



The Status and Welfare of **Immigrants**

The place of the foreigner in biblical law and its relevance to contemporary society

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 **Jubilee Centre**
BIBLICAL THINKING FOR PUBLIC LIFE

The Status and Welfare of Immigrants: the place of the foreigner in biblical law and its relevance to contemporary society

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Preface

The invitation to write a paper for the Jubilee Centre on the general subject of “the contemporary relevance of the teaching in biblical law relative to foreigners inside and outside Israel” included the request to address, specifically, the following questions:

- To what extent is there, or is there not, evidence of multiculturalism in Biblical law?
- How should resident aliens be treated?
- How should foreigners be treated?
- What differences are there between the treatment of resident aliens and the treatment of foreigners?
- What are the differences between the treatment of resident aliens, foreigners and ordinary Israelites?
- What is the basis of nationhood?
- What relevance might the above have to modern, multicultural Britain at the beginning of the twenty-first century?

These questions have determined the content and structure of this paper, although they have, of necessity, been supplemented by questions of my own. In answering these questions I have, as requested by the Jubilee Centre, not engaged with traditional critical views of the text. Consequently, this paper does not speculate on how Israelite attitudes towards immigrants and foreigners were composed and developed, nor on how this development is reflected in the sources, although it is recognised that these too are important questions that are not without relevance to the contemporary debate. Transliterations have, as requested, been simplified and do not include acrostics. Translations are from the RSV unless otherwise indicated.

Dr J. P. Burnside

Cambridge

November 2000

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Foreword

This research paper comes at a time when the issues of race, immigration and asylum seeking have become major political issues. Much recent debate has been characterised by hesitant uncertainty. This is not just the caution of seeking to chart a politically correct path through complex issues. We may, sometimes justifiably, suspect ourselves guilty of prejudice. The spectre of ‘institutional racism’ now looms over much of the debate. Labour shortages in IT and nursing have reminded people about the positive side of immigration, while at the same time forecasts of some British cities having majority non-white populations have raised fears in some quarters about the impact of immigration on national identity and culture. The concepts of British-ness or English-ness have become increasingly uncertain in the face of multiculturalism and the impact of political devolution on national identity.

The issue is important. Racism continues to leave its victims with physical and mental scars. Economic migrants do not reduce the vulnerability and suffering of those who seek to escape poverty and persecution. The implications for national culture, identity and values, as well as for many areas of social policy are significant. This is an area of public life where failure to get the relationships right between individuals, communities, and the state often results in those people who are most vulnerable paying a high price.

In such a debate, the biblical worldview can offer wisdom and principles which challenge our values and prejudices, not just reflect them. This paper has not sought to provide a thorough analysis of the contemporary debate. Rather, it looks at how these issues are addressed in the Bible and, in particular, how the nation of Israel was instructed to treat immigrants. This has been how the Jubilee Centre has approached many social, economic and political questions: engaging seriously with these texts to see if they challenge us to approach contemporary situations in new ways.

This report suggests that the issue facing Israel was how to balance love for vulnerable people, in the light of her own experience of slavery and oppression, with the need to preserve a distinct identity in terms of their covenantal relationship with God. It argues that the way this tension was resolved can throw new light on how immigrants should be treated in Britain today. As we have found in other areas we have studied, there is logic and coherence in the biblical position. We hope that setting out these principles will prove helpful for all of us, for the ‘aliens’ whom we are commanded to love are often on our doorstep, and for the government which acts in our name in its treatment of them.

Michael Schluter

Cambridge, December 2000

Summary

Reasons why biblical law is a valuable ethical resource for questions of race relations and multiculturalism: First, when the Israelites left Egypt to begin the journey to Mount Sinai, they were joined by large numbers of non-Israelites. The people needed to know how to treat those who wanted to assimilate, as well as those who did not. Second, Israel occupied a central position in the playing-board of the Ancient Near East (ANE). She needed to know how to handle the various conflicts and encounters she would have with other peoples. Third, ancient Israel conceptualised themselves and other people through an ethnic paradigm and used ethnic criteria in order to determine who was and who was not part of the community. Fourth, biblical law encouraged religious and cultural assimilation. Foreigners who joined themselves to Israel's God (Yahweh, or YHWH) – the assimilating *ger* – were quite readily accepted into the community although they still retained their ethnic identity. A hallmark of such assimilation is strong personal allegiance (to YHWH; the nation and the people). Finally, biblical law has a strong interest in immigrants. This reflects the status of the Israelites themselves as originally a wandering people who had no absolute rights over land.

Distinguishing between the native and the various types of 'foreigner' in ancient Israel: We distinguish between the native and the different categories of foreigners as follows. The *'ezrach* refers to the 'native' Israelite. The *ger* are defined according to their socio-economic status and their ethnicity. They are consistently characterised as people who are needy and who are non-Israelites. The term *gerim* can refer to two different groups: the assimilating *ger* (non-Israelites living in geographical proximity and who are on the social periphery) and non-assimilating *ger* (non-Israelites who live in geographical proximity but who are beyond the social periphery). The latter are foreigners who have settled in the community, but who choose to retain an independent sense of identity. A further distinction may be drawn between the individual immigrant who is taken into the 'father's house' as a guest, and the tribe of foreigners who settle in Israel in a clientele relationship to the Israelites. Sometimes the word *toshav* is equivalent to the word *ger* and refers to both the assimilating and the non-assimilating *ger*. In the priestly texts, however, such as Leviticus, *ger* refers to the assimilating immigrant whilst *toshav* refers to the non-assimilating immigrant. *Nokrim* (usually translated 'strangers') are the 'true' foreigners who live in their own country outside the land of Israel. *Zarim* (usually translated 'aliens') is an alternative word to *nokrim* and is identical in meaning.

The treatment of *gerim* (both assimilating and non-assimilating): The Israelites are not to maltreat the *ger* nor to treat him violently. This treatment is irrespective of whether the *ger* has assimilated or not. Nor are the *ger* to be put under economic pressure which, expressed positively, means that the Israelites are to have fair employment practices. Neither are *gerim* who are under patriarchal authority to be abused; rather they are to be treated with the kindness appropriate to dependants. The Israelites are not to abuse the *ger* in the courts, either. They are to grant him access to 'justice at the gate' and deliver judgements that are non-discriminatory. Gratitude to God is characterised by a spirit of generosity towards the *gerim* who are also given access to charity. Assimilated *gerim* are allowed to take part in the major Israelite feasts; including the Passover, and other cultic events such as the Day of Atonement and the reading of the Law. They are also allowed to bring sacrifices. A number of laws contain the demand to treat the immigrant as a native-born which reaches its apotheosis in the command to love the alien "as yourself". The motivating clauses remind the Israelites of their ancestors' time as slaves in Egypt and appeal to Israel's knowledge of "the heart of a *ger*". This positive treatment of the *ger* shows that biblical law is not, as some might argue, the product of a power struggle. The *ger* is precisely someone who has no power and yet is accorded fair and hospitable treatment.

Comparing and contrasting the roles of natives and *gerim* (both assimilating and non-assimilating): There are important similarities in the treatment of natives and *gerim* in biblical law. The Israelite is instructed many times to treat the immigrant as a native-born in all things. Both are to have equal rights before the law and, by the same token, both are to be punished equally as well. A number of prohibitions that apply to the Israelites also apply to immigrants. Both are allowed equal access to the cities of refuge and, in the post-exilic period, there is the prospect that both may inherit land. Texts that specify equal treatment in cultic matters refer to assimilating *gerim*. There are, however, key differences between immigrants and ordinary Israelites. These include the consumption of prohibited meat and the limits placed upon assimilation.

The treatment of *nokrim*: Foreigners such as the Canaanites, Ammonites, Moabites, Edomites and Egyptians may be classified as ‘objective others’ *viz.* as part of an actual social category that existed in the world of the Israelite community and from which the community felt a need to distinguish itself. But whilst all foreigners were regarded with a certain amount of fear and suspicion, some were regarded as more dangerous than others. Accordingly, how Israel treated foreigners depended on who they were. Israel’s treatment of distant peoples took the form of standard military practice which included the option of surrender. Israel’s treatment of the native population of Canaan was harsher and was to consist of total annihilation, together with a policy of strict endogamy. Ammonites and Moabites were allowed to form part of the Israelite population, but were not allowed to take part in cultic activities because of their past behaviour towards Israel. Edomites and Egyptians were treated more leniently with (assimilating) descendants being allowed to join the cultic community from the third generation onwards. This too is owing to the past history of these nations in relation to Israel. Excepting the conquest, Israel’s attitude towards foreigners was not inordinately hostile to foreigners. Certain texts reveal a general appreciation for other cultures and an ethnographic interest in other peoples.

Comparing and contrasting the position of the *nokrim* with the natives and the non-assimilating *gerim*: There are important similarities in the treatment of the *nokrim* with the natives. The prophets suggest a number of respects in which foreigners are treated ‘like’ Israel. These include similar ancestral migrations; the punishment of return to the peoples’ land of origin and culpability for rebellions against Israel’s God (Yahweh, or YHWH). However, there are important differences with regard to debt-release and the laws of interest. The *nokrim* are also subject to a series of bans that do not apply to the native Israelite. These relate to Passover, eligibility to the kingship, access to the assembly and access to the Sanctuary. There are important similarities in the treatment of *nokrim* and non-assimilating *gerim*. This is seen in the consumption of animals that have not been ritually slaughtered and in regard to the cities of refuge. However, there are also important differences between *nokrim* and non-assimilating *gerim*, notably in regard to the food laws.

The question of nationhood: Nations are individual insofar as they have broadly identifiable characteristics that are well-known to outsiders. They are also accountable to God. National obligations may arise in different ways but may be related to receipt of spiritual privileges. A recurring theme in a number of texts is that nationhood is God’s gift and part of God’s purpose. For this reason, a positive view may be taken of national loyalties and allegiances, although it is recognised that the sense of national self can also be a setting for sin. Nationhood is a relational issue because it is an essential part of individual identity and communal human living. The positive view of nationhood in the Bible is consistent with the positive attitude taken in biblical law towards assimilating foreigners. The building blocks of nationhood suggested by Genesis 10 are land, language and families. This suggests that nationhood is more than simply ethnicity. ‘Language’ may be broadly understood as incorporating outlook, history and culture. National identity is self-conscious. Accordingly, the defining aspects of nationhood are seen as those

cultural commonalities that shape the national consciousness and its sense of identity. A watchful eye should be kept on attempts to abolish the constituent elements of nationhood and international trends that deplore or weaken national awareness. The extremes of nationalism and world government should be eschewed in favour of an interdependent world community of nations. Multiculturalism is an important aspect of nationhood. We must ensure that we recognise the contributions each group – once here – has made to the common history of this nation. However, normative multiculturalism as a theory is arguably based on dubious presuppositions and can turn out to be problematic in practice. It is unrealistic to expect the state to pass on everyone's individual sense of personal history to everyone else. Voluntary assimilation is encouraged as a possible way of countering the fear of the loss of unified nationhood in the face of growing separatism.

Protection and welfare: Biblical law suggests a number of duties in relation to, variously, the immigrant, the economic migrant, the refugee and the asylum-seeker. In broad terms they are as follows: to protect such persons from abuse; to protect them from unfair treatment in the courts; to offer varying degrees of social inclusion depending on the foreigners' willingness to assimilate; and finally, and most radically, to love the alien. Some of the implications of these fourfold injunctions for multicultural Britain relate to at least the following areas. 'Protection from abuse' includes protection from racially motivated violence and racially motivated harassment and involves developing progressive attempts to tackle racially motivated crimes. It also includes attempts to develop a fair employment policy. 'Protection from unfair treatment in the courts' includes looking at evidence of discrimination and lack of justice in the different parts of the justice system. This includes sentencing, the Crown Prosecution Service (CPS), prisons and policing. 'Social inclusion' relates most topically to the question of asylum and to current reforms in immigration policy. Biblical law raises questions about the spirit of the Immigration and Asylum Bill currently before Parliament and encourages a more generous approach, as do a number of social commentators on economic grounds. Finally, we consider how far the new Race Relations Bill takes us in 'loving the alien', the role of the church in superseding race with a new social identity and whether modern Britain can become truly 'colourblind.'

Conclusions: Three main conclusions may be drawn. First, we must retain a strong sense of national identity. Second, immigrants to the United Kingdom should decide for themselves whether they wish to assimilate or not. This is a choice that can only be made by the immigrant. However, voluntary assimilation may be encouraged by offering incentives to those who wish to assimilate and withholding incentives from those who do not wish to assimilate. Third, this should be combined with the need for protection and fair treatment for all immigrants, regardless of whether they choose to assimilate or not.

Chapter One: Why Biblical Law?

Introduction

There could not be a better time to re-examine our attitudes towards the alien in the light of biblical law.¹ The murders of Stephen Lawrence and Michael Menson, among others, have brought to the boil simmerings of racial discontent. Public concern over immigration and race relations has risen to its highest level in more than 20 years according to recent opinion polls. Almost one in five people say the issue is among the most important facing Britain, ranking fourth behind health, education and jobs.² In addition, two key pieces of legislation are currently before Parliament: the Race Relations (Amendment) Bill and the Immigration and Asylum Bill.

Race and ethnicity pose difficult questions for a modern multicultural society such as Britain. Yet biblical law is instructive to us in grappling with these issues because it pulls off the trick of maintaining a strong and exclusive national identity on the one hand without becoming xenophobic on the other. Ethnic sentiments were a very powerful form of identity in ancient Israel, but Biblical law is able to combine this with an hospitable and open attitude towards the foreigner. This paper explores in some detail how this was achieved, before drawing out some general themes that are of contemporary relevance. We begin by outlining some of the reasons why biblical law is relevant to issues of race, ethnicity and multiculturalism.

1. Size of Israel's foreign population

First, biblical law is relevant because *when the Israelites left Egypt to begin the journey to Mount Sinai, they were joined by a large number of non-Israelites*. Ex. 12:37-39 describes how the people of Israel, numbering "six hundred thousand men on foot, besides women and children" journeyed from Rameses to Succoth, accompanied by "a mixed multitude". We do not know the exact size of this multitude, nor the ratio envisaged between Israelites and non-Israelites.³ But clearly the new nation needed to know how it was going to treat these people, as well as any other who might choose to tag along on the way to the Promised Land, or following the subsequent conquest of Canaan.

¹ The focus of this study is upon Biblical law, which is the basis of the Biblical teaching on how to treat immigrants. Of course, the New Testament highlights a number of issues relating to the treatment of immigrants in the Bible that go beyond the law. Examples include Jesus' attitudes towards immigrants and foreigners, notably the Samaritans (e.g. the parable of the Good Samaritan; Luke 10:30-37) and Jesus' statement on the Day that he will judge the nations: "I was a stranger and you invited me in" (Matt 25:31-46). Some might argue that the teaching of the New Testament is primarily directed to the church and cannot therefore apply to a secular society. However, we should note that the quotation from Matt. 25:31-46 is not directed at the church alone but refers to the judgment of the *nations*. In any case, even where the teaching of the New Testament is primarily intended for the church, there is also a sense in which the church is intended to challenge and influence the national position. Consequently, the New Testament does shed unique light on the topic of treating immigrants, but its teaching deserves to be the subject of a separate study.

² *The Times* 20 April 2000.

³ The figure of 600,000 men, if taken at face value, suggests a total company of two to three million. Some scholars have argued that the word translated "thousand" may designate a tribal subsection determined by the size of a given tribe. This would give a translation here of around 5,000 able-bodied men. Durham 1987, 172 does not find this proposal convincing and describes it as an obvious attempt to reduce what is clearly a straightforward number to a manageable size

Indeed, there is evidence in the Exodus story that this question was so urgent and important that it was addressed *as soon as the Israelites left Egypt* and before they even reached Mount Sinai. When the people left Egypt "...they baked unleavened cakes of the dough which they had brought out of Egypt, for it was not leavened, because they were thrust out of Egypt and could not tarry..." (Ex. 12:39). Given that a "mixed multitude" accompanied them, it is only natural that they would have to address the practical question of whether these foreigners were also allowed to eat the unleavened bread. And so we find, several verses on, a set of laws governing restrictions on eating the Passover (Ex. 12:43-49). *Inter alia*, these expressly forbid the foreigner (*ben-nekar*) from eating it (Ex. 12:43) and sets out the terms on which the alien (*ger*) may eat it (Ex. 12:48-49). From the start, right relationships with foreigners (*nokrim*) and aliens (*gerim*) was an important and practical issue. It is hardly surprising that, when the Law was given on Mount Sinai, it would have much to say about ethnicity and multiculturalism.

Nor was this 'mixed multitude' just a temporary bunch of opportunists who had decided to jump upon Israel's bandwagon. It is likely that the foreign population affiliated to Israel always remained a sizeable one. During the time of Solomon, the foreign population (*haggerim*) within the borders of Israel numbered 153,600 people (2 Chr. 2:16-17).⁴ This was an impressive number of aliens compared with the total Israelite population at that time. The Israelite population during the time of David was 800,000 men (according to 2 Sam. 9; 1 Chr. 21:5 puts the figure at 1,100,000 men). This figure would presumably have been lower by the time of Solomon since the plague that followed David's census (2 Sam. 24) would have reduced numbers. We are explicitly told that the figures for the foreign population were taken "after the census of them which David his father had taken" which suggests that a similar counting method was used. This means that the figures in 2 Sam. 9; 1 Chr. 21:5 and 2 Chr. 2:16-17 are comparable. Whatever the precise ratio of non-natives to native Israelites, the number of foreigners and aliens was too large for Israel to ignore.

2. Geopolitical context

Second, *the larger geopolitical context*. The land that Israel was to occupy is justly characterised as "the land between". The Promised Land was a major land bridge between two international power centres: Egypt to the south-west and Mesopotamia to the north and north-east. This meant that Israel would always be involved in a struggle for political, military and economic control of the main international highways that passed through the country. To the west the land faced the Mediterranean Sea and the Coastal Plain. This carried the main arterial International Coastal Highway which ran from Egypt through Galilee and on into Mesopotamia via Aram-Damascus. On the east, beyond the Rift Valley, there was the Transjordanian Highway. This ran from south to north through Edom, Moab and Ammon and on into Mesopotamia. The location of the Promised Land - right in the middle of the playing board of the Ancient Near East (ANE) - guaranteed that Israel would come into constant contact with foreigners. In addition, we must remember that there was a free movement of peoples in the ANE and an absence of international border controls in the modern sense.

Israel's engagement with foreigners is supported by archaeological evidence and historical sources. Archaeological evidence reveals substantial commercial and military activity whilst the historical sources chart periods of co-operation, competition and/or conflict between the

⁴ The *gerim* provided the bulk of the manpower for the building of the Temple (1 Chr. 22:2; 2 Chr. 8:7-8; refers to the Hittites, Amorites, Perizzites, Hivites and Jebusites who were not of Israel).

Israelites and a variety of peoples of the ANE, including the Phoenicians, Philistines, Arameans (Syrians), Ammonites, Moabites and Edomites. Isolation was not an option.

Moreover, the Promised Land is a land that lacks natural frontiers and is vulnerable to attack on all sides. These attacks came both from neighbouring nations and from the big powers that regarded Israel as their private thoroughfare or as their first line of defence. In the south, desert raiders posed a constant threat to settled populations, while in the north there was imminent danger of invasion along defined natural routes.

For all these reasons, it is only to be expected that the Law would take account of Israel's appearance on the geopolitical stage and provide guidance on how to deal with foreigners and aliens.

3. Israel's ethnic sentiments

Biblical law is also relevant because there is evidence that *ancient Israel saw both themselves and other peoples through an ethnic paradigm.*

a) Israel's ethnic self-perception

Evidence that Israel saw herself in ethnic terms can be seen in the use of ethnic concepts such as 'forefathers' and 'ancestral migration'. These played an important role in shaping Israelite identity. Deut. 6:3 refers to YHWH as the "god of your fathers" whilst Deut. 10:15 describes how "...the LORD set his heart in love upon your fathers and chose their descendants after them, you above all peoples, as at this day." YHWH had designated Israel's descendants as the ethnic community that would receive his love and protection and this community was to be distinguished from the 'peoples' and 'nations' on Israel's periphery by this special and exclusive status. Israel's ancestral migration is frequently recalled as in, for example, Deut. 26:5-9:

"And you shall make response before the LORD your God, 'A wandering Aramean was my father; and he went down into Egypt and sojourned there, few in number; and there he became a nation, great, mighty, and populous. (6) And the Egyptians treated us harshly, and afflicted us, and laid upon us hard bondage. (7) Then we cried to the LORD the God of our fathers, and the LORD heard our voice, and saw our affliction, our toil, and our oppression; (8) and the LORD brought us out of Egypt with a mighty hand and an outstretched arm, with great terror, with signs and wonders; (9) and he brought us into this place and gave us this land, a land flowing with milk and honey."

b) Israel's ethnic perception of others

Isaiah's oracle concerning Ethiopia twice refers to "a nation, tall and smooth" (Isa 18:2, 7).

c) 'Us' and 'them'

The emergence of ethnic sentiments and the social boundaries they produce are related to the question of 'otherness'. A critical aspect of the sense we have of belonging to one group is the existence of other groups to which we do *not* belong.⁵ Accordingly, Sparks claims that ethnic kinship in the OT serves three different purposes:

- (1) as a concept of sociocultural integration ("*we* are the children of Abraham");
- (2) as a tool for sociocultural delimitation ("*they* are not children of Abraham") and
- (3) as a model for explaining the origins of other peoples ("*they* are the children of Lot")⁶

Certainly, there is evidence of an 'oppositional ethnicity'⁷ on the part of ancient Israel with the Canaanites frequently figuring as 'the other' against which Israel defines itself (e.g. the Song of Deborah; Judg. 5). There is also a certain amount of oppositional ethnicity *within* Israel, witness the intergroup conflict and rivalry between the various tribes of Israel.⁸

4. Ethnic criteria in ancient Israel

Ethnic criteria are 'markers' that are used to define community membership. There is evidence that *ethnic criteria were used by the Israelites to make ready judgements about who was and who was not part of the community*. This is consistent with 3 above, which indicated that the Israelites saw themselves and other people through an ethnic paradigm. Following Esler, the cultural content of ethnicity can be said, very broadly, to consist of overt 'signs or signals' and 'basic value orientations'.⁹ Using these two general headings,¹⁰ we can identify a number of ethnic markers in ancient Israel that may have been used by the Israelites to identify those who belonged to the group and those who were outsiders.

a) Signs and signals

'Signs and signals' are the features people look for and, in turn, exhibit in order to demonstrate their identity. They include such things as dress, language, architecture and lifestyle.

⁵ Esler 1996, 228.

⁶ Sparks 1998, 215.

⁷ Sparks 1998, 215.

⁸ Examples are too numerous to mention but for intergroup conflict see Judg. 20 (civil war between the tribe of Benjamin and the other tribes of Israel) and for intergroup rivalry see Judg. 5 where the Song of Deborah praises the men from Ephraim, Benjamin, Zebulun, Naphtali and Issachar but pours scorn on the tribes of Gilead, Dan and Asher.

⁹ Esler 1996, 223.

¹⁰ These two headings ('signs and signals' and 'basic value orientations') correspond to Cohen's belief that there are two different types of social boundaries. Cohen, cited in Esler 1996, 223 distinguishes between (a) the 'public face'; i.e. the sense insiders have of a boundary *as it would be perceived by people on the other side* and (b) the 'private and idiosyncratic mode'; i.e. *how members of the community themselves see the boundaries of their community*. Cohen believes that the private and idiosyncratic mode is more important than the public mode.

We have some evidence via Assyrian inscriptions that the Judeans had a distinctive wardrobe. In particular, they appeared to wear a head-dress that set them apart from Philistines, Israelites, Phoenicians, Syrians, Arabs and other groups in the region. Language may have been used as an ethnic marker. West Semitic dialects in the region were distinctive both in its early Israelite and in its later Judean context.¹¹ Culinary legislation would also have served as an indicia; members of the community are those who eat 'clean' foodstuffs.

b) Basic value orientations

Basic value orientations' refers to the standards of morality by which a person's behaviour is judged. According to Esler, this is particularly important since belonging to an ethnic category implies being *a certain kind of person*, implying a claim to be judged and to judge oneself by the standards that are relevant to that identity.¹² Consistent with this, we find ***that ethics is a central part of ethnicity in the Bible***. Ethics stamp both the Israelites in the Hebrew Bible and Christians in the New Testament with a unique group identity (cf. Gal. 5:22-23 where "the fruit of the Spirit" which is "love, joy, peace, patience, kindness, goodness, faithfulness gentleness, self-control..." images the identity of the church in Christ).

Basic value orientations are particularly notable in *Deuteronomy*. A number of practices and customs are used as ready indicators that a person is operating outside of the bounds established by the community. These practices included the worship of foreign deities (like Baal) as well as participation in activities that were associated by Deuteronomy with non-YHWH cults e.g. divination (Deut. 18:9-14) and death-cult rituals (Deut. 14:1). Other texts suggest that after the Exodus (Ex. 31:12-14) and after the Exile (Isa. 56:1-7) Sabbath-keeping became one of the more important practices identifying membership of the group. That said, the objective of 'basic value orientations' such as these may not have been so much to distinguish foreigners from Israelites as it was to distinguish proper worship of YHWH from either false worship of YHWH or non YHWH (i.e. foreign) worship. "Not alien blood, but alien worship was feared".¹³

5. The 'melting pot'

A further reason why the Bible is a valuable resource for understanding multiculturalism is because it addresses the question of assimilation. Should foreigners be assimilated and, if so, on what terms?

In the Hebrew Bible, ***the assimilation of foreigners is welcome***. This reflects the important place that religious assimilation had for YHWH, who desired that all human beings enjoy the benefits of covenant life. Assimilation is a sign of God's blessings and favour towards Israel "The LORD will have compassion on Jacob and will again choose Israel, and will set them in their own land, *and aliens (bager) will join them and will cleave to the house of Jacob*" (Isa. 14:1; italics added). One reason why assimilating aliens are a source of blessing to Israel is because they are keen to make a contribution to national life; e.g. Isa. 61:5: "Aliens (*zarim*) shall stand and feed your flocks, foreigners (*beney nekar*) shall be your plowmen and vinedressers".

¹¹ Sparks 1998, 266.

¹² Esler 1996, 223.

¹³ Sparks 1998, 267.

Yet although the boundaries of Israel always made room for the assimilation of outsiders, the assimilating foreigner still retained their ethnic label and were not reckoned as Israelites. The classic example is Ruth the Moabitess. When Ruth enters Israel's land and encounters Boaz, she declares herself a foreigner. "Then she fell on her face, bowing to the ground, and said to [Boaz], Why have I found favour in your eyes, that you should take notice of me, when I am a foreigner (*nokri*)?" (Ruth 2:10). Eventually, Ruth became an assimilated *ger*, but she did not become an Israelite. Even after her marriage to Boaz, an Israelite of "substance" (Ruth 2:1), she probably retained her alien status.¹⁴ This is explicit in Deut. 23:3-6 which bans a Moabite and all of his descendants from ever entering "the assembly of the LORD". In the long run, marriage was the only way that a *ger* could become an Israelite, and then not the *ger* himself or herself but only the progeny according to the law of Deut. 23:2-9.

a) Assimilation in Torah

It was because the criterion for community membership was religious (status before YHWH) that foreign sojourners could be so easily assimilated. Consequently, the assimilating foreigner had to avoid non-Yahwistic 'foreign' gods as well as any 'non-Yahwistic' (and therefore 'foreign') religious practices.

The fact that assimilation only required commitment to YHWH tells us that *Biblical law was far more concerned with providing a clear definition of the Yahwistic community than it was antagonistic toward 'foreigners'* either those within Israel or those without.¹⁵

Not only does Biblical law encourage assimilation, on condition of obeying YHWH, it also envisages the situation where the assimilation has been so successful that the foreigner is in an economically stronger position than the native Israelite. Thus Lev. 25:47-50 provides for the redemption of an Israelite who has had to sell himself to the immigrant or to a member of the immigrant's clan. Further evidence of successful assimilation is also found in the biblical narratives, to which we now turn.

b) Assimilation in the narratives

The narratives confirm that being designated an alien did not prevent a person from achieving a high position in Israelite society. In the early years of the monarchy, for example, we find plenty of examples of persons who retain a distinct ethnic identity but who nonetheless achieve high status. During the reign of King Saul we hear of Doeg the Edomite (1 Sam. 21:8) who was Saul's head shepherd and one of Saul's servants. Later, during King David's reign, we meet Ittai the Gittite (2 Sam. 15:21). He was the leader of 600 men from Gath in Philistia who joined David shortly before Absalom's rebellion and who later became one of David's three generals (2 Sam. 18:2). We also meet Uriah the Hittite (2 Sam. 11:11) and Zelek the Ammonite (2 Sam. 23:37) who were senior officers in the royal court or army. These narratives indicate that non-Israelites (who were clearly labelled as such) lived among Israelites, were loyal to Israel and its god and played a leading role in its social and cultural life.

¹⁴ Milgrom 1994, 18.

¹⁵ Sparks 1998, 242.

c) Allegiance

Because commitment to YHWH was the basis of assimilation, it is not surprising that allegiance is a recurring theme. Both the Doeg and Uriah accounts emphasise their zeal, although Doeg's zeal is loyalty to the king and not to the cult, whereas Uriah's loyalty is primarily to YHWH and not to the king! Doeg puts Ahimelech and the priests of Nob to death (1 Sam. 22:18; cf. 1 Sam. 22:22) and Uriah obeys the purity laws even when absent from the front line (2 Sam. 11:6-13).

Many of the narratives that concern assimilating foreigners stress allegiance of a more personal nature. A striking example is the loyalty of Ittai the Gittite to King David. The Gittite's fidelity was such that he refused to leave the King when advised to do so:

"Then the king said to Ittai the Gittite, Why do you also go with us? Go back, and stay with the king; for you are a foreigner, and also an exile from your home. (20) You came only yesterday, and shall I today make you wander about with us, seeing I go I know not where? Go back, and take your brethren with you; and may the LORD show steadfast love and faithfulness to you.' (21) But Ittai answered the king, 'As the LORD lives, and as my lord the king lives, wherever my lord the king shall be, whether for death or for life, there also will your servant be.'" (2 Sam. 15:19-21)

It is thought that Ittai was probably a soldier of fortune who found in David a leader worthy of his loyalty. It is remarkable that in the inner circle of David's mighty men (2 Sam. 23:8-39) two of "the three" (2 Sam. 23:8) are foreigners, namely: Joshebbasshebeth, a Tahchemonite (23:8), and Shammah, the son of Agee the Hararite (23:11). Their loyalty and devotion to David is seen in the Cave of Adullam escapade (2 Sam. 23:13-17) in which 'the Three' break through the Philistine camp and bring back water from the well of Bethlehem. The list of David's other "mighty men" contains foreigners including Zelek the Ammonite (23:37) and, as we have seen, Uriah the Hittite (23:39).

6. The people of God as aliens

A further reason why the Bible is a valuable resource is because it constantly reminds us of Israel's foreign origins. The first people whose foreignness is extensively mentioned in the Bible are the patriarchs.¹⁶ Ever since Abraham was called out of his familiar surroundings, he and his descendants were strangers in the Promised Land. This foreign status is repeatedly stressed in the patriarchal narratives. When purchasing the Cave of Machpelah for Sarah, Abraham expressly acknowledges before the Hittites: "I am a stranger and a sojourner (*ger-toshav*) among you" (Gen. 23:4). The patriarchs were strangers to whom no land belonged but who went their way trusting in God's provision and who were not disappointed. In this way, the patriarchs became a parable of living by faith.¹⁷ As Feldmeier notes: "the experience of being a stranger is life according to the promise."¹⁸

¹⁶ Feldmeier 1996, 242.

