

The resident sojourner in the Hebrew Bible

RRE Free Written Exam

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Cultic purity and dietary laws in the Hebrew Bible

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Introduction

Ger is a homonym and its meaning is dependent upon context. In its most general sense the term *ger* is denoting anyone who is sojourning. More specifically the term *ger* is denoting a sojourner (alternatively translated as “stranger”, “alien”, “foreigner”) who is attaching himself to the Israelite nation by voluntarily residing under Israelite jurisdiction, and thus becoming a legal alien citizen. This citizenship can take one of two forms, either through becoming a full member of the Israelite people (i.e., a full convert) or through becoming an associated member of the Israelite people (i.e., a partly convert).

My object of interest will be the *ger* in the latter meaning, which in the Biblical language in different contexts is termed as either a *ger asher bisharekha*, “a sojourner within your cities”, *ger toshav* (alternatively spelled *ger w’toshav*¹) “resident sojourner” or also just *toshav*, “resident”. I will regard these terms as interchangeable, all of them different denotations referring to the non-native who becomes an associated member of the Israelite people. Other terms I will use referring to this category of *ger* is: “non-native legal resident” and “resident alien”. My preferred term will be “resident sojourner”.

What is the status of the resident sojourner versus the status of the native Israelites and the convert who becomes a full member? What is a resident sojourner? How can the different categories of *ger* be distinguished from each other? What is permitted for a resident sojourner and what is forbidden? What are his rights, privileges and obligations?

These are questions I will attempt to answer in this paper. First I will translate a passage from the Hebrew Bible relevant for my topic, then I will make a commentary to my translation, thereafter I will discuss issues relevant to my questions. While I am doing my discussion I will attempt to find answers to my above stated questions. Towards the end of my paper I will summarize my findings.

¹ Olyan 2000: 156 (footnote 35), “In a number of H texts, the term *toshab* is used apparently in place of *ger*; in others, *ger wetosab* is used. The meaning of *ger*, *ger wetosab* and *tosab* in these texts appears to be the same. The word *tosab* is most accurately rendered “resident,” and *ger wetosab* “resident outsider,” interpreting the expression as a hendiadys construction.”

Translation of Hebrew text into english: Deuteronomy 14:1-11,21

א. בְּנִיִּים אֶת־לִי הָיוּ־הָאֵלֵּיכֶם לֹא תִגְדְּדוּ וְלֹא תִשְׁמוּ.
קִרְחָה בֵּין עֵינֵיכֶם לְמֵת

1. You are the children to the L-rd, your G-d. You shall not cut yourselves and you shall not make a bald spot between your eyes for a dead person.

ב. כִּי עַם קָדוֹשׁ אֶת־הַלְוִיָּהוּ אֵלֶיךָ וּבָרַךְ בְּחֵרֵי הַלְוִיָּהוּ לְעַם סִגְלָה
מִכֹּל הָעַמִּים אֲשֶׁר עִלַּפְנִי הָאָדָמָה

2. For you are a holy people to the L-rd, your G-d, and the L-rd has chosen you for Himself to be a treasured people, from among all the peoples on the face of the earth.

ג. לֹא תֵאָכֵל לֶחֶם תּוֹעֵב.

- 3.You shall not eat any abomination.

ד. זאת הַבְּהֵמָה אֲשֶׁר תִּרְתֵּם אֶכְלוּ שׁוֹרֶשׁ הַכֵּשֶׁב בַּיּוֹם הַעֲזִים

4. These are the animals that you may eat: the ox, sheep, and goat;

ה. אֵי לֹא צָבִי וַיְחַמּוּרָא קֻוּ דְּדִישׁ ׀ וְתִאוּ וְזֶמֶר

- 5.² the hart, deer, and the *yachmur*, the *akko*, *dishon*, the *teo*, and the *zamer*.

וּכְלַב־הַמֶּהמִּפְּרֹסֶתפִּרְסָהוּשׁ־סַעַתשׁ־עֶשְׂרֵתיִפְרֹסוֹתמַעֲלֵתגִּרָּה
בְּבִימָהאֲתֶהתֵּאֲכֹלוּ׃

6. And every animal that has a split hoof, which is completely separated in two hooves, that brings up its cud among animals - it you may eat.

