

Ezra and the Second Wilderness:

The Literary Development of Ezra 7-10 and Nehemiah 8-10

Submitted to the Faculty of Theology and Religion

The University of Oxford

in requirement for the degree of Doctor of Philosophy

by

Philip Young Yoo

Oriel College

Trinity 2014

This page intentionally left blank

Table of Contents

Short Abstract	v
Long Abstract	vii
Author's Remarks	xv
Acknowledgements	xvi
Abbreviations	xvii
 Chapter One Ezra and the Pentateuch	 1
1.1. Ezra and the Ezra Memoir	4
1.2. <i>Reichsautorisation</i> of תורה	16
1.3. The Formation of the Pentateuch	24
1.4. The Pentateuchal Source Documents	38
1.5. Ezra's תורה	50
 Chapter Two The Historical Recital and the אִמְנָה (Nehemiah 9:5aβ-37; 10:1, 29-40)	 53
2.1. The Place of Nehemiah 9	54
2.1.1. The Discontinuity of Nehemiah 9	55
2.1.2. The Division of Nehemiah 9:1-5	57
2.2. The Historical Recital (Nehemiah 9:5aβ-37)	60
2.2.1. Creation	65
2.2.2. Abr(ah)am	69
2.2.3. Exodus	74
2.2.4. Sinai	81
2.2.5. The Wilderness	89
2.2.6. Conquest	104
2.3. The אִמְנָה (Nehemiah 10)	111
2.3.1. Broadening Legislation	117

2.3.2. Merging Legislation	118
2.3.3. Closing Gaps in Pentateuchal Law	125
2.3.4. Creating a Pledge	129
2.4. Uses of the Pentateuch in Nehemiah 9:5a ^β -10:40	131
 Chapter Three From Babylon to Jerusalem (Ezra 7-8)	 133
3.1. The Coherence of Ezra 7-8	134
3.1.1. The Strata of Ezra 7:1-10	134
3.1.2. The Integrity of Ezra 7:11-8:36	142
3.2. Ezra	148
3.2.1. Ezra, Scribe	149
3.2.2. Ezra, Priest	152
3.2.3. Ezra, “Priest-Scribe”	154
3.3. Artaxerxes’ Edict (Ezra 7:12-26)	157
3.3.1. Permitted Actions	157
3.3.2. The Provisions	158
3.3.3. Orders to the Treasurers	161
3.3.4. EM’s Artaxerxes	162
3.4. The Relationship between תורה and דת in EM	165
3.4.1. דת/דת	168
3.4.2. תורה and Other Legal Terminology	170
3.4.3. תורה as דת אלה	172
3.5. The Departure from the Ahava (Ezra 7:28b-8:30)	175
3.5.1. The List of Returnees	175
3.5.2. The Search for Levites	178
3.5.3. The Fast	183
3.5.4. Divine Protection	186
3.5.5. The Freewill Offerings	189
3.6. Arrival in Jerusalem (Ezra 8:31-36)	193
3.6.1. The Absence of פסח	194
3.6.2. The Delivery of the Offerings	197
3.7. Ezra’s First Six Months	202