¹⁷ Cf. Heb. 11:8-10, 13-16: "By faith Abraham obeyed when he was called to go out to a place which he was to receive as an inheritance; and he went out, not knowing where he was to go. 9 By faith he sojourned in the land of promise, as in a foreign land, living in tents with Isaac and Jacob, heirs with him of the same promise. 10 For he looked forward to the city which has foundations, whose builder and maker is God... 13 These all died in faith, not having received what was promised, but having seen it and greeted it from afar, and having acknowledged that they were strangers and exiles on the earth. 14 For people who speak thus make it dear that they are seeking a homeland. 15 If they had been thinking of that land from which they had gone out, they

The deliverance from Egypt also underscores Israel's foreign origins. The Israelites were, by definition, a nation of outlaws, fugitives and immigrants. This makes the Exodus "the first time in human history in which the divine world is seen to side with these sorts of people, rather than with the political structures whose policies and use of power made such social types inevitable".¹⁹

Nor would their conquest of the Promised Land change that status, as Lev. 25:23 makes clear: "The land shall not be sold in perpetuity, for the land is mine; for you are strangers (*nokrim*) and sojourners (*toshavim*) with me." From a divine perspective the people of Israel has the status of a *ger* on its own land.²⁰

This lesson was reinforced by Moses to the subsequent generation that would settle in the land. Once they had taken it, they were to take some of the firstfruits of the land and bring them to the Sanctuary and recall their ancestors' migrations Pent. 26:1-11; "... 'A wandering Aramean was my father...'" (Deut. 26:5)). This is also expressed in a prayer of David: "We are aliens (*gerim*) and guests (*toshavim*) in your sight, as were all our forefathers" (1 Chr. 29:13-15). To confess that one is an alien on the earth and a guest in God's earthly house is the distinctive mark of a faith that holds God to be the possessor of all things and man to be but a passing shadow.²¹

This self-identification as strangers was especially significant to the Israelites in Exile and may have given them the confidence they needed in order to survive. Now, 'being a stranger' includes an elitist aspect. For Feldmeier, the affirmation and positive interpretation of strangerhood contributed substantially to the fact that Jews scattered in the Diaspora and persecuted Christians under the Roman Empire²² were able to see themselves as the people of God²³ despite all attempts to make them into enemies, to exclude them and to force them to assimilate.²⁴ "Strangerhood" is not here understood as 'opposition to society' but the consequence of responding to God and belonging to his people. "Strangerhood" is the reverse side of belonging

would have had opportunity to return. 16 But as it is, they desire a better country, that is, a heavenly one. Therefore God is not ashamed to be called their God, for he has prepared for them a city."

¹⁸ Feldmeier 1996.

¹⁹ Spina 1983, 332.

²⁰ Spina 1998, 332.

²¹ The New Testament anticipates a time when the people of God are no longer aliens: "So then you are no longer strangers and sojourners, but you are fellow citizens with the saints and members of the household of God, (20) built upon the foundation of the apostles and prophets, Christ Jesus himself being the cornerstone, (21) in whom the whole structure is joined together and grows into a holy temple in the Lord; (22) in whom you also are built into it for a dwelling place of God in the Spirit" (Eph. 2:19).

²² Christians, certainly at the time of Nero, were seen as a foreign body whose very existence jeopardised the foundations of Roman society; Feldmeier 1996, 256. The author of 1 *Peter* sees Christians as outsiders, marked people, foreign bodies.

²³ Feldmeier 1996, 251 argues that New Testament takes up in a positive manner the Old Testament category of the stranger in order to provide a theological basis for the Christian experience of being 'outsiders' who existed on the fringe of society. Feldmeier 1996, 242 claims that 1 *Peter* is the first to make the exclusion of the 'stranger' a constitutive element in the identity of the believer. Boldly, the negative experiences of non-identity are interpreted as the specific characteristic of Christian identity. Right at the beginning of 1 *Peter* and thus in a decisive position, Christians are addressed as strangers and then once more at the beginning of the main section; each time using a compound expression ("strangers of the dispersion" or "aliens and sojourners"). 1 *Peter* makes this estrangement from the milieu a decisive feature of Christian identity. The author is saying: "Christians are strangers in society — that is precisely their vocation; that is what they are supposed to be." Christians are addressed absolutely as "strangers and sojourners". Interestingly, the author of 1 *Peter* does not say what Christians are stranger *to* (society, the world or whatever). He just says that they are strangers. This deliberately relates Christians back to the experience of the patriarchs and indeed the whole of the OT people of God who became strangers by God's call. Stranger-existence is placed in direct relation with election to and participation in the people of God.

²⁴ Feldmeier 1996, 242.

to God. Ironically, the people of God are finally strange precisely because they have come home.²⁵

Scattered reminders that Israel's origins lay in foreign parts (e.g. Ex. 20:2; Deut. 5:6) were a critical factor that stood in the way of an all-too self-glorifying separation from other strangers.²⁶ Again, we should expect the laws of such a people to have particular insights into the treatment of outlaws, fugitives and immigrants (cf. Ex. 22:21).

7. Summary

We have seen that biblical law is relevant for the following reasons. First, when the Israelites left Egypt to begin the journey to Mount Sinai they were joined by large numbers of non-Israelites. The people needed to know how to treat those who wanted to assimilate, as well as those who did not. Israel occupied a central position in the playing-board of the ANE. She needed to know how to handle the various conflicts and encounters she would have with other peoples. Ancient Israel conceptualised themselves and other people through an ethnic paradigm and used ethnic criteria in order to determine who was and who was not part of the community. Furthermore, biblical law encouraged religious and cultural assimilation. A foreigner who joined himself to YHWH (the assimilating *ger*) was quite readily accepted into the community although they still retained their ethnic identity. Such assimilation is characterised by strong personal allegiance to YHWH and Israel. Finally, biblical law's interest in immigrants reflects the status of Israelites as a wandering people who were to have no absolute rights over land. For these reasons, biblical law is a valuable ethical resource for questions of multiculturalism.

²⁵ Feldmeier 1996, 261.

²⁶ Feldmeier 1996, 244.

Chapter Two: The Native and the Foreigner in Ancient Israel

Introduction

In this chapter, we will distinguish between the native Israelite (see **1** below) and the non-Israelite (see **2 - 4** below). We will also distinguish between three different classes of non-Israelites: the *ger* (see **2** below); the *toshav* (see **3** below) and the *nokri* (see **4** below).

The immediate question arises as to why biblical law distinguishes between different classes of foreigners. For example, Sparks asks why does Deuteronomy so energetically protect the *ger* and at the same time take a firm stance against foreign peoples and foreign influences in general?²⁷ The answer may lie in the fact that, in biblical law, the distinction between the *ger* and the *nokri* is partly one of economics. ***Biblical law distinguishes between the foreigner who was economically vulnerable (the ger) and the foreigner who was economically independent (the nokri).*** This distinction may have been crucial in allowing Israelite society to 'have its cake and eat it'; viz maintaining a strong sense of national identity without compromising its equally strong humanitarian leanings.²⁸

The four principal categories discussed in this paper can be set out as follows:

1. The *'ezrach*

The *'ezrach* refers to the 'native' Israelite. It is not a common word, occurring only 17 times in the OT. The question arises whether 'native' means 'native to the land' or 'native to the people'. A clue may lie in the fact that the word does not appear in Exodus nor Deuteronomy but is a favourite of priestly texts such as Leviticus. Accordingly, Van Houten proposes that *'ezrach* means 'native of the land' in order to reflect the priestly belief in the sanctity of the land.²⁹ If this is correct, the word *'ezrach* highlights the relationship between the people of Israel and the Promised Land.

2. The *ger*

For the purpose of this paper, the *ger* is by far the most important category. The word *ger* is usually translated as either "alien" or "sojourner" in most Bibles but, as we shall see, this does not always capture the nuances of the word. To find out who the *gerim* (the plural of *ger*) are, we must draw on a variety of texts, building up a kind of 'identikit' as we go. Perhaps the best starting-point is to look at the sort of people with whom the *ger* is grouped.

²⁷ Sparks 1998, 240.

²⁸ Van Houten 1991, 82.

²⁹ Van Houten 1991, 139.

a) Who are the *ger* associated with?

The *ger* is associated with the 'hired' man, the 'poor' and with 'widows and orphans'. This implies from the outset that *the gerim are dependent, vulnerable people*.

(i) *The hired man*

In Deut. 24:14, the *ger* is grouped in the same category as the hired man (*shakir*):

"You shall not oppress a hired servant who is poor and needy, whether he is one of your brethren or one of the sojourners (*ger*) who are in your land within your towns" (Deut. 24:14).

This verse suggests that the *ger* is of a similar socio-economic standing to the hired man. This standing appears to be a low one that makes the *ger* economically vulnerable. The *ger* was not allowed to own landed inheritance (though this is reversed after the Exile in Ezek. 47:21-23). In an agricultural economy, such as that of ancient Israel, this meant that he had to work for an Israelite farmer as a hired hand. This explains why the 'hired hand' and the *ger* are occasionally listed together, as here. Other texts confirm that the *ger* is classed with economically weak members of society (see (ii) and (iii) below).

(ii) *The poor*

Leviticus groups the *ger* twice with "the poor". Lev. 19:10 commands the Israelites: "...you shall not strip your vineyard bare, neither shall you gather the fallen grapes of your vineyard; you shall leave them for the poor and for the *ger*" whilst Lev. 23:22 commands them to leave the gleanings of the field "for the poor and for the *ger*".

As in Deut. 24:14, the *ger* is classed with the socially and economically weak. "The poor" refers those who are economically at risk and whilst this may refer to a different social category to the *gerim*, this does not affect the present argument.³⁰

(iii) *Widows and orphans*

Deut. 24:19-22 groups *gerim* together with widows and orphans (cf. also Ezek. 22:7). This indicates their shared socio-economic status. These laws are consistent with the condition of economic vulnerability outlined in (i) and (ii) above. Like the poor, the widows and the orphans, the *gerim* are vulnerable and dependent on the Israelite landholder for their welfare. Like the widows and the orphans, but perhaps unlike the poor³¹, the *gerim*: are typically landless.

This does not, of course, mean that the *gerim* were *always* landless and impoverished. We have already drawn attention to the Jubilee Laws that indicate that the *ger* could be a wealthy person who had resided in the land for several generations (see Lev. 25:47-50), acquiring economic stability and permanence. The laws do not exclude the possibility that the *gerim*

³⁰ Lohfink cited in Van Houten 1991, 95-96 argues that "the poor" are a different group of people from those dealing with the widow, orphan and *gerim*. "The poor" are *landed* Israelites who are in danger of becoming destitute, whereas "the widow, orphan and *gerim*" are *landless* people who are in danger of becoming destitute.

³¹ If Lohfink is correct, see n. 28.

may better themselves. Rather, they acknowledge the vulnerability of the *gerim* and aim to provide a permanent support system that will prevent them from becoming poor.³²

(iv) *Summary*

The *gerim* are defined according to their socio-economic status and their ethnicity and are generally characterised as people who are needy and who are non-Israelites. He was a person who had no landed inheritance, although he might acquire land between the years of the Jubilee. He was also somebody who, having severed his ties with his original home, had no family to turn to for support. Deprived of both land and family, he was generally impoverished and so is listed among the wards of society together with the poor, the widow and the orphan.

b) Position of the *ger* in Israelite society

In Israelite society, it was a blessing if the native Israelite had the 'upper hand' over the *ger*, e.g. the blessing of Deut. 28:13: "And the **LORD** will make you the head, and not the tail; and you shall tend upward only, and not downward..."). By the same token, one of the curses of the covenant was a decline in the status of the native Israelite *vis à vis* the *ger*. Deut. 28:43-44 states: "The *ger* who is among you shall mount above you higher and higher; and you shall come down lower and lower. (44) He shall lend to you, and you shall not lend to him; he shall be the head, and you shall be the tail." Such verses indicate that the *ger* was to occupy a distinct station *vis à vis* other persons in Israelite society.³³ Aspects of this differentiation include the following:

- The *ger* is different from the *`ezrach*. As mentioned above, the *ger* may not own landed inheritance (although this is reversed in Ezek. 47:21-23).
- The *ger* is different from the *nokri*. The *ger*, like the *nokri*, is of foreign origin. But the *nokri* is a visitor who is attached to his homeland and intends to return to it. The *ger*, by contrast, is an immigrant who has either uprooted himself (or been uprooted) from his homeland and has taken permanent residence in Israel (see further below).
- The *ger* is different from the *'eved* (the slave). The position of the *ger* is higher than that of the slave, as indicated by Lev. 25:39-40: "And if your brother becomes poor beside you, and sells himself to you, you shall not make him serve as a slave (*'eved*) (40) he shall be with you as a *shakir* (hired servant; see (a)(i) above) and as a *ger*." The *ger*, unlike the slave, is a free person with the same civil rights as the Israelite.
- However, the *ger* is not noticeably different from the hired worker (*shakir*). They are listed together in the laws that regulate eating holy food (Ex. 12:43-47; Lev. 22:10-13; Lev. 25:6; 40). As noted in (a)(i) above, they seem to share the same social status, *viz.* they are dependent on and associated with a household, but they are not included in the same way as the slaves appear to be.

³² Van Houten 1991, 107.

³³ Milgrom 1994, 18.

Some see the *ger* as an intermediate position between a native (*ezrach*) and a foreigner (*noken*).³⁴ But Sparks thinks this is an over-simplified perspective.³⁵ Whilst all *gerim* are 'like' native Israelites in the sense that, unlike the *nokenim*, they are resident in the land, we should distinguish between *the ger who assimilates* and *the ger who does not assimilate*. As today, whilst some immigrants integrate and become part of the community ("British Asians") others, notably, do not.

Thus the term *gerim* can refer to two different groups. First, it can refer to the *assimilating ger*, i.e. non-Israelites living in geographical proximity and who are on the social periphery. Second, it can also refer to foreigners who have settled in the community, but who choose to retain an independent sense of identity. These *non-assimilating gerim* are non-Israelites who live in geographical proximity but who are *not* on the social periphery. It was the former that participated in the community's religious life and the latter who, like the foreigner, consumed unclean foodstuffs.³⁶

c) The *ger* as immigrant

Having established the general socio-economic circumstances and social position of the *gerim*, we turn to consider their social position in more detail.

(i) *Social conflict the defining motif*

Some see the *ger* as a person who leaves his homeland to place himself under the legal protection of another.³⁷ However, this is probably more technical than the verbal root of the noun *ger* actually suggests. There are three verbal roots: (1) to sojourn; (2) to stir up strife/create confusion/quarrel and (3) to dread/be afraid. ***Together they suggest that the very concept of the 'ger' involves social unrest or conflict.*** Much of the movement implied by (1) 'to sojourn' is concerned with social conflict and unrest. It is not associated with carrying out normal occupational duties. The second root (to stir up strife) gives rise to the noun *geru* which means an enemy, either personal or military and when used in a legal context means an 'adversary'. Similarly, the third root (to dread/be afraid) gives rise to the verb *garu* which means either 'to be hostile' or again in a legal context 'to start a lawsuit'. Here, too, there are overtones of social conflict.³⁸

If we follow this approach, we may understand the *ger* as a person from another tribe, city, district or country who has left his homeland and who is no longer directly related to his original setting. He is someone who lacks customary social protection or privilege and who has, of necessity placed himself under the jurisdiction of someone else. This justifies the conventional translation of 'resident alien'. He dwells among another people, having entered into dependent relationships with various groups in a new social setting.³⁹ He enjoys the relative protection, rights and opportunities afforded by his new conditions which doubtless vary according to the context.⁴⁰ The lack of any means of gaining and securing their livelihood, at least initially, would

³⁴ E.g. Kellerman, cited in Sparks 1998, 240.

³⁵ Sparks 1998, 252.

³⁶ Sparks 1998, 291.

³⁷ Kellerman, cited in Sparks 1998, 239.

³⁸ Spina 1983, 328.

³⁹ Spina 1983, 323

⁴⁰ In the biblical accounts *gerim* have many of the same advantages and are subject to the same civic or ritual regulations as Israelites themselves. In theory, there seems to be little or no disadvantage in having *ger* status. In

explain why the *ger* occupied a vulnerable socio-economic station. The Bible describes a number of cases in which people take the risk of exchanging their home for a new social setting where they will be, at least theoretically, more vulnerable.⁴¹

(ii) Immigrant not 'sojourner'

This being so, it is sensible to suggest that the noun *ger* should be translated as 'immigrant'. The phrase 'resident alien' is awkward and the term 'sojourner' is archaic. 'Immigrant' contains the nuances of 'resident alien' and 'sojourner' but adds the motif of 'social conflict'. It does this in three main ways. First, it highlights the original circumstances of social conflict that are inevitably responsible for causing people to become immigrants in the first place. People usually became *gerim* as a result of social and political upheaval. This could be caused by war, famine, oppression, plague and other social misfortunes. Second, it is consistent with the conflicts that can result when immigrants try to settle in a new environment. As Spina notes, seldom would emigration be looked upon neutrally by authorities, especially if it involved a significant number of people. Third, it highlights the immigrant's 'outsider' status in the adopted social setting.

d) Distinction between individuals and groups

A further distinction may be drawn between the individual alien who needs to be taken into the 'father's house' as a guest and a tribe of foreigners who settle in Israel in a clientele relationship to the Israelites.⁴²

(i) Gerim within the Israelite household

A number of texts referring to the immigrant are phrased in the singular and refer to individuals.⁴³

A telling example is Ex. 20:10 which envisions taking the immigrant into one's household. Ex. 20:10 refers to "the *ger* who is within your gates" (Ex. 20:10). The gates refer to the 'gates' of the town and it is just within such gates that the traveller would wait for someone to take him in (cf. the gates of Gibeah where the Levite and the concubine wait in Judg. 19:15-21). The moral imperative here is hospitality. Ex. 20:10 also suggests that when immigrants are taken in, they become dependent members of the patriarch's household. This is why they must observe the Sabbath along with the rest of the household. In Ex. 20:10, the

practice however, it was different; cf. laws forbidding the abuse and the oppression of the *ger* (see *Chapter Three 1-2* below).

⁴¹ In general, a person may attain the status of *ger* either voluntarily or involuntarily. Abram voluntarily became a *ger* in response to the call of God ("So Abram went, as the LORD had told him"; Gen. 12:4). Others might voluntarily become *gerim* out of a desire to improve their lot in life. More usually, the status of *ger* was attained involuntarily. Interestingly, de Vaux connects the term *ger* to Arabic *jar* which may denote a refugee who has fled his original home due to unfortunate or intolerable circumstances (e.g. famine or military attack) or because he was compelled to leave (e.g. searching for a sanctuary after a land has been destroyed by conquest or as a result of a blood feud). There are many cases of people becoming an involuntary *ger* in the Bible. Moses became a *ger* in Midian and the father of 'Ger-shom' (Ex. 2:22; 18:3; italics added) when his murder of the Egyptian overseer became common knowledge (Ex. 2:14). In 2 Sam. 4:3, we are told how the Beerothites fled to Gittaim and became *gerim*, apparently as a result of military activity and social unrest (2 Sam. 4:1, 2). According to 2 Kgs 8:1-2 and Ruth 1:1 one becomes a *ger in* response to famine or the threat of famine. The 'push' factor in Isa. 16:1-5 is an intense social conflict that obligates Israel is to protect those who want to immigrate.

⁴² Weber, cited in Van Houten 1991, 101.

⁴³ Van Houten 1991, 59.

immigrant's dependent position is indicated by the second person singular suffix attached to the word *ger* (*v'gerka*) which signifies that the immigrant belongs, in some sense, to the patriarch. The immigrant referred to here is not a self-sufficient individual who participates independently in society. Nor is he a 'second-class citizen' living alongside Israelites. He is a member of a large household under the authority of the patriarch.

Moreover, not only Ex. 20:10 but *all* references to the *ger* in the Covenant Code are to an individual or perhaps a family (see also Ex. 22:20; 23:9, 12). In each of these texts, the *ger* is someone who is taken into a household and is dealt with on a personal, one-to-one basis. The immigrant is not here identified, as in modern terms, with a large group of people. This is consistent with the story of Ruth 1:1, 2. Elimelech and his family are *gerim* who are vulnerable and in need of protection because they are out of their familial context. The Covenant Code teaches the Israelite household how to treat the occasional stranger or family from afar. This is an important limitation on the applicability of biblical law to, say, the modern debate regarding the law of asylum. Telling the *paterfamilias* how to treat an individual and his family who comes from afar and is in need of hospitality is a different matter from resettling masses of refugees."⁴⁴ On the other hand, biblical law may well be indicating here that the best way of dealing with human needs on a vast scale is on an individual basis, by 'adopting' a single individual, or a family, at a time.

(ii) Gerim outside the Israelite household

However, it is not clear that all *gerim* resided within the household of the patriarch. We have already seen that in some texts, such as Lev. 19:10 and Lev. 23:22 (see **(a)**(ii) above) the *gerim*, like the poor, relied on assistance from well-off landowners. The fact that *gerim* are accorded their own harvest might suggest that not all *gerim* lived within the patriarch's household. Some may have had their own household and were thus required to feed and clothe themselves. If this is correct, then it appears that the laws in Lev. 19:10 and Lev. 23:22 have a slightly different purpose to that of Ex. 20:10. Instead of requiring hospitality (as in Ex. 20:10), the 'gleaning' laws appear to create a system of support that would allow those on the fringes and who were not living in Israelite households to be economically self-sufficient.

(iii) Groups of gerim

There is also evidence of *gerim* moving and settling in large and seemingly quite self-sufficient groups. A good example of this is the Rechabites in Jer. 35:1-11. The Rechabites were not so much foreigners within Judah as they were indigenous nomads living in obedience to their forefather's command:

"... 'You shall not drink wine, neither you nor your sons for ever; (7) you shall not build a house; you shall not sow seed; you shall not plant or have a vineyard; but you shall live in tents all your days, that you may live many days in the land where you sojourn (*garim*)'"
Jer. 35:6-7).

As such, the Rechabites are a further variation of the term *ger*.

⁴⁴ Van Houten 1991, 61.

(iv) 'Hewers of wood and drawers of water'

A further unusual group of *gerim* are found in Deut. 29:11 in the context of a covenant renewal ceremony where they are described as 'hewers of wood and drawers of water':

"You stand this day all of you before the LORD your God; the heads of your tribes, your elders, and your officers, all the men of Israel, (11) your little ones, your wives, and the *ger* who is in your camp, both he who hews your wood and he who draws your water, (12) that you may enter into the sworn covenant of the LORD your God, which the LORD your God makes with you this day; (13) that he may establish you this day as his people, and that he may be your God, as he promised you, and as he swore to your fathers, to Abraham, to Isaac, and to Jacob" (Deut. 29:10-13)

Van Houten finds striking similarities between this account of aliens being participants in a covenant ceremony and the covenant with the Gibeonites in Josh. 9.⁴⁵ Like the *gerim* in Deut. 29:10-13, the Gibeonites also come to the Israelites' "camp" (at Gilgal; Josh. 9:6) and are incorporated into the people of Israel by means of a disparity treaty. Like the *gerim*, the Gibeonites are also described as "hewers of wood and drawers of water". They are described in these terms three times (Josh. 9:21, 23, 27). These verses account for all the remaining occurrences of the phrase "hewers of wood and drawers of water" in the Bible. Their apparently menial work is performed in the service of the community and the Sanctuary (Josh. 9:27).

On the basis of Josh. 9 we might infer that the *ger* referred to in Deut. 29:10-13 is not the stereotypical 'vulnerable individual in a strange place with no connections and needing the protection of an Israelite household.' Because of the links with the Gibeonites, these *gerim* may be *groups* of non-Israelites who were allowed to enter into a legal relationship with Israel and hence with Israel's God.⁴⁶

3. The *Toshav*

The word *toshav* occurs fourteen times in the OT.⁴⁷ In several places the word *toshav* is juxtaposed with the word *ger* and in these cases it is clear that the two words have the same meaning. Thus, in Gen. 23:4 Abraham describes himself as a "*ger-toshav*" when approaching the Hittites to purchase the cave of Machpelah. Likewise, David's prayer in 1 Chr. 29:15 and Ps. 39:13 describes God's people as *gerim* and *toshavim* (cf. Ps. 39:12 where David describes himself as a *ger* and a *toshav*).

However, in other texts it seems that the words *ger* and *toshav* have different meanings. This is apparent in the so-called Priestly texts of Leviticus and Numbers. First, Leviticus suggests at several points that the *ger* be treated in the same way as the native '*ezrah*' (Lev. 19:34, 24:22) but this was never true of the *toshav*. Second, whilst Leviticus consistently puts the *ger* alongside the native Israelite as part of the religious community (Lev. 20:2), the *toshav* is never represented as a community participant and is in fact viewed as an outsider (*zar*, see Lev. 22:10-13). We conclude that although the *toshav* and the *ger* shared a common identity as immigrants in the midst of Israel (Lev. 25:47), the two terms were significantly different in Leviticus.

⁴⁵ Van Houten 1991, 103.

⁴⁶ Van Houten 1991, 108.

⁴⁷ Gen. 23:4; Ex. 12:45; Lev. 22:10; Lev. 25:6, 33, 35, 40, 45 and 47; Num. 35:15; 1 Kgs. 17:1; 1 Chr. 29:15; Ps. 39:13.

We have already seen that the word *ger* serves a dual semantic role, referring to both assimilating foreigners and non-assimilating foreigners. However, in Leviticus and Numbers it seems as though the two types of foreigner are distinguished by the use of *toshav*. In these texts, the assimilated foreigner is called a *ger* and the non-assimilated foreigner a *toshav*.⁴⁸ The use of *toshav* in places where Exodus and Deuteronomy may have used *ger* may simply be understood as the preference of Leviticus and Numbers for this word.⁴⁹ Understandably, given the focus in Leviticus and parts of Numbers upon the cult, there is greater interest in these texts making clear the boundaries of the community.

4. The Nokri

The *nokri* (or the *nekar*⁵⁰) is the 'true' foreigner who lives in his own country outside the land of Israel. The word is usually translated 'stranger'.

In general, the *nokri* has no natural link to the land nor to the national God, YHWH. This is because he is attached to his homeland and intends to return to it. That said, the *nokri* did possess certain ties to the local Israelite milieu as evidenced by his participation in the community's economic life.⁵¹ The *nokri* is either a visiting merchant or a mercenary (2 Sam. 15:19).

The word *nekar* often refers to foreign peoples in a relation of conflict with Israel.⁵² In this context, 'foreigners' become imbued with antagonistic qualities. They are proud, threatening, menacing pagans and their presentation in the Bible is almost wholly negative.

a) Perceptions of *nokrim*

An early indication of the low regard in which foreigners were held is found in the patriarchal narratives where Rachel and Leah complain to Jacob about their father's mercenary treatment of them:

"... 'Is there any portion or inheritance left to us in our father's house? (15) Are we not regarded by him as foreigners (*nakeriyot*)? For he has sold us, and he has been using up the money given for us" (Gen. 31:14-15).

Frequently, foreigners are presented as idol-obsessed pagans who exert a malign influence upon the people of Israel. Accordingly, Isaiah exhorts his people:

"O house of Jacob, come, let us walk in the light of the LORD. (6) For thou hast rejected thy people, the house of Jacob, because they are full of diviners from the east and of soothsayers like the Philistines, and they strike hands with foreigners (*nakerim*). (7) Their land is

⁴⁸ Sparks 1998, 251. This is against the view of Van Houten who contends that, in *Leviticus*, the *ger* represents the 'permanent foreign resident' while the *toshavim* refers to the 'temporary foreign resident.' Sparks 1998, 251-252 disagrees citing, *inter alia*, Lev. 25:45: "You may also buy from among the *loshavim* who sojourn with you and their families that are with you, who have been born in your land...". Here, the *loshavim* could refer to people born in Israel's land which does not suggest a temporary residence status.

⁴⁹ Van Houten 1991, 130.

⁵⁰ *Nokri* and *nekar* are two nominal adjectives derived from the same root.

⁵¹ Sparks 1998, 18.

⁵² Moucarry 1988, 18.

filled with silver and gold, and there is no end to their treasures; their land is filled with horses, *and* there is no end to their chariots. (8) Their land is filled with idols; they bow down to the work of their hands, to what their own fingers have made" (Isa. 2:5-8)

Nokrim are also seen as enemies and oppressors, as in this psalm of David:

"Stretch forth thy hand from on high, rescue me and deliver me from the many waters, from the hand of aliens (*nekar*), (8) whose mouths speak lies, and whose right hand is a right hand of falsehood" (Ps. 144:7-8)

The stereotype is confirmed in Isaiah's description of a transformation in Israel's fortunes:

"The LORD has sworn by his right hand and by his mighty arm: 'I will not again give your grain to be food for your enemies, and foreigners (*bene-nekar*) shall not drink your wine for which you have laboured...'" (Isa. 62:8).

That said, the Bible also presents us with the picture of the 'enquiring foreigner' who seeks to learn lessons from Israel's relationship with YHWH:

"And the generation to come, your children who use up after you, and the foreigner (*nokeri*) who comes from a far land, would say, when they see the afflictions of that land and the sicknesses with which the LORD has made it sick — (23) the whole land brimstone and salt, and a burnt-out waste, unsown, and growing nothing, where no grass can sprout, an overthrow like that of Sodom and Gomorrah, Admah and Zeboiim, which the LORD overthrew in his anger and wrath — (24) yea, all the nations would say, Why has the LORD done thus to this land? What means the heat of this great anger?" (Deut. 29:22-24)

The biblical hope is that foreigners will learn of the ways of YHWH, as seen in Solomon's prayer of dedication:

"Likewise when a foreigner (*nokeri*), who is not of thy people Israel, comes from a far country for thy name's sake (42) (for they shall hear of thy great name, and thy mighty hand, and of thy outstretched arm), when he comes and prays toward this house, (43) hear thou in heaven thy dwelling place, and do according to all for which the foreigner (*nokeri*) calls to thee; ***in order that all the peoples of the earth may know thy name and fear thee, as do thy people Israel*** and that they may know that this house which I have built is called by thy name" (1 Kgs. 8:41-43; italics added)

Ultimately, the hope is that foreigners will be joined to YHWH's people. Isa. 60:10 prophesies how:

"Foreigners [literally, 'the sons of the foreigner' (*nekar*)] shall build up your walls, and their kings shall minister to you;..." (Isa. 60:10)

The phrase "sons of the foreigner" suggests that these people are *former* foreigners who have converted and 'thrown in their lot' with the nation of Israel. This means that the picture is not one of subservient foreigners slaving away at menial work. Instead, it is a picture of the foreigner's true zealotry to play the part of a citizen, now that he is a citizen.⁵³

The same idea lies behind Isa. 61:5-6:

⁵³ Motyer 1993, 502.

"Aliens (*zarim* [see 5 below]) shall stand and feed your flocks, foreigners (*beney neka*) shall be your plowmen and vinedressers; (6) but you shall be called the priests of the LORD, men shall speak of you as the ministers of our God; you shall eat the wealth of the nations, and in their riches you shall glory"

Again, the picture is not of "a slave-state or of second-class citizenship but of glad co-operation, of former aliens taking their place in the life of the people".⁵⁴

This is remarkable. Esler notes that extreme forms of animosity towards outgroup members usually require sharp boundaries between the two groups so that movement from one to another is impossible (what Esler calls 'social immobility').⁵⁵ However, in spite of the sharp boundaries between Israel and the nations, biblical law does not advocate animosity against foreigners as such. There is no 'social immobility' because foreigners can always convert.

b) Summary

To sum up, foreigners were regarded negatively with fear and suspicion because of their lack of attachment to Israel's God, the land and the people. However, the picture is not wholly negative insofar as there was always the possibility that the enquiring foreigner might become a convert.