ז. אַרְאֵה לֹא תִּשָּׂא וְלֹא תִּתְנֶה עַל יְדֵי הַגִּבּוֹרִים מִמֶּנִּי פֶּרִיסֵיהֶם פִּסְחֵיהֶם שׁוֹעֲבֵיהֶם
הַגִּבּוֹרִים לֹא תִּשָּׂא וְלֹא תִּתְנֶה עַל יְדֵי הַגִּבּוֹרִים מִמֶּנִּי כִּי יִמְעַל הַגִּבּוֹרִים הַפִּסְחֵיהֶם לֹא הַפִּרְיוֹן
טַמְאַת־הַמִּלְכִּים

7. But this shall you not eat from among those that bring up their cud or have a completely separated split hoof: the camel, the hare, and the hyrax, for they bring up their cud, but their hoof is not split - they are unclean to you;

ח. וְאֵת הַחֲזִיר כִּי מִפְּרִי סֶה הוּא וְלֹא גֵרָה טָמֵא הוּא לְכַמֵּם בִּשְׂרָם לֹא תֹאכְלוּ וּבְנִבְלָתָם לֹא תִגְעוּ.

8. and the pig, for it has a split hoof, but not the cud - it is unclean to you; from their flesh you shall not eat and you shall not touch their carcasses.

ט. אַתְּ זֶה תֹּאכַל לֹא מִכָּל אֲשֶׁר רַב־מִיָּם כִּי לֹא שׁוֹר לֹא סֹנֶפֶס יִרְקָה שׁוֹקֵשׁ תִּתְּ אֹכְלוֹ.

9. This you may eat of everything that is in the water: anything that has fins and scales you may eat.

² Many of the following animals cannot be identified with certainty, these I will not translate but instead write the English transcription of the Hebrew words. Cf. footnote to Deut. 14:5 in JPS Hebrew-English Tanakh.

וְכֹל אֲשֶׁר אֵין לוֹ סִנְפִּיר וְקַשְׂתָּהּ לֹא תֹאכְלוּ טָמֵא הוּא לָכֶם

10. And anything that does not have fins and scales you shall not eat; it is unclean to you.

יֵא. כָּל צִפּוֹר טָהוֹר תֹּאכְלוּ

11. Every clean bird, you may eat.

...

כֹּא. לֹא תֹאכְלוּ כָּל נֶבֶלָה לְגִיר אֲשֶׁר בְּשַׁעְרֵי תִּנְתְּנוּהוּ אֶכְלָה אוֹ מִכֹּר לְנֹכְרִי
כִּי עַם קְדוֹשׁ אַתֶּם לַיהוָה אֱלֹהֵיךָ לֹא תִבְשֹׁל לְגִידֵי בְחֵלֶב אִמּוֹ

21. You shall not eat any carcass; to the sojourner who is in your cities shall you give it that he may eat it, or sell it to a foreigner, for you are a holy people to the L-rd, your G-d; you shall not cook a kid in its mother's milk.

Commentary to the translated text

The above text differentiates between three different groups of people. 1) The Israelites, or the “holy people” (עם קדוש - *am kodesh*), 2) the sojourner who is in your cities (גר אשר - *ger asher bisharekha*) and, 3) the foreigner (נכרי - *nocri*).

The Israelites are the ones who are being spoken to in the text, they are to be “a holy people”. Here the text seems to imply that neighbouring peoples, or people living within their vicinity are not *kodesh* since they follow the custom of cutting themselves and making a bald spot between their eyes for their dead, indicating perhaps some sort of mourning rite. To be *am kodesh* seems to imply that the Israelites as a people, with their own identity and a common ancestry, have to avoid following the customs of other peoples and instead they must follow their own set of rules, given to them by G-d. By following these rules they will, as a people, be set apart. They will become *kodesh*.

Most distinctly the Israelites have to follow their own set of dietary laws. The bulk of the translated text gives a set of criteria and a list of what food is permitted and what food is forbidden. The permitted food is equated with being *tahor*, “clean”, and forbidden food as being *tamei*, “unclean”. These rules, which must be followed in order for the Israelites to be *kodesh*, are to be obligatory solely for the Israelites, and the text does not imply any condemnation of non-Israelites who eats food which is *tamei*.