Chapter Four Ezra's Proclamation of תורה (Nehemiah 7:72b-8:18)	206
4.1. The Continuation of EM	209
4.1.1. The Place of Nehemiah 8	209
4.1.2. Literary Considerations in Nehemiah 7:72b-8:18	214
4.2. A Proclamation of תורה (Nehemiah 7:72b-8:8)	221
4.2.1. The Reshaped First Day of the Seventh Month	221
4.2.2. Public Proclamations of "Law"	226
4.2.3. Ezra's ספר	230
4.2.4. Opening the Scroll	236
4.3. Responses to the Proclaimed Scroll (Nehemiah 8:9-18)	246
4.3.1. The Initial Response	247
4.3.2. A New Legal Challenge: סבות	250
4.3.3. סבות in the Pentateuchal Laws	258
4.3.4. The Absent Day of Atonement	267
4.4. Ezra's Seventh Month	273
 Chapter Five A Legal Crisis: The Foreigners and the Mixed Marriages (Ezra 9-10)	 277
5.1. The Composition of Ezra 9-10	279
5.1.1. The Unity of Ezra 9-10	281
5.1.2. Nehemiah 9:1-5α and EM's Chronology	287
5.2. The Legal Challenge (Ezra 9:1-2)	291
5.2.1. References to Pentateuchal Law	292
5.2.2. Exogamy in the Pentateuch	302
5.2.3. מעל	311
5.2.4. "Insider" vs. "Outsider" in EM	313
5.3. Ezra's Initial Reaction (Ezra 9:3-10:1)	322
5.3.1. The חרדים	323
5.3.2. Ezra's Prayer	326
5.4. Continuing Deliberations (Ezra 10:2-8)	332
5.4.1. Shecaniah's Proposal	332
5.4.2. The Proclamation	338

	iv
5.5. The Resolution (Ezra 10:9-44 + Nehemiah 9:1-5α)	342
5.5.1. Ezra's Final Verdict	343
5.5.2. The First Action	346
5.5.3. The Second Action	349
5.6. The Last Months of Ezra's Mission	352
Chapter Six The Place of Ezra and the Returnees in the Second Temple:	
Summary and Conclusions	357
6.1. The Literary Development of Ezra 7-10; Nehemiah 8-10	364
6.2. EM and the Sources of Authority	368
6.3. EM's Representation of the Yahvistic Cult	373
Appendix: The Literary Development of EM	377
Bibliography	388

Ezra and the Second Wilderness:
The Literary Development of Ezra 7-10 and Nehemiah 8-10

Philip Y. Yoo
Oriel College
Doctor of Philosophy
Trinity 2014

Short Abstract

For many pre-modern and modern critics, the emergence of Ezra among the post-exilic Jerusalem community marks a significant event in the beginning stages of Judaism. Ezra's promulgation of a "law of Moses," bolstered by the theory of Persian imperial authorization, is often viewed as the moment at which the final form of the Pentateuch is published. The accounts contained in Ezra 7-10 and Nehemiah 8-10, however, continue to present historical and literary problems for the exegete. Compounding the difficulties for a reconstruction of Ezra's activities, recent scholarship has raised questions concerning the viability of state-sanctioned support for the Pentateuch and revived skepticism on the historicity of Ezra and the reliability of the biblical witness. Still, the Ezra Memoir (EM) remains an important source that is shaped by the political, religious, and social worldview of

post-exilic Yehud. This study incorporates two scholarly debates: on the one hand, the identification of EM and its supplemental layers; and on the other hand, the development of the Pentateuch up to this period. After the parameters of EM are identified in Ezra 7-10 and Nehemiah 8-10, this study supports EM's use of Deuteronomic and Priestly literature but adds that EM also demonstrates significant literary connections to pentateuchal strands that are neither Deuteronomic nor Priestly. These strands are distinguished by the narrative and historical claims that are preserved in the classical pentateuchal documents. This study concludes that EM is a product of the Second Temple that anticipates the final form of the Pentateuch by collecting and integrating multiple presentations of the wilderness generation into a super-narrative that projects Ezra and the returnees as a second exodus and Sinai generation that supersedes their predecessors.

Ezra and the Second Wilderness:
The Literary Development of Ezra 7-10 and Nehemiah 8-10

Philip Y. Yoo
Oriel College
Doctor of Philosophy
Trinity 2014

Long Abstract

This study investigates the parameters and influences of pentateuchal materials on the Ezra Memoir (EM). This examination of EM seeks to address two literary problems in Old Testament/Hebrew Bible scholarship. The first—and primary focus of this study—is the composition of EM. The second concerns the shape of the pentateuchal corpus at the time of EM. It is the contention of this study that EM reads, interprets, and fuses multiple literary sources in its presentation of Ezra and the returnees as a second wilderness generation.