5. The *Zarim*

Zarim is usually translated (aliens). It means 'strangers' and is identical in meaning to *nokrim* (foreigners). The two words are used interchangeably in Isaiah 61:5:

"Aliens (*zarim*) shall stand and feed your flocks, foreigners (*beney neka*) shall be your plowmen and vinedressers; (6) but you shall be called the priests of the LORD, men shall speak of you as the ministers of our God; you shall eat the wealth of the nations, and in their riches you shall glory" (Isa. 61:5-6)

As we would expect, the *zarim* are portrayed in the same way as the *nokrim*, viz as unclean, oppressive plunderers:

"And I will give it [Israel's riches] into the hands of foreigners (*zarim*) for a prey, and to the wicked of the earth for a spoil; and they shall profane it" (Ezek. 7:21; cf. Ezekiel 11:9 "And I will bring you forth out of the midst of it, and give you into the hands of foreigners (*zarim*), and execute judgements upon you").

"Remember, O LORD, what has befallen us; behold, and see our disgrace! (2) Our inheritance has been turned over to strangers (*zarim*), our homes to aliens (*nokrim*)" (Lam. 5:1-2)

A similar picture emerges in Jer. 51:51 and in Isa. 1:7-8:

⁵⁴ Motyer 1993, 502.

⁵⁵ Esler 1996, 229.

"We are put to shame, for we have heard reproach; dishonour has covered our face, for aliens (*zarim*) have come into the holy places of the LORD's house" (Jer. 51:51)

"Your country lies desolate, your cities are burned with fire; in your very presence aliens (*grim*) devour your land; it is desolate, as overthrown by aliens (*zarim*). (8) And the daughter of Zion is left like a booth in a vineyard, like a lodge in a cucumber field, like a besieged city"

This picture of the *zarim* is confirmed in Ezekiel's description of the fate of Assyria:

"Foreigners (*zarim*), the most terrible of the nations, will cut it [the cedar of Lebanon = Assyria] down and leave it. On the mountains and in all the valleys its branches will fall, and its boughs will lie broken in all the watercourses of the land; and all the peoples of the earth will go from its shadow and leave it" (Ezek. 31:12)

By corollary, God is praised for reversing the fortunes of the *zarim*:

"Thou didst deliver me from strife with the peoples; thou didst keep me as the head of the nations; people whom I had not known served me. (45) Foreigners came cringing to me; as soon as they heard of me, they obeyed me. (46) Foreigners lost heart, and came trembling out of their fastnesses" (2 Sam. 22:44-46)

"For thou hast made the city a heap, the fortified city a ruin; the palace of aliens (*zarim*) is a city no more, it will never be rebuilt. (3) Therefore strong peoples will glorify thee; cities of ruthless nations will fear thee. (4) For thou hast been a stronghold to the poor, a stronghold to the needy in his distress, a shelter from the storm and a shade from the heat; for the blast of the ruthless is like a storm against a wall, (5) like heat in a dry place. Thou dost subdue the noise of the aliens (*zarim*); as heat by the shade of a cloud, so the song of the ruthless is stilled. (6) On this mountain the LORD of hosts will make for all peoples a feast of fat things, a feast of wine on the lees, of fat things full of marrow, of wine on the lees well refined" (Isa. 25:2-6)

Whereas 'nation' implies belonging, homeland and citizenship; the label 'stranger' serves to separate off one group from those who do not belong to it and are not supposed to belong to it.⁵⁶ Thus the Israelite tells his servant who suggests spending a night in the foreign city of Jebus: "We will not turn aside into *the city of foreigners* (*'ir nakeri*), *who do not belong to the people of Israel*; but we will pass on to Gibeah" Jdg. 19:12; italics added). The term stranger is thus used primarily to express something negative: not belonging, exclusion mixed to some extent with the denigration of this other person (e.g. a 'barbarian'). A hint of this is present in Job's lament "the guests in my house have forgotten me; my maidservants count me as a stranger (*zar*); I have become an alien (*nokeri*) in their eyes" Job 19:15) and in Ps. 69:8: "I have become a stranger (*zar*) to my brethren, an alien (*nokeri*) to my mother's sons."

The negative picture of *zarim* extends to Israel's pursuit of new military alliances with foreign nations which are condemned in Hos. 7:8-13. This passage most likely describes Israel's helter-skelter foreign policy in the face of Tiglath-pileser III's threat to the nation around 733 BCE. The prophet describes Israel as a silly dove that flutters from one alliance to another. For Hosea the result of these diplomatic activities is a "mixing among the peoples" that is detrimental to the nation's health Hos. 7:9 "Aliens (*zarim*) devour his strength, and he knows it not; grey hairs are sprinkled upon him, and he knows it not." Israel's endorsement of

⁵⁶ Feldmeier 1996, 241.

foreign alliances constituted rebellion (*pasha*) against YHWH; and they were considered rebellious because they threatened Israel's exclusive covenantal relationship with YHWH. Hosea's distaste for foreign influence extended beyond what we might call the religious realm into the political so that he also objected to treaty relationships with foreign nations on the grounds that they threatened the covenant relationship between YHWH and Israel.⁵⁷

6. Summary

The *'ezrach* refers to the 'native' Israelite. The *ger* are defined according to their socio-economic status and their ethnicity and are consistently characterised as people who are needy and who are non-Israelites. The term *gerim* can refer to two different groups: the assimilating *ger* (non-Israelites living in geographical proximity and who are on the social periphery) and *non-assimilating ger* (non-Israelites who live in geographical proximity but who are *not* on the social periphery). The latter are foreigners who have settled in the community, but who choose to retain an independent sense of identity. A further distinction may be drawn between the individual immigrant who is taken into the 'father's house' as a guest, and the tribe of foreigners who settle in Israel in a clientele relationship to the Israelites. Sometimes the word *toshav* is equivalent to the word *ger* and refers to both the assimilating and the non-assimilating *ger*. In the priestly texts, however, *ger* refers to the assimilating immigrant whilst *toshav* refers to the non-assimilating immigrant. *Nokrim* (usually translated 'stranger') are the 'true' foreigners who live in their own country outside the land of Israel. *Zarim* (usually translated 'aliens') is an alternative word to *nokrim* and is identical in meaning. The relationship of these groups to Israelite society is summarised in Table 1, below:

Category	Name	Relation to Community
Landed Israelite	<i>'ezrach</i>	In
Unlanded Israelite	<i>Ger/ ach</i> (brother)	In
Non-Israelite [immigrant] on social periphery	<i>Ger/ toshav</i>	In
Non-Israelite [immigrant] in geographical proximity	<i>Ger/ toshav</i>	Out
Foreigner	<i>Nokri</i>	Out
Foreigner	<i>Zar</i>	Out

Table 1: Relationship of different categories of peoples to the Israelite community⁵⁸

⁵⁷ Sparks 1998, 167.

⁵⁸ Adapting Sparks 1998, 241.

Chapter Three: The Treatment of *Gerim*

Introduction

Having considered in some detail who the *gerim* are *vis à vis* other groups in ancient Israel, we now turn to consider how they should be treated. We know from the Psalmist that "the LORD watches over the *gerim*, he upholds the widow and the fatherless; but the way of the wicked he brings to ruin" (Ps. 146:9). This positive view towards the immigrant is remarkable.

The association between *gerim*, widows and orphans in Ps. 146 recalls our discussion in Chapter Two **2(a)(iii)** above whilst the opposition between these three vulnerable groups and "the wicked" in Dent. 24:19-22 reminds us of the vulnerability of immigrants in ancient Israel.

So how was Israel supposed to treat her *gerim*?

1. Methodological questions

In answering normative questions of this kind (how *ought* Israel treat the *ger*?) we must turn to biblical law. However, this inevitably raises the prior questions of how biblical law was meant to be understood in ancient Israel (a cognitive issue) and how it was supposed to be applied (a practical one). The latter is particularly important in the context of this paper. We are, after all, dealing with immigrants: a vulnerable group who are not in any position to ensure that the law is 'applied'.

a) Cognition

Turning to the cognitive question first (how was biblical law understood by the ancient Israelites?) we find that although biblical law appears to assume the genre of 'law code' it is not, in fact, understood to function in the manner of a modern law code.⁵⁹ There are, in addition, several key features of the biblical law relating to the foreigner that differ from the concepts used in modern legislation.

The first of these is the use of 'binary oppositions'. 'Binary oppositions' refers to the use of a pair of terms that are conventionally regarded as opposites⁶⁰ and there is evidence of their use in biblical law.⁶¹ There is also evidence of their use in the context of the biblical law relating to the foreigner. There are binary oppositions between the immigrant (*ger*) and the native (*ezrach*) (e.g. Lev. 19:34); between the immigrant (*ger*) and the Israelite brother (*ach*) (e.g. Lev. 25:45- 46) and between the foreigner (*nakeri*) and the Israelite brother (*ach*) (e.g. Deut. 15:3).

The second is the overlap in the Bible between law and wisdom.⁶² Law, like wisdom, is meant to teach you to make the right choice in a given situation. It does not always recommend uniform treatment. Even in regard to the biblical law of the foreigner there was a

⁵⁹ See, for example, Jackson 1998.

⁶⁰ For a discussion see Jackson 1995c, 22ff.

⁶¹ See Jackson 2000, 131 ff.

⁶² See for example Jackson 1992.

mixture of laws which meant that, in a given situation, there could be several options. The law could treat the alien as a second-class citizen in socio-economic dealings (Lev. 25:35-38) or could require that the alien be treated as one of their own in socio-economic dealings (Deut. 14:21).

Third, the prohibitions against treating immigrants badly are not backed up by sanctions. This is not surprising: laws requiring generosity to those in need are not easily enforced.⁶³ Instead, they are backed up by motivation clauses that are designed to motivate obedience. Accordingly, they are not 'laws' in the modern sense that they can be litigated over or 'enforced'. Rather, they are a sort of 'preached morality' that presents the Israelites with normative conduct. They attempt to persuade the Israelites to behave in a gracious and charitable way by their own choice. This is what we would expect of laws that mandate generosity.⁶⁴ If the law is to be obeyed, it is because the Israelites have been convinced that this is their duty rather than because they fear punishment.

b) Application

Biblical law demonstrates a strong bias against litigation and 'going to court' (see e.g. Prov. 25:7-9). This is consistent with indications in the biblical legal texts that the law was intended to be applied by the Israelites among themselves and that legal institutions were, so far as possible, to be used as a last resort.⁶⁵ In the context of this study we may ask whether immigrants had access to justice and whether they were allowed to take their cases to the courts. In common with other vulnerable and marginalised groups their only recourse in cases of injustice may have been to the King (cf. the woman of Tekoa (2 Sam. 14) and the case of the two prostitutes (1 Kgs. 3:16-28)). References in Ex. 20:10 to "your *ger*" and in Deut. 1:16 to "his *ger*" (*gero*) suggests that at least some *ger* are the responsibility of the Israelite. It may that the *ger* has no access to justice unless his case is brought by an Israelite. If the *ger* wants redress, the Israelite he is living with (or another native) has to take up his case and plead for him on his behalf. Their lack of independent access to 'justice at the gate' may be the significance of their crying to God: because there was no means of earthly judicial redress. Notably, reward and punishment in the matter of treating *gerim* comes from God. Deut. 27:19 states:

"Cursed be he who perverts the justice due to the sojourner, the fatherless, and the widow!
And all the people shall say, 'Amen.'"

The curse is used to motivate obedience - but God is the only one who can enforce it.

"Then I will draw near to you for judgement; I will be a swift witness against the sorcerers, against the adulterers, against those who swear falsely, against those who oppress the hireling in his wages, the widow and the orphan, against those who thrust aside the *ger*, and do not fear me, says the LORD of hosts" (Mal. 3:5)

"If you do not oppress the *ger*, the fatherless or the widow, or shed innocent blood in this place, and if you do not go after other gods to your own hurt, (7) then I will let you dwell in this place, in the land that I gave of old to your fathers for ever" (Jer. 7:6-7)

⁶³ Van Houten 1991, 96.

⁶⁴ Van Houten 1991, 52.

⁶⁵ See Jackson 1992, *passim*.

"Thus says the LORD: Do justice and righteousness and deliver from the hand of the oppressor him who has been robbed. And do no wrong or violence to the *ger*, the fatherless, and the widow, nor shed innocent blood in this place" (Jer. 22:3)

"For if you will indeed obey this word, then there shall enter the gates of this house kings who sit on the throne of David, riding in chariots and on horses, they, and their servants, and their people. (5) But if you will not heed these words, I swear by myself, says the LORD, that this house shall become a desolation" (Jer. 22:4-5)

Unfortunately, ill-treatment of the *gerim* was common, as the following texts show.

2. Protection from abuse

We know from the historical and poetic sources that abuse of *gerim* was widespread. Ezek. 22:6-7 tells us that *gerim* were easy targets for oppressors:

"Behold, the princes of Israel in you, every one according to his power, have been bent on shedding blood. (7) Father and mother are treated with contempt in you; the *ger* suffers extortion in your midst; the fatherless and the widow are wronged in you"

Nor is this abuse of power restricted to people in authority. The *ger* were also oppressed by the common "people of the land" ('Joe Public'):

"The people of the land have practised extortion and committed robbery; they have oppressed the poor and needy, and have extorted from the *ger* without redress" (Ezek. 22:29)

In addition, the *gerim* were the victims of violence, as the Psalmist laments:

"They [the wicked] slay the widow and the *ger*, and murder the fatherless" (Ps. 94:6).

Granted this vulnerability, it is not surprising that biblical law seeks to protect the *gerim* from general abuse. The different dimensions of this are set out in **(a) - (e)** below.

a) Ex. 22:21

"You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt" (Ex. 22:21).

Notably this verse is followed by a similar law protecting the widow and the fatherless ("You shall not afflict any widow or orphan"; Ex. 22:22). This underlines the point made in Chapter Two **(a)(ii)** above, that these three groups are socially and economically dependent. There are several aspects to this commandment.

(i) "You shall not wrong a stranger" (Ex. 22:21 a)

Ex. 22:21a is cast in the apodictic form ("You shall not...")⁶⁶. The verb is the *hiphil* form of the verb *yanah* (to oppress) and has aggressive overtones, meaning to maltreat or to treat violently. It is often used in the context of the rich and powerful ill-treating the poor and weak and typically describes the oppression of the weak Israelite by the powerful Israelite.⁶⁷ Consequently, Ex. 22:21a prohibits *active abuse of the alien*.

(ii) "You shall not oppress a stranger" (Ex. 22:21b)

Ex. 22:21b is likewise cast in the apodictic form.⁶⁸ The verb is *lachsats* which means 'to squeeze or press'. It is here used in the sense of 'oppress', although the overtone of physical pressure may not be entirely absent. The verb is consistently used to refer to *foreigners* oppressing Israel. Its use in Ex. 22:21b to refer to an *Israelite* oppressing an alien is exceptional and highly significant.⁶⁹ The connotation with foreign oppressors means that the law might be paraphrased: 'Do not oppress the *gerim* as the Egyptians, Philistines etc. have been oppressors to you'. Because the *ger* was outside an Israelite's clan, tribe or village, it is appropriate to use a term that refers to the oppression of one people by another people. This interpretation makes perfect sense in the light of the motivating clause: "...for you were strangers in the land of Egypt" which is a call to the people to remember their own past as slaves.

(iii) "for you were strangers in the land of Egypt" (Ex. 22:21c)

The motivating clause ties the status and treatment of the *ger* to the Israelites' memory of their ancestors' time as slaves in Egypt. This seems to be a way of 'closing the gap' between the *ger* and the Israelite.⁷⁰ The immigrant is no longer seen as the 'other' to be feared and exploited but as someone who now occupies the position that their ancestors once occupied. The association is meant to encourage sympathy and identification with the immigrant and make it more difficult for the Israelites to hold the *ger* at arm's length. We shall see that biblical law frequently appeals to Israel's history in order to motivate obedience. Here, as elsewhere in the Bible, behaviour and ethics are based on a retelling and a remembrance of a community narrative.⁷¹

(iv) Summary

The two commands in Ex. 22:21 connote oppression between two differently related groups of people. Ex. 22:21a deals with the oppression *within* a society of one people by another (e.g. rich Israelites exploiting poor Israelites). Ex. 22:21b, on the other hand, refers to the oppression of one *people* by another (e.g. Egyptians oppressing Israelites).⁷² The *gerim* who are foreign immigrants need to be protected from both types of oppression. They are to be protected from oppression by Israelites and by non-Israelites whilst they are in the land of Israel.

⁶⁶ Employing the particle *lo* followed by *hiphil* imperfect of the verb *yanah* (to oppress).

⁶⁷ E.g. Lev. 19:33; 25:14; Deut. 23:17; Jer. 22:3; Ezek. 18:7, 12, 16; 22:7, 29; and 45:8.

⁶⁸ Using the particle *lo* followed by the *qal* imperfect of the verb *lahaq* (to oppress).

⁶⁹ Van Houten 1991, 52.

⁷⁰ Van Houten 1991, 54.

⁷¹ Eg. Deut. 25:17-19 (Amalek); Deut. 23:2-6 (Ammon and Moab); Deut. 23:7 (Edom); Deut. 23:7-8 (Egypt); Luke 22:19-20 (the Lord's Supper).

⁷² Van Houten 1991, 53.

b) Lev. 19:33

"When a *ger* sojourns with you in your land, you shall not do him wrong. (34) The *ger* who sojourns with you shall be to you as the '*erach* (native) among you, and you shall love him as yourself; for you were *gerim* in the land of Egypt I am the LORD your God." (Lev. 19:33-34)

Lev. 19:33 is concerned with the relationship between the native Israelite (*ezrach*) and the *ger* who is a guest in his land. The law demands that the Israelite not abuse the alien. The command not to do the *ger* 'wrong' echoes Ex. 22:21. The verb translated 'to do wrong' again means 'to treat -violently'⁷³ and the motivating clause in Lev. 19:34 is the same as that in Ex. 22:21c. The Israelites are to be kind because they remember that they were also immigrants and once dependent on the charity of others.

The demand to treat the immigrant as a native-born, in this context, is not referring to cultic equality but is speaking of 'justice at the gate'. This includes paying him fair wages, not making immoral demands of the immigrant or his family and so on. The command in Lev. 19:34 to "love" the immigrant "as yourself" is extremely radical and is considered separately in **10** below.

c) Prophetic texts

The law in Ex. 22:21 and Lev. 19:33 is echoed by the prophets. This is not surprising, because the prophets have a tendency to appeal to Biblical law.

"Thus says the LORD: *Do justice and righteousness*, and deliver from the hand of the oppressor him who has been robbed. *And do no wrong or violence to the ger*, the fatherless, and the widow, nor shed innocent blood in this place" Ger. 22:3; italics added)

The command to "do no wrong" uses the same verb as in Ex. 22:21a and Lev. 19:33. Notably, part of the commitment to "justice and righteousness" means having a right relationship towards the vulnerable. The same association is found in Zech. 7:8-9:

"And the word of the LORD came to Zechariah, saying, (9) "Thus says the LORD of hosts, *Render true judgements*, show kindness and mercy each to his brother, (10) *do not oppress* the widow, the fatherless, the *ger*; or the poor; and let none of you devise evil against his brother in your heart" (Zech. 7:8-10; italics added)

3. Protection from unfair treatment in the courts

We know from the curses announced from Mount Ebal that the *gerim* are vulnerable to unfair treatment in the courts: " 'Cursed be he who perverts the justice due to the *ger*; the fatherless, and the widow!..." (Deut. 27:19).

⁷³ It is again the hiphil form of the verb *yanab*.

a) Ex. 23:9

"You shall not oppress (squeeze) a *ger*, you know the heart of a *ger*, for you were *gerim* in the land of Egypt" (Ex. 23:9)

The repetition of the word *ger* intensifies the command and makes it more memorable (the Law was, of course, originally given orally). The fact that this rhetorical treatment is given to the laws relating to the *gerim* emphasises their importance within the Covenant Code (Ex. 22:1 -22:33). The Israelites may have needed strong reminders to treat *gerim* kindly now that the boot was on the other foot. The phrase "the heart of a *ger*" does not use the usual Hebrew word for 'heart' (*leb*) but the word *nephesb* which means 'life'. Here, it has the sense of 'desires and longings'. As in Ex. 22:21 and Lev. 19:33, the goal is to stir up a sense of sympathy and fellow-feeling. Cole translates this as: "you know from experience what a stranger yearns for".⁷⁴

The verb 'to oppress' is the same as that used in Ex. 22:21b above, Notably, however, Ex. 23:9 occurs at the end of a series that is mainly concerned with the legal system. Ex. 23:1, 2-3, 6, 7 and 8 are all explicitly concerned with corruption in the judicial system; see Table 2 below.

23:1	You shall not utter a false report. You shall not join hands with a wicked man, to be a malicious witness.
23:2	You shall not follow a multitude to do evil; nor shall you bear witness in a suit, turning aside after a multitude, so as to pervert justice;
23:3	nor shall you be partial to a poor man in his suit.
23:4	"If you meet your enemy's ox or his ass going astray, you shall bring it back to him.
23:5	If you see the ass of one who hates you lying under its burden, you shall refrain from leaving him with it, you shall help him to lift it u2.
23:6	"You shall not pervert the justice due to your poor in his suit.
23:7	Keep far from a false charge, and do not slay the innocent and righteous, for I will not acquit the wicked.
23:8	And you shall take no bribe, for a bribe blinds the officials, and subverts the cause of those who are in the right
23:9	You shall not oppress a stranger; you know the heart of a stranger, for you were strangers in the land of Egypt.

Table 2: Literacy context of Ex. 23:9

Table 2 strongly suggests that the oppression referred to in Ex. 23:9 is oppression in the courts.⁷⁵ (Ex 23:4-5 is probably the centrepiece of the section because enmity (23:4) and hatred (23:5) typifies the hostile relationships that lead to litigation. Like the surrounding verses, Ex. 23:4-5 teaches the same message: you should not take satisfaction from someone else's misfortune). Stated positively, Ex. 23:9 claims that the alien has legal rights and must be accorded a fair hearing. This positive expression of Ex. 23:9 will be explored in **(b)** and **(c)** below.

b) Deut. 1:16-17

"And I charged your judges at that time, 'Hear the cases between your brethren, and judge righteously between a man and his brother or the *ger* that is with him. (17) You shall not be partial in judgement; you shall hear the small and the great alike; you shall not be afraid of the face of man, for the judgement is God's..." (Deut. 1:16-17).

⁷⁴ Cole 1973, 177.

⁷⁵ Van Houten 1991, 55.

There may be significance in the phrase: "a man and his brother or the *ger* that is with him". The reference is literally to "his *ger*" (*gero*) which recalls Ex. 20:10 ("your *ger*"). It suggests that the *ger* somehow belongs to the Israelite. Crucially in this context, it implies that *the ger has no access to justice unless his case is brought by an Israelite*. If the *ger* wants redress, the Israelite he is living with (or another native) has to take up his case and plead for him on his behalf. This is consistent with the picture given in **1(b)** above in which we argued that the *ger* cried to God because there was often no appeal through human courts.

c) Deut. 24:17-18

The prohibition of judicial oppression, implicit in Ex. 23:9 and Deut. 1:16-17, is made explicit in Deut. 24:17-18:

"You shall not pervert the justice due to the *ger* or to the fatherless, or take a widow's garment in pledge; (18) but you shall remember that you were a slave in Egypt and the LORD your God redeemed you from there; therefore I command you to do this" (Deut. 24:17-18)

The immigrant as well as the Israelite is to be granted justice at the village gate. The *ger* may be mentioned in the same breath as the 'fatherless' because both lack a male Israelite figure who can give them access to justice and/or represent them. Naturally, the immigrant cannot enforce this law and is dependent upon the Israelite to uphold it. If this law is going to be obeyed it will only be because the Israelites are convinced that it is their duty - hence, once again, the motivation clause.

This motivation clause is quite lengthy when compared to previous examples (Ex. 22:21; 23:9; Lev. 19:34). The Israelites are told to remember their slavery and God's redemption and to imitate God's prior action. *The relationship of the Israelites to immigrants is analogous to God's relationship to them when they were in Egypt.*⁷⁶ The idea seems to be that now the Israelites have some power, they are to use that power to benefit others.

d) God's impartiality

Impartiality, executing justice and loving the *ger* are attributes of God that the Israelites should copy: The impartiality of God is a recurrent theme in the Hebrew Bible, not least in relation to the topic of immigration:

"For the LORD your God is God of gods and Lord of lords, the great, the mighty', and the terrible God, who is not partial. and takes no bribe. (18) He executes justice for the fatherless and the widow, and loves the sojourner, giving him food and clothing. (19) Love the sojourner therefore; for you were sojourners in the land of Egypt" (Deus 10:17-19).

⁷⁶ Van Houten 1991, 97.

4. Sabbath rest

A further dimension is how immigrants were to be treated in relation to the Sabbath.

a) Ex. 20:9-11 & Ex. 23:12

"Six days you shall labour, and do all your work; (10) but the seventh day is a sabbath to the LORD your God; in it you shall not do any work, you, or your son, or your daughter, your manservant, or your maidservant, or your cattle, or the *ger* who is within your gates; (11) for in six days the LORD made heaven and earth, the sea, and all that is in them, and rested the seventh day; therefore the LORD blessed the sabbath day and hallowed it" (Ex. 20:9- 11)

"Six days you shall do your work, but on the seventh day you shall rest (*ishbebot*); that your ox and your ass may have rest (*yanuach*), and the son of your bondmaid, and the *ger*; may be refreshed (*veyimafesh*)" (Ex. 23:12)

Ex. 20:9-11 and Ex. 23:12 contain two different motivation clauses. In Ex. 20:9-11 the motive is tied to the created order (Ex. 20:11) whereas in Ex. 23:12 the concern seems to be purely humanitarian. It is widely recognised that Ex. 23:12 uses three different verbs for 'rest'. The first verb, which refers to the Israelites, is related to *shabat* and means simply "to stop (work)." The second verb (*nuach*) relates to the animals and means to 'settle down'. The picture is of the animals being led out of their pens and stalls and made to lie down and ruminate in the fields. The third verb, which relates to the *ger*, means "to take a breath" or, as we might put it "to have a breather".

Consistent with the protocol of hospitality outlined in Chapter Two 2(d)(i) above, the *gerim* are here seen as members of the patriarchal household. They are under the patriarch's authority and he, it seems, decides when they can rest and when they must work. The law warns the patriarch that the *ger* must not be abused but rather treated with the kindness appropriate to dependants.

b) Deut. 5:12-15

"Observe the sabbath day, to keep it holy, as the LORD your God commanded you. (13) Six days you shall labour, and do all your work; (14) but the seventh day is a sabbath to the LORD your God; in it you shall not do any work, you, or your son, or your daughter, or your manservant, or your maidservant, or your ox, or your ass, or any of your cattle, or the *ger* who is within your gates, that your manservant and your maidservant may rest as well as you. (15) You shall remember that you were a servant in the land of Egypt, and the LORD your God brought you out thence with a mighty hand and an outstretched arm; therefore the LORD your God commanded you to keep the sabbath day" (Deut 5:12-15).

Deut. 5:14 repeats the phrase "the *ger* who is within your gates" found in Ex. 20:10, confirming that, at least in the Sabbath laws, *gerim* are dependent members of an extended household.⁷⁷ The spirit of generosity together with the long list of participants is reminiscent of the lists for the Feast of Weeks and Tabernacles legislation which also include the *ger* (Deut. 16:9-15; see

⁷⁷ Van Houten 1991, 92.

5(c) below). Every Sabbath, the Israelites are to show generosity to the immigrants they have taken in. The Israelites are instructed not to take advantage of their vulnerability by making them work on the Sabbath. The *ger* follow the family members, the servants and even the animals in the list. They may be 'on the fringe' of the household, yet they are still included. Unlike the motivating clauses in Ex. 20:9-11 and Ex. 23:12 (see **(a)** above) the spur to obedience is remembering slavery in Egypt and God's deliverance (Deut. 5:15; cf. Deut 24:18). The Sabbath law presupposes that the Israelites are in a position of power akin to God. It calls upon them to remember how God used his might for their benefit and instructs them to do likewise to others.

c) Lev. 25:6

"The sabbath of the land shall provide food for you, for yourself and for your male and female slaves and for your hired servant and the *ger* who lives with you" (Lev. 25:6)

As in **(a)** and **(b)** above, the *ger* is included in the blessings of the Sabbath. The reference to "the *ger* who lives with you" appears to be a variant of the phrase "the *ger* who is within your gates", implying once again his dependent position within the patriarchal household.

5. Inclusion in cultic feasts

A further aspect of the treatment of *gerim* is their inclusion in the major Israelite feasts. Clearly this obligation applies only to the assimilating *ger*. It does not extend to the non-assimilating *ger* (or *toshav* in *Leviticus*; see Table 1 above).

a) Passover

"No *toshav* or hired servant (*shakir*) may eat of it... (48) And when a *ger* shall sojourn with you and would keep the Passover to the LORD, let all his males be circumcised, then he may come near and keep it; he shall be as a native (*ezrach*) of the land. But no uncircumcised person shall eat of it. (49) There shall be one law for the native (*ezrach*) and for the *ger* who sojourns among you" (Ex. 12:45-49; cf. also Ex. 12:19 and Num. 9:14)

In view of the primal nature of the Passover celebration as an event that led to the creation of the nation of Israel, one might have expected the celebration to be restricted to the Israelites. Yet all assimilating *gerim* were included. Having undergone ritual circumcision, these immigrants had linked their destiny to Israel and were not to be excluded from celebrating the saving acts of Israel's God. It is a stunning example of Israel's openness to outsiders who wished to convert. The welcome is there, at the very beginning, as soon as the Exodus itself occurred and even before Israel herself was constituted as a nation herself at Mount Sinai.

Ex. 12:48-49 gives the *ger* the opportunity of moving from 'outsider' status to 'insider' status. This move requires that the immigrant be circumcised; circumcision being the visible sign of membership in a cultic community. Circumcision is the sign of the covenant made with Abraham that established him and his descendants as God's chosen people (Gen. 17). Uncircumcised males were not members of the community and were cut off (Gen. 17:14). For

this reason, we can conclude that when the immigrant is circumcised, he is considered a member of the community.

The assimilating *ger* is allowed to take part in the Passover feast (Ex. 12:28). The non-assimilating foreigner is barred from sharing in the Passover feast (Ex. 12:45). Such a person is outside the community (see Table 1, above). In this respect, he is no different to the *nokri*. He has no attachment to Israel's God and is not allowed to take part unless he converts.

b) Offering of first-fruits and triennial tithe

The *ger* is included among those who rejoice at the giving of the first fruits:

"and you shall rejoice in all the good which the LORD your God has given to you and to your house, you, and the Levite, and the *ger* who is among you" (Deut. 26:11)

The offering of first fruits is a reminder to Israel that God has brought them to a land of plenty. It is also a reminder that God's blessings are not just for the native, but also for "the *ger* who is among you".

This leads neatly into the law relating to the triennial tithe (Deut. 26:12-13; cf. also Deut. 14:28-29). Rejoicing because of God's blessings involves sharing God's gifts with the *ger*.

"When you have finished paying all the tithe of your produce in the third year, which is the year of tithing, giving it to the Levite, the *ger*, the fatherless, and the widow, that they may eat within your towns and be filled, (13) then you shall say before the LORD your God, 'I have removed the sacred portion out of my house, and moreover I have given it to the Levite, the *ger*, the fatherless, and the widow..." (Deut. 26:12-13).

"At the end of every three years you shall bring forth all the tithe of your produce in the same year, and lay it up within your towns; (29) and the Levite, because he has no portion or inheritance with you, and the *ger*, the fatherless, and the widow, who are within your towns, shall come and eat and be filled; that the LORD your God may bless you in all the work of your hands that you do" (Deut. 14:28-29).

Every three years of the seven-year sabbatical cycle (i.e. Years 3 and 6) a tithe was *not* taken to the Sanctuary but 'laid up within your towns' for the purpose of benefiting the Levite and other marginal groups, including the *ger* (Deut. 14:29; Deut. 26:12, 13). In turn, it was believed that Israelite acts of charity would move God to continue his generous treatment of the Israelites (Deut. 14:29b; 26:15). In this way, the triennial tithe taught *both natives and gerim* their total dependence upon God.

