless of their tribal location. This is made clear at the end of Ezekiel 47, where he says, *ōIn whatever tribe aliens reside, there you shall assign them their inheritance, says the Lord Godö* (Ezek 47:23).

Regarding the precise identity of the *ōresident alienö* within this passage, Block sees certain nuances and notes the following:

Ezekiel does not promise landholding rights to all foreigners. The *g rōs* identification with Israel must be demonstrated by residing, and fathering children while residing, among the Israelites. The qualifications are intended to distinguish between other foreigners residing temporarily in Israel and proselytes, and to guard the sanctity of the holy community now resident in the holy land.¹¹⁸

For the land holding portion, if we accept the generally held difference between the *gēr* and the *nokrî*, then residing within Israel by definition makes one a *gēr*. It would seem obvious that any foreigner who takes up residence within Israel would therefore become a resident alien.

Block's comment suggests that he sees a requirement that the *ōalienö* both reside within Israel and father children in order to qualify for landholding and citizenship rights. Instead of having fathered children as a requirement, the text to me suggests that 1) it is reinforcing the idea that the *ōalienö* is residing because having fathered children he presumably has a wife and is

¹¹⁷ Daniel I. Block, *The Book of Ezekiel: Chapters 25-48* (Grand Rapids: William B. Eerdmans, 1998), 717.

¹¹⁸ Block, *Ezekiel Chapters 25-48*, 718.

therefore settled and not simply temporarily residing and 2) the mention of an inheritance guarantees the alien's landholding rights in perpetuity for future generations. Ezekiel itself demonstrates a distinction between the resident alien and the more generic foreigner. As we have seen with the text of chapter 47, Yahweh has commanded Israel to see the resident alien as one of their own. However, in regards to who may enter the temple in chapter 44, the text states, "Thus says the Lord God: no foreigner, uncircumcised in heart and flesh, of all the foreigners who are among the people of Israel shall enter my sanctuary" (Ezek 44:9). The use of "alien" in this context is not the *gēr*, but rather the more generic *ben- nēkār*, or son of a foreigner. A foreigner who does not dwell within the land may not enter the temple, in direct contrast to the "resident alien" who has now obtained citizenship.

Thus, I do not see fathering children as a requirement, but rather as a guaranteed protection for the alien's landholding. Zimmerli also sees the children portion as a qualifier rather than a command. In his analysis of a similar passage in Deuteronomy 23, he notes that, "[Resident aliens] who beget sons in Israel, i.e. surely have migrated with their whole family or built up their family in the land, are to be given a portion where they live or they themselves, not just their sons."¹¹⁹ This is reinforced by the text that divides the land among the tribes of Israel (i.e. those who are alive) as well as an inheritance for the tribes, or future generations (Ezek 47:21-22).

Ezekiel's inclusion of the *gēr* in his command that Israel not only care for the "resident aliens," but that they should also treat them as citizens reinforces the "resident" portion of "resident alien." Regardless of whether Ezekiel was writing from an exilic context for an exilic audience or if he was writing from an exilic context in postexilic reality, the fact remains that those who dwelt among Israel but were not Israelites were commanded by Yahweh to be cared for.

¹¹⁹ Zimmerli, *Ezekiel 2*, 532.

Chapter 6 CONCLUSION

I undertook this work primarily to understand the position of the biblical texts regarding the *resident alien* and immigrant. Although discussions of how to engage with the *alien* can be found throughout the biblical text, it is in the legal and prophetic material that we find specific provisions for engaging with *resident alien*. Through an examination of all these material, in light of contemporary ancient Near Eastern texts, I have first isolated the terms that most likely seem to encapsulate the meaning of *resident alien* in a variety of Semitic languages. Through an examination of ancient law prescriptions, I have shown that concerns for justice regarding *resident alien* was ubiquitous in the legal codes and that the Bible shared this concern as well.

Moving to the prophetic material, I have pointed out how Jeremiah, Zechariah, and Malachi provided for protection of the immigrant by invoking provisions in the Deuteronomic Code. Ezekiel had the novel idea for the immigrant to become a citizen. Moving beyond reliance on the Deuteronomic Code, Ezekiel extended the protections by creating an idealized Israel in which he incorporated the Holiness Code in order to raise *resident alien* to the status of citizens. Moreover, since the writing of Ezekiel assumes an exilic context, Ezekiel wrote his idealized version of Israel in which national borders and sovereignty were articulated to include the *resident alien* as citizens, despite lacking any real political control. This inclusion of immigrants demonstrates that even in a *best case scenario* setting, the *others* were to be treated as equals.

How a society treats those it deems to be different was not a unique problem to either the ancient Near East or the Biblical texts. What I demonstrated in my study is that the recognition of the need for care for the *alien* was a real concern since ancient societies began writing about their vision of justice. Perhaps we can still learn from this notion today.

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