For many pre-modern and modern critics, the emergence of Ezra marks a significant event in the Jerusalem post-exilic community. Ezra's promulgation of a "law of Moses" and his community's observance of this law remain a popular historical reference point for the final stage(s) of the development of the

pentateuchal corpus. According to the biblical witness contained in Ezra 7-10, Ezra receives a commission from one King Artaxerxes to go to Jerusalem in order to teach the statutes and judgments to Israel. With this mandate in hand, Ezra and his caravan prepare for their departure from the Ahava. Once in Jerusalem, Ezra receives the troubling notice that many in the Jerusalem community are in exogamous relationships. Ezra confesses on behalf of the Yehudites and the matter is resolved with the dissolution of these marriages. In Nehemiah 8, Ezra resurfaces and, with Nehemiah present, proclaims the “law of Moses” in front of a gathered assembly. After its promulgation, the community observes Sukkot. The accounts contained in Ezra 7-10 and Nehemiah 8 present difficulties for today’s exegete. Some of the issues are historical. For instance, under which Artaxerxes did Ezra receive his mandate? Could Nehemiah have been present when Ezra reads from the “law of Moses”? Can one even speak confidently of the historical Ezra? These accounts also contain literary difficulties. For example, is the order of the biblical witness accurate? What is the extent of the base layer EM and redactional activity in Ezra 7-10; Nehemiah 8-10?

In chapter one, I discuss the state of scholarship concerning the historical Ezra, the notion of Persian imperial support for local laws, and the formation of the Pentateuch. Even if the historical Ezra is reduced to a literary fiction, the materials

in Ezra 7-10; Nehemiah 8-10 can be retained as (near-)contemporary witnesses to the social, political, and religious realities of Achaemenid Yehud. Against the view that Ezra-Nehemiah derives from Chronistic circles, EM is an ideologically charged witness that aggrandizes the place and importance of Yehud within the wider world of the Persian empire. The Artaxerxes Edict (Ezra 7:12-26) contains kernels of historical truth but is for the most part shaped by Yehudite interests and is integral to its surrounding narrative. In support of critics who argue that there lacked Persian state support for any of the contents of the Pentateuch or its publication, I believe that internal forces within post-exilic Yahvism drove the formation of the Pentateuch. Questions remain concerning the development of the Pentateuch, and one of the major debates within pentateuchal criticism has recently emerged between the “post-documentarians” and “neo-documentarians.” Acknowledging that any results are not assured, this study accepts that the modified four-source theory offers a viable explanation for the formation of the Pentateuch.

The textual analysis begins in chapter two with what is generally agreed upon: the use of the final form of the Pentateuch in Nehemiah 9-10. Setting aside Neh 9:1-5a α as original EM material that was transposed to its current place, Neh 9:5a β -37 and 10:31-40 are argued as post-EM supplemental materials. In its recollection of the events in Genesis-Deuteronomy, Neh 9:6-25 employs pentateuchal narratives (for

example, Genesis 15; Exodus 14; Numbers 11; 14) that arise only after the combination of its constituent parts and the addition of the latest layer of the Pentateuch (verses I assign to the redactor of the Pentateuch, R^{Pent}). The pledges in Neh 10:31-40 arise out of the recognition that temporal and ideological gaps exist between contemporary praxis and the prescriptive pentateuchal laws. Both Neh 9:5α-37 and 10:31-40 employ narratives and laws that can be found only in the final form of the Pentateuch.

In chapter three, the textual analysis shifts to Ezra 7-8. In these chapters, EM casts Ezra and the caravan as a second Exodus generation by adapting and incorporating multiple pentateuchal traditions. In its interpretation and adaption of the Israelite wilderness accounts, EM opens its case for placing Ezra and the returnees as a group that supersedes Moses and the wilderness generation in every way possible. They dutifully transport the material goods for their intended service in the house of God in Jerusalem and—unlike the first wilderness generation—survive the journey to their destination. With the hand of God upon them, the caravan takes only four months to cover the distance between the Ahava and Jerusalem and without any incidents that would substantially hinder their journey.