The *nevelah*, “carcass”, which are forbidden to be eaten by the Israelites, can either be given away to the *ger asher bisharekha* or be sold to the *nocri* (verse 21). Thus, it is not incumbent for the resident non-Israelites to become *kodesh* and it does not imply any condemnation if they follow their own diets consisting of food which for the Israelites is

tamei. The Israelites will still have peaceful relations with them, as implied through Israel giving gifts to the *ger asher bisharekha* and doing business with the *nocri*.

Verse 21 gives important clues regarding the different groups within Israelite jurisdiction and how the Israelites are to relate to them. Since the *ger asher bisharekha* can receive the *nevelah* as a gift it seems to indicate a more privileged status vis-à-vis the *ezech*, “the native Israelites”, as opposed to the *nocri* who must buy the meat. The former relationship can also indicate a more intimate or informal relationship, while the latter indicate a more normal or formal relationship.

Ger - about the word.

Ger [having the root גור, *gur*] as a masculine noun is in a Biblical context referring to “a sojourner, stranger, foreigner, a person living out of his own country”. The root word גור, *gur*, has as its principal meaning “to sojourn”³. Thus, a *ger* denotes anyone of foreign origin (i.e. a stranger, foreigner, immigrant) who is travelling to settle away from his native land, either for a short-term or long-term settlement.

In the Greek New Testament *ger* is translated as *proselytos*, which has come to denote a convert to Judaism⁴.

Abraham as the proto-ger, the proto-convert.

In the context of understanding the convert as someone who is sojourning away from his native birthplace it can be instructive to recall G-d’s initial command to Abraham: “Go (*lekh*) forth from your land, from your birthplace and from your father’s house, to the land that I will show you” (Gen. 12:1). Here the word לך, *lekh*, (“go/walk”) is used, related in meaning to the word גור, both denoting a meaning of “walking, wandering, sojourning”.⁵

Later Abraham refers to himself as a resident *ger* when he is requesting to buy a burial estate from the Hittites, “I am a *ger w’ toshav* (“sojourner who resides”) among you; sell me a burial site among you” (Gen. 23:4). This can be interpreted to mean that Abraham is implying that he, as a *ger w’ toshav*, “resident sojourner”, is entitled certain rights, in this instance the right to buy property. If so, it can be argued that there existed a practice that granted certain rights and obligations to the *gerim toshavim*, “resident sojourners”. For

³ Gesenius 1846: lexical words “גור”, “גר”

⁴ Strong’s G4339

⁵ *Lekh* is also etymologically related to the word for Jewish law, *halakha*. A convert being someone who walk the ways of the Jews, i.e., abide by their laws.

example, several Biblical verses instructs the Israelites to show kindness and consideration towards the *gerim*⁶. Following the Biblical stories it can be reasonably argued that the cities of Sodom and Gomorra were destroyed due to their bad treatment toward *gerim* who came to their cities (Gen. 19:1-29). The same can be argued regarding the Canaanite nations that were driven out of the land. Since neither the inhabitants of Sodom and Gomorra and the Canaanite nations granted the entitled rights to the resident sojourners, such as the right to be treated with kindness, they likewise forfeited their own right to live in the land. A land that ultimately is under the administration of G-d; “The Land is Mine; for you are *gerim w’toshavim* with Me” (Lev. 25:23).

Different categories of *gerim* - different degrees of sojourning.

Biblical passages shows that besides the *ger* who is a resident sojourner, there is also a category of *ger* who are obligated by the same laws as the *eizrach*, “the Israelite native”. This *ger* is in the Biblical literature variously referred to as; *ha’ger ha’gar b’toch’chem*, “the sojourner who sojourns among you” or *yagur itkha ger b’artzchem* “the sojourner who sojourns in your land”, or similar phrases,⁷ all implying the same meaning. The different expressions have in common a double use of the root letters גר, perhaps emphasising a stronger degree of “sojourning”, i.e., a stronger degree of a sojourner settling in the land where he sojourns. I will argue that this *ger* is to be understood as a “full convert” and as such he is a non-native who is becoming a full member of the Israelite communities. The assertion that this *ger* is different from the *ger asher bisharekha* can be made on the basis that he is obligated to follow the same laws as the *eizrach*, including undergoing circumcision, which is not incumbent upon the *ger asher bisharekha* (Ex. 12:48). “There shall be one law for the *eizrach* and for the *ger ha’gar* amongst you.” (Ex. 12:49)⁸

All the different scholarly academic literature that I have been reading on the subject conclude that the Hebrew Bible differentiates between different categories of *gerim* (pl. *ger*)⁹, though they might disagree how to distinguish between these categories.¹⁰ The

⁶ Ex. 22:20, “You shall not wrong a *ger* or oppress him, for you were *gerim* in the land of Egypt.”; Ex. 23:9, “You shall not oppress a *ger*, for you know the feelings of the *ger*, having yourselves been *gerim* in the land of Egypt.”.