The list of people who receive the triennial tithe is almost identical in the three places where it occurs (Deut. 14:29; 26:12, 13). It is given for the Levite, the *ger*, the fatherless and the widow, in that order. Like the Levite who has "no portion or inheritance" (Deut. 14:9; and who shares in the annual tithe; 14:27) the *ger* appears to lack the means for being self-sufficient. This is consistent with the picture in Chapter Two 2(a) where it was argued that the *gerim* typically lack land of their own. Certainly, if the Jubilee laws were regularly implemented, the *gerim* would always lack a landed inheritance. Even if they were to acquire land from a native Israelite, the land would return to exclusive Israelite ownership every 49 years.

c) Feast of Weeks and Feast of Tabernacles

"Then you shall keep the feast of weeks to the LORD your God with the tribute of a freewill offering from your hand, which you shall give as the LORD your God blesses you; (11) and you shall rejoice before the LORD your God, you and your son and your daughter, your manservant and your maidservant, the Levite who is within your towns, the *ger*, the fatherless, and the widow who are among you, at the place which the LORD your God will choose, to make his name dwell there. (12) You shall remember that you were a slave in Egypt; and you shall be careful to observe these statutes" (Deut. 16:10-12)

"You shall keep the feast of tabernacles seven days, when you make your ingathering from your threshing floor and your wine press; (14) you shall rejoice in your feast, you and your son and your daughter, your manservant and your maidservant, the Levite, the *ger*; the fatherless, and the widow who are within your towns" (Deut. 16:13-14)

As with the offering of first-fruits, the Feast of Weeks and the Feast of Tabernacles are primarily occasions of celebration for the harvest given by the Lord. The similarities in how these two feasts are presented in Deut. 16 indicate that they have essentially the same meaning. As God has been generous towards the Israelites, so the Israelites are to respond with generosity towards others. This meant including the immigrant in their celebrations, as well as other marginal groups. The feasts are presented in such a way as to draw out Deuteronomy's themes of blessing (Deut. 16:10, 15); rejoicing (16:11, 15) and concern for the vulnerable (16:11, 14). They also contrast the people's life in the promised land with their life in Egypt, which is an added motivation to obedience (Deut. 16:12). Memory reminds them of what they have been brought out of, and therefore of the need to share with those who are in that position.

6. Inclusion in other cultic events

The *ger* is allowed to participate in certain cultic events, although the referent seems to be to the assimilating *ger* only.

a) Day of Atonement

"And it shall be a statute to you for ever that in the seventh month, on the tenth day of the month, you shall afflict yourselves, and shall do no work, either the native or the *ger who* sojourns among you (30) for on this day shall atonement be made for you, to cleanse you; from all your sins you shall be clean before the LORD." (Lev. 16:29)

This text is drawn from Leviticus and refers to the *ger* and not to the *tosbay*. We saw in Chapter Two 3 that in Leviticus the assimilated foreigner is called a *ger* and the non-assimilated foreigner a *tosbay*. Thus we may conclude that the benefits of the Day of Atonement in Lev. 16:29 are restricted to the assimilating *ger*. The Day of Atonement cleanses the Temple, cleanses the Israelites as a people and cleanses the land. It follows that *gerim* who have attached themselves to Israel's God, His people and His land can be included and experience the blessing of cleansing. Non-assimilating *gerim*, who stand aloof, are excluded. This is consistent with the distinction noted in Ex. 12:45-49 regarding the Passover (see 4(a) above). The assimilating *ger* is allowed to take part in the Passover but the non-assimilating *ger* is not.

b) Covenant ratification ceremony

"You stand this day all of you before the LORD your God; the heads of your tribes, your elders, and your officers, all the men of Israel, (11) your little ones, your wives, and the *ger* who is in your camp, both he who hews your wood and he who draws your water, (12) that you may enter into the sworn covenant of the LORD your God, which the LORD your God makes with you this day; (13) that he may establish you this day as his people, and that he may be your God, as he promised you, and as he swore to your fathers, to Abraham, to Isaac, and to Jacob" (Deut. 29:10-13)

We have already considered the significance of this text in Chapter Two 2(d)(iv) above, where we noted a parallel between the phrase "he who hews your wood and he who draws your water" and the description of the Gibeonites in Josh. 9. On the face of it, entering into a legal relationship with Israel's God implies that the *ger* in this context is again the assimilating *ger*. Notably, the immigrant is qualified by the phrase "in the midst of your camp" (Deut. 29:11) which again implies identification and belonging.

b) Reading of the Law

"Assemble the people, men, women, and little ones, and the *ger* within your towns [lit. 'gates'], that they may hear and learn to fear the LORD your God, and be careful to do all the words of this law" (Deut 31:12)

It might be argued that this text embraces the non-assimilating *ger* as well as the assimilating *ger*. The qualification by which the *ger* is described ("within your gates") recalls Ex. 20:10 and suggests that the typical *ger* envisaged in Deut. 31:12 is one who is under the authority of an Israelite patriarch.

Van Houten suggests that the immigrants referred to here correspond to the immigrants who, like the Gibeonites, are related to the Israelites by means of a suzerainty treaty that places them in the inferior position of a vassal.⁷⁸ They are obliged to hear and observe the Law of Moses because it is the law of the land in which they are residing. "As immigrants they are bound to know that law and to observe it."⁷⁹ But not all immigrants were bound to observe the law. Non-assimilating *ger* did not. Moreover, the nature of the gathering in Deut. 31:12 is not a citizenship 'training exercise'. It is a cultic gathering, the purpose of which is that hearers "may hear and learn to fear the LORD your God". It is a devotional gathering for those who have committed themselves to Israel's God and who want to do His will. This strongly implies that the referent is, once again, to the assimilating *ger*.

7. Inclusion in sacrificial rituals

A number of texts indicate that the *ger* are allowed to bring sacrifices. According to Lev. 17:8, *gerim* are allowed to offer a burnt offering or sacrifice, provided they offer it in the prescribed manner (Lev. 17:9). Lev. 22:18 allows the *gerim* to present an offering, whether in payment of a vow or as a freewill offering that is offered to the LORD as a burnt offering.

⁷⁸ Van Houten 1991, 106

⁷⁹ Van Houten 1991, 106

The proviso, once again, is that it is offered in the prescribed manner (Lev. 22:19). Finally, Num. 15:14 allows the *ger* to offer “an offering by fire, a pleasing odour to the LORD”, if he follows the correct procedure. Lev. 17:8-9; Lev. 22:18 and Num. 15:14 indicate that the alien is a full member of the cultic community.

Since all of these texts are priestly texts, Van Houten is right to suggest that the *gerim* spoken of here are converts.⁸⁰ They are assimilating *ger* who have exchanged membership from one cultic community to another. The ability to offer sacrifice is one of the privileges extended to this group that are not extended to the non-assimilating *ger*. This position makes perfect sense within the theology of the books of Leviticus and Numbers which emphasises that the Promised Land is a land separated from other lands for God. Lev. 26:42 states that God will “remember the land”. Van Houten thinks this is the primary reason that the law is to apply to the alien as well as to the native. The purity of the land must therefore be maintained so that the presence of the holy God might reside in its midst.⁸¹ In order for the land to be kept pure for the Lord, all permanent members of the community were required to uphold the laws. This included the Israelite and the assimilating *ger* (as well as the slave) but not the non-assimilating *ger* and the *nokri*.⁸²

8. Inclusion in other blessings

A further aspect of the treatment of *gerim* in Israel is their access to charity (free agricultural produce) and their access to the cities of refuge.

a) Access to charity

This is set out in several laws:

“When you reap the harvest of your land, you shall not reap your field to its very border, neither shall you gather the gleanings after your harvest. (10) And you shall not strip your vineyard bare, neither shall you gather the fallen grapes of your vineyard; you shall leave them for the poor and for the *ger*. I am the LORD your God” (Lev. 19:9-10)

“And when you reap the harvest of your land, you shall not reap your field to its very border, nor shall you gather the gleanings after your harvest; you shall leave them for the poor and for the *ger*. I am the LORD your God” (Lev. 23:22)

“When you reap your harvest in your field, and have forgotten a sheaf in the field, you shall not go back to get it; it shall be for the *ger*, the fatherless, and the widow; that the LORD your God may bless you in all the work of your hands. (20) When you beat your olive trees, you shall not go over the boughs again; it shall be for the *ger*, the fatherless, and the widow. (21) When you gather the grapes of your vineyard, you shall not glean it afterward; it shall be for the *ger*, the fatherless, and the widow. (22) You shall remember that you were a slave in the land of Egypt; therefore I command you to do this” (Deut. 24:19-22)

⁸⁰ Van Houten 1991, 144.

⁸¹ The sanctity of the land and the necessity to keep it holy is found in Lev. 18:24-48. Here the land is personified and able to vomit out its inhabitants. Van Houten 1991, 139 sees this as a metaphor as part of a warning that makes it clear that all in the land are responsible for keeping the land pure.

⁸² Van Houten 1991, 157.

These laws give the immigrant the right to their own grain, olive and grape harvest. The Israelite farmer is not to go back over the field, orchard or vineyard a second time because the remaining harvest belongs to the *ger* (among other vulnerable groups). The *ger* referred to here may be landless immigrants who are not part of any household and who have to provide for themselves (see Chapter Two **2(a)** above). This way of expressing the law indicates that the land and its produce are God's and thus it is he who dispenses harvesting rights. In all four laws, the Israelites are not to see themselves as having rights *vis à vis* the land or others. Their present status as free landholders, ready to harvest a crop, is the result of an act of God's grace and their continuing status as such is also dependent on God's grace.

There are overlaps between these laws and those governing the offering of the first-fruits, the triennial tithe, the Feast of Weeks and the Feast of Tabernacles (see **4(b) - (c)** above). These also command generosity to the *ger* in the matter of agricultural produce. There are three recurring themes: first, that the land and its harvests are the gifts of God to the Israelites; second, that just as God was generous to the Israelites by giving them a bountiful harvest, so now Israelites must imitate God's generosity by sharing this with the *ger* and third, that God will bless the work of the Israelites if they are generous.

In Deut. 24:19-22, the motivating clause harks back to Egypt. However, in Lev. 19:9-10 and Lev. 23:22 the motivating clause is "I am the LORD your God", which is an appeal to authority. It is because God says so that the law is to be obeyed. In Leviticus, the Israelites are motivated to obey the laws, not because they understand the reason for the law, nor out of gratitude, but because the law derives from the Lord their God.

b) Inheritance

Lev. 25:47-50 suggests that *gerim* might own land as a result of native Israelite misfortune. In the case of urban land, this belonged permanently to the buyer and his descendants (Lev. 25:29-30). However, such buyers (including *gerim*) could not own rural land in perpetuity (Lev. 25:31). All such land was supposed to revert to the original owners in the Year of Jubilee (Lev. 25:13, 23-31). Remarkably, in later prophetic tradition, the *gerim* are allotted a landed inheritance that is not restricted to the 'walled cities' of Lev. 25:29-30:

"You shall allot it [the land] as an inheritance for yourselves and for the *gerim* who reside among you and have begotten children among you. They shall be to you as native-born sons of Israel; with you they shall be allotted an inheritance among the tribes of Israel. (23) In whatever tribe the alien resides, there you shall assign him his inheritance, says the Lord GOD" (Ezek. 47:22-23)

Ezek. 47:22-23 prophesies a new era for *gerim* and their descendants. This is consistent with the exilic and post-exilic prophecies of a greater assimilation and equalisation between the native and the assimilating *ger* that would eventually culminate in the New Testament abolition of ethnic boundaries among the people of God (Col. 3:11).

9. Fair employment practice

"You shall not oppress a hired servant (*shakir*) who is poor and needy, whether he is one of your brethren or one of the *ger* who are in your land within your towns [lit. gates]; (15) you

shall give him his hire on the day he earns it, before the sun goes down (for he is poor, and sets his heart upon it); lest he cry against you to the LORD, and it be sin in you" (Deut. 24:14-15)

The word for 'oppress' (derived from the verb *'ashaq* which means to oppress by robbery or fraud) is different to the verb used in Ex. 22:21b (*luchats*, see Chapter Three **2(a)(ii)**). Verse 15 specifies the sort of 'oppression' involved which is 'withholding wages. The law requires that the employer pay his labourers on a daily basis. Biblical law here protects the dignity of the *ger* and also prevents him from becoming further impoverished. There is overlap with Lev. 10:10 and Lev. 23:22 (see Chapter Two **2(a)(ii)**) insofar as it creates an economic system that supports those on the fringes, especially those who have to work on other people's land because they have no land of their own.

The motivation here is twofold. The first is humanitarian "for he is poor, and sets his heart upon it". The needs of a hired worker were such that to be paid on a weekly (or longer) basis would cause real hardship⁸³. Daily pay was necessary for daily food and any delay meant immediate hunger for the *ger* and his family.⁸⁴ The second is the fear of divine punishment. Interestingly, the motivation clause in Deut. 24:15 ("lest he cry against you to the LORD, and it be sin in you") is the reverse of the motivation clause given in Deut. 24:13 ("and it shall be righteousness to you before the LORD your God"). The two laws, Deut. 24:13 and Deut. 24:15, are related by the theme of 'paying back by sunset.' This underlines the point made in Chapter Two **1(b)** above; namely that the *gerim* were not in a position to enforce the laws given on their behalf. Their primary recourse was to cry to the LORD for justice. It also confirms the idea that the punishment for disobeying the laws in relation to the *ger* came from God. The warning in Deut. 24:15 takes for granted that God will hear the cry of the *ger* and respond by punishing the employer.

10. Loving the alien

"The *ger* who sojourns with you shall be to you as the native among you, and you shall love him as yourself; for you were *gerim* in the land of Egypt: I am the LORD your God" (Lev. 19:34)

The commandment in Lev. 19:18 to "love your neighbour as yourself" is here extended to include aliens. The almost identical phraseology of Lev. 19:18 and Lev. 19:34 and the fact that the laws come at the end of sections closed with the phrase "keep my rules" (Lev. 19:19, 37) suggests that this is an intentional balancing.⁸⁵ The motivation clauses are a combination of recalling Egypt and divine *fiat*. The demand that the Israelite "love" the *ger* recurs in Deut. 10:19-20:

"Love the *ger* therefore; for you were *gerim* in the land of Egypt. (20) You shall fear the LORD your God; you shall serve him and cleave to him, and by his name you shall swear"

All of the obligations outlined in **2 - 9** are here summed up in the greatest command of all.

⁸³ Craigie 1976, 309.

⁸⁴ Wright 1996, 258-9.

⁸⁵ Wenham 1979, 273.

11. Summary

The positive treatment of the *ger* shows that biblical law is not, as some might argue, the product of a power struggle. The *ger* is precisely someone who has no power and yet is accorded fair and hospitable treatment.⁸⁶ The Israelites are not to maltreat the *ger* nor to treat him violently. Nor are the *ger* to be put under economic pressure which, put positively, means that they are to have fair employment practices. Neither are *gerim* who are under patriarchal authority to be abused; rather they are to be treated with the kindness appropriate to dependants. The Israelites are not to abuse him in the courts either, granting him access to 'justice at the gate' and delivering judgements that are non-discriminatory. Gratitude to God is characterised by a spirit of generosity towards the *gerim*, who are also given access to charity. Assimilated *gerim* are allowed to take part in the major Israelite feasts; including the Passover and other cultic events such as the Day of Atonement and the reading of the Law. They are also allowed to bring sacrifices. A number of laws contain the demand to treat the immigrant as a native-born which reaches its apotheosis in the command to love the alien "as yourself". Motivating clauses remind the Israelites of their ancestors' time as slaves in Egypt and appeal to Israel's knowledge of "the heart of a *ger*".

⁸⁶ Van Houten 1991, 177.

Chapter Four: Natives and *Gerim* Compared and Contrasted

Introduction

This chapter will consider to what extent the treatment of *gerim* in the previous chapter is similar to, and different from, the treatment of native Israelites.

1. Similarities between natives and *gerim*

Biblical law specifies a number of respects in which the immigrant and the Israelite are to be treated 'the same before the Lord.'

a) Equal rights before the law

Examples of equal rights between Israelites and immigrants in biblical law include the following. First, Deut. 24:17 states: "You shall not pervert the justice due to the *ger*" (see Chapter Three **3(c)** above). The immigrant and the Israelite are granted equal rights before the law, even though they do not have the same social standing. Second, Ex. 23:12 stipulates that the *ger* has an equal right to rest on the Sabbath, along with the native Israelite (see Chapter Three **4** above). Third, the assimilating *ger* was allowed to keep the Passover. "And when a stranger shall sojourn with you and would keep the Passover to the LORD... *he shall be as a native of the land. ... There shall be one law for the native and for the ger who sojourns among you'* (Ex. 12:48-49; italics added). This is confirmed in Num. 9:14: "And if a *ger* sojourns among you, and will keep the Passover to the LORD, ... so shall he do; *you shall have one statute, both for the sojourner and for the native'*" (italics added).

Fourth, there is equality of treatment with regard to the offering by fire: "And if a *ger* is sojourning with you...and he wishes to offer an offering by fire ... *he shall do as you do... there shall be one statute for you and for the ger who sojourns with you... as you are, so shall the ger be before the LORD. (16) One law and one ordinance shall be for you and for the ger who sojourns with you'* (Num. 15:14-16; italics added). Fishbane claims that the mention of the *ger* is secondary because the law is first stated in terms that apply only to the native (Num. 15:13).⁸⁷ Nonetheless the law articulates in a comprehensive way the equal legal status of the assimilating *ger* in this text. Indeed, Van Houten highlights the increasing expansiveness of the law. It begins by specifying that this one law (Num. 15:14) is applicable to both alien and native but then expands that to a general principle applicable to all rules for all time (Num. 15:15, 16).⁸⁸ There is to be one law for both: at this point the legal status of the *gerim* is on a par with the Israelites. They are fully integrated, legally, into the community of Israel.

Finally, Deut. 24:14 protects the hired man whether he is an immigrant or a fellow Israelite ("You shall not oppress a hired servant who is poor and needy, whether he is one of your brethren or one of the sojourners who are in your land within your towns"; see Chapter Two **2(a)(i)**). The law recognises an ethnic distinction between them but treats their socio-

⁸⁷ Fishbane 1985, 191.

⁸⁸ Van Houten 1991, 150.

economic status as more important than their ethnic identity.⁸⁹ The motivation clause in Deut. 24:15 ("...lest he cry against you to the LORD, and it be sin in you"; see Chapter Three 9) assumes that not only the Israelite, but also the *ger*, can cry out to the Lord. The 'he' may refer to both the Israelite and the *ger*. Moreover, to the extent that the motivation clause in Deut. 24:15 harks back to 24:13 (see Chapter Three 9), one could also say that ethical behaviour towards the *ger*; no less than to the landless Israelite, may be counted as "righteousness to you before the LORD your God" (Deut. 24:13). Here, the dividing line between Israelite and *ger* is fine indeed.

b) Equal prohibition

Many of the prohibitions that apply to the Israelites also apply to immigrants. This is the result of 'equal justice for immigrants' in (a) above. Each of the laws below refers to the assimilating *ger*:

First, Lev. 16:29 requires that the *ger* desist from all work on the Day of Atonement in the same way as the native: "...you shall afflict yourselves, and shall do no work, *either the native or the ger who sojourns among you*" (italics added).

Second, Lev. 17:12 bars the *ger* as well as the native from consuming blood: "Therefore I have said to the people of Israel, *No person among you shall eat blood, neither shall any ger who sojourns among you eat blood*" (italics added).

Third, the sacrificial law of Lev. 22:18 is applied equally to native and *ger* alike, referring to "...*any one of the house of Israel or of the sojourners (hager) in Israel ...*" (italics added and see Chapter Three 7 above).

Finally, Lev. 18:26 demands obedience from *ger* and native alike: "But you shall keep my statutes and my ordinances and do none of these abominations, *either the native or the ger who sojourns among you*" (italics added). Both the privileges and the duties of Israelites are here applied to (assimilating) immigrants. As Van Houten notes: "This closing frame treats them as insiders - people who have crossed over the boundary".⁹⁰

c) Equal punishment

There are a number of examples in biblical law of immigrants and Israelites being given equal punishment for the same offence. This is the corollary of 'equal justice for immigrants' in (a) above. Equal rights entail equal punishment.

First, the punishment for violating the Feast of Unleavened Bread is to be "...cut off from the congregation of Israel, *whether he is a ger or a native of the land*" (Ex. 12:19; italics added).

Second, and in similar vein, is the punishment set out in Ezek. 14:7-8. The *gerim* as well as the Israelites are threatened with certain punishments if they set up idols in their hearts: "*For any one of the house of Israel, or of the ger that sojourn in Israel, who separates himself from me, taking his idols into his heart and putting the stumbling block of his iniquity before his face, and yet comes to a*

⁸⁹ Van Houten 1991, 94.

⁹⁰ Van Houten 1991, 141.

prophet to inquire for himself of me, I the LORD will answer him myself; (8) and I will set my face against that man, I will make him a sign and a byword and cut him off from the midst of my people..." (italics added).

Third, the *ger* and the native are also treated equally in the matter of inadvertent sin. Num. 15:29 states: "*You shall have one law for him who does anything unwittingly, for him who is native among the people of Israel, and for the ger who sojourns among them*" (italics added).

Fourth, the *ger* and the native are also treated equally as regards the 'high-handed' sin: "But the person who does anything with a high hand, *whether he is native or a ger*, reviles the LORD, and that person shall be cut off from among his people" (Num. 15:30)

Fifth, the *ger* and the native are liable to stoning for Molech-worship. Lev. 20:2 states: "Say to the people of Israel, *Any man of the people of Israel, or of the ger that sojourn in Israel*, who gives any of his children to Molech shall be put to death; the people of the land shall stone him with stones" (italics added). The use of the phrase "people of the land" is significant. The involvement of all in the punishment indicates that this crime is understood as a crime that defiles the land and endangers everyone. The *ger* too must be made liable.

Sixth, an important test case for the liability of *gerim* to the same punishment as the native is found in the case of the blasphemer described in Lev. 24:10-16. The case was a difficult one because the blasphemer was "the son of an Israelitish woman, whose father was an Egyptian" (Lev. 24:10, KJV). The question seems to be whether the law against blaspheming the name of Israel's God applied to the person who was born of a mixed marriage. The case seems to assume that the son of an Israelite woman and an Egyptian man (if that is what the text means) is not an Israelite, otherwise the case would not present a problem.

Moses determines that, in this case, the offender is to be treated in the same manner as a native Israelite: "Bring out of the camp him who cursed; and let all who heard him lay their hands upon his head, and let all the congregation stone him" (Lev. 24:14). This is followed by the promulgation: "And say to the people of Israel, Whoever curses his God shall bear his sin. (16) He who blasphemes the name of the LORD shall be put to death; all the congregation shall stone him; *the ger as well as the native*, when he blasphemes the Name, shall be put to death" (Lev. 24:15-16; cf. Num. 27:5-7 where the case of the daughters of Zelophehad is the occasion for a promulgation that also begins with the words "Say to the Israelites..."; Num. 27:8-11). The reference to "*the ger as well as the native*" may imply that the blasphemer in question was in fact regarded as a *ger*. If he was of mixed parentage (or mixed ancestry; the text is ambiguous) he might well have been thought to have the legal status of the alien.

Moreover, Moses appears to draw a distinction in Lev. 24:15-16 between the relative seriousness of *gerim* cursing their own gods and *gerim* cursing the God of Israel. It seems as though *gerim* (and presumably *nokrim* as well, for that matter) are allowed to blaspheme the name of their own god without any consequences from the Israelite community ("Whoever curses his God shall bear his sin"; Lev. 24:15). Blaspheming the name of Israel's God, however, is a different matter entirely and is punishable by death by the Israelite community (Lev. 24:16).

Finally, the death penalty for blasphemy in Lev. 24:16 is the subject of more general application. In Lev. 24:17-22 the *lex talionis* is said to apply equally to *ger* and Israelite alike:

"He who kills a man shall be put to death. (18) He who kills a beast shall make it good, life for life. (19) When a man causes a disfigurement in his neighbour, as he has done it shall be done to him, (20) fracture for fracture, eye for eye, tooth for tooth; as he has

disfigured a man, he shall be disfigured. (21) He who kills a beast shall make it good; and he who kills a man shall be put to death. (22) *You shall have one law for the ger and for the native; for I am the LORD your God*" (Lev. 24:17-22; italics added).

This recalls the increasing expansiveness of the law in Num. 15:14-16 (see above). The law moves from the specific case of Lev. 24:10-14 to a general statement of the impartial application of the law of blasphemy to *ger* and native (Lev. 24:15-16). It then moves on to state the impartial application of the lex talionis to *ger* and native alike (Lev. 24:17-22).⁹¹ As in Num. 15:14-16, the outcome is one law for both, putting the *gerim* on a par with Israelites. This is the other side of full, legal, integration into the community of Israel. Equal treatment before the law means equal liability.

d) Equal culturally

A number of texts treat the native and the *ger* equally in matters relating to the cult. The cultic context makes it likely that the *ger* spoken of here is the assimilating *ger* and not the non-assimilating *ger*. There is no reason for thinking that a non-assimilating *ger* should be placed on an equal footing to a native in regard to the cult.

First, they are part of the assembly that is gathered for the reading of the law:

"Assemble the people, men, women, and little ones, and the ger within your towns [lit. 'gates'], that they may hear and learn to fear the LORD your God, and be careful to do all the words of this law, (13) and that their children, who have not known it, may hear and learn to fear the LORD your God, as long as you live in the land which you are going over the Jordan to possess" (Deut. 31:12-13; italics added)

They are also included as addressees of the covenantal blessings and curses:

"And all Israel, ger as well as homeborn (ezrach), with their elders and officers and their judges, stood on opposite sides of the ark before the Levitical priests who carried the ark of the covenant of the LORD, half of them in front of Mount Gerizim and half of them in front of Mount Ebal, as Moses the servant of the LORD had commanded at the first, that they should bless the people of Israel. (34) And afterward he read all the words of the law, the blessing and the curse, according to all that is written in the book of the law. (35) There was not a word of all that Moses commanded which Joshua did not read before all the assembly of Israel, and the women, and the little ones, and the ger who lived among them" (Jos. 8:33-35; italics added)

Second, Lev. 17:15 treats both the *ger* and the native the same with regard to eating meat that is found dead:

"And every person that eats what dies of itself or what is torn by beasts, whether he is a native (ezrach) or a ger, shall wash his clothes, and bathe himself in water, and be unclean until the evening; then he shall be clean" (italics added)

⁹¹ Van Houten 1991, 150.

If they eat it, they are both rendered unclean and must purify themselves. This law does not distinguish between the native and the *ger*, unlike that of Deut. 14:21, which does make a distinction between the two (see further discussion below).

Third, Num. 19:9 involves the *ger* and the Israelite in burning the heifer, gathering up the ashes and putting them in a ceremonially clean place outside the camp. This activity renders them unclean and Num. 19:10 instructs them on how they are to make themselves clean again:

"And he who gathers the ashes of the heifer shall wash his clothes, and be unclean until evening. *And this shall be to the people of Israel, and to the ger who sojourns among them, a perpetual statute*" (italics added). Again, this reference to the *ger* can only be to the *ger* who has identified himself with Israel's God and who is culturally integrated into Israel.

Fourth, it follows that the *ger* who is culturally integrated into Israel's faith is also able to benefit equally from the blessing of forgiveness. This is apparent in the law regarding the sacrificial offerings for unintentional sin: "And *all the congregation of the people of Israel shall be forgiven, and the ger who sojourns among them*, because the whole population was involved in the error" (Num. 15:26; italics added).

e) Equal access to cities of refuge

Num. 35:15 includes the *ger* and the *toshav* in the arrangements for the cities of refuge:

"These six cities shall be for refuge for the people of Israel, and for the *toshav* and for the *ger* among them, that any one who kills any person without intent may flee there"

We noted above that, in the Priestly texts, there is a distinction between the assimilating *ger* and the non-assimilating *ger* (*toshav*; see Chapter Two 3). Yet the benefits of this law are extended to the *toshav* as well as to the *ger*. This is quite significant because it is an example of both the assimilating *and* the non-assimilating *ger* being placed on an equal footing with the native. Including the *toshav* signals that the concern of this text is primarily humanitarian: there must be protection for the accidental murderer, whether he is part of the cultic community or not.

f) Equal land rights

Perhaps the most radical similarity of all is Ezek. 47:21-23 which, in a break with pre-exilic tradition, allocates the *gerim* land in the midst of the tribe where they have settled:

"So you shall divide this land among you according to the tribes of Israel. (22) You shall allot it as an inheritance for yourselves *and for the gerim who reside among you and have begotten children among you*. They shall be to you *as native-born sons of Israel*, with you they shall be allotted an inheritance among the tribes of Israel. (23) In whatever tribe the *ger* resides, there you shall assign him his inheritance, says the Lord GOD" (Ezek. 47:21-23; italics added)

Notably there are two conditions here: the *gerim* are to "reside among you" and to have children. Residence implies commitment whilst having descendants implies a continuing presence upon the land (cf. Deut. 25:5-10).

2. Differences between immigrants and ordinary Israelites

However, there are circumstances in which immigrants must be treated differently from Israelites.

a) Consumption of prohibited meat

Deut. 14:21 prohibits the Israelite eating anything found dead:

"You shall not eat anything that dies of itself; you may give it to the *ger* who is within your towns [lit. 'gates'], that he may eat it, or you may sell it to a *nokeri*; for you are a people holy to the LORD your God" (Deut. 14:21)

Some find a contradiction between this law and Lev. 17:15 ("And every person that eats what dies of itself or what is torn by beasts, whether he is a native or a *ger*, shall wash his clothes, and bathe himself in water, and be unclean until the evening; then he shall be clean"). However, we have already seen that in Leviticus, the word *ger* refers to the assimilating *ger* and not to the non-assimilating *ger* who is called a *toshav*. Thus Lev. 17:15 refers to the assimilating *ger* and Deut. 14:21 refers to the non-assimilating *ger*.

This is consistent with the purpose of Lev. 17:15, which is cultic. We are not to presume that the animal has died from an illness that would render the meat inedible. The prohibition is because the animal has not been properly slaughtered and had its blood drained (Deut. 12:16). The meat is unfit for all those who are bound by the food laws. This includes the assimilating *ger* but does not of course include the non-assimilating *ger*.

There is thus no conflict between Lev. 17:15 and Deut. 14:21. Both prohibit the native and assimilating *ger* from eating the meat, but permit its consumption by the non-assimilating *ger* and the *nokeri*. The meat is edible for those who do not belong to the cultic community. We may see in this concession the interplay of a nationalistic faith which is opposed to everything that is not of Yahweh and a concern that food should not be wasted.

b) Assimilating *gerim* still not Israelites

A major point of difference between natives and *gerim* was that although *gerim* were encouraged to become members of the cultic community, they were not invited to become *Israelites*. This was seen in Chapter One 6 above. The origins of this distinction may lie in the Israelites' definition of themselves. Israelites defined themselves in terms of their past history: i.e. in terms of what God had done for them. Because their identity was forged by a past act that could not be repeated and which separated them from all other peoples, it was impossible for non-Israelites to style themselves 'Israelites'. Even assimilating *gerim* were considered non-Israelites and this status could not be changed.

3. Summary

There are important similarities in the treatment of natives and *gerim* in biblical law. The Israelite is instructed many times to treat the immigrant as a native-born in all things. Both are to have equal rights before the law and, by the same token, both are to be punished equally as well. A number of prohibitions that apply to the Israelites also apply to immigrants. In addition, both are allowed equal access to the cities of refuge. In the pre-exilic period, both are allowed to inherit urban land and, in the post-exilic period, there is the prospect that both may inherit rural land. Texts that specify equal treatment in cultic matters refer to assimilating *gerim*. There are however, key differences between immigrants and ordinary Israelites. These include the consumption of prohibited meat and the limits placed upon assimilation.