Chapter four covers the events of the seventh month in Neh 7:72b [ET 73b]-8:18. In EM, these events were originally in between Ezra 8:36 and 9:1. After Ezra and the

caravan arrive in Jerusalem, EM proclaims “the law of Moses.” This “law” is upheld as containing all of Yahveh’s instructions and is a source of supreme authority.

Ezra’s reading of a scroll is a second proclamation of law that is based on the first accounts of Yahveh giving the same laws to the Israelites on the wilderness mountain. EM takes pieces of the different visual and auditory theophanies and law giving episodes contained in Exod 19:1-Num 10:11 and, by adapting them to fit the realities of its contemporary time, presents the returnees as a group that immediately consents to uphold the “law.” Whatever Ezra recites is not new law—it is understood to be complete and enforceable since its past pre-exilic origins. The proper implementation of this “law” becomes problematic when the multiple legal codes, with their contradictory prescriptions, compete for supreme authority. For this reason, EM lacks a Day of Atonement observance on its scheduled day and it is the impending arrival of Sukkot that presents Ezra’s community with the immediate and pressing hermeneutical challenge of interpreting multiple prescriptions for a single occasion.

Sukkot foreshadows another legal crisis. In chapter five, the episode of the mixed marriages in Ezra 9-10 (with the transposition of Neh 9:1-5aα in between Ezra 10:15 and v. 16) is presented as—anachronistically speaking—a midrash of competing judicial systems that were originally in different source documents. There is,

however, not a single account in the Pentateuch (or if Joshua is included, the Hexateuch) that describes the judiciary in action. Through the mixed marriages episode, EM constructs an actual case and explores the proper administration of “law” within the confines of biblical jurisprudence. For EM, the mixed marriages represent the extreme and dire possibility that the returnees, who are the true continuing Yahvistic community, will eventually identify not as a “holy seed” or “Israel” but through the lineage of the foreign wives as “foreigner.” EM foresees the possibility that an increasingly foreign population in Yehud will forego the obligations for the re-established Yahvistic cult and that the foreign gods (from their respective nations, all of whom are more powerful than Yehud) will once again be worshipped in Jerusalem. The legal citations and deliberations from multiple parties in Ezra 9-10 describe the adjudication of competing law codes in order to arrive at a legally acceptable solution, one that is primarily concerned with preventing sancta desecration. Acting as a supreme justice of the court, Ezra ultimately renders the decision that the returnees must separate from all foreigners and those who married foreign wives must expel them along with their offspring from the community.

Modern critical scholarship on both the Pentateuch and Ezra-Nehemiah has long been dominated with the view that each corpus is the product of originally

individual documents that were gradually combined together over a period of time. This study argues that EM is a “super-narrative” of the activities of Ezra and the returnees over a single calendar year that does not presuppose the final form of the Pentateuch but in its use of the individual classical pentateuchal source documents—in alphabetical order, D, E, J(+), and P(C)—anticipates their eventual collation. EM revises its source materials by closing the gap between the First and Second Temple cults, updating lexical terminology, and recognizing the temporal geo-political distance between the First Temple sources and a post-exilic audience. Underneath EM is perhaps a historical Ezra but this figure is difficult to extract. EM has a high reverence for Ezra and praises him as the one leader who not only promulgated “the law of Moses” but also zealously maintained the sanctity of the Yahvistic cult and guarded it from foreign intrusions. The shape of EM changes as it is incorporated into the growing Ezra-Nehemiah corpus. Stemming from an interest in presenting Ezra and Nehemiah as contemporaries in the reconstruction period, a redactor, who I identify as R^{EM-NM} , combines EM with the originally separate Nehemiah Memoir (NM). The figure of Nehemiah lurks beneath R^{EM-NM} ’s contributions. Dissatisfied with the events of the restoration as projected in the combined EM-NM source, a later redactor, R^{E-N} , shapes the final form of Ezra-Nehemiah by attaching an account of the rebuilding of the Jerusalem Temple in Ezra 1-6 and, in forging a new account of the seventh month, transposes Neh

7:72b-8:18 and 9:1-5a α and attaches the material in Neh 9:5a β -10:40. R^{E-N} is also partially influenced by Chr. The results of this study demonstrate that the compositions in Neh 9:5a β -10:40 presuppose the Pentateuch in its final form but EM does not know of such a document. The foregoing analysis permits a relative dating of EM and its redactional activity to other biblical materials: EM before R^{Pent} and (restored) Neh 9:5a β -10:40, R^{EM-NM} after NM, and R^{E-N} after Chr.