⁷ cf. Ex. 12:19, 48-49; Lev. 16:29; Lev. 17:8-15; Lev. 18:26; Lev. 19:33-34; Lev. 20:2; Lev. 22:18 and more..

⁸ See also Num. 9:14; Num. 15:29

⁹ See for instance Olyan 2000: 68; Rendtdorff in Brett (ed.) 1996: 78-88; Novak 2011: 21; Hirsch “proselyte” in Singer 1925.

¹⁰ Olyan does not make the distinction between *ger asher bisharekha* and *ger b’artzchem*, and instead of treating them as non-native *gerim* with different levels of attachment to the Israelite communities, he treats the different *gerim* categories as respectively “resident outsiders who are foreigners and resident outsiders who are Israelites” (Olyan 2000:68).

literature on the subject sees a distinction in the level of attachment, and the first category is often regarded as full proselytes while the second as partly proselytes.

In this paper I will abstain from using verses where it is very unclear what kind of category of *ger* the text is referring to. I will thus limit myself to make use of those passages in the pentateuch where it can reasonably be argued which category of *ger* is implied.

The resident sojourner - an associated member of the Israelite community.

Thus, the *ger asher bisharekha* is presumably a non-native Israelite who has settled himself with his family among the Israelites and is now living in one of their communities under Israelite jurisdiction. It must therefore be assumed that his settlement is approved of by the Israelite ruling powers, based on certain conditions. I make this assertion since other places in the Hebrew Bible the Israelites are being warned in strong language that when they come to Canaan, they are not to be tolerant toward the practices and customs of the Egyptians and the Canaanite nations. Israelites are not to “follow the practices of the nation that I am driving out before you” (Lev. 20:23), “You shall not copy the practices of the land of Egypt where you dwelt, or of the land of Canaan to which I am taking you; nor shall you follow their laws” (Lev. 18:3).

The forbidden practices for all residents in the Land are in the Biblical text specified as relating to; sexual immorality, idolatry and blasphemy (Lev. 18:6-24). The transgression that the Israelites are to be the least tolerant towards when practiced in the land is idolatry. In Deut. 12:2 the Israelites are commanded to “destroy all the sites at which the nations you are to dispossess worshiped their gods.” Further, it is reasonable also to assume that the resident sojourner were not allowed to commit obvious transgressions such as murder and theft.

If the Israelites, and by implication other inhabitants of Canaan, are to follow the practices that defiled the land, “the land [will] spew you out for defiling it, as it spewed out the nation that came before you” (Lev. 18:28). So even though the non-native legal resident is not obligated to follow all the Israelite laws, it can be assumed that they were not allowed by Israelite law to commit the above mentioned transgressions.

Cultic and festival access.

In contrast to the circumcised full convert who were permitted to eat of the pesach-offering, this was not permitted for the non-native resident who became an associated member of the Israelite communities (Ex. 12:45). We thus see that certain cultic practices were off-

limit for the resident sojourner. On the other hand, he could bring offerings to the sanctuary provided that these were unblemished (Lev. 22:25¹¹). It seems also quite clear that the resident sojourner were permitted to be a part of the Israelite *Sukkot* festival (Deut. 16:14). My basis for making that assertion is that Deut. 16:14 is using the terminology *bisharekha* in connection with the *ger*. Further, the prophecies of Zechariah (14:16-19) says clearly that in the future all the nations, with a few exceptions will be obligated to make a pilgrimage to Jerusalem in order to celebrate *Sukkot*. This substantiates the claim that the resident sojourner played a part in that particular festival, and that this precedence could lie behind the prophets declarations.