Chapter Five: the Treatment of *Nokrim*

Introduction

In Chapter Two, we noted that the *nokrim* and the *zarim* who showed no interest in assimilation were regarded with fear and suspicion. Unlike the *gerim*, who settled in Israel even if they did not all become members of the cultic community, the *nokrim* and the *zarim* did not settle in Israel. They belonged elsewhere and consequently were readily identified with alien worship and with foreign religious practices. These were anathema to the faith of Israel. For this reason, a more hostile attitude is shown towards *nokrim* and *zarim* than is shown to *gerim*.

Emotional attitudes towards 'outsiders' is one of the dimensions of group belonging identified by Tajfel.⁹² For this reason, the hostility shown towards the Canaanites, for example (see 2 below), was an important aspect of Israel's identity. Yet, there are different kinds of *nokrim* and Israel's treatment of *nokrim* varied according to their specific identity. In this chapter, we differentiate between the treatment of four different groups of foreigners. They are: the peoples in distant lands; the peoples in Canaan; the Ammonites; the Moabites; the Edomites and the Egyptians.

1. Treatment of peoples in distant lands

There is a stark contrast in Deut. 20:10-18 between the treatment that Israel was to mete out to "the cities which are very far from you, which are not cities of the nations here" (Deut. 20:10-15) and the primeval populations within the land ("the cities of these peoples that the LORD your God gives you for an inheritance"; Deut. 20:16). Unlike the Canaanite peoples, foreign populations encountered in distant lands were offered an opportunity to surrender. In addition, even if they did not surrender, the resulting attack was directed only at the males:

'When you draw near to a city to fight against it, offer terms of peace to it. (11) And if its answer to you is peace and it opens to you, then all the people who are found in it shall do forced labour for you and shall serve you. (12) But if it makes no peace with you, but makes war against you, then you shall besiege it; (13) and when the LORD your God gives it into your hand you shall put all its males to the sword, (14) but the women and the little ones, the cattle, and everything else in the city, all its spoil, you shall take as booty for yourselves; and you shall enjoy the spoil of your enemies, which the LORD your God has given you. (15) Thus you shall do to all the cities which are very far from you, which are not cities of the nations here" (Deut. 20:10-15)

Sparks notes that the recommended Israelite treatment of distant peoples was standard military practice.⁹³ In such cases, the women of the conquered people could be taken as wives by the Israelites (Deut. 21:10-14).⁹⁴

⁹² Cited in Esler 1996, 226-7. The other dimensions 'the cognitive dimension' (the recognition of belonging to a group) and the 'evaluative dimension' (positive or negative connotations of belonging).

⁹³ Sparks 1998, 258 n. 99.

⁹⁴ Such a woman had, however, to observe a one-month rite of passage. This was a 'liminal' (or transitory) period during which the woman changes from an 'outsider' to an 'insider'.

2. Treatment of peoples in Canaan

Deuteronomy displays a powerful antipathy toward foreign cultic activity and, by extension, to the foreigners who practice alien rites. It is not surprising to find a strong expression of this in Deuteronomy, since it was addressed to the very generation that was to have contact with these groups.

a) Total destruction

The military strategy taken towards the peoples of Canaan was completely different to that of the distant peoples. Whereas the distant peoples were to be offered terms of peace, the original inhabitants of Canaan were to be completely destroyed (*cherem*). Deut. 7:1-5 commands the total extermination of the inhabitants of the Land:

"When the LORD your God brings you into the land which you are entering to take possession of it, and clears away many nations before you, the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, seven nations greater and mightier than yourselves, (2) and when the LORD your God gives them over to you, and you defeat them; then you must utterly destroy them; you shall make no covenant with them, and show no mercy to them... (5) But thus shall you deal with them: you shall break down their altars, and dash in pieces their pillars, and hew down their Asherim, and burn their graven images with fire." (Deut. 7:1-5)

This was to fulfil God's promise of judgement in Gen. 15:16: "... they [Abraham's descendants] shall come back here in the fourth generation; for the iniquity of the Amorites is not yet complete." The Israelites were to treat these foreigners in this way because they were acting as the agents of God's judgement. This strategy also served to protect Israel from the influence of foreign religious elements, as Deut. 12:29-31 and 20:16-18 show.

"When the LORD your God cuts off before you the nations whom you go in to dispossess, and you dispossess them and dwell in their land, (30) *take heed that you be not ensnared to follow them*, after they have been destroyed before you, and that you do not inquire about their gods, saying, 'How did these nations serve their gods? — that I also may do likewise.' (31) You shall not do so to the LORD your God; for every abominable thing which the LORD hates they have done for their gods; for they even burn their sons and their daughters in the fire to their gods" (Deut. 12:29-31; italics added)

"But in the cities of these peoples that the LORD your God gives you for an inheritance, you shall save alive nothing that breathes, (17) but *you shall utterly destroy them*, the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites, as the LORD your God has commanded; (18) *that they may not teach you to do according to all their abominable practices which they have done in the service of their gods, and so to sin against the LORD your God*" (Deut. 20:16-18; italics added)

These texts cause moderns unease, not least because these Scriptures have been horrifically misused in the past and may be misused again. Yet it is important to keep this 'holy war' in its proper spatial and temporal context. As Wenham writes: "The quite special case of Israel's dispossession of the Canaanites has been used to justify lack of love towards the

heathen, resulting in ... military rigour by so-called Christian nations, in defiance of the whole New Testament and in disregard even of the Old Testament's concern for other nations."⁹⁵

The "kill the Canaanites" policy was not primarily a question of ethnic purity but a matter of religious identity. The history of Israel prior to the Conquest had indicated that, were the Israelites to live alongside the Canaanites, the Israelites would be incapable of maintaining their beliefs and standards.⁹⁶ Driving out the nations was essential if Israel was to remain distinct and to play her part in God's plan of salvation.⁹⁷ In addition, there was no obstacle to the individual repentance of a Canaanite, nor even migration to Israelite territory, since the conquest occurred little by little as a staged process. It was a war against idolatry and against idolatrous practices. It was not a war against individual peoples as such. Consequently, these texts have no bearing on murderous practices towards specific peoples in the modern world.

b) Practice endogamy

The Israelite community was also commanded to avoid marriage with the original peoples of the land:

"You shall not make marriages with them [the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites], giving your daughters to their sons or taking their daughters for your sons. (4) *For they would turn away your sons from following me, to serve other gods, then the anger of the LORD would be kindled against you, and he would destroy you quickly*" (Deut. 7:34; italics added)

As in (a) above, these policies had the ultimate aim of protecting Israel from the influence of foreign religious elements. They were also designed to protect Israel in her turn from becoming the object of God's wrath (Deut. 7:3-4). What happened to the original inhabitants could happen to the Israelites (Lev. 18:26-28).

3. Treatment of Ammonites and Moabites

As with the Canaanites, biblical law specified how the Ammonites and the Moabites should be treated. Thus, in regard to the descendants of Ammon and Moab, we are told:

"No Ammonite or Moabite shall enter the assembly of the LORD; even to the tenth generation none belonging to them shall enter the assembly of the LORD for ever; (4) because they did not meet you with bread and with water on the way, when you came forth out of Egypt, and because they hired against you Balaam the son of Beor from Pethor of Mesopotamia, to curse you. (5) Nevertheless the LORD your God would not hearken to Balaam; but the LORD your God turned the curse into a blessing for you, because the LORD your God loved you. (6) You shall not seek their peace or their prosperity all your days for ever" (Deut. 23:3-6).

⁹⁵ Wenham 1974, 144.

⁹⁶ Wenham 1974, 132-133.

⁹⁷ Wenham 1974, 146.

Once again, a story from the past determines present behaviour (cf. Deut. 5:15). Since the word "assembly" in Deut. 23:3 envisages a gathering for cultic purposes, the practical application of this law seems to be that, whilst the foreigners were allowed to remain as part of the population, they were not allowed to take part in cultic activities. This applied even to those who were interested in assimilating. This law was zealously applied in the post-exilic period:

"On that day they read from the book of Moses in the hearing of the people; and in it was found written that no Ammonite or Moabite should ever enter the assembly of God; (2) for they did not meet the children of Israel with bread and water, but hired Balaam against them to curse them -- yet our God turned the curse into a blessing. (3) When the people heard the law, they separated from Israel all those of foreign descent" (Neh. 13:1)

Interestingly, the people's response is to separate from Israel "*all* those of foreign descent" (Neh. 13:1; italics added). Some might see this as a case of going 'beyond the law'. However, the fact is that biblical law has always required sensitivity to context in its proper application. A proper understanding of what the law was intended to teach, combined with spiritual perception regarding the situation in hand, may indeed 'go beyond' the letter of the law. The right application of Deut. 23:3-6 to a people struggling for survival was to take drastic measures. Neh. 13:1 is a good example of where "the spirit of the law is more rigorous than the letter".⁹⁸ Some see the sending off of all foreigners by Nehemiah as the outcome of a nationalistic, overspiritual and emotional spirit that did indeed go beyond 'the letter of the law' but in the wrong direction. Yet the situation faced by Nehemiah was unique. His uncompromising response may be understood in the light of the fact that there had to be an ethnically and a religiously-distinctive nation for God to fulfil his salvation plan. Nehemiah's unique response should be understood in the light of the unique calling of Israel; it is not an approach that should be generally applied elsewhere.

4. Treatment of Edomites and Egyptians

Finally, we turn to consider the more positive treatment extended to Edomites and Egyptians. According to Deut. 23:7-8, such foreigners are allowed to join the cultic community from the third generation onwards:

"You shall not abhor an Edomite, for he is your brother; you shall not abhor an Egyptian, because you were a *ger* in his land. (8) The children of the third generation that are born to them may enter the assembly of the LORD"

Once again, the explanation for treating these foreigners differently is a question of history. As usual, *mythos* shapes *ethos*. The Israelite is not to abhor (i.e. 'detest' in a cultic sense) the Edomite because they have a shared family history (Gen. 25:22-23; 25:30). This is in spite of the fact that Edom, like Ammon and Moab, made life difficult for Israel on the way to the Promised Land (Num. 20:14-21); in spite of Moses' plea to Edom to show kindness to "your brother Israel" (Num. 20:14). The ban on access to "the third generation" may represent a muted punishment.

⁹⁸ Clines 1981, 116-117.

In the case of the Egyptians, the reason for admitting them to the assembly after the third generation is that Israel herself was an immigrant in Egypt. Like the classic immigrant, she originally travelled down to Egypt in search of food (Gen. 42). The verb is expressed in the second person: "you [singular] were an immigrant in his country". This personalises the debt.

Some commentators find this a strange motivating clause because it overlooks the fact that the Israelites endured great hardship towards the end of their sojourn in Egypt. Yet the command in Deuteronomy here takes a longer view. The fact that the Israelites were ill-treated for a short period at the end of their sojourn is no reason not to be grateful, first, for having enjoyed the benefits of Egypt's food during a time of famine and, second, for being able to stay there for such a long time. This is remarkable, given that Deut. 23:7-8 is only separated from the Exodus event by a single generation. Regardless of whether the Egyptians had always treated the Israelites well, they had allowed them to live for a long time in their land and for this reason the Israelites were still to feel an obligation.

Finally, Sparks notes that the negative command "you shall not abhor" is a rather subdued prescription in comparison with the Deuteronomic charge to 'love the sojourner' (Deut. 10:19). A certain 'rhetorical distance' was still preserved between ethnic Israel and its neighbours, even when the objective was to establish a 'relaxed' stance towards them.⁹⁹

5. Summary

Foreigners such as the Canaanites, Ammonites, Moabites, Edomites and Egyptians may be classified as 'objective others' *viz* as part of an actual social category that existed in the world of the Israelite community and from which the community felt a need to distinguish itself.¹⁰⁰ But whilst all foreigners were regarded with a certain amount of fear and suspicion, some were regarded as more dangerous than others. Accordingly, how Israel treated foreigners depended on who they were. Israel's treatment of distant peoples took the form of standard military practice, which included the option of surrender. Israel's treatment of the native population of Canaan was harsher and was to consist of total annihilation, together with a policy of strict endogamy. Ammonites and Moabites were allowed to form part of the Israelite population, but were not allowed to take part in cultic activities because of their past behaviour towards Israel. Edomites and Egyptians were treated more leniently with (assimilating) descendants being allowed to join the cultic community from the third generation onwards. This, too, is owing to the past history of these nations in relation to Israel. Excepting the conquest, Israel's attitude towards foreigners was not inordinately hostile to foreigners. Certain texts reveal a general appreciation for other cultures and an ethnographic interest in other peoples.

⁹⁹ Sparks 1998, 255.

¹⁰⁰ Sparks 1998, 257.

Chapter Six: the *Nokrim* Compared and Contrasted with the Natives (the '*Ezrachim*') and the *Gerim*

Introduction

In this chapter we will compare and contrast the position of the *nokrim* with that of the native and the *gerim*.

1. Similarities in the treatment of the *nokri* and the native

Perhaps the most striking example of foreigners being treated in the same way as the Israelites is found in the book of Amos. This is because the polemic of Amos tends to stress the similarity between foreigners and Israel rather than to point out the distinctions between them.¹⁰¹

First, Amos attributes the ancestral migrations of several groups to YHWH's divine initiative. He deflatingly points out that Israel's experience of the Exodus was not unique. In contrast to Hosea, who tried to re-establish a sense of ethnic distinctiveness by emphasising the uniqueness of YHWH's divine election in the Exodus event (Hos. 11:1), Amos points out that YHWH had done similar things for the Philistines and the Arameans: "'Are you not like the Ethiopians to me, O people of Israel?' says the LORD. Did I not bring up Israel from the land of Egypt, and the Philistines from Caphtor and the Syrians from Kir?" (Am. 9:7).¹⁰² Israel's migration from Egypt, which was for Hosea a primary element in Israelite identity (see Hos. 11:1), was for the Southern prophet only one more migration in the tradition of the Arameans, the Philistines and others.¹⁰³

Second, just as Hosea pronounced upon Israel a 'punishment of return' in which the Israelites would be returned to their place of Egyptian origins (Hos. 8:13; 9:3, 6; 11:5), so a similar fate was also predicted by Amos for the Arameans in Am. 1:5. Again, 'foreigners' are treated like Israel insofar as both suffer a reversal of national fortunes that returns the people to their beginnings.

Third, foreigners are treated like native Israelites insofar as all peoples are seen as equally culpable before YHWH and are liable to be punished for their rebellions. This is seen in the so-called 'nations oracles' (Am. 1 & 2). Here, the prophet invokes judgement upon Israel's neighbours; namely Syria (1:3-5); Philistia (1:6-8); Phoenicia (1:9-10); Edom (1:11-12); Ammon (1:13-15) and Moab (2:1-3).¹⁰⁴ The refrain "For three transgressions and for

¹⁰¹ Sparks 1998, 322. This is not in contrast to the rhetorical strategy of Hosea, for example. Whereas Hosea hopes to intensify ethnic sentiments, Amos intends to subvert them. The reason for this difference in emphasis stems in part from the different theologies that inform their work. For Hosea YHWH was the God of Israel's land whilst for Amos he was the God of every land. It is a difference in emphasis, in in kind. As Sparks 1998, 183 observes: "For Hosea, ethnicity was a distinctive feature of Israelite identity; for Amos Israel's ethnicity was simply one more permutation of the same basic human identity"; Sparks 1998, 192-3. Ethnicity was only a mode of identity shared by various groups in the region and not a feature unique to any of them.

¹⁰² Sparks 1998, 176.

¹⁰³ Sparks 1998, 192-3.

¹⁰⁴ We note in passing that the order in which the nations are presented provides further insight into the role of ethnicity in shaping the book of Amos. Sparks 1998, 181 suggests that the Armean and Philistine oracles are next to

four..." (Am. 1:3, 6, 9, 11, 13; 2:1, 4 and 6) makes use of the noun *pesha*, which refers to 'rebellions against authority'. In this context, it refers to rebellions against YHWH. The oracles reflect Amos' belief in a universal standard of conduct that conformed to, and was enforced by, the sovereign and universal God YHWH. This applies equally to the surrounding nations as well as to Judah (Am. 2:4-5) and Israel (Am. 2:6-16). This is because all of them lived under the sovereignty of Israel's God.¹⁰⁵ YHWH had created the nations by settling them and by establishing their borders and he had provided for their security and stability by enacting universal standards of international conduct (violated by Syria, Philistia, Phoenicia, Edom, Ammon and Moab) and social behaviour (violated by Judah and Israel).¹⁰⁶ Foreigners and natives are thus treated alike with reference to the same set of universal ethical standards. There is a natural correlation between selling people into exile, as the Philistines had done (1:6), and Israel's selling the needy into slavery (2:6).

2. Differences in the treatment of the *nokri* and the native Israelites

Biblical law specifies, however, a number of situations in which foreigners must be treated differently from native Israelites.

a) Debt release

"And this is the manner of the release: every creditor shall release what he has lent to his neighbour; he shall not exact it of his neighbour, his brother, because the LORD's release has been proclaimed. (3) Of a foreigner (*nokri*) you may exact it; but whatever of yours is with your brother your hand shall release" (Deut 15:2-3)

According to Deut. 15:2-3, the Israelites must cancel the debts of their fellow Israelites every seven years, but not those of foreigners. There is a duality of ethics between 'insiders' and 'outsiders'.

b) Laws of interest

"To a foreigner (*nokri*) you may lend upon interest, but to your brother you shall not lend upon interest; that the LORD your God may bless you in all that you undertake in the land which you are entering to take possession of it" (Deut. 23:20)

According to Deut. 23:20, Israelites may not charge their own people interest when lending them food or money, but they may charge a foreigner interest. As in **(a)** above, the law requires the Israelites to forgo interest with regard to their fellow Israelites but may charge it to *nokrim*. To the extent that money creates social bonding, it may be the case that this

each other because both groups originated via ancestral migrations and that the Ammonite and Moabite oracles are adjacent to each other because the two groups shared common origins as the progeny of Lot (Gen. 19:37-38).

¹⁰⁵ Sparks 1998, 173.

¹⁰⁶ Sparks 1998, 185.

bonding was desirable and necessary within the Israelite community, but not outside the community.

c) Miscellaneous bans

Foreigners are also subject to a series of bans that do not apply to the native Israelite.

(i) *Nokrim forbidden to partake of Passover*

"And the LORD said to Moses and Aaron, "This is the ordinance of the Passover, no foreigner (*nekar*) shall eat of it ..." (Ex. 12:43)

We considered this law in Chapter Three 5. The foreigner, along with the non-assimilating *ger* (Ex. 12:45) is outside the cultic community and hence ineligible to participate in the cultic feast (cf. the similar limits placed on access to the Lord's Supper in the New Testament; I Cor. 11:29). A foreigner who becomes a (circumcised) assimilating *ger* would presumably be allowed to participate (Ex. 21:48).

(ii) *Ineligible for kingship*

The Israelite is not allowed to appoint a foreigner king.

"you may indeed set as king over you him whom the LORD your God will choose. One from among your brethren you shall set as king over you; you may not put a foreigner (*nekeri*) over you, who is not your brother" (Deut. 17:15)

A foreigner could not lead a confederation of tribes to which he did not belong, nor represent the people before God. This is understandable in view of Israel's wariness of foreign cultic influences.

(iii) *Access to the assembly*

Deut. 23:1-8 contains a series of prohibitions that exclude certain persons from "the assembly of the Lord". We considered this legislation in Chapter Four 3 & 4 above. Suffice it to say that whereas Israelites are excluded on the grounds of cultic impurity (physical deformity (Deut. 23:1) or being the offspring of an improper marriage (Deut. 23:2)), certain foreigners *are* excluded on the basis of historical events (Deut. 23:3-6).

(iv) *Access to Sanctuary*

Allied to (iii) above, the foreigner was not granted access to the Sanctuary. This is clearly demonstrated in Eze. 44:6-9:

"And say to the rebellious house, to the house of Israel, Thus says the Lord GOD: O house of Israel, let there be an end to all your abominations, (7) *in admitting foreigners [literally `sons of foreigners (nekar)]', uncircumcised in heart and flesh, to be in my sanctuary, profaning it, when you offer to me my food, the fat and the blood. You have broken my covenant, in addition to all your abominations. (8) And you have not kept charge of my holy things; but you have set foreigners to keep my charge in my sanctuary. (9) Therefore 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"* (Eze. 44:6-9; italics added)

An example of the violation of this law in the post-exilic community is found in the narrative of Neh. 13:4-9 which describes how "Eliashib the priest, who was appointed over the chambers of

the house of our God prepared for Tobiah [a foreigner] a large chamber [in the Temple] where they had previously put the cereal offering, the frankincense, the vessels, and the tithes of grain, wine, and oil, which were given by commandment to the Levites, singers, and gatekeepers, and the contributions for the priests" (Neh. 13:4-5). Nehemiah refers to "...the evil that Eliashib had done for Tobiah, preparing for him a chamber in the courts of the house of God" (Neh. 13:7). Admitting foreigners into the Sanctuary remained a sensitive issue right up until the fall of the Second Temple (Acts 21:28-29), with Paul rejoicing at the abolition of this distinction in the New Testament church (Eph. 2:14).

3. Similarities and differences in the treatment of *nokrim* and *gerim*

Having considered similarities and differences in the treatment of *gerim* and native Israelites in *Chapter Four* above and between *nokrim* and native Israelites in **1** above we conclude, for the sake of completion, with a brief survey of similarities and differences in the treatment of *nokrim* and *gerim*.

a) Similarities in the treatment of *nokrim* and *gerim*

First, the treatment of *nokrim* and *gerim* is similar in Deut. 14:21, which governs the consumption of animals that have not been ritually slaughtered (see *Chapter Four 2(a)*). Both *nokrim* and *gerim* are treated the same in that the food laws do not apply to them. The meat is unfit *only* for the Israelites (and the assimilating *ger*) because they are the only ones bound by the food laws.

Second, Num. 35:15 goes beyond mention of the *ger* and the *toshav* to make the cities of refuge available to "any one who kills any person without intent". This includes the *nokrim*. This is significant because of the protection offered: "And if the avenger of blood pursues him, they shall not give up the slayer into his hand..." (Josh. 20:5)

b) Differences in the treatment of *nokrim* and *gerim*

Deut. 14:21 was cited in **(a)** above as indicating a similarity between the treatment of *nokrim* and *gerim* insofar as neither are bound by Israel's food laws. Yet at the same time Deut. 14:21 also indicates an important difference between *nokrim* and *gerim*.

"You shall not eat anything that dies of itself; you may give it to the alien (*ger*) who is within your towns, that he may eat it, or you may sell it to a foreigner (*nokri*); for you are a people holy to the LORD your God" (Deut. 14:21)

Whereas the Israelites are instructed to be charitable to the immigrant, they are allowed to sell meat to the foreigner. As Van Houten notes the difference between the immigrant and the foreigner that emerges here is an economic one.¹⁰⁷ The immigrant needs economic support; the foreigner has means and is expected to pay for what he gets. It thus appears that biblical law draws a distinction between foreigners who have sufficient economic strength to engage in business relations with the Israelites (and who are not needy) and foreigners who are

¹⁰⁷ Van Houten 1991, 81.

vulnerable (and who therefore may receive charity). This distinction may also be at the heart of Israel's success in allowing it to maintain a nationalistic faith that is opposed to everything that is foreign and non-YHWH *and* a faith that is concerned for marginal groups. Deut. 14:21 is a good example of how biblical law resolves the tension between being 'nationalist' and 'exclusivist' on the one hand and being humanitarian on the other.

4. Summary

There are similarities in the treatment of the *nokri* and the native. The ancestral migrations of several groups of peoples are, like Israel, attributed to YHWH's divine initiative. Foreigners were also treated like Israel in the sense that they too could suffer the punishment of being returned to their place of origin. Finally, foreigners are treated like native Israelites insofar as all peoples are seen as equally culpable before YHWH and are liable to be punished for their rebellions. However, there are also important differences in the treatment of the *nokrim* and native Israelites. Israelites must cancel the debts of their fellow Israelites every seven years, but not those of foreigners. Israelites may not charge their own people interest when lending them food or money, but they may charge a foreigner interest. Foreigners are also subject to a series of bans that do not apply to native Israelites: being forbidden to partake of the Passover, to enter the Sanctuary and barred from the kingship. Certain foreigners are also barred from the assembly. Similarities in the treatment of *nokrim* and (non-assimilating) *gerim* can be seen in the fact that both are allowed to consume animals that have not been ritually slaughtered, whilst both are also given access to the cities of refuge. An important difference, however, is that whilst non-ritual meat may be given to the *gerim*, it may be sold to the *nokrim*.

Chapter Seven: the Honour of the Nations

*'Other nations of different habits are not enemies: they are godsends'*¹⁰⁸

Introduction

Nationhood is relevant to this paper for two main reasons.¹⁰⁹ First, it is a relational issue. Nations provide the basis and context for relations between individuals and groups. The sense of 'belonging' to one nation rather than another highlights the human need for roots.¹¹⁰ It also emphasises the need for an identity that is mediated by the local, regional and national community.¹¹¹ Nationhood is about man as a relational being and how he sustains, often along with millions of other people, a cultural heritage and a shared sense of national life. In addition, nationhood is relational because it provides us with a realistic area of prior obligation¹¹² and so helps us to define and limit our responsibilities. There are certain obligations that we shoulder towards our fellow-countrymen that we do not and cannot acknowledge to the whole human race nor to members of foreign nations.

Second, nationhood is relevant to this paper because it raises questions of ethnicity and identity. Solzhenitsyn's claim that "the nation-state is... the chief definer of a man's identity"¹¹³ remains true for many (though not all) people.

A full examination of the question of nationhood is clearly well beyond the scope of this chapter. However, it is useful to examine the theme of nationhood as it appears in the Bible in the light of the issues identified in Chapters One to Six. The objective here will be to determine to what extent we should see 'national identity' as being a wider concept than 'ethnicity'.

1. Existence of 'national characteristics'

The Biblical view is that God "...made from one [man] every nation of men to live on all the face of the earth..." (Acts 17:26). This refers to Adam as the single progenitor of the entire human race. Later chapters of the book of Genesis go on to associate particular nations with the descendants of certain individuals. For example, the nations of Cush, Mizraim (Egypt), and Canaan are the offspring of Ham (Gen. 10:6); Edom is the offspring of Esau (Gen. 36:1) and Moab and Ammon are the offspring of Lot (Gen. 19:37-38). The fact that the nations are presented as the "sons of X" suggests some extension, however dilute, of their progenitor's personality. To this extent, Solzhenitsyn is justified in claiming that: "Nations are... genera personalities... embody[ing] a particular facet of God's design".¹¹⁴

Certainly, it is apparent that every nation shares broad characteristics that are well-known to outsiders. Superficial observations of other countries yields a host of national stereotypes. Accurate or not, the validity of highlighting national characteristics is empirically supported:

¹⁰⁸ A. N. Whitehead, cited in Johnston 1980.

¹⁰⁹ In writing this chapter I have benefited greatly from Johnston 1980.

¹¹⁰ Schluter 1995.

¹¹¹ Johnston 1980, 14.

¹¹² It may be argued that one of the drawbacks associated with EU federalism is that it implies too wide an area of obligations.

¹¹³ Smith, cited in Johnston 1980, 11.

¹¹⁴ Solzhenitsyn, cited in Johnston 1980, 18.

national character exists when measured statistically by social data.¹¹⁵ National character is also implicit in the Bible itself. A good example is Paul's approval of the Cretan stereotype: "One of themselves, a prophet of their own, said, 'Cretans are always liars, evil beasts, lazy gluttons.' This testimony is true..." (Tit. 1:12-13). Yet there is a positive and fruitful aspect to human diversity between nations as there is between individuals.

Nations are similar to individuals, not only in the sense that they have identifiable characteristics, but also in the sense that they are accountable to God. There are such things as national obligations. The nations are also seen as coming under the judgement of God for their violation of God's standards. Examples include Canaan (Deut. 20:16-18); Egypt (Isa. 19; Jer. Ezek. 29-32); Ethiopia (Isa. 18); Babylon (Isa. 13 — 14; Jer. 50 — 51); Philistia (Isa. 14; Jer. Ezek. 25); Tyre (Ezek. 26); Sidon (Ezek. 28) and Assyria (Jonah). Some notable examples are also apparent in Amos 1-2, where judgement is announced upon the following nations: Syria (for her ruthlessness towards the conquered Gileadites; 1:3); Philistia (for slave-trading on a grand scale; 1:6-8); Phoenicia (slave-trading in defiance of an international treaty; 1:9); Edom (war-mongering; 1:11); Ammon (war-crimes in the name of territorial expansion; 1:13) and Moab (sacrilege or possibly human sacrifice; 2:1). Judgement upon the nations is confirmed in the New Testament with the following description of the Last Judgement "Before him [the Son of Man] will be gathered all the nations, and he will separate them one from another as a shepherd separates the sheep from the goats" (Matt. 25:32).

Some people romantically see the nation as possessing a soul that is struggling towards self-conscious expression in a sovereign independent state."¹¹⁶ Whilst this may seem far-fetched, spiritual beings are associated with particular nations, as hinted in the book of Daniel (Dan. 10:13, 20-21).

National obligations may arise in different ways but, like those of individuals, are probably related to having received spiritual privileges. "Nations favoured with centuries of literacy and a Bible in the language of the people, a long history of gospel preaching, a series of revivals etc. will surely bear greater responsibilities in view of the privileges they have enjoyed".¹¹⁷ As Clements notes: "In a world littered with the wrecks of civilisations and empire, there is nothing particularly immortal about Great Britain or any other 'Western nation'."¹¹⁸

2. Nationhood is divinely-ordained

A recurring theme in the Bible is that nationhood is God's gift and part of God's purpose. This is seen in the reconstitution of humanity after the Flood in Gen. 10. The new humanity is not a homogenous multitude, but "a manifold world of nations".¹¹⁹ The Table of Nations in Gen. 10 suggests that all peoples, including the Hebrews, are ethnically related to a greater or lesser extent.

¹¹⁵ Lynn, cited in Johnston 1980, 3.

¹¹⁶ See Johnston 1980, 11. Cf. C. S. Lewis' novel *That Hideous Strength* in which the history of England is seen as a spiritual battle between 'Logres' and 'Britain'. The former is an England that follows the order of Heaven and the latter is an England that rebels against it. In the story, the spiritual identity of a nation is bitterly contested and England, as one of the characters puts it, is "just this swaying to and fro between Logres and Britain"; p. 242.

¹¹⁷ Johnston 1980, 25.

¹¹⁸ Clements 1988, 31.

¹¹⁹ Johnston 1980, 16.

That nationhood is God's gift is confirmed in Gen. 11, which describes the judgement that fell upon mankind for daring to construct the Tower of Babel (Gen. 11:1-9). Insofar as language is an important component of nationhood (see further **3** below), we may say that the fracturing of a common language after Babel hastened the development of individual nation-states. Significantly, linguistic diversity was God's idea (Gen. 11:6-7). Johnston notes that the fact that every human being since Babel is born into a particular linguistic community has profound effects, one of which, he argues, is that the child acquires an inbuilt distinction between 'them' and 'us'.¹²⁰ Language is a definer of national identity and in this respect, too, nationhood may be seen as divinely-ordained. The nations may be a consequence of judgement, but they are also God's gift to sinful humanity.

This is reinforced, third, in the Song of Moses, where the nations are part of the divine ordering of world events:

'When the Most High (*Elyon*) gave to the nations their inheritance, when he separated the sons of men, he fixed the bounds of the peoples according to the number of the sons of God. (9) For the LORD's portion is his people, Jacob his allotted heritage" (Deut. 32:8-9)

Notably, Deut. 32:8 refers to God as "Elyon", a term of reference for the deity that is elsewhere used by non-Israelites (e.g. Melchizedek in Gen. 14:18-22 and Balaam in Num. 24:16). The origin of the nations is again seen as something that is divinely-ordained and their affairs are seen as being under God's sovereign control. This belief in the Old Testament - that the nations are part of God's design and fulfil his purposes - may partly explain the positive view taken of assimilating immigrants and foreigners (see Chapter One, **6** above).