EM presents Ezra and the returnees as a second wilderness generation that supersedes its predecessors by faithfully responding to Yahveh and upholding all of the laws issued by the deity. The laws that EM alludes to in Ezra's scroll find their authority in the pre-exilic past and continue to remain in force. The failure of the wilderness generation in properly upholding these laws and their demise before their intended destination is the background for the events that follow Ezra's proclamation of the law. EM subscribes to a brand of Second Temple Yahvism that places authority in the pre-exilic past but acknowledges the hermeneutical challenges of deferring to the past and its use in constructing the present. As a result, the correspondence between EM and the pentateuchal materials sometimes results in a wide disparity. EM's apparent omissions and divergences from the relevant pentateuchal materials result from the recognition of the temporal gap between the authoritative sources and its contemporary time.

According to EM, Ezra has no access to the divine oracle or messenger. Instead, he has access to relics from the past—known as “the law of Yahveh.”

EM does not presuppose the Pentateuch but anticipates the collation of its constituent parts into the final form. Additionally, EM placed authority in the wilderness past yet also used and reshaped this past to promote a group’s claim as the correct expression of the cult. By reshaping the different accounts of Moses and the Israelites, EM promotes Ezra and the returnees as a group that dutifully followed Yahveh and proved themselves as more than worthy inheritors of the pre-exilic Yahvistic cult.

Author’s Remarks

The translations of the Hebrew Bible that follow are my own unless noted otherwise. Following current pronunciation, I have transliterated the Hebrew letter v as <v> and not <w>. For convenience, the source division of Ezra 7:1-10:40 and Neh 7:72b [ET 73b]-9:5a α is included in the Appendix.

Acknowledgements

It is a truism that the completion of a dissertation is nearly impossible without the support of many people. First and foremost, there are simply not enough words for me to convey my indebtedness to my supervisor, Hugh Williamson. In the midst of his many obligations, he carefully read through many drafts and guided me through the process of writing this dissertation. I could not have asked for a better *Doktorvater*. The good portions of what follows arose out of his advice from our formal and informal meetings; any shortcomings are due to own stubbornness. He encouraged me in my academic pursuits and provided an exemplary model for me as a teacher, scholar, and gentleman.

My thanks to my examiners, John Barton and Joachim Schaper. They gave their advice, provided valuable comments, and offered their encouragement at a crucial time. I alone bear responsibility for any remaining errors. Portions of earlier drafts that were not retained in the final draft of the dissertation will be turned into shorter submissions.

Financial support for my scholarly endeavours at Oxford was provided by the Faculty of Knox College, Toronto; the Cameron Bursary Committee of the Presbyterian Church in Canada; the Fellows of the Oxford Centre for Hebrew and Jewish Studies; the Provost and Fellows of Oriel College; and the Board of the Faculty of Theology and Religion. Their generosity is appreciated.

The faculty and staff at Knox College, University of Toronto, gave me a solid foundation in theological education that continues to serve me well. Further studies in biblical studies were encouraged by my teachers at Yale, John Collins, Carolyn Sharp, Robert Wilson, and Joel Baden, who taught me everything I need to know about source criticism. I was also fortunate to learn from Baruch Schwartz during his stay at Yale. Here at Oxford, I had the benefit of numerous spirited conversations from both the Oxford Old Testament seminar and graduate seminar. Kevin Cathcart freely gave his instruction in semitic studies to me and others. John Day, Paul Joyce (now at King's College, London), and John Jarick examined earlier stages of this project and provided helpful critique. Troy Cudworth, Ekaterina Kozlova, Sonja Noll, and Bradley Marsh Jr., offered insights from their own expertise. Rachel Breward and Megan Roper cheerfully attended to academic matters and freed up time and space. Blake Ewing, Moira Gillis, Caroline Knight, Christine Kim Park, Richard Park, and Bill Wood replaced the moments outside of research, writing, and teaching in Oxford with many happy ones.

