

Review

Reviewed Work(s): *The Foreigner and the Law: Perspectives from the Hebrew Bible and the Ancient Near East* by Reinhard Achenbach, Rainer Albertz, and Jakob Wöhrle

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## The Foreigner and the Law: Perspectives from the Hebrew Bible and the Ancient Near East

Edited by Reinhard Achenbach, Rainer Albertz, and Jakob Wöhrle. BZABR, 16; Wiesbaden: Harrassowitz, 2011. Pp. viii + 180. Hardback, \$84, ISBN: 978-3-447-06470-5.

This book brings together nine articles based on presentations at the Biblical and Ancient Near Eastern Law section of the Society of Biblical Literature's 2009 International Meeting in Rome. According to the editors' brief preface, the sessions focused on "the status of foreigners in law according to biblical

Rulers: The Case of Kassite Babylonia (2nd Half of the 2nd Millennium B.C.E.)," by Susanne Paulus, focuses exclusively on the non-biblical ancient Near East (1–15).

The Hebrew Bible hardly speaks about foreigners with a consistent voice, and many of the articles attend to this variegation. Volkmar Harmaan's contribution on "Gentile Yhwh-Worshippers and their Participation in the Cult of Israel" (157–71) points to one extreme example: the "sharp contrast" between two post-exilic prophetic texts, Isa 56:1–8 and Ezek 44:6–10 (160–64). While the former embraces foreigners by offering them access to sacrificial worship in the Temple, the latter excludes them entirely. Even texts that are closer to each other in their attitude are not univocal. Saul Olyan (17–28) provides a thorough survey of "the range of stigmatizing rhetorical associations" with which biblical texts tar "that which is constructed as alien" (17–18). Several of these "rhetorical associations" – such as "profanation," "sacrilege," "transgression," and "pollution" (19–23) – overlap with cultic rhetoric, while others – such as "abomination" (18–19) or "deceit" (23–24) – incorporate more general stigmatizing vocabulary.

Metaphorical references to the foreskin fall into the last category because, according to Olyan, they represent "dysfunction" (25). Olyan's observations on the negative valence of foreskin metaphors find an interesting complement within this very volume, in the two articles devoted to the law of circumcision in Gen 17. Jakob Wöhrle (71–87) argues that circumcision, in addition to its "dissociating" function, is also "a way to integrate alien persons into the covenant people and thus to legitimize their residing in the land and their relationship to the God of Abraham" (84). According to Thomas Naumann (89–109), Ishmael's circumcision in this pericope "is to be understood as the required covenantal sign of the



Figure 7. Israelites Carried Captive, illustration from the 1890 Holman Bible. Source: Wikimedia Commons, [thebiblerevival.com/clipart/1890holmanbible/bw/israelitescarriedcaptive.jpg](https://commons.wikimedia.org/wiki/File:Israelites_carried_captive.jpg).

and Ancient Near Eastern traditions." As might be expected from this stated legal focus, most of the articles (six of nine) elucidate Pentateuchal legislation regarding foreigners. Of the remaining three articles, two examine the topic as it is reflected in the Hebrew Bible, more generally. Just one article, "Foreigners under Foreign

berith 'olam," which means that Ishmael shares some aspects of this covenant (106). Since both Wöhrle (72–74) and Naumann (97–99) contextualize their interpretations of Gen 17 by referring to circumcision practices outside Israel, it is worth mentioning that neither interacts with Richard Steiner's study, "Incom-

# BOOKS TO DIG INTO

plete Circumcision in Egypt and Edom: Jeremiah (9:24–25) in the Light of Josephus and Jonckheere” (*JBL* 118 [1999]:497–505).

Attention to inconsistencies, especially within legislation, has always been the bread-and-butter of modern Pentateuchal criticism. Here, this tradition is manifest in several references to Alfred Bertholet’s *Die Stellung der Israeliten und der Juden zu dem Fremden* (1896), where he suggests that differences in the status of the stranger within the Pentateuch point to the evolution of the meaning of the word *gêr* from a term denoting outsider social status to one denoting insider religious status, even “proselyte.” Rainer Albertz (53–69) takes up this observation most directly, and devotes his essay to explaining the “remarkable chasm between the non-priestly and priestly legislation” (53): on the one hand texts like the Covenant Code and the Deuteronomic legislation treat *gêrim* as *personae miserae*, while laws (primarily) in Leviticus and Numbers imagine *gêrim* as fully integrated into Israel’s socio-economic fabric. Christophe Nihan, in his essay on “Resident Aliens and Natives in the Holiness Code” (112–34), examines just one end of Bertholet’s observed evolution. Nihan provides a detailed account of “the identity of the *gêr*” (113–19), and his legal (120–24) and sacral (124–29) statuses in Lev 17–26 and related texts. Both Nihan (114–15) and Albertz (61) reject the interpretation of the term *gêr* as “proselyte,” even as they follow Bertholet’s methods. In a similar manner (but without reference to Bertholet), Reinhard Achenbach (29–51) surveys the occurrences of four Hebrew terms for foreigners – *gêr*, *nâkhrî*, *tôshav* and *zâr* – in the Torah’s narratives and laws. Achenbach’s survey, conveniently distilled into four charts (29, 43, 45, 46), brings the finely textured variety of attitudes into high relief.

Like Bertholet, all three of these authors, and others, too, attempt to situate particular laws and attitudes in particular histor-

ical contexts and to relate their conclusions to broader diachronic theories about the evolution of the Pentateuch. A volume like this is hardly the place to fully elaborate these theories; footnotes do much of that work. Moreover, the audience for this book is probably aware of modern critical scholarship’s general parameters (see Olyan’s note 32, on page 25). Nevertheless, the authors’ sometimes complex positions – for example, Achenbach’s six successive redactions of the Pentateuch between the eighth and fourth centuries B.C.E. – may leave some readers wishing for fuller statements of working assumptions.

The mainly biblical focus of the volume, title notwithstanding, leaves the ancient Near East (except for Kassite Babylonia) and its relevance to the biblical topics at hand largely unexplored. Bruce Wells’s article on “The Quasi-Alien in Leviticus 25” (135–55) is, therefore, all the more welcome for demonstrating fruitful use of the comparative method in the study of biblical law. Wells marshals cuneiform legal sources to interpret Lev 25:35–38 as a case of personal antichresis, in which a debtor pays off a debt by working for a creditor. Based on this, Wells argues that behind its “rhetoric of generosity,” Lev 25 “provides the necessary legitimacy for others to take advantage of the one in need” (152–53). Despite this ultimately dim assessment, Wells’s balanced presentation shows how this arrangement could have benefited the debtor, too.

The articles in this volume, with their accompanying up-to-date bibliographies, lay a solid foundation for any research into ancient Israel’s treatment of the stranger. Thus, the book will prove vital not only to scholars focused on the Pentateuch, but also to those interested in ancient Israelite culture, more generally.

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**Figure 8.** Code of Hammurabi. Louvre Museum, Paris. Photograph courtesy of Deror Avi, [commons.wikimedia.org/wiki/File:Code\\_of\\_Hammurabi\\_IMG\\_1932.jpg](https://commons.wikimedia.org/wiki/File:Code_of_Hammurabi_IMG_1932.jpg).