An echo of Deut. 32:8 is heard, fourth, in Paul's Areopagus speech:

"And he [God] made from one every nation of men to live on all the face of the earth, having determined allotted periods and the boundaries of their habitation, (27) that they should seek God, in the hope that they might feel after him and find him..." (Acts 17:26-27; italics added)

The reference to "allotted periods and the boundaries of their habitation" underscores the claim in Deut. 32:8-9 that the history and geography of each nation is ultimately under God's providential control. It is notable that even in this context - the proclamation of a universal gospel for the *one* human race - *national* factors of historical change and geographical differentiation are mentioned. No attempt is made in the gospel age to abolish national frontiers or national identity. Johnston is justified in commenting "If Paul was proud to assert his secular citizenship in given situations (Acts 22:25-28; 23:27) as well as boasting of his racial and his spiritual nationality (Rom. 9:4; 11:1) and if all events are significant in the providence of God, then the persisting modes of human group consciousness and group interaction which we experience as members of a particular nation cannot be despised or neglected."¹²¹

Paul's presence in the Areopagus itself symbolises the even more positive attitude towards foreigners in the New Testament. The gospel is now proclaimed to all nations (Matt. 28:19) with Acts 10 and 11 showing the crucial breakthrough in apostolic thinking and practice in the case of Cornelius. It transpires that even the Gentiles are now granted "repentance unto life" (11:18), for God's people are to be found "in every nation" (10:35). In Pisidian Antioch, Paul and Barnabas "turn to the Gentiles" (13:47) and in Lystra Paul affirms a gospel for all, even though he acknowledges that, prior to the coming of Jesus, God "... allowed all the nations to walk in their

¹²⁰ Johnston 1980, 16-17.

¹²¹ Johnston 1980, 9.

own ways" (Acts 14:16). In this way, "the blessing of Abraham has come upon the nations" (Gal. 3:14). The New Testament closes with a vision in which the nations walk by the light of the Lamb, the kings of the earth bring into the New Jerusalem "the glory and the honour of the nations" (Rev. 21:22-24) and provision is made for "the healing of the nations" (Rev. 22:2).

To sum up, nationhood is not only acknowledged in Scripture, but appears to be divinely-ordained. It is an essential part of individual identity and communal human living.¹²² Unsurprisingly therefore, national loyalties and allegiances are nowhere forbidden. A positive view is taken towards nations in both the Old and the New Testaments which overlaps with the positive attitude taken in biblical law towards assimilating foreigners.

3. Aspects of nationhood

Nationhood is a fluid subject, because the identity of a nation is constantly being redefined. Nation-states are fashioned and refashioned, sometimes by migration and sometimes by conquest. This means that identifying the components, or elements, of nationhood is a complex question. The elements of nationhood are more than the superficial trappings of flag, national anthem, capital, coinage, constitution, armed forces, legal system and so on. According to Gen. 10:5, 10:20 and 10:31, the building blocks of nationhood are *land, language and families*.

"... These are the sons of Japheth *in their lands, each with his own language, by their families*, in their nations" (Gen. 10:5; italics added)

"These are the sons of Ham, *by their families, their languages, their lands*, and their nations" (Gen. 10:20; italics added)

"These are the sons of Shem, *by their families, their languages, their lands*, and their nations" (Gen. 10:31; italics added)

The threefold refrain in Gen. 10:5, 20 and 31 refers to *land* (which is a question of geographical identity); *language* (which subliminally incorporates outlook and education and which must also include culture) and *family* (common racial or tribal identity).¹²³ Nationhood is thus a combination of a shared geography and culture, combined with a certain degree of ethnic homogeneity. Of course, there are other permutations, including political independence (national sovereignty); a sense of historical destiny and a shared religion.¹²⁴ No one single element is sufficient to make a nation. Language, for example, is an invaluable vehicle of national sentiment and powerful symbol of nationhood, but it is neither a necessary nor a sufficient mark of national identity.¹²⁵ Nationhood is a particular combination of *land, language and ethnicity* and hence every nation is a different combination. As C. S. Lewis writes in his story about the battle for the soul of England: "He doesn't make two blades of grass the same: how much less two saints, *two nations, two angels*" (italics added).¹²⁶

Crucially, *national identity*; is a *self-conscious entity*. The particular combination of land, language and ethnicity must give rise to a *national awareness* that is not only discerned and reflected upon by the citizens who belong to it, but which is also recognised by surrounding communities who are *not*

¹²² Johnston 1980, 23.

¹²³ Johnston 1980, 16.

¹²⁴ Cf. Johnston 1980, 13.

¹²⁵ Cf. Johnston 1980, 11.

¹²⁶ C. S. Lewis *That Hideous Strength*, 242.

part of the nation-state. For whilst geography, demographic analysis, a shared language and political history are all aspects of the national identity, there needs, in addition, to be a feeling of nationhood. To put it another way, there needs to be a complex awareness of national self, of which these items are merely the constituents.

Smith sees the nation as "a large vertically integrated and territorially mobile group featuring common citizenship rights and collective sentiment, together with one (or more) similar characteristics which differentiate its members from those of similar groups with whom they stand in relations of alliance or conflict".¹²⁷ As Johnston sees, this is an attempt to combine the elements of a statist approach (economic integration and citizenship) with the cohesive group awareness ('collective sentiment'). Enda McDonagh pushes this understanding of nationhood further, arguing that the notions of land ("fixed shared territory") and family ("common descent") belong together as two 'natural' items that are, in a sense, sub-rational and sub-human.¹²⁸ She argues that in our construction of nationhood, therefore, we should pay more heed to the distinctively 'human' element. In terms of the tripartite structure outlined in Gen. 10 above, we might identify this element as 'language' which, as we saw above, incorporates outlook, history and culture.

If so, the defining aspects of nationhood should be seen as a shared experience of history (whether positive or negative); a shared lifestyle; a shared set of national characteristics; as well as a shared culture, whose achievements are regarded in some sense as national products that express the nation's character in music, literature or art. Such commonalities profoundly shape the national consciousness and its sense of national identity.

There are of course dangers in the belief that nationhood is rooted in national consciousness or a sense of national "awareness". This is illustrated by the German Romantics, who saw the nation as an organic and living group; a unique cultural entity with a personality or cultural character that was greater and more powerful and more real than the individuals who comprised it.¹²⁹ Distortions of a healthy national identity may be seen in aggressive forms of nationalism as when, for example, a nation claims a blanket superiority over all others and oppresses and exploits cultural minorities. In biblical terms, judgement comes upon the nations for precisely these sorts of reasons. The charge that Syria "threshed Gilead with sledges having iron teeth" (Am. 1:3) may describe the cruel pillaging of the country by invading troops or the pitiless commercial exploitation of the region's economy by Syrian tax demands¹³⁰, whilst Philistia was condemned for carrying "into exile a whole people to deliver them up to Edom" (Am. 1:6). Certainly, the twentieth century has witnessed gross distortions of the identity of the nation state. The idea of the nation as a super-personal entity able to demand any and every sacrifice, calling out a loyalty that could override all other loyalties, gave free reign to the totalitarian impulse, as did the decline in the belief in a Sovereign Creator God before whom all men (and nations) would one day stand accountable. It would be naive not to imagine that these impulses have survived the transition to the twenty-first century. They can only assist the growth of a pseudo-religious nationalism in which the will and identity of the individual not only ought to be but is absorbed into a super-personal nation-state.¹³¹

Yet the fact that 'nationhood', like individual personality, can be the setting of iniquity does not obscure the reality that what a nation needs, among other things, is a common culture. This

¹²⁷ Smith, cited in Johnston 1980, 12.

¹²⁸ McDonagh, cited in Johnston 1980, 13.

¹²⁹ Johnston 1980, 11.

¹³⁰ Clements 1983, 17.

¹³¹ Johnston 1980, 12.

means that members are alike in significant ways in which they all differ from non-members.¹³² Whilst communal arrogance is certainly to be eschewed (see Deut. 4; 7:7-8; Ezek. 16) there is nothing wrong with a shared tribal or national historical awareness. What matters is that this national awareness or national story should be based on the truth. In Israel's case, it was based on the truth that she was delivered out of Egypt by the hand of God. For a false national awareness we might cite the national myth of Nazi Germany, based on Valkyries, Atlantis and Nordic 'superiority'. In Britain's case, a national historical awareness based on the truth would tell of the blessing of a thousand years of Christianity, the deliverance from paganism in the past, from Islam in the Middle Ages, from 'apostate' Catholicism in the sixteenth century and from Fascist and Marxist dictatorships in the twentieth century. The failure to do so (stand up, the Millennium Dome) witnesses to the loss of our true national identity. For if, as Borisov argues, a shared historical memory is a precondition of national consciousness, just as memory is the principal constituent of a continuing personal identity in the individual, it follows that the loss of that historical memory cripples national awareness and nationhood.¹³³

Johnston warns that we must reject any bid to abolish the constituent elements of nationhood.¹³⁴ Threats to national identity may therefore include attempts to dismantle a shared culture and to engage in a subversive reconstruction of the national story. There is a need to re-examine and to revitalise the various means by which the cultural heritage is transmitted, whether via family, school, church, mass media and so on. In this regard, we may note the vital role of the extended family in ancient Israel in preserving and transmitting its national treasure, namely the knowledge of God (Deut. 11:18-21). The mass media, notably the BBC as a publicly-funded broadcaster, has a vital role to play in the UK in reinforcing a sense of national consciousness and fostering a deeper awareness of our social solidarity as a nation.

Finally, a further threat to nationhood may be found in the internationalist cast of mind that deplores or weakens national awareness and which arguably may be found in zealous European federalists. As McDonagh writes: "The ambiguities of world - or at least continental - sized states are no less threatening than those of nationalism".¹³⁵ Whereas nations bring privileges, enrichment and responsibilities to their members, internationalism "looks suspiciously like an attempt to disinherit members of nations".¹³⁶ Johnston rightly notes that there is only one divinely approved international community in Scripture; that founded at Pentecost. Significantly, even here, cultural distinctions were *not* abolished ("... each one heard them [the apostles] speaking in his own language..."; Acts 2:6). The barrier of language differences was miraculously overcome, but it was not eliminated. There is no reason to think that the diversity of nations should be replaced by any unified international order in which nationhood is absorbed. Rather than submerging their identity in the welter of 'common humanity', Gen. 10 suggests that each nation can and ought to enjoy and share the particular blessings that it has received, while remaining itself.

4. The new multiculturalism

This leads us into the question of multiculturalism because there is a close relationship between multiculturalism and nationhood. There is a tension between the efforts of governments to

¹³² Johnston 1980, 13.

¹³³ Quoted in Johnston 1980, 19.

¹³⁴ Johnston 1980, 20.

¹³⁵ Cited in Johnston 1980, 14.

¹³⁶ Cited in Johnston 1980, 14.

maintain the integrity of their states and the efforts of ethnic communities to gain autonomy. The conflict over multiculturalism can be seen as a conflict over society's vision of itself.

a) The meaning of multiculturalism

We live in a multicultural society. The alternative to the multicultural society is the homogeneous society and this manifestly does not describe modern Britain. Given the undeniable existence of the multiculturalist society, the question is not *whether* we should have a multiculturalist society but *what kind* of multiculturalism we wish to live in.

Shallow thinking about multiculturalism is invariably the product of taking a narrow view of the 'culture' inherent in 'multiculturalism'. Often the culture that is being recognised, and whose plurality is celebrated through multiculturalism, is only the most superficial level of culture. It is primarily culture as a set of artefacts - tacos and salsa - rather than a lived experience or way of life. Important though this expression of culture is, when we think of 'multiculturalism' we should be thinking of the more substantial level of culture that is composed of the experiences central to everyday life, including employment, domestic labour, family life, residential community, religious community, consumption patterns and leisure. It is not simply a matter of a few special artefacts, but the crucial economic, political and social structures that underpin this experience of culture.

Multiculturalism - for all its influence and ubiquity - remains an unusually ill-defined movement. Its positive goals are similar to those of traditional liberalism. Both hold that discrimination and insensitivity are bad; that toleration and cultural diversity are good and that we should all strive to treat each other with open-mindedness and respect. As Ten observes, liberalism is a tailor-made doctrine for a multiculturalist society because it allows different individuals and groups to flourish in the full diversity of their respective cultures. "The liberal society does not require agreement about a whole way of life...The shared values of social life are limited to the political arena where there should be agreement about the decision-procedures for arriving at social policies. A liberal society is not committed to shared values about what makes life worthwhile, or to a common, non-political culture."¹³⁷

For some, multiculturalism is simply a plea for cultural variety. It advocates nothing more than a simple or benign acceptance of cultural difference. For others, multiculturalism is a political claim and a challenge to the power and influence of dominant cultural groups of society. It involves a claim for recognition that goes beyond merely accepting the existence of difference.¹³⁸ Recognition in this sense typically involves accepting minority differences on the terms asserted by hitherto excluded and ignored groups in society, although others might argue that the 'recognition' issue should be cast in terms of incoming groups 'recognising' the values of the dominant culture; a matter to which we shall return in 6 below.

¹³⁷ Ten 1993, 61.

¹³⁸ Clark et al 1993, xii.

b) Descriptive and normative multiculturalism

The wide degree of variation within multiculturalism hints at its ideological complexity.¹³⁹ It is not a unitary concept and people are rarely 'for' or 'against' the whole package. With this in mind, it is helpful to distinguish between 'descriptive' multiculturalism and 'normative' multiculturalism; that is, between multiculturalism as descriptive of a multi-ethnic society and multiculturalism as an ideology.

In its descriptive sense, 'multiculturalism' is simply a way of describing the cultural and ethnic diversity of contemporary Britain. It expresses the fact that we live in a society containing several different cultures. We are, and will remain, a multicultural society. Normative multiculturalism, on the other hand, is the belief that all cultures (whether existing within our political society or not) are equally valuable and equally deserving of our respect. This ideology has political implications for managing the consequences of cultural diversity.

c) The myth of multiculturalism?

That said, there is a case for doubting whether multiculturalism exists in any meaningful sense. Much of what passes for 'multiculturalism' is not real multiculturalism but what Stanley Fish describes as 'boutique multiculturalism'.¹⁴⁰ This is the shallow form of multiculturalism noted above that only honours cultures in their most superficial aspects, such as food and dress. It is distinct from what may be called "strong multiculturalism".¹⁴¹ This takes diversity much more seriously, but not so far as to accept the possible intolerance embedded in a given culture, e.g. the *fatwa* declared against Salman Rushdie. Thus, even strong multiculturalism is not real multiculturalism nor a distinct position, but "a somewhat deeper instance of the shallow category of boutique multiculturalism".¹⁴² Real multiculturalism - the type that accepts the threat to Rushdie as legitimate - is in fact monoculturalism and thus not multiculturalism at all.¹⁴³ This is because the advocate of real multiculturalism sticks with the distinctiveness of a culture, even at the point where it expresses itself in a determination to stamp out the distinctiveness of some other culture.¹⁴⁴ The so-called 'real multiculturalist' thus becomes what every one of us is: a mono-culturalist. If Fish is right, no-one can possibly be a multiculturalist in any meaningful or coherent sense.¹⁴⁵

5. The value and dangers of multiculturalism

a) Value of multiculturalism

First, multiculturalism emphasises the benefits of cultural diversity and can be made to signal a distinct break with past, classically racist, policies. Second, it is inclusive, offering the hope of drawing new groups and cultures into a respected place in a strengthened civic life. Third,

¹³⁹ Bak 1993, xv.

¹⁴⁰ Fish 1998.

¹⁴¹ Fish 1998.

¹⁴² Fish 1998, 74.

¹⁴³ Melzer 1998, 6.

¹⁴⁴ Fish 1998, 75.

¹⁴⁵ Fish 1998, 75.

multiculturalism debunks the myths of difference that underlie racist attitudes. Fourth, it stresses equality of access to social resources and equality of opportunity for migrants.

At their best, advocates of multiculturalism seek, not so much to challenge or subvert the possibility of a unified national culture *per se*, as to argue for a *different* sense of common culture. The hope is that this common culture will recognise the reality of cultural difference(s), without imposing a hegemonic, dominant or supposedly universalist discourse on what it sees as the 'other'. The goal is to give free play to the possibilities of change, interaction and hybridisation¹⁴⁶ in the belief that civilisations flourish by opening themselves up to outside influences.

All of these goals are to be applauded. However, their rationale need not rest on normative multiculturalism. First, most people would agree that there is room within with the world of civic education of the citizens of a liberal society for seeing the world from the perspectives of different cultures. But this is not the same thing as suspending judgement or having to deny one's own culture.

Second, positive state interference on behalf of disadvantaged groups to secure 'equal access' and 'equal opportunity' can be justified on the grounds of justice. It does not rest on the right of the group as such to preserve its distinctive culture. "The positive claims of justice and equality on the one hand, and the case for cultural diversity as such on the other hand, are not necessarily the same".¹⁴⁷ One does not have to be a normative multiculturalist to promote the benefits of multiculturalism.

b) Dangers of multiculturalism

To this caution must be added the dangers inherent in normative multiculturalism as an ideology.

First, the multiculturalist emphasis upon the *value* of all cultures has become an assertion of the *equivalence* of all cultures. Yet the fact that there are both good practices and bad practices in all cultures does not mean that all cultures are equally valuable. It simply means that there are valuable elements in all cultures.¹⁴⁸ This has important policy implications. For example, whilst the language of 'equal respect' states that we must regard all other cultures as being of equal value, we can sign up to the presumption of believing that other cultures have value without necessarily believing that it has to be of *equal* value. Regardless of how we define these valuable elements, we cannot escape the possibility that these elements are more frequent and more developed in some cultures than in others. In any case, history does not teach us that valuable elements are equally frequent and equally developed in all cultures.

Second, normative multiculturalism sometimes implies that we cannot respect the individual without respecting his or her native culture. However, the connection between these two forms of respect is by no means logically necessary. We can recognise the worth of an individual without necessarily recognising that person's culture. Indeed, it is possible to imagine cases where the one form of respect logically *excludes* the other (e.g. the person who rejects their native culture). What is wrong with multiculturalism is not the belief that cultural values deserve respect but the belief that all cultural values deserve respect.¹⁴⁹ Such cultural egalitarianism ignores the various consequences that different cultural values have for the lives of individual human beings.

¹⁴⁶ Bak ??, xii.

¹⁴⁷ Ten 1993, 65.

¹⁴⁸ Bauhn 1995, 90.

¹⁴⁹ Bauhn 1995, 64.

Thus, if an individual has been seriously wronged in his or her native country, clearly, respect for that person is not compatible with respect for (all) the traditional values of that individual's culture. Respect for other cultures does not necessarily imply the relativistic assumption that all cultural practices, regardless of their contents, are equally valuable (e.g. the Hindu religious practice of *suttee* in which a widow is required to throw herself on her husband's funeral pyre).

This leads into a third criticism. "If all cultures are equal, then we must accept the castes, racism, domination, sexism and other forms of inequality embraced by some cultures".¹⁵⁰ But we cannot afford to 'respect' illiberal cultures whose attitudes of ethnic or racial superiority are antagonistic to others. "When we realise how diverse religion can be outside of our constitutional order, the moderate hegemony of constitutional norms makes perfect democratic and even multicultural sense".¹⁵¹ A belief in the equality of *cultures* is at odds with the principle of *equality*. Plenty of cultures, after all, include a hierarchy of castes or classes or teach a hankering after dominion, to say nothing of racism and sexism. To support democratic equality is to maintain that, in this respect, some creeds and cultures are better and others worse.¹⁵²

Fourth, as hinted at a moment ago, normative multiculturalism carries an undertow of relativism. No-one can be a 'true multiculturalist' if he has any real beliefs. As Martin writes: "no one who truly values the beliefs of her own culture can value equally the different beliefs of another culture; to give equal value to someone else's opposing belief is to devalue one's own".¹⁵³ Glen Hoddle's highly-publicised remarks about the disabled were based on the broadly Hindu view that the disabled are reaping what they sowed in a previous 'incarnation'. Yet Prime Minister Tony Blair, for all his public celebration of multiculturalism, denounced these remarks as deeply offensive. This illustrates the fallacy at the heart of normative multiculturalism. "One cannot be brought up in all languages, all family patters, all religions".¹⁵⁴

Fifth, proponents of multiculturalism tend to be critical of Western culture (summed up in the student chant "hey ho, hey ho, Western culture's got to go"). They see it as a "dogmatic, mono-cultural, white male-dominated defence of the status quo, deeply hostile to other cultures and deviant ways of life."¹⁵⁵ This, however, is a caricature because, in fact, there is no monolithic Western culture. Rather, within Western culture there has been a tradition of disagreement, discussion, scepticism and dissent. Part of the greatness of the Western tradition is that it is so critical of itself and so contentious with the status quo. "Far from condoning ethnocentrism and glorifying the powers that be, Western culture has tried to transcend its own limitations".¹⁵⁶

As van Berkel concludes: "If it is a fundamental presupposition of multiculturalism that civilisations flourish by opening themselves to the impact of other cultures and by practising diversity, then Western culture has been a multicultural civilisation at least since the sixteenth century."¹⁵⁷ The tradition of self-criticism is one of the distinctive traits of Western culture. The relativistic and democratic arguments that play an essential part in the multiculturalist debate have emerged from the very culture that critics are reacting against. Both the demand for a respect for diversity and concerns about the oppression of ethnic minorities are Western in origin and conception. Seen in this light, the current debate over multiculturalism is a civil war

¹⁵⁰ Melzer 1998, 8.

¹⁵¹ Melzer 1998, 7.

¹⁵² McWilliams 1998.

¹⁵³ "The rights of women – and the wrongs of racism", *The Daily Telegraph* 10 March 2000.

¹⁵⁴ Goodwin Watson cited in Berns 1998.

¹⁵⁵ Van Berkel 1993, 14.

¹⁵⁶ Van Berkel 1993, 14.

¹⁵⁷ Van Berkel 1993, 14.

fought out within Western culture itself. Multiculturalism is "at once parasitically dependent on and yet politically dangerous for liberal democracy".¹⁵⁸

Sixth, and related to the preceding point, the belief that every group should be represented at every level of public life on a basis of equality with Western culture is in danger of destroying the Western tradition that has proved capable of holding the United Kingdom together. The economic opportunities and political freedom available in the United Kingdom are a powerful draw for migrants and it is our legal and political institutions that protect both. As Chavez notes, our institutions developed from the Western tradition embodied in English common law.¹⁵⁹ They do not derive, say, from the Spanish adaptation of Roman law that governed most of Latin America, or from China, or from Confucianism, or from the Ghanaian Empire or the Kush state in Nubia. That is not to say that these others are not important civilisations deserving recognition in their own right. But it is to acknowledge the special importance to our particular political and legal system of, for example, Magna Carta, habeas corpus and trial by jury. "In our zeal to tell the stories of other civilisation [and] to include the history of those whose ancestors came from places other than England, we should not attempt to rewrite the history of our own founding and our political antecedents".¹⁶⁰

Seventh, refusing to encourage minority groups to assimilate is disempowering. "All these new and noble words - respect for other cultures, diversity, multiculturalism, identity, openness - only serve to conceal a new and powerful conformism... a new form of ethnocentrism that tries to chain minorities more than ever to their particular [customs and values]".¹⁶¹ In the end, "one is not helping minorities by cutting them off from the Western tradition of individual freedom and locking them up in their own cultural ghetto".¹⁶²

Eighth, multiculturalism risks degenerating into a culturalism based largely on biology and race. Multiculturalism claims to take seriously the diversity and multiplicity of cultures but in fact there is nothing 'multi' about it. The "ugly secret of multiculturalism"¹⁶³ is its opposition to white culture. Multiculturalism "obscures the lessons that can be learned from the actual history of cultural and group politics in our liberal order."¹⁶⁴ For all its talk about the social construction of group identity, in practice, multiculturalism recognises only nature - biology, race and colour."¹⁶⁵

Ninth, multiculturalism carries the danger of perpetuating a perverse psychology in which proof of victimisation is the basis of any claim to honour or position. The result is that "people of different groups thus vie in an unseemly process to claim that they have been oppressed - even in cases where they manifestly have not been".¹⁶⁶

In addition, normative multiculturalism can lead to undesirable and even counteractive consequences. Even those who are sympathetic to the idea as such cannot but conclude that multiculturalism in fact sometimes fosters what it presumably aims to combat and stifles what openness there already was."¹⁶⁷ While it may well serve to boost confidence in a hitherto oppressed cultural minority it may also, and at the same time, infringe the liberty of the

¹⁵⁸ Melzer 1998, 8.

¹⁵⁹ Chavez 1998.

¹⁶⁰ Chavez 1998, 168.

¹⁶¹ Van Berkel 1993, 12.

¹⁶² Van Berjel 1993, 13.

¹⁶³ Melzer *et al* 1998, 9.

¹⁶⁴ Melzer *et al* 1998, 8-9.

¹⁶⁵ *Ibid.*

¹⁶⁶ Ceaser 1998, 155.

¹⁶⁷ Van Berkel 1993, 10.

individual members of that very culture, since what multiculturalism protects is the interests of the cultural collectivity, rather than the rights of individuals.¹⁶⁸ Consequently, multiculturalism can be unfair, in practice, to minority groups. The policy of 'celebrating diversity' by instituting a programme of multicultural religious instruction in state schools has meant that all religions were to be 'taught' as a possible system of meaning and value. British Muslims objected to the programme (as well as to other aspects of the curriculum). Ironically, because British Muslims continue to hold onto their cultural identity by taking their religion seriously, many prefer the old system under which the state schools taught (a watered-down) Christian doctrine but allowed Muslims to remove their children on the grounds of 'conscience'. At least under the old system they were not compelled to subscribe to opinions contrary to their articles of religion.¹⁶⁹ As they see it, a "benign uniformity" is better than a "compulsory 'diversity'".¹⁷⁰ In the name of multiculturalism "the British majority insists on imposing its policy of not taking religion seriously on minorities that do take it seriously".¹⁷¹

Consequently, it may be argued that the problem of integrating a diverse populace into a people possessing sufficient unity has been ignored in favour of playing up to our 'needs' as cultural beings. This has led to fears of multiculturalism resulting in the 'Balkanization' of British life. People fear the destruction of the social bonds that hold society together and the disappearance of a way of life in which the culture of the majority pervaded the whole of social life. They lament the loss of an integrated, organic society and its replacement by a fragmented society. There are fears of separatism caused by diverse cultural groups leading their different lives in the same society in "cultural ghettos". The multiculturalist society may have liberty and it may have equality, but it has no fraternity.

6. Encouraging voluntary assimilation

In the face of the new ethnic politics that asserts that individuals do not have to 'melt' if they do not wish to - what Novak calls the "unmeltable ethnics",¹⁷² - there is a case for encouraging voluntary assimilation as a way of preserving cultural unity whilst still doing justice to the multiplicity of British culture.¹⁷³

Assimilation is not today a popular term. The 'melting pot' is no longer a uniformly praised metaphor for society, as it once was. Rightly or wrongly, it is redolent of a forced conformity and reminds people, not of society's welcome of different groups and races, but rather of society's demands on those it allows to enter.¹⁷⁴ Yet assimilation, properly understood, is neither a dead hope nor a demeaning concept.¹⁷⁵ Encouraging voluntary assimilation does not mean imposing an institutional commitment to a simple, homogenous world. It is not a case of subcultures submitting to a 'superculture' because assimilation has an important effect on the dominant culture. The process of constructing a common culture out of diverse elements is brought about by melting down those elements to create a new culture that is very different from the previously dominant culture. This is the true 'melting pot' society, in which diverse cultures are welded

¹⁶⁸ Bauhn 1995.

¹⁶⁹ Berns 1998, 100.

¹⁷⁰ Berns 1998, 99.

¹⁷¹ Berns 1998, 100.

¹⁷² Novak 1972.

¹⁷³ Cf. Jer. 29 which offers a model of voluntary assimilation in the sense of aliens becoming involved in society and seeking the welfare of the host society.

¹⁷⁴ Glazer 1998, 15.

¹⁷⁵ Glazer 1998, 16.

together into an integrated single culture that is radically different from the original dominant culture, although it absorbs elements of that culture. It is preferable to the 'salad bowl' favoured by normative multiculturalists.¹⁷⁶

In advocating voluntary assimilation, we may distinguish between a 'thick' and a 'thin' sense of culture.¹⁷⁷ The 'thick' sense of culture includes the specific shared practices of the group, whereas the 'thin' sense of culture does not include the specific shared practices of the group but the cultural structure itself, i.e. the group's shared heritage of language and history. In a 'thin' sense of culture it is possible for two persons to belong to the same cultural community without sharing any specific ends or projects. An example is French-Canadians who have a common cultural identity, even if they do not have shared values.¹⁷⁸

Encouraging voluntary assimilation means providing incentives to assimilation, such as voting rights. However, the choice as to whether or not to assimilate remains that of the individual. Therefore, there can be no external interference with the activities of a minority group. Nor is there any question of a dominant majority seeking to forcibly assimilate a minority group against its wishes.

Liberals might prefer a system in which minorities decide for themselves whether to 'buy into' the host culture without the 'carrot' of incentives. However, without incentives to assimilate, it is hard to see how we prevent a drift towards ethnic enclaves that promote separatism and which are counterproductive to minorities in the long run. Liberals may also object that voluntary assimilation is still a means of preserving a particular set of values through forced membership. Yet how can it be truly 'forced' if the decision belongs to would-be immigrants at the point of entry? The truth is that there will always be those who will reject any appearance of an 'official' line.

There remains an ongoing tension between the representation of cultures and their incorporation. Yet, the more diverse we become racially and ethnically, the more important it is that we learn to tolerate differences - and also to celebrate what we all have in common).¹⁷⁹ Whether we live in the United Kingdom voluntarily or involuntarily, the point is that we all *choose* to live here now. We should encourage voluntary assimilation and celebrate that voluntariness.

7. Summary

The nations are God's gift and part of God's purpose. This positive view overlaps with the positive attitude taken in biblical law towards the assimilating foreigner. Every nation shares broad characteristics that are observable by outsiders. Nations are also accountable to God for their actions. Nations have certain obligations and these responsibilities may be heightened depending on their experience of spiritual privilege. The building blocks of nationhood are land, family and language. It is therefore more than simply ethnicity. National identity involves a degree of self-consciousness. Attempts to abolish the constituent elements of nationhood should be rejected and a watchful eye kept on attempts to deplore or weaken national awareness. A course should be maintained between nationalism on the one hand and the folly of world

¹⁷⁶ Ten, 1993.

¹⁷⁷ Kymlicka cited in Ten 1993, 62-3.

¹⁷⁸ Kymlicka cited in Ten 1993, 62-3.

¹⁷⁹ Chavez. 1998,167. We can also celebrate differences as well, especially culturally enriching elements. But we should tolerate, rather than celebrate, differences that undermine common values.

government on the other, in favour of an interdependent world community. Multiculturalism is an important aspect of nationhood. However, normative multiculturalism is a theory based on dubious presuppositions and it turns out to be very problematic in practice. It is unrealistic to expect the state to pass on everyone's individual sense of personal history to everyone else. The most that can be expected is that we make sure that we recognise the contributions each group – once it has arrived here – has made to the common history of this nation. Voluntary assimilation is encouraged as a possible way of countering the fear of the loss of unified nationhood in the face of growing separatism.