Finally, my appreciation to friends and family who supported me and took an interest in my scholarly pursuits. To those closest to me I owe a special debt of gratitude. Hannah Roh endured prolonged periods of separation and afforded me the time and space to work on this project from beginning to end. Her brilliance is radiant and continues to spark me in my own thinking. From the start, Bill Goettler and Maria LaSala pushed me to complete this project. My siblings, Stephen and Milda, were always available for a meal after my long journeys. My grandmother, Cho Ya-Soon, had an impressionable hand in raising us and her absence is continuously felt. Most of all, my parents encouraged me throughout my studies and never wavered in their support of my pursuits. As a small token of my appreciation, it is fitting that this dissertation is dedicated to them.

Philip Y. Yoo
Oxford, Trinity 2014

Abbreviations

* section(s) of a verse or chapter(s)

Akk. Akkadian

Aram. Aramaic

CBH Classical (Early) Biblical Hebrew

Chr Chronicler

Dtr Deuteronomistic

ET English translation

Heb. Hebrew

ni. *nip^cal*

pi. *pi^cēl*

pu. *pu^cal*

hi. *hip^cīl*

ho. *hop^cal*

hit. *hitpa^cēl*

pil. *pilpēl*

LBH Late Biblical Hebrew

LXX Septuagint

NJPS New Jewish Publication Society Version

NRSV New Revised Standard Version

Ezra-Nehemiah (in alphabetical order)

E-N Final form of Ezra-Nehemiah

R^{E-N} Redactor of E-N

EM Ezra Memoir

EM-NM Combined Ezra Memoir and Nehemiah Memoir

R^{EM-NM} Redactor of EM-NM

NM Nehemiah Memoir

Pentateuch (in alphabetical order)

CC	Covenant Code
D	Deuteronomic
E	Elohist
J	Yahvist
J ^{Dtr}	Deuteronomistic supplement to J
J+	Final form of Yahvist (J + J ^{Dtr})
JE	Jehovist (J + E)
PC	Priestly Corpus (P + H)
H	Holiness Legislation
P	Priestly
P _g	Priestly <i>Grundschrift</i>
R ^{Pent}	Redactor of the Pentateuch

Primary Literature (alphabetized by source)

ANET	<i>Ancient Near Eastern Texts Relating to the Old Testament</i> . Edited by J. B. Pritchard. 3rd ed. Princeton: Princeton University Press, 1969.
Ant.	Josephus. <i>The Jewish Antiquities: Books 1-20</i> . Translated by H. St. J. Thackeray et al. LCL. Cambridge, Mass.: Harvard University Press, 1930-1965.
AP	Cowley, Arthur. <i>Aramaic Papyri of the Fifth Century B.C.</i> Oxford: Clarendon, 1932.
b.	Babylonian Talmud
C. Ap.	Josephus. <i>The Life. Against Apion</i> . Translated by H. St. J. Thackeray et al. LCL. Cambridge, Mass.: Harvard University Press, 1926.
COS	<i>The Context of Scripture</i> . Edited by W. W. Hallo. 3 vols. Leiden: Brill, 1997-2002.

xix	
LXX	Septuagint
<i>m.</i>	Mishnah
MT	Masoretic Text
OTP	<i>Old Testament Pseudepigrapha</i> . Edited by J. H. Charlesworth. 2 vols. New York: Doubleday, 1983-1985.
Q	Qumran
SamP	Samaritan Pentateuch
Syr.	Syriac
<i>t.</i>	Tosefta
TAD	<i>Textbook of Aramaic Documents from Ancient Egypt</i> . Edited by B. Porten and A. Yardeni. 4 vols. Jerusalem: Hebrew University, 1986-1999.
Vg.	Vulgate
<i>y.</i>	Jerusalem Talmud