Concerning the Shabbat the sojourner is not obligated to rest, but as a consequence of the Israelites obligation to rest, the sojourner will have a day with reduced activity and will thus “be refreshed” (Ex. 23:12). Regarding Shavout and Yom Kippur the case is more ambiguous, making it difficult to make any definite decisions what category of *ger* is implied. In all circumstances it is clear that the resident sojourner had some cultic and festival access. It could also be added that the resident sojourner probably had the opportunity to convert, and through this action receive full cultic and festival access.

Permitted practices and privileges.

Being allowed to eat food which was *tamei* for the Israelites, even though from a Israelite perspective this was an abomination, the *ger asher bisharekha* were probably also allowed to follow their own practices as long as these did not violate the above specified transgressions.

Resident sojourner are to be treated with kindness and fair treatment. Besides verses giving such instructions (see above) it can also be deduced from Lev. 25:39-40. There it says that an Israelite who becomes the slave of another Israelite must not be treated with slave labor, but to be treated “like a laborer or a *toshav*”.

From the verse that says that an Israelite who becomes the slave of a *ger toshav* must be redeemed (Lev. 25:47-49), it is clear that the resident sojourner were permitted to own Jewish slaves. It is noteworthy that this Israelite slave had to be redeemed, that is, the releasement of the Israelite slave owned by a resident sojourner had to go through the proper legal channels. The Israelites could not just burst into the house of the resident sojourner living under Israelite jurisdiction and bring back home their relative who had become a slave. That the resident sojourner had the opportunity to gain the means in

¹¹ Here it can seem that the term *noeri* is used in a general sense, denoting any foreigner among the Israelites, either they are there for a short-term visit or a long-term stay, i.e. including the *ger asher bisharekha*.

order to afford buying an Israelite slave tells also something important of the business opportunities that were granted to the non-native legal residents; “If a resident sojourner among you has prospered...” (Lev. 25:47).

Lev. 25:44-45 states that slaves may be acquired from the neighbouring nations, or from the children or families of the *ger toshav*, leaving out the resident sojourner himself. Maybe this is referring to non-native legal residents who do not abide by their legal obligations, and that they therefore lose their rights and privileges, and instead become subject to being acquired as slaves?

The resident sojourner who becomes poor are entitled to receive charity from their Israelite host community (Lev. 19:10; Lev. 23:22.) and is exempt from paying interest on loans (Lev. 25:35-36). He is not to be cheated, but should be paid proper wages (Deut. 24:14).

Like the example with Abraham who as a *ger toshav* were able to buy property, it seems like the resident sojourner also were able to buy real estate in the Israelite cities. I base my assertion on the laws of redemption of houses in Lev. 25:29-30. Here it says that if a house which is sold within a walled city is not being redeemed within a full year, then it will remain the property of the buyer. This is unlike all other property which can be redeemed at any time and if it is not redeemed it will revert back to the native Israelite owners in the Jubilee-year. So if a resident sojourner buys a house in a walled city and it is not redeemed within a year, it remains his property. This could also be the reason he is referred to as *ger asher bisharekha*, “a sojourner within your cities”, because he had acquired himself real estate in an Israelite city.

Summary

As a resident alien living voluntarily in the land under Israelite jurisdiction he is obligated to follow some basic Biblical laws, such as; not to murder, not to steal, not to blaspheme, not to commit idolatry, not to commit forbidden sexual relations. These are laws related to morality, interpersonal relationship, property, personal damages and worship of G-d. On the other hand, the legal immigrant is exempt from Biblical laws concerning the status of Israelites being *kodesh*, such as following ritual laws, dietary laws and (for men) being circumcised. The festival laws seems to represent a middle ground. Sukkot as an agricultural festival is of a more universal nature, giving access to the non-native. While the festival of Pesach is more particular for the Israelite people, being a festival which celebrates their release from Egypt, as such it is not a festival which is directly relevant for non-natives who are therefore excluded from partaking directly.

As long as the citizen was law-abiding there is just reasons to believe that the resident sojourner received benefits from his associated membership in the Israelite community and that he had good opportunities to prosper, and if he did not prosper he would benefit from the Israelite welfare system who was obligated to support him.

The difference in observance of the ritual law makes a clear distinction between the resident sojourner and the Israelite native together with the convert who has become a full member of the Israelite community.

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