Chapter Eight: Protection and Welfare

"...the sinners ... justly suffered because of their wicked acts; for they practised a more bitter hatred of strangers" (Wis. 19:13)

Introduction

Every modern nation has to deal with the *ger* and *nokri*; *viz* the permanent and the temporary foreign resident. Today we would call them the immigrant, the economic migrant, the refugee and the asylum-seeker. Whatever the label, the underlying issues remain the same. We saw in preceding chapters that biblical law places a fourfold duty on the native population. They are to protect such persons from abuse; from unfair treatment in the courts; they are to offer varying degrees of social inclusion depending on the foreigners' willingness to assimilate; and finally, and most radically, they are to love the alien. In this chapter we consider the implications of these fourfold injunctions to multicultural Britain on the cusp of the twenty-first century.

1. Protecting immigrants from abuse

We saw in Chapter Three, 2 above that the 'protection from abuse' envisaged in biblical law is protection from violent maltreatment. We saw that such abuse was common in ancient Israel and that it was conducted not only by the powerful but also by the common person ('Joe Public'). Sadly, the same is true in the UK today. Racial violence is widespread and it is carried out by ordinary people.

a) Racially motivated violence

Statistics from the British Crime Survey (BCS) on racial attacks and incidents in 1988 and 1992 suggest that of the 130,000 crimes committed against Afro-Caribbean and Asian people, a growing number involved a racist element. Data from the British Crime Survey shows that Pakistanis and Bangladeshis are the most likely to be victims of crime. According to Human Rights Watch, the UK now has one of the highest levels of racial violence anywhere in Europe.¹⁸⁰ Race hate victim Mal Hussein has documented over 2,000 racist attacks against him (though what counts as a 'racist attack' is unclear) and brought more than 40 successful prosecutions against offenders. This underlines the need for a proactive prosecution policy involving use of injunctions, intelligence gathering and sharing with the local authority.

b) Racially motivated harassment

According to Government sources, 12,222 racial incidents had been recorded by the police in 1995-6.¹⁸¹ Many of these incidents are labelled as 'low level harassment' such as name-calling, veiled threats and so on. Between 1989 and 1996 the level of reporting increased by 275% indicating, perhaps, an increased willingness to report such incidents to the police. A further surge in

¹⁸⁰ Institute of Race Relations; <http://www.homebeats.co.uk/racism/violence.htm>

¹⁸¹ Home Office 1997a.

the number of racist incidents was reported to the police following the Macpherson Report, an increase of 175% to 17,660 since 1999.

Chahal and Julienne's recent report for the Rowntree Foundation highlighted the pervasive nature of everyday racism. All black and minority ethnic people involved in their research were able to provide at least one account of racist harassment. Notably, full accounts of racist experiences could not be given in many cases because they were too numerous to remember. One said: "You have been conditioned throughout your life to accept this as normal."¹⁸² Over time, racist experiences became interconnected incidents which people then used to make assessments of the risk to themselves as black and minority ethnic people. Another commented: "People think they can get away with it. They have an ingrained thing about superiority. I can prevent certain eventualities like I don't go to a certain area or, for example don't use public transport at night..."¹⁸³

Chahal and Julienne found that nearly one quarter of those interviewed did not report to any official agency until after 18 months of the start of the racist victimisation. In some cases the incidents went on for over four years before official complaints were made. Little protection was given. Many people who reported to the police or housing organisations were not referred to any other agency for support or advice.¹⁸⁴

The study also demonstrated the impact of the experience of racist victimisation. This included a reluctance to leave the home, not letting the children play outside, not going out at night and a raised anxiety about when the next attack would happen. All conspired to reduce the quality of life and wellbeing of black and minority ethnic people. Racial victimisation was also found to impact on spousal relations, particularly regarding the decision to move to the persecuted area. The impact on children was possibly greater than on adults because in some instances they were also experiencing racist harassment at school and on the journey to and from school.

Chahal and Julienne also found that victims were constrained in the way that they were able to use public space. This contributed further to the sense of isolation. Routine activities became major tasks in order to avoid the perpetrators of racist violence. Simple daily tasks such as hanging out the washing and putting out the rubbish became negotiated risk-taking events. In some cases, such basic activities were only undertaken in darkness when the victims knew the perpetrators would not be around. The net impact on health and well-being was quite profound with anger, stress, depression, sleepless nights being common and recurring themes. In a number of cases, families had given up their homes and become homeless rather than face continued victimisation.

c) Tackling racially motivated crimes

Sections 28-32 of the Crime and Disorder Act 1998 make provision for the prohibition of racially motivated crimes. This covers assaults, harassment, public order offences and criminal damage. The difficulty with the legislation is the problem of what motivates a person to commit crimes of violence or criminal damage. Prosecution, magistrates and jury may have a hard time distinguishing between racism on the one hand and, say, random thuggery or simply envying another person's wealth regardless of whether they happen to be black or white.¹⁸⁵

¹⁸² Chahal and Julienne 1999.

¹⁸³ Chahal and Julienne 1999.

¹⁸⁴ Chahal and Julienne 1999.

¹⁸⁵ Brennan 1999.

Further, there are dangers in the criminal law being co-opted into 'identity politics'. This occurs when individuals relate to one another as members of competing groups, based on such characteristics as race, gender, religion and sexual orientation. In this environment and political discourse, it is strategically advantageous to be seen as disadvantaged. On this view, the greater the claim to be discriminated against and victimised (e.g. because one is 'black' or 'homosexual'), the greater the moral claim on society's resources is imagined to be.¹⁸⁶

Section 82 of the Act ensures that those who commit racially aggravated crimes receive increased punishment. Yet some would argue that justice should remain blind, lest it play into the hands of those who are in a better position to manipulate it to their own ends. This can be at the expense of those it was meant to serve. In the US, for example, white victims are using these types of crime against ethnic minority communities to ensure that their sentences are extended. This is a serious problem granted that it is ethnic minorities who are most likely to experience prejudice in the English criminal justice system (see 3 below).

In terms of abolishing tolerance for race crime, there are certainly advantages in trying to make "the perpetrators of race crimes as repugnant in British society as the bombers and gunmen responsible for international terrorism."¹⁸⁷ But there are difficulties with criminalising racist behaviour. Biblical law itself does not specify specific punishments for crimes against the *ger* or for 'racially motivated' crimes against the *ger*. Rather, it backs up its prohibitions against harming the *ger* with powerful motivation clauses. In like manner, the best approach to tackling racist violence in modern Britain is to tackle the underlying resentment and mistrust that are the causes of most forms of racism.

Recent attempts to create a hostile environment for those who perpetrate race crime include the success in March 2000 of Operation Athena. This was a campaign against racist crime co-ordinated by the Met's Racial and Violent Crime Task Force. In addition, the CPS Racial Incident Monitoring Scheme has been renamed the *Racist* Incident Monitoring Scheme. This means that the CPS now records all prosecution decisions and case outcomes under the wider Macpherson definition of racist incident. Other positive developments include making evidence of racial motivation a factor in favour of committal to the Crown Court and preventing plea bargaining from being allowed to exclude evidence that an offence is racist.

2. Protection from unfair treatment in the courts

We saw in Chapter Three 3 that biblical law prohibits judicial oppression of the *ger*. We saw that unfair treatment of the *ger* was common in Israelite courts. Recent research suggests that similar charges of discrimination and lack of access to justice may also be brought against the UK judicial system.

a) Sentencing

Home Office figures show that people from ethnic minorities are over-represented in the prison population, with more than 15% of the male prison population and over 25% of female offenders being from ethnic groups.¹⁸⁸ Excluding foreign nationals from the figures, prisoners

¹⁸⁶ Brennan 1999, 27.

¹⁸⁷ John Grieve, Head of Scotland Yard's Racial and Violent Crime Task Force.

¹⁸⁸ Home Office 1994.

from minority ethnic groups account for 12% of the male prison population and 14% of the female prison population.¹⁸⁹ On this basis, black people form 9% of the male prison population and 14% of the female population even though the proportion of black people in the UK is only 1.3%. A later study found that the difference between the arrest rates for white and black people varied from a ratio of 4:1 to 7:1.¹⁹⁰ The Chinese, too, are over-represented, accounting for 4.2% of the total prison population, compared with 0.7% of the UK population. On the other hand, south Asians, Bangladeshis, Pakistanis and Indians are under-represented in the prison population. Of course, it is not possible to establish discrimination from these figures. A host of variables, such as area of residence, type of offence, social class and other factors have to be held constant for each ethnic group if adequate comparisons are to be made.

Yet, the overall picture, as shown by the following statistics, suggests that racism may have some part to play. Black criminals receive longer prison sentences than whites for the same offences, with black men over 21 receiving the longest sentences. Black and Asian males under 21 received an average sentence of 16 months compared with 12 months for whites. For males over 21, blacks received an average sentence of 25.5 months, compared with 21 months for Asians and 18 months for whites. Statistically significant differences were also found for males aged 21 sentences at Crown Courts for wounding offences. The average sentence length for blacks was 25 months, compared with 19 months for whites. This is despite the fact that a higher proportion of whites had previous convictions than other ethnic groups.¹⁹¹ The study found similar differences in metropolitan and rural areas for males over 21 sentenced at Crown Court for theft and handling offences, with ethnic minority males receiving longer sentences than whites.

b) CPS

A preliminary report in May 2000 has found strong evidence of institutional racism in the CPS.¹⁹² An inquiry into CPS employment practices found allegations of race discrimination against CPS staff, with black and Asian staff being seriously under-represented in senior jobs.¹⁹³

The CPS has recently adopted the new definition of a 'racist incident' advocated by Macpherson; namely "any incident that is perceived to be racist by the victim or any other person". This is now used as part of the CPS Racist Incident Monitoring Scheme. Whilst this may indeed increase support for the CPS and bolster its perceived legitimacy in the eyes of ethnic minority groups, we may query whether it is altogether sensible to employ a definition that is *entirely* subjective.

Encouraging developments include the involvement of the CPS in local multi-agency panels on race and local crime reduction strategy groups and an internal review of training materials on race issues.

¹⁸⁹ The proportion of ethnic minorities in the female prison population has consistently been higher than for males probably because of the number of women known as 'mules' who have been caught attempting to smuggle drugs into the UK.

¹⁹⁰ Home Office 1997b.

¹⁹¹ Among males under 21, the proportion of whites with six or more previous convictions was 39% compared with 27% for blacks and 18% for Asians. The pattern among older prisoners was broadly similar with 60% of whites over 21 having six or more previous convictions; compared to 48% of blacks and 28% of Asians.

¹⁹² Defined by Macpherson as "the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes, and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people."

¹⁹³ *The Guardian* May 11 2000.

c) Prisons

On paper, progress appears to have been good. The Prison Service launched a Race Relations Policy Statement in 1983 and Race Relations Management Teams have since been set up in every prison and Young Offender Institution. But whilst these initiatives are supposed to take action at a local level, this does not always happen because liaison officers, like most of the prison service, have a heavy workload. Black prisoners constitute a disproportionate number of the deaths that occur under restraint and are under-represented in resettlement prisons. A number of black prisoner support groups have been established, working closely with local probation services but unfortunately they tend to be tagged with the label of being a 'militant' group rather than as 'welfare workers'.

The Prison Service's new *Aim, Objectives and Principles* includes an explicit promise to promote equality of opportunity for all and to combat discrimination wherever it occurs. Against this background, the Service recently launched its new RESPOND program (Race Equality for Staff and Prisoners). Prisons have adopted the new definition of a 'racist incident' which, as we have seen above, is arguably over-subjective. Other developments include the Government announcement in 1999 that the Race Relations Act will apply to the Prison Service. However, for this to have any effect, prisoners must be able to complain effectively about racist incidents. It is doubtful whether the existing request and complaints procedure allows them to do this. Finally, there also remains a need to develop specific programmes for racially motivated offenders.

d) Policing

Studies suggest that policing is the part of the criminal justice process that ethnic minority groups fear and dislike the most. In recent years it has proved the most controversial, not least in regard to powers of 'stop and search.' Stop and search' is defended by the police as a useful aid for disrupting criminals and gathering evidence. 'Stop and search' takes place in areas where crime is committed and those repeatedly stopped are, in the main, those with criminal convictions or cautions for the offences for which they are stopped. Figures show that Asians are less likely than whites to be stopped by police and that black youth are more likely than whites to be stopped and arrested. Once detained, blacks are less likely to be cautioned than whites. Black defendants are also more likely to be remanded in custody. There was a steep fall of more than 50% in the number of stops and searches in London in the year following the Lawrence Report which corresponded with a sharp rise of 30% in the amount of street crime. By January 2000, the level of street crime was 50% higher than in January 1999. Senior police figures were quick to point out the connection between the two.¹⁹⁴

Racism within the police is thought to derive from a tight reinforcing 'canteen culture' which in turn derives its strength from a sense of separateness and the experience of facing danger together. Whilst aspects of this organisational sub-culture may be positive, it can lend itself to corruption, incompetence and to bad policing. As the author and former policeman, Ike Eze-Anyika comments: "The average police officer isn't able to distinguish a black burglar from a black banker".¹⁹⁵ Describing his reasons, as an ethnic minority recruit, for leaving the police, Ike Eze-Anyika cited the constant allusion to black people as 'IC3s' [police jargon for 'blacks']. In this culture, if a woman police officer goes out with a black man, she's labelled as 'liking IC3s'.

¹⁹⁴ "The police are not villains of the piece", *The Daily Telegraph*, 1 March 2000.

¹⁹⁵ "Why I had to leave the police", *The Guardian* March 15 2000, p. 16.

Whilst much remains to be done in changing the hearts and minds of rank-and-file officers, 25 of the 39 Macpherson recommendations aimed at the Met have been implemented over the past year and the remainder are in hand. This reflects the commitment by the Met Commissioner to turn the force into a truly anti-racist police service. A record number of black or Asian officers are now working for the Met following a post-Macpherson recruitment drive, although it is still a long way off the ten-year target for ethnic recruitment set by the Home Secretary. How these new recruits are regarded and integrated into the force is, of course, another matter, with Ike Eze-Anyika noting that "when the Met has a recruitment drive it's seen as 'lowering standards'; black people are not seen as having something genuine to contribute".¹⁹⁶

Nationally, however, the picture is somewhat different. More than a third of police forces have failed to hire a single extra black or Asian officer in the year since the Lawrence Report. Indeed, the number of ethnic minority officers has fallen in nine of the 43 forces in England and Wales and seven others have recorded no increase.¹⁹⁷

One encouraging trend is a recent ESRC study on public perceptions of the police which found that black and Asian communities think that police attitudes are improving, despite the Stephen Lawrence case.¹⁹⁸ These perceptions will be monitored closely. In a separate development, future sweeps of the British Crime Survey will ask ethnic minorities for their views and experiences at the hands of forces. This is intended to provide a new check on police performance and racism.

Ultimately, the aim of the police should be to take not the slightest account of colour but to pursue all criminal suspects with equal vigour. To this end, all reforms must be placed in the context of routine policing. As Holdaway argues, if police race relations are understood as a specialism of individuals or of a particular type of policing, they will fail because they ignore the mundane processes that can lead to racially discriminatory policing.¹⁹⁹

3. Fair employment policy

We noted in Chapter Three 9 above that biblical law is concerned to preserve the dignity of the immigrant in economic matters. The injunctions against economic oppression and against withholding wages point in the direction of a fair employment policy.

The overall economic activity rate for people of working age from ethnic minorities in Britain in 1995-96 (65%) was lower than the rate for white people (80%); a difference that was greater among women than men. However, there was considerable variation between the individual groups (e.g. Black Caribbean women and white women had very similar economic activity rates (72% and 73%) and Black Caribbean and Indian men had rates only 5% lower than white men (81% each versus 86%). Meanwhile, only 22% of Pakistani and 21% of Bangladeshi women were active in the labour market, although these figures may underestimate work carried out in family businesses and in the informal economy.²⁰⁰ In 1995/96 the unemployment rate for people from ethnic minorities (18%) was more than double the rate for white people (8%). Black men and

¹⁹⁶ *Ibid.*

¹⁹⁷ "Police race failures exposed", *The Guardian* 24 February 2000, p 1.

¹⁹⁸ *The Guardian* 8 March 2000.

¹⁹⁹ Holdaway 1998, 16.

²⁰⁰ Commission for Racial Equality 1997a, 1-2.

women were more likely (19% and 23% respectively) to be unemployed for 1-2 years in 1995-96 compared with 15% and 13% of white men and women respectively.²⁰¹

Regarding employment trends, current figures suggest that, in contrast to white female employment which grew from 59% in 1984 to 68% in 1995-96, the rate for ethnic minority women grew by only 2% over the same period from 44% in 1984 to 46% in 1995-96.²⁰² A survey by the West Midlands Low Pay Unit found that nearly half (49%) of all Pakistani and Bangladeshi workers in the region earned less than £4.50 per hour in 1995 compared with 32% of Indian workers, 31% of white workers and 21% of people of black origin.

A report by the Home Office ('Race Equality') in the public services discussed overall employment rates and found that over the past 15 years rates have risen for most ethnic minority groups at a similar rate as for white people. However the employment rates amongst ethnic minority groups are lower, with 79% of whites employed and only 57% of Pakistanis or Bangladeshis, a differential that is virtually unchanged over the past decade. It also showed that white pensioners' median income is £136 against £114 for black people. A total of 24% of black people in spring 1999 were in workless households, compared with 12% for white people.²⁰³

Biblical narratives describe how, variously, Joseph and Daniel were able to rise to the top of the Egyptian and Babylonian (and, later, the Persian) civil service. Similar expectations ought in principle to be open to members of ethnic minorities in the UK today. Yet, a report by the Institute of Employment Studies for the Cabinet Office shows that black people are not only disproportionately represented in lower civil service grades, but also receive lower performance markings, allegedly because of the possible racist perceptions of senior civil servants.²⁰⁴

4. Inclusion

We noted in Chapter Three 5 and 6 that ancient Israel was to have a welcoming attitude towards immigrants. Israel herself had been a refugee, first from famine-stricken Canaan and later from Egypt. She was familiar with the upheavals that caused people to become refugees. Israel was to welcome both the assimilating and the non-assimilating *ger*, although only the former were to be culturally integrated.

Modern Britain does not, of course, have to engage with the question of cultic integration. Cultic integration is a matter for the church, which is called to witness to the true multi-racial and multi-ethnic community that is found in Christ. For modern Britain, with border controls that were unknown in ancient times, the question of 'inclusion' is most sharply addressed in terms of immigration.

Historically speaking, Britain has always been a mixed society. It is a nation peopled by migrants from the Bronze Age and Neolithic migrants who travelled to north west Europe, to the refugees from eastern Europe and Africa who arrive in Britain today.²⁰⁵ Seven per cent of the present UK population were not born in the UK.²⁰⁶ Applications from asylum-seekers to enter the country are steadily increasing. Before the collapse of the Berlin Wall in 1989, the UK

²⁰¹ Commission for Racial Equality 1997a, 2.

²⁰² Commission for Racial Equality 1997a, 3.

²⁰³ *The Guardian* April 15 2000.

²⁰⁴ *Ibid.*

²⁰⁵ Commission for Racial Equality 1996.

²⁰⁶ *Ibid.*

received an annual average of fewer than 5,000 asylum applications. In the early Nineties, however, the number of applications increased dramatically, with more than 26,000 applying in 1990 and 44,480 in 1991. In 1999, applications for asylum in Britain rose to more than 71,000. This is not especially flattering as the same trend is to be found across Europe. In Switzerland, numbers have doubled, whilst in Austria and Belgium they have tripled.²⁰⁷ The Home Office states that 71,160 people applied for asylum last year. Kosovan refugees account for 11,465 of these, but even without Kosovo the figures show a marked increase from the figure of 46,105 in the previous year. Most cases are refused; last year 54% of cases were refused and the year prior to that was 71%. A backlog of 99,000 cases (as of April 2000) are now being processed at the rate of 9,000 a month.

The upsurge has created a queue of asylum seekers waiting for a decision on their cases. A special exercise is under way to clear the backlog of applicants whose cases have been pending since before 1996. Further difficulties are posed by the introduction of the Human Rights Act 1998 in October 2000. It is thought that the rate of hearing a case will be reduced to one a day because of the time needed to go through the evidence. The asylum procedure remains a contentious issue. In March 2000, 1,400 Dover residents signed a petition protesting against Kent county council's decision to add £3 to the council tax to pay for the upkeep of refugees.²⁰⁸

a) Immigration policy

UK immigration policy is "to reduce and keep new immigration to a small and inescapable minimum". A number of Acts have been passed in recent years aimed at stiffening procedures. The Asylum Act 1998 led to a four-fold increase in airline liaison officers stopping people with invalid documents from travelling to the UK; the 1993 Act tightened the appeal process and the 1996 Act restricted benefits. Attempts were made in 1996 to remove all welfare benefits from asylum seekers. However, this was ruled illegal by Lord Justice Simon Brown on the grounds that it "contemplates a life so destitute that to my mind no civilised nation can tolerate it". He ruled that under the 1948 National Assistance Act there was a duty to provide care to and accommodation for asylum seekers.

The Immigration and Asylum Bill abolishes welfare benefits but replaces this with 'vouchers' worth £35 a week. Other key measures in this legislation, currently before Parliament, include the following:

- New powers to disperse refugees around the country. Accommodation provided on a no-choice basis;
- Fines of £2,000 per illegal passenger on lorry drivers coming into Britain;
- Regulation of immigration advisers;
- Increase in airline liaison officers abroad to curb numbers travelling to Britain on forged papers;
- New legal framework for detention of asylum seekers;

²⁰⁷ *The Daily Telegraph* April 20 2000.

²⁰⁸ *The Guardian* 28 March 2000.

- Most cases to be decided within six months by April 2001;
- Crackdown on marriage for immigration purposes

An earlier plan to require all visitors from the Indian sub-continent to post a £10,000 bond if immigration officials suspect that they intend to remain in the country after their visas expire was dropped under pressure.

Perhaps the most contentious aspect of the Act is the abolition of welfare benefits in favour of a 'vouchers' scheme. This has been condemned in some quarters as demeaning. In addition, the company with the contract to run the national voucher scheme has told potential retailers that, as a cash incentive to take part, they can keep any change that is due to asylum seekers. So far, 4,411 retailers with 10,789 shops, including some major chains, have signed up to take part in the scheme. This may mean that asylum seekers pay more for their shopping than native customers who can better afford it. The Home Office argues that since the vouchers include a £10 token that can be exchanged for cash, there is no reason for them to end up buying shopping for less than the value of the vouchers they have. However, there is still a risk that many will lose out. If so, the result will be to redistribute wealth from penniless refugees to supermarket giants such as Tesco and Sainsbury's. Yet the precarious position of immigrants should be an added motivation not to exploit them but to respect their rights and to treat them with justice.

In all, current policy and practice belies Ann Widdecombe's claim that Britain is a "soft touch" for refugees and that bogus asylum seekers are "flooding" the country. Britain takes on fewer refugees than other European countries. In 1995, from a total of 43,965 applications for asylum, the UK refused 21,300 requests, granting asylum to 1,295 refugees and Exceptional Leave to Remain to a further 4,410.²⁰⁹ For comparison, Germany accepted 615,000 refugees in 1997.²¹⁰ In terms of the number of asylum-seekers it accepts per head of population, Britain lies halfway down the EU table.²¹¹

b) The need for immigrants

Current immigration policy is essentially 'anti-immigration'. It concedes that asylum may be justified in certain tightly circumscribed cases but holds that immigration for its own sake is unthinkable. Economic migrants and immigrants from countries where their safety is not an issue are excluded. There are several reasons for thinking that this negative view of immigrants is ill-founded.

First, it is a fact of history that immigrants and their immediate descendants make a contribution to the life of the nation out of all proportion to their numbers (witness the disproportionate contribution of British Asians to UK business and professional life). As Sion Simon writes: "Anyone who drags himself from the mud of some far-flung eastern hell-hole to build a new life in a country whose language he does not even speak shows more enterprise, determination and ambition than most of us will ever know".²¹² Britain's history of welcoming

²⁰⁹ Commission for Racial Equality 1997b, 1.

²¹⁰ *The Economist* 6 May 2000, 26.

²¹¹ *The Economist* 6 May 2000, 20.

²¹² "We need more economic migrants"; *The Daily Telegraph* 17 April 2000.

refugees from persecution has brought important benefits to the UK.²¹³ Cairncross and Masani likewise argue that we need the human ingenuity represented by asylum seekers and economic migrants; The less willing Britain is to import talent from all over the world, the greater the competitive advantage we sacrifice.²¹⁴

Second, each new influx of immigrants widens and advances our sense of what it means to be British.²¹⁵

Third, it is in our self-interest to encourage economic migrants. As Britain's population ages, the active labour force is set to shrink and wages are likely to increase as a result. The aged will also need more labour intensive services (such as the caring professions) just when the number of workers is shrinking. For this reason, we will need more, not fewer, immigrants. It is estimated that the EU will need to import 1.6 million migrants a year simply to keep its working-age population stable between now and 2050.²¹⁶ Some developed countries are already beginning to reshape immigration policy in order to recruit the workers they need; both the high-tech ones to fashion software and the low-tech ones to gut chickens and to do all the other jobs that natives find unappealing. The German Chancellor is making arrangements for an extra 20,000 software specialists to be recruited in from India and Eastern Europe by July whilst Ireland is considering proposals to import some 200,000 skilled workers over seven years.²¹⁷

Fourth, economic migrants create jobs for natives. An increase in the numbers of workers usually expands the economy and so increases the jobs available for native workers.²¹⁸ A study of the Los Angeles garment industry showed that the industry's survival depended on the availability of Mexican illegal immigrants. Expelling immigrants is a recipe for rising native unemployment. Commonwealth immigrants have proportionately created the most companies of any immigrant group in Europe. Foreign-born EU residents earn around £290 billion and pay £95 billion in taxes. Their costs, in welfare bills, are £57 billion.²¹⁹

Fifth, labour migration generates strong reverse flows of money with workers sending money home to their families. The UN has calculated that if immigration controls in the developed countries were abolished there could be a massive flow of income from the earnings of migrant workers back to developing countries. This would be far in excess of current flows of aid or private capital. In this way, increased economic migration could help to ease world poverty.²²⁰

Finally, the fact remains that however restrictive official UK immigration policy becomes, at least 400,000 - 500,000 economic migrants a year will slip into the EU or pay traffickers to smuggle them in²²¹, sometimes with tragic consequences.²²² If we are going to end up with

²¹³ Commission for Racial Equality. 1996. These benefits were explicitly recognised by William Hague in a speech in April 2000.

²¹⁴ Frances Cairncross and Zareer Masani, "They're good for us", *The Guardian*, 28 Dec. 1999.

²¹⁵ As recognised by William Hague in a speech in April 2000.

²¹⁶ *The Economist* 6 May p. 19.

²¹⁷ *The Economist* 6 May p. 25.

²¹⁸ Nigel Harris, "Racists are so blind", *The Guardian* 2 May 2000.

²¹⁹ *The Times* 19 April 2000.

²²⁰ Nigel Harris, "Racists are so blind", *The Guardian* 2 May 2000.

²²¹ According to the International Centre for Migration Policy Development, Vienna.

²²² On 19 June 2000, 56 immigrants suffocated in a container lorry smuggling refugees into Britain. Accompanying newspaper reports suggested that organised gangs trading in illegal refugees charged £15,000 a head to smuggle Chinese into Britain.

more immigrants, it is in our interest to give them at least a firm legal status. The firmer their legal status, the more these mostly ambitious incomers will contribute to national wealth.

c) Selective immigration policy

This analysis points in favour of a selective immigration policy. This would encourage vulnerable foreigners (genuine refugees) and deserving foreigners (economic migrants who are anxious to assimilate and keen to make a contribution to national life) but discourage those who are either ungrateful or unwilling to make a positive contribution. Broadly speaking, the goal should be to encourage strivers and not scroungers. This strategy might run the risk of robbing poorer countries of the people they are least able to do without. However, we have already noted the benefits that accrue when emigres send home the remittances they earn in rich countries. There are reasons for thinking that such a policy would have public support. Public anger appears to be directed against criminal *exploitation* of the immigration system and not against the principle of immigration itself.

Regarding current immigration policy, we must enquire as to the benefit of keeping asylum seekers in limbo for months and years, discouraging them from working but resenting their dependence on benefits.²²³ We would do better to include them in a more flexible immigration policy that assesses their skills and allows them to stay, at least temporarily, if they can be self-supporting. At least half of them will be allowed to stay anyway. Of course, we need to protect ourselves against abuse. But we may query whether Hague's plans for virtually automatic detention in special centres for all new applicants for asylum, a presumption against those countries deemed 'safe' and an agency to deport those whose claims are rejected are, respectively, cost-effective, fair and practical.

What we need is a system that deals with new arrivals fast and expels those refused entry promptly. This should go hand in hand with a more selective policy that accepts that some immigrants bring greater economic benefits at lower social costs than others. Global migration will continue to grow and we should harness that for our benefit rather than try to pretend that it does not exist.

That said, there are more noble reasons than self-interest for advocating a pro-immigrant policy. There is a responsibility - not to say an obligation - upon Western countries, notably traditionally 'Christian' countries and former colonial powers, especially Britain and France, towards poorer nations where most immigrants come from. The problem of immigration is also an issue of justice and solidarity between the nations worldwide (cf. Matt. 25:31-46). It needs to be addressed at the receiving end (the developed world) as well as at the sending end (developing world). The precise number of immigrants that should be admitted is a subject for a separate study but a key issue is how the numbers admitted affect the welfare of the countries immigrants come from. We should take care not to rob poor nations of their wealthy talent. Regarding the poor who seek political asylum, we have the choice whether to admit them as an act of mercy or to increase the amount of foreign aid to the country in question. The latter course of action might be more effective insofar as the money can be used to help a larger number of beneficiaries. A further issue in determining the optimal number of immigrants is the likely impact upon the most vulnerable parts of our own society. Again, it may be that intelligently-directed overseas aid may be a means of fulfilling our obligations

²²³ Frances Cairncross and Zareer Masani, "They're good for us", *The Guardian*, 28 Dec. 1999.

towards low-income people in, say, Africa without threatening the position of low-income groups in the UK.

5. Loving the alien

We saw in Chapter Three **10** that the Bible goes beyond the command not to oppress the *ger* and requires us to befriend the immigrant and to love him (Deut. 10:19). The movement is from a negative command ('do not oppress the immigrant') to a positive command ('love the immigrant'). Recent research concerning perceptions of racism in Northern Ireland indicates how far certain parts of the UK have yet to travel. Researchers at the University of Ulster found that more than a quarter of those interviewed were not happy with the idea of an Afro-Caribbean, Asian or Chinese person living in their district; one in three was not comfortable with these groups as colleagues at work and two in five were unlikely to befriend anyone from a different racial background.²²⁴

a) Race Relations (Amendment) Bill

Part of what it means to 'love the alien' is to combat discrimination wherever it is found (notably in the area of employment) and to promote an inclusive society. In this regard, the Race Relations (Amendment) Bill currently before Parliament is significant.

The 1976 Race Relations Act made race discrimination unlawful in the fields of employment and education and in the provision of goods, facilities, services and premises. One of the main deficiencies of the Act, however, is its limited application to public authorities. The new Bill seeks to extend the 1976 Act to cover public bodies generally, implementing one of the Government's commitments made in response to the Macpherson Report. As David Pannick comments: "A Government which rightly recognises that public authorities should be giving a lead in combating race discrimination cannot seriously defend lower standards for the police, the Prison Service and Customs and Excise than for building societies; Sainsbury's and Wentworth golf club".²²⁵ Lord Lester of Herne Hill has recently succeeded in getting the Bill extended to cover indirect discrimination (e.g. dress restrictions for employees) as well as direct discrimination (e.g. treating someone less favourably on racial grounds). This should make a substantial contribution to the promotion of equality by public authorities because it will provide a legal incentive for public bodies (including the police) to behave better.

Yet even a perfect law is not able to guarantee that immigrants will not be discriminated against. *People* need to change and here is one specific feature of biblical law and the Christian message which is to love your neighbour - including the immigrant, as yourself.