Secondary Literature (alphabetized by abbreviation)

AB	Anchor Bible
AchH	Achaemenid History
AnBib	Analecta Biblica
ATD	Alte Testament Deutsch
AThANT	Abhandlungen zur Theologie des Alten und Neuen Testaments
AYBRL	Anchor Yale Bible Reference Library
BAJS	Biblical and Judaic Studies
BETHL	Bibliotheca Ephemeridum theologicarum Lovaniensium
BGBE	Beiträge zur Geschichte der biblischen Exegese
<i>Bib</i>	<i>Biblica</i>
<i>BibInt</i>	<i>Biblical Interpretation</i>
BIS	Biblical Interpretation Series
BJS	Brown Judaic Studies

BN	<i>Biblische Notizen</i>
BRS	Biblical Resource Series
BSSTB	Biblioteca di storia e storiografia dei tempi biblici
BWANT	Beiträge zur Wissenschaft vom Alten und Neuen Testament
BZ	<i>Biblische Zeitschrift</i>
BZABR	Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
BZT	Beiträge zur historischen Theologie
CBET	Contributions to Biblical Exegesis and Theology
CIS	Copenhagen International Seminar
CRB	Cahiers de la Revue biblique
CTHP	Cambridge Texts in the History of Philosophy
DCLY	Deuterocanonical and Cognate Literature Yearbook
<i>DIsr</i>	<i>Dine Israel</i>
DJD	Discoveries in the Judaean Desert
DSD	Dead Sea Discoveries
ECC	Eerdmans Critical Commentary
<i>EvTh</i>	<i>Evangelische Theologie</i>
FAT	Forschungen zum Alten Testament
FAT.II	Forschungen zum Alten Testament 2. Reihe
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
GKC	Gesenius, Wilhelm. <i>Gesenius' Hebrew Grammar</i> . Edited by E. F. Kautzsch. Translated by A. E. Cowley. 2nd rev. ed. Oxford: Clarendon, 1910.
GTA	Göttinger theologische Arbeiten
HACL	History, Archaeology, and Culture of the Levant
HAT	Handbuch zum Alten Testament

xxi

HBM	Hebrew Bible Monographs
HBS	Herders biblische Studien
<i>HeBAI</i>	<i>Hebrew Bible and Ancient Israel</i>
<i>HS</i>	<i>Hebrew Studies</i>
HSM	Harvard Semitic Monographs
<i>HTR</i>	<i>Harvard Theological Review</i>
<i>HUCA</i>	<i>Hebrew Union College Annual</i>
ICC	International Critical Commentary
<i>IEJ</i>	<i>Israel Exploration Journal</i>
IndStBL	Indiana Studies in Biblical Literature
<i>JAJ</i>	<i>Journal of Ancient Judaism</i>
<i>JAOS</i>	<i>Journal of the American Oriental Society</i>
<i>JBL</i>	<i>Journal of Biblical Literature</i>
JCP	Jewish and Christian Perspectives
<i>JHS</i>	<i>Journal of Hebrew Scriptures</i>
<i>JJS</i>	<i>Journal of Jewish Studies</i>
<i>JJTP</i>	<i>Journal of Jewish Thought & Philosophy</i>
<i>JLA</i>	<i>Jewish Law Annual</i>
<i>JNES</i>	<i>Journal of Near Eastern Studies</i>
<i>JNSL</i>	<i>Journal of Northwest Semitic Languages</i>
JPSTC	Jewish Publication Society Torah Commentary
<i>JQR</i>	<i>Jewish Quarterly Review</i>
<i>JSJ</i>	<i>Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Periods</i>
JSJSupp	Supplements to the Journal of the Study of Judaism
JSNTSupp	Journal for the Study of the New Testament Supplement Series
<i>JSOT</i>	<i>Journal for the Study of the Old Testament</i>