²²⁴ *The Independent* 15 April 2000. Notably the Race Relations Order was not implemented in Northern Ireland until 1997; 21 years after the rest of the UK.

²²⁵ "What is wrong with the new Race Relations Bill", *The Times* 18 January 2000.

b) Becoming colour blind

However, we must beware the sort of race sensitivity that tells the public and public bodies that they must be thinking about it all the time. We cannot have a situation where people are so sensitive to racism that they are unable to do their jobs properly. In the long run, this is not good for race relations. 'Loving' immigrants means reaching out to them, befriending them and admitting them into our hearts and lives. 'Loving the alien' means a true non-racism that sees no difference between Afro-Caribbean and Caucasian and judges each person on his or her own merits. Here, the church is the paradigm. Ethnicity does not disappear, rather it is lowered to the point of innocuousness, being superseded by a new kind of social identity.²²⁶

In addition, the church has a duty to model a hospitable attitude towards unbelieving immigrants that is marked by a spirit of charity. It should condemn by its example "the spirit of self-absorption, suspicion and rejection that human beings all too quickly assume in response to what is foreign to them."²²⁷ As Moucarray notes: "If I am content simply to exist alongside the foreigner, making no effort to know him or understand him, I will be more likely in crisis to consider his presence as a threat to my existence. If on the other hand I make the effort to meet with him, I discover beneath his foreignness a neighbour who symbolises God's call to me to broaden my horizons and to live with my brother in a common humanity".²²⁸

6. Summary

Biblical law suggests a number of duties in relation to, variously, the immigrant, the economic migrant, the refugee and the asylum-seeker. In broad terms they are as follows: to protect such persons from abuse; to protect them from unfair treatment in the courts; to offer varying degrees of social inclusion depending on the foreigners' willingness to assimilate; and finally, and most radically, to love the alien. Some of the implications of these fourfold injunctions to multicultural Britain relate to at least the following areas. 'Protection from abuse' includes protection from racially motivated violence and racially motivated harassment and involves developing progressive attempts to tackle racially-motivated crimes. It also includes attempts to develop a fair employment policy. 'Protection from unfair treatment in the courts' includes looking at evidence of discrimination and lack of justice in the different parts of the justice system. This includes sentencing policy, the CPS, prisons and policing. 'Social inclusion' relates most topically to the question of asylum and to current reforms in immigration policy. Biblical law raises questions about the spirit of the Immigration and Asylum Bill currently before Parliament and encourages a more generous approach, as do a number of social commentators on economic grounds. Finally the new Race Relations Bill has potential towards fulfilling the injunction to 'love the alien'.

²²⁶ Clements, 1998 22.

²²⁷ Moucarray 1988, 20.

²²⁸ *Ibid.*

Chapter Nine: Conclusion

Recent legislation and expressions of public concern regarding race relations and immigration mean that now is an appropriate time to re-examine our attitudes towards the alien in the light of biblical law. Biblical law is a rich resource for our reflection because race relations, ethnicity and multiculturalism were particularly acute issues for the ancient Israelites. This was partly because Israel had, from the very beginning, a large foreign population and partly because the location of the Promised Land ensured that she would encounter constant conflict with foreign peoples. Biblical law provides us with an ethical response because it is informed throughout by Israel's awareness of her own status as a wandering, refugee people that has no absolute rights over land.

Biblical law is particularly instructive to the current debate for a number of reasons.

First, biblical law transcends traditional left-wing or right-wing responses to immigration and race relations. At certain points biblical law reflects the policies and values associated with both the left-wing and the right-wing on these issues. For example, biblical law advocates the policy of 'loving the alien'. In practical terms, this means protection from abuse (physical, economic and judicial) and providing for immigrants' welfare. This accommodating policy towards immigrants may echo left-wing inclusivity. Yet, at the same time, biblical law is equally clear about the need to preserve Israel's national and religious identity in the face of foreign competition. There was zero tolerance for harbouring foreigners or foreign influences that were apt to lead Israel astray from her exclusive worship of YHWH. This nationalist zeal may echo right-wing exclusivity. For these reasons, biblical law cannot be simply identified with either a 'left-wing' or a 'right-wing' approach. As such it offers a way of transcending the currently polarised debate.

Second, biblical law expresses its concern for national identity without becoming xenophobic. This is because Israel's positive view of her national identity is based on the belief that nationhood is God's gift and part of God's purpose. If Israel has a right to her national identity, the other nations have a right to theirs. Moreover, biblical law distinguishes between the threat posed by foreign *influences* and the threat posed by foreign *peoples*. Biblical law contains numerous warnings about the dangers of foreign *influence* upon the Israelite community. Israel was more opposed to 'foreignness' in the form of non-YHWH worship or false YHWH worship than it was to foreigners in general. Biblical law is swifter to condemn foreign religious *influences* than foreign *peoples*. This is because, for ancient Israel, religious identity was a more important issue than ethnic identity. Ethnic boundaries were of secondary importance in defining national identity. Israel's defining attribute was to be *not* an intense ethnicity but an intense devotion of YHWH that transcended ethnic divisions. The most common markers of ethnic identity (language and phenotypical appearance) did not play a vital role in Israelite ethnicity. Faith and religion were much more important. This is also relevant to the current debate, where it is often erroneously assumed that nationalism goes hand in hand with xenophobia. In fact, true nationalism respects the identities of other nationalities.

Third, biblical law discriminated between different categories of foreigners, depending on the degree to which they assimilated. This is consistent with Israel's policy of zero tolerance toward any potentially hostile influence. Assimilation neutralised any potential threat that foreigners might represent. Those who assimilated into Israel by accepting her religious beliefs and culture were treated, so far as possible, as native-born. Those who did not assimilate but who chose to settle within Israel's borders were treated less generously. These people in turn were treated more favourably than those who operated within Israel's borders neither as converts nor as settlers. The sliding scale of 'commitment to Israel' and 'favourable treatment' continues downward until we meet the proximate, virulent enemies of Israel,

the Canaanites, who are to be exterminated for reasons of the long-term perversion of the culture, illustrated *inter alia* by the prevalence of child sacrifice.

In this way, the biblical approach to race relations and immigration is double-edged. It is positive in its attitude towards immigrants who are willing to assimilate and it is tolerant of non-hostile foreigners who are not willing to assimilate. But this open and welcoming approach is not achieved at the expense of national, or religious identity. This double-edge undercuts both traditional political perspectives. It undercuts traditional right-wing xenophobia and mean-mindedness. It also undermines left-wing slowness to unashamedly protect the interests and values of the host culture. Biblical law achieves this by promoting two mutual and positive goals, that is, welcome to the refugee and national identity. The two goals are interdependent because welcome to the refugee played a crucial part in Israel's national history. "Love the alien therefore; for you were aliens in the land of Egypt" (Deut. 10:20).

In biblical law these two impulses (hospitality and nationalism) are fused by devotion to YHWH. Translating this into modern terms we might say that the notion of *allegiance* to the adopted country should be the foundation of an ethical race relations and immigration policy. Biblical law demonstrates that a nation can maintain both a welcoming attitude towards outsiders and strong sense of its national identity provided there is an expectation that foreigners who want to settle are willing to demonstrate loyalty to the host country and are willing to assimilate into the host culture. Such foreigners should be treated, so far as possible, in a similar manner to the native-born. Foreigners who are not inclined to demonstrate allegiance, or who do not intend to settle (for example, if they are temporary refugees) may be treated less generously than the native-born and those who have demonstrated their willingness to assimilate.

Central to this approach is the readiness of biblical law to discriminate between different categories of foreigners. Ancient Israel distinguished between at least the following classes of people: the *ezrach* (or native Israelite); the *ger* (defined according to their socio-economic status and their ethnicity). The *ger* might be an assimilating *ger* (that is, a non-Israelite who settles among the Israelites, who has converted and who is able to take part in national life) or he might be non-assimilating *ger* (that is, a non-Israelite who settles among the Israelites but who has not converted and who is not able to take part in national life). The *nokri* and the *zar* refer to foreigners whose home is outside Israel's borders. Although they might presently be within Israel's borders as, for example, travelling merchants, they are still *nokri* and *zar* because, crucially, their allegiance is not with Israel.

Similar distinctions may be made between different categories of foreigners today. The modern equivalent of the *ger* is the immigrant. Many immigrants arrive in the UK because they have a close relative such as a father or a husband already resident.²²⁹ Some immigrants want to assimilate into British cultural life whilst others do not. The latter choose to remain in the ghetto and, in some cases, choose to remain ignorant of the native language. Modern analogues of the *nokri* or *zar* who is temporarily resident within the national borders but whose home is elsewhere might include the hundreds of migrant workers from Belorussia and further afield who pick lettuces on Norfolk farms because the "natives" are unwilling. They might also include those on official 'work-permit' schemes as well as the 'cross-border commuter.' These 'labour tourists' or 'incomplete migrants' shuttle back and forth across an EU border, often earning a

²²⁹ In 1997, 97% of the 58,700 immigrants accepted for permanent settlement in the UK were the spouses, mostly wives, or children of those already living in the country, *The Economist* 6 May 2000, p. 26.

living in the EU to support a family outside it. They may work in the EU for only a few weeks at a time but they will spend most of any year there. Like the temporary *nokri* or *zar* their 'home' is outside the national perimeter.

Biblical law makes important distinctions between the treatment of these different groups.

First, the assimilating *ger* is treated much more favourably than the non-assimilating *ger*, the *nokri* and the *zar*. The assimilating *ger* has thrown in his lot with the people of Israel and hence deserves to be treated, so far as possible, like a native-born. To this end, he is allowed to take part in the major Israelite feasts, including the Passover and other cultic events such as the Day of Atonement and the reading of the Law. They are also allowed to bring sacrifices. However, *in spite of their assimilation, there are real limits to their political and economic involvement*. They can never become Israelites and as such they are not allowed to own rural land. Moreover, if as a result of native Israelite misfortune they should own Israelite land, they must surrender this at the next Year of Jubilee. Biblical law sets limits to the degree to which immigrants are allowed to benefit at the expense of the native population. In addition, even an assimilating *ger* is not allowed to become King. Only a native Israelite may lead the nation. Assimilating *ger* are not a threat to Israelite national life because they have assimilated. But limits are placed around their involvement in national life which further neutralises any potential threat that they may represent to the natives.

Second, the non-assimilating *ger* is treated less favourably than the assimilating *ger*. At certain points the non-assimilating *ger* is treated in the same way as the assimilating *ger*, for example, in the matter of access to the cities of refuge which explicitly includes the *toshav* (the Priestly term for the non-assimilating *ger*). However, on the whole, the non-assimilating *ger* is treated less favourably than the assimilating *ger* in the sense that he is not allowed to take part in any cultic activities.

Third, Biblical law distinguishes between the non-assimilating *ger* and the *nokri*. Animals that have not been ritually slaughtered are to be given to the non-assimilating *ger* as an act of charity but they are to be sold to the *nokri* (Deut. 14:21). This may reflect a sense of obligation and fellow-feeling toward those who have chosen to settle in the land, even though they have not assimilated. This fraternity, however, does not extend to visiting foreigners (*nokrim*). The basis for the distinction may also be economic. It may be that biblical law distinguishes between the non-assimilating *ger* who is in need of economic support and the visiting foreigner who has independent means and who is thus expected to pay for what he gets. In similar vein, the Israelites did not have to cancel the debts of foreigners (*nokrim*) every seven years (Deut. 15:23). Again, there is a duality of ethics. Likewise, the Israelite were not allowed to charge their own people interest when lending food or money, but they were allowed to charge a foreigner interest (Deut. 23:20). On the other hand, the *nokri*, like the non-assimilating *ger* and the native, were granted access to the cities of refuge.

Fourth, Israel distinguished between different kinds of *nokrim* and again her treatment of these groups varied according to their identity. Israel's treatment of distant peoples took the form of standard military practice, which included the option of surrender. Israel's treatment of the native population of Canaan on the other hand was harsher, consisting of total annihilation and a policy of strict endogamy. Ammonites and Moabites were allowed to form part of the Israelite population, but were not allowed to take part in cultic activities because of their past behaviour towards Israel.

The question arises whether there is value in drawing distinctions between different groups for public policy today. If we were to take a steer from biblical law in this regard, we might begin by drawing a distinction between natives and immigrants. This may mean taking account of the feelings of indigenous populations when framing policy, even though these views

may not determine the final result. In particular, it may mean taking account of the views of the native urban poor. Biblical law suggests that the worthy desire to meet the needs of immigrants should not overlook the needs of powerless natives.

Second, we might want to distinguish between assimilating and non-assimilating immigrants and in particular to provide incentives for assimilation and disincentives for non-assimilation. At present, the prevailing assumption is that there should be no incentives for assimilation nor disincentives for non-assimilation. This is partly responsible for the social trend away from the 'melting pot' toward that of the ghetto or enclave. John O'Sullivan, writing in the *American National Review*, comments that up until about 20 years ago the idea of different ethnic groups being incorporated into a common identity was universally celebrated.²³⁰ Yet over time it has been replaced by the concept of diversity. This purports to be a more tolerant approach that allows people to retain their own culture and not be 'forced' to adopt the 'brutal bargain' of assimilation. However, this has proved a positive bar to assimilation and has arguably stirred up racial strife among minorities. O'Sullivan argues that our best hope for a harmonious multicultural society is if people are encouraged to draw from a common culture rather than ethnic loyalties.

It is worth noting in this regard that biblical law largely avoids the problem of the 'ghetto' because immigrants, in a great many cases, lived with the household of the patriarch. The immigrant referred to in at least some of the laws is a member of a large household who is under the authority of the patriarch and not a self-sufficient individual who participates independently in society. This method of accommodating immigrants was another way of maximising assimilation and neutralising any possible threat they might pose either to the native or to national life. These one-to-one dealings between natives and immigrants were also an ideal way of building up mutual trust and respect. This contrasts with the modern tendency to treat 'immigrants' as a class with little individual differentiation. It also contrasts with the modern growth of autonomous self-sufficient enclaves that have little contact with the host community.

In general terms, there are good reasons for thinking that the melting pot model offers better relational prospects than the ghetto. Multiracial ghettos where assimilation is minimal risk a lack of commonality. In other words, the different racial groups that make up the area risk losing a shared set of values and objectives. This in turn leads to a real restriction on multiplexity in which people from different racial groups do not meet each other in different contexts, whether schools, places of worship or recreational grounds. This can result in a fractured environment where it is difficult for people of one racial or ethnic group to get to know people of another racial or ethnic group. Cases of racism and inverse racism (blacks deliberately targeting whites) are more likely when there are no shared goals, activities and experiences and where people are not doing things together.

There are different ways of encouraging assimilation. It is well-known that, for example, in Switzerland, citizenship is dependent on the applicant's ability to pass an exam and history test and to speak the native language. Citizenship requires assimilation. Similar conditions might be laid down for would-be immigrants, refugees and asylum-seekers. If they are going to stay, they might be encouraged to assimilate, whereas those who are only going to stay for a short period of time (e.g. Kosovar refugees) might be exempt from assimilation. Another approach might be to encourage immigrants to move in the direction of greater assimilation without imposing values upon them directly. If immigrants do not want to

²³⁰ *National Review* March 2000.

integrate, we might question whether they should then be allowed to enjoy full political rights (for example, should they have the right to vote if they are not committed to the long-term future and welfare of the society?). After all, if an immigrant is unwilling to learn the language, we might question how much the person is able to understand of public discourse. The issue is one of providing incentives for assimilation.

There is a need to develop modern rites of passage that express and reward the transition from non-assimilating to assimilating foreigner. Some countries (e.g. Australia) express this formally in citizenship ceremonies. It is not difficult to imagine formal equivalents that might be devised for the UK or even informal events, such as 'patriotic parties', where former refugees could swear allegiance to Queen and Country before joining every one for a cream tea or a drink. The idea is that immigrants should feel warm about their adopted country and a sense of responsibility and privilege. The Hungarian Egon Ronay, giving a speech of gratitude at a food awards ceremony in London, declared: "I spend my life testing revolting motorway food because I want to give something back to Britain, the land that gave me a home in the 1950s when it was still reeling from food rationing."²³¹ Immigrants should be encouraged to assimilate and to see this as an opportunity to make their names and to repay their hosts. At the same time, it is important to underline that this assimilation process depends to a great extent on whether immigrants are made to feel at home in their host country. This requires more than anti-discrimination laws: it requires loving and hospitable people who are prepared to welcome the stranger. Again, this is something that comes out very dearly from the biblical message.

This pro-assimilation policy should go hand-in-hand with a positive immigration policy. One reason why assimilating foreigners is a source of blessing to Israel is because they are keen to make a contribution to national life (Chapter One 6) . One million job vacancies around Britain suggests that the Government could afford to be generous to enthusiastic, hard-working applicants.

But whilst there may be incentives to assimilation and disincentives to non-assimilation, *all* immigrants, whether assimilating or non-assimilating, are entitled to protection from oppression, whether physical, economic or judicial. We have seen that there is much that can be done to improve the UK's record in this regard. However, it is important to be even-handed. Otherwise, there is a risk that we may end up with the situation currently described in the States where white-on-black crimes are highlighted to shame white America out of its racism; black-on-white crimes are downplayed lest they encourage white America in its racism and any broader social indicators such as crime statistics or police tactics must be judged by the test of whether they serve to encourage or restrain white racism.²³²

In this regard we may query the value of adopting Macpherson's subjective definition of what counts as a 'racist incident'. Certainly we must abolish tolerance for race crime and applaud the goal of making "the perpetrators of race crimes as repugnant in British society as the bombers and gunmen responsible for international terrorism."²³³ But there are difficulties with criminalising racist behaviour. Notably, biblical law itself does not specify specific punishments for crimes against the *ger* or for 'racially motivated' crimes against the *ger*; Rather, it backs up its prohibitions against harming the *ger* with powerful motivation clauses. In like manner, the best approach to tackling racist violence in modern Britain is to tackle the underlying resentment and mistrust that are the causes of most forms of racism.

²³¹ "Hague's way offers the best hope for refugees", The Daily Telegraph 19 April 2000.

²³² "Justice Should be Colour-Blind", Christopher Rapp. National Review 19 June 2000.

²³³ John Grieve, Head of Scotland Yard's Racial and Violent Crime Task Force.

Furthermore, an ethical approach to race relations and immigration that is informed by biblical law might caution against a pro-immigration policy that jeopardises national identity. By all means we should emphasise those aspects of our national story that ought to encourage us to welcome refugees and immigrants. We saw that biblical law frequently appeals to Israel's history in order to motivate discharge of responsibilities. Behaviour and ethics are based on a retelling and a remembrance of a community narrative. In similar vein we should seek the interrelationship between ethos and mythos and ask what is our story and how should it affect our view of our responsibilities? In the case of the UK, this might include the narrative of the British Empire, the post-colonial obligations flowing from that and the promises to commonwealth inhabitants that must be kept. As in biblical law, our national story should encourage us to understand the heart of the stranger and his sense of loneliness and estrangement. But there is still a need to preserve our national identity because that is what incoming migrants are relying on. Nations can and do need to preserve their communal awareness. There are certain levels of dissonance that are intolerable and can only lead to conflict, anarchy and, ultimately, the bewildered loss of national identity. The question is ultimately one of judgement requiring practical wisdom, yet mindful of the importance of showing hospitality to refugees and to strangers.

This need to preserve national awareness means that there are limits to multiculturalism. This is not always recognised. The IPPR recently called for a multicultural 'rebranding' of Britain, arguing that multiculturalism should be made a positive part of Britain's identity and calling on the Government to create a new 'multicultural consciousness.' Much of this is commendable, including the suggestion that there should be a series of campaigns focusing on success stories of immigrants and refugees who have settled and become opinion formers. But there is a danger of treating 'multiculturalism' as an article of faith. Pushed to its limits, multiculturalism - the belief that all cultures are equal and have equal value and deserve equal respect - is intellectually absurd. Unfortunately, multiculturalism has become so overloaded with anxieties about race that to query the absolute value of multiculturalism is tantamount to confessing to racism. Yet there are practices in other cultures that we might not subscribe to, including female circumcision; honour killings of daughters-in-law and so on.²³⁴ The danger is that 'multiculturalism' degenerates into "a misplaced respect for another culture which is not truly felt."²³⁵ Multiculturalism can be part of the problem as well as part of the solution, especially when it is an over-reaction to cultural imperialism and not genuine. We should not be afraid to talk of the host society or to acknowledge that it is the dominant one nor to insist, in the final resort, that its values should prevail. The equalising of all cultures relativises and undermines the mainstream culture on which minorities depend for being tolerated. It also encourages the very people who wish to be accepted by the mainstream to remain different. This takes us back to the bars to integration noted above and to the need to encourage assimilation.

To conclude, an ethical approach to race relations and immigration that is informed by biblical law would transcend both left-wing and right-wing policies in favour of a positive immigration policy that places an emphasis on assimilation and at the same time seeks to preserve national identity. True love for the alien means a commitment to his welfare and to the national identity of his adopted country. In broad policy terms, these conclusions point in the following direction:

²³⁴ "The rights of women — and the wrongs of racism", *The Daily Telegraph* 10 March 2000.

²³⁵ *Ibid.*

First, nationhood. We need a sense of nationhood. We need to reaffirm how we see ourselves and what makes us different from other nations. This requires some new emphasis in our national life with regard to history and culture. Affirming nationhood does not mean political aggression and nationalism and so, for this reason, emphasis is placed on cultural aspects such as: the nature of our institutions, our sense of justice, freedom, sense of fair play and so on. Our sense of nationhood impacts on the sort of the multicultural society in which we wish to live. There can be no such thing as social inclusion if there is nothing to include people into. A lack of national identity can be very damaging to vulnerable minority groups. If immigrants choose to live in ethnic enclaves, their wishes should be respected. However, the general direction should be in favour of one society. Otherwise there is a risk of dissolving what unity is left in British society and, with it, the danger of misunderstanding and of potential long-term violent conflict. One way of avoiding large-scale ghettos may be to deal with immigrants on more of a one-to-one basis so that there is less geographical concentration.²³⁶ It may also be that, if people are welcomed on a one-to-one basis, there is less need for them to seek security with others of their own kind. The goal must be a democratic cultural vision in which different ethnic groups living side-by-side do not feel that they are separate from each other. There is a need for a commitment from everyone to a shared culture and a shared society.

Second, give immigrants the choice whether to assimilate or not at the point of entry. Immigrants should be given the choice to decide whether they wish to assimilate or not at the point of entry. The choice is between the 'assimilation track' ("I wish to belong to this country and to be treated as a native") or the 'non-assimilation track' ("I wish to belong to another country and I want to live as a foreigner in this country"). This has practical implications inasmuch as those who wish to assimilate are in a different category to those who wish to remain geographically present but culturally distinct. There is also a case for treating immigrants differently based on this choice in order to encourage voluntary assimilation. The choice is not forced upon immigrants. Rather, it is a choice they make for themselves and this choice has political consequences. Communities mean membership and boundaries.

Third, protection, respect and love for all immigrants. All immigrants, whether assimilating or non-assimilating, need from the host society a special degree of protection, respect and love because of their vulnerability and lack of social support networks. Indeed, the absence of a receptive context for immigrants is a factor in encouraging ethnic enclaves and an indictment upon the host community. There must be fair treatment in the courts and by the police for *all* immigrants, together with a vigorous defence of their economic and welfare rights, regardless of whether they choose to assimilate or not.

"Love the alien therefore; for you were aliens in the land of Egypt" (Deut. 10:20).

²³⁶ Cf. the practice of admitting aliens into the patriarchal household on a one-to-one basis in ancient Israel, see above.

Select Bibliography

Alibhai-Brown, Yasmin. 2000. *True Colours — Public attitudes to multiculturalism and the role of government*. London: IPPR/Central Books.

Bak, Hans. (ed.) *Multiculturalism and the Canon of American Culture*. Amsterdam: VU University Press.

Bauhn, Per. 1995. "Normative Multiculturalism, Communal Goods, and Individual Rights". In *Multiculturalism and Nationhood in Canada*. Per Bauhn, Christer Lindberg and Svante Lundberg. Lund: Lund University Press. 85-102.

Bems, Walter 1998. "Constitutionalism and Multiculturalism". In Arthur M. Melzer, Jerry Weinberger, M. Richard Zinman. *Multiculturalism and American Democracy*. Kansas: University Press of Kansas. 91-111.

Brennan, Fernne. 1999. 'Racially Motivated Crime: The Response of the Criminal Justice System.' *Criminal Law Review* 17-35.

Ceaser, James. 1998. 'Multiculturalism and American Liberal Democracy.' In Arthur M. Melzer, Jerry Weinberger, M. Richard Zinman. *Multiculturalism and American Democracy*. Kansas: University Press of Kansas. 139-156.

Chahal, Kusminder and Julienne, Louis. 1999. *'We can't all be white!' - racist victimisation in the UK* Joseph Rowntree Foundation. London: YPS

Chavez, Linda. 1998. 'Civil education in a changing society.' In Arthur M. Melzer, Jerry Weinberger, M. Richard Zinman. *Multiculturalism and American Democracy*. Kansas: University Press of Kansas. 165-172.

Clark et al. 1993. "Foreword". In *Multiculturalism, Difference and Postmodernism*. Gordon L. Clark, Dean Forbes and Roderick Francis (eds). Longman: Cheshire. X-xiii.

Clements, Roy. 1988. *When Love and Justice Meet*. Leicester. IVP.

Clines, D. J. A. 1981. 'Nehemiah 10 as an example of early Jewish Biblical exegesis.' *JSOT* 21:111-17.

Cole, R. Alan. 1973. *Exodus: An Introduction and Commentary*. IVP: Leicester.

Commission for Racial Equality. 1999a. *Racial Attacks and Harassment*. Commission for Racial Equality: London.

Commission for Racial Equality. 1999b. *Criminal Justice in England and Wales*. Commission for Racial Equality: London.

Commission for Racial Equality. 1997a. *Employment and Unemployment*. Commission for Racial Equality: London.

Commission for Racial Equality. 1997b *Refugees and Asylum-seekers*. Commission for Racial Equality: London.

Commission for Racial Equality 1996. *Roots of the Future: Ethnic Diversity in the Making of Britain*. Commission for Racial Equality: London.

Crusemann, Frank. 1996. 'Human solidarity and ethnic identity: Israel's self-definition in the genealogical system of Genesis.' *Ethnicity and the Bible*. Ed. Mark G. Brett Leiden: E. J. Brill 57-76

Durham, John I. 1987. *Exodus* (Word Biblical Commentary). Waco, Texas: Word Books.

Economist. 2000a. "Go For It". 6 May 2000, 19-20.

Economist. 2000b. "A Continent on the move." 6 May 2000, 25-31.

Esler, Phillip F. 1996. 'Group Boundaries and Intergroup Conflict in Galatians: A new reading of Galatians 5:13-6:10'. *Ethnicity and the Bible*. Ed. Mark G. Brett. Leiden: E. J. Brill 215-240.

Feldmeier, Reinhard 1996. The 'Nation' of Strangers: social contempt and its theological interpretation in ancient Judaism and early Christianity.' *Ethnicity and the Bible*. Ed. Mark G. Brett. Leiden: E. J. Brill 241-270.

Fish, 1998. "Boutique Multiculturalism". In Arthur M. Melzer, Jerry Weinberger, M. Richard Zinman. *Multiculturalism and American Democracy*. Kansas: University Press of Kansas. 69-88.

Glazer, Nathan. 1998. 'Is Assimilation Dead?'. In Arthur M. Melzer, Jerry Weinberger, M. Richard Zinman. *Multiculturalism and American Democracy*. Kansas: University Press of Kansas. 15-36.

Holdaway, Simon. 1998. 'Re-thinking police race relations'. *Criminal Justice Matters* 32: 15-16.

Home Office. 1997. *Racial Violence and Harassment: A Consultation Document*. London: HMSO.

Home Office. 1997b. *Race and the Criminal Justice System*. London: Home Office.

Jackson, Bernard S. 1992. 'Practical Wisdom and Literary Artifice in the Covenant Code.' In B.S. Jackson and S. M. Passamaneck (eds.) *Jewish Law Association Studies VI: The Jerusalem 1990 Conference Volume* 65-92. Atlanta: Scholars Press.

Jackson, Bernard S. 1995. *Making Sense in Law*. Liverpool: Deborah Charles Publications.

Jackson, Bernard S. 1998. "'Law" and "Justice" in the Bible.' *Journal of Jewish Studies* 49:218-229.

Jackson, Bernard S. 2000. *Studies in the Semiotics of Biblical Law*. Sheffield: Sheffield Academic Press.

Johnston, O. R. 1980. *Nationhood: Towards a Christian Perspective*. Latimer Studies 7. Oxford: Latimer House.

- Levenson, Jon D. 1996. "The Universal Horizon of Biblical Particularism." In Mark G. Brett (ed.) *Ethnicity and the Bible*. Leiden: E. J. Brill 143-169.
- McWilliams, Wilson Carey. 1998. 'Democratic Multiculturalism'. In Arthur M. Melzer, Jerry Weinberger, M. Richard Zinman. *Multiculturalism and American Democracy*. Kansas: University Press of Kansas. 120-129.
- Melzer et al, Arthur M. 1998. 'Introduction'. In Arthur M. Melzer, Jerry Weinberger, M. Richard Zinman. *Multiculturalism and American Democracy*. Kansas: University Press of Kansas. 1-12
- Monson, James M. 1983. *The Land Between: A Regional Study Guide to the Land of the Bible*. Illinois: Biblical Backgrounds Inc.
- Milgrom, Jacob. 1994. 'The alien in your midst'. *Bible Review* 11 (6) 18:48.
- Moucarry, Georges Chawkat. 1988. 'The alien according to the Torah'. *Themelios* 14:17-20.
- Novak, Michael 1972. *The Rise of the Unmeltable Ethnics*. New York: Macmillan.
- Rendtorff, Rolf. 1996. The Ger in the Priestly Laws of the Pentateuch.' *Ethnicity and the Bible*. Ed. Mark G. Brett. Leiden: E. J. Brill. 77-87.
- Schluter, Michael. 1995. *Roots: Biblical Norm or Cultural Anachronism?* Cambridge: Cambridge Papers.
- Smith-Christopher, Daniel L. 1996. 'Between Ezra and Isaiah: Exclusion, Transformation, and Inclusion of the 'Foreigner' in post-Exilic Biblical theology.' 117-142. *Ethnicity and the Bible*. Ed. Mark G. Brett. Leiden: E. J. Brill.
- Sparks, Kenton L. 1998. *Ethnicity and Identity in Ancient Israel: Prolegomena to the Study of Ethnic Sentiments and their Expression in the Hebrew Bible*. Eisenbrauns, Winona Lake, Ind.
- Spina, Frank Anthony. 1983. 'Israelites as gerim, 'sojourners' in social and historical context'. In Carol L. Meyers and M. O'Connor (eds.) *The Word of the LORD Shall Go Forth*. Eisenbrauns: Winona Lake, Ind. 321-335.
- Ten, Chin Liew. "Liberalism and Multiculturalism". 1993. In *Multiculturalism, Difference and Postmodernism*. Gordon L. Clark, Dean Forbes and Roderick Francis (eds). Longman: Cheshire 54-67.
- Van Berkel, Klaas. 1993. 'Multiculturalism and the tradition of Western Self-criticism.' In *Multiculturalism and the Canon of American Culture*. Hans Bak (ed). Amsterdam: VU University Press. 1-15.
- Van Houten, Christiana. 1991. *The Alien in Biblical Law*. Journal for the Society of the Old Testament Supplement Series 107. JSOT Press: Sheffield Academic Press.
- Wenham, John. 1974. 'The abominations of the heathen.' In *The Goodness of God*. Leicester: Inter-Varsity Press. 119-147.

Wright, Christopher J. H. 1996. *Deuteronomy*. New International Biblical Commentary. Peabody, Mass.: Hendrickson.



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