JSOTSupp	Journal for the Study of Old Testament Supplement Series (currently LHBOTS)
JSPSupp	Journal for the Study of the Pseudepigrapha Supplement Series
<i>JSS</i>	<i>Journal of Semitic Studies</i>
JTISupp	Journal of Theological Interpretation Supplements
<i>JTS n.s.</i>	<i>Journal of Theological Studies</i> (new series)
KAT	Kommentar zum Alten Testament
LBS	Library of Biblical Studies
LCL	Loeb Classical Library
LD	Lectio divina
LEC	Library of Early Christianity
LHBOTS	Library of Hebrew Bible/Old Testament Studies (formerly JSOTSupp)
LSTS	Library of Second Temple Studies
NCBC	New Century Bible Commentary
NICOT	New International Commentary on the Old Testament
NMES	Near and Middle East Series
OBO	Orbis biblicus et orientalis
OTL	Old Testament Library
OTM	Oxford Theological Monographs
OTR	Old Testament Readings
OTS	Old Testament Studies
OtSt	Oudtestamentische Studiën
<i>RB</i>	<i>Revue Biblique</i>
<i>RevQ</i>	<i>Revue de Qumran</i>
<i>RIDA</i>	<i>Revue internationale des droits de l'antiquité</i>
<i>RTP</i>	<i>Revue de Théologie et de Philosophie</i>
SBLABS	Society of Biblical Literature Archaeology and Biblical Studies

SBLAIL	Society of Biblical Literature Ancient Israel and its Literature
SBLDS	Society of Biblical Literature Dissertation Series
SBLEJL	Society of Biblical Literature Early Judaism and its Literature
SBLIVBS	Society of Biblical Literature International Voices in Biblical Studies
SBLMS	Society of Biblical Literature Monograph Series
SBLSCS	Society of Biblical Literature Septuagint and Cognate Studies
SBLSemSt	Society of Biblical Literature Semeia Studies
SBLSymS	Society of Biblical Literature Symposium Series
SBTS	Sources for Biblical and Theological Study
<i>ScrH</i>	<i>Scripta Hierosolymitana</i>
SHCANE	Studies in the History and Culture of the Ancient Near East
SJ	Studia Judaica
SJLA	Studies in Judaism in Late Antiquity
SJSJ	Supplements to the Journal for the Study of Judaism
SNVAO.II n.s.	Skrifter utgitt av Det Norske videnskaps-akademi i Oslo. II. Hist.-flos. klasse (new series)
SSEJC	Studies in Scripture in Early Judaism and Christianity
SSN	Studia Semitica Neerlandica
STAR	Studies in Theology and Religion
StB	Stuttgarter Bibelstudien
StBL	Studies in Biblical Literature
STDJ	Studies on the Texts of the Desert of Judah
TB	Theologische Bücherei
TBC	Torch Bible Commentaries
<i>Transeu</i>	<i>Transeuphratène</i>
<i>TRu</i>	<i>Theologische Rundschau</i>
TSAJ	Texts and Studies in Ancient Judaism

TSJTSA	Texts and Studies of the Jewish Theological Seminary of America
UCPNES	University of California Press Near Eastern Studies
UF	<i>Ugarit-Forschungen</i>
UNRTPFL	Université de Neuchâtel: Recueil de travaux publiés par la Faculté des lettres
UTB	Uni-Taschenbücher
VT	<i>Vetus Testamentum</i>
VTSupp	Supplements to <i>Vetus Testamentum</i>
VWGT	Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie
WBC	Word Biblical Commentary
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
ZABR	<i>Zeitschrift für altorientalische und biblische Rechtsgeschichte</i>
ZAW	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>

Chapter One

Ezra and the Pentateuch

Critics have long recognized that Ezra and the Pentateuch are intricately linked to each other. In the books of Ezra and Nehemiah, Ezra has a royal mandate to bring “the laws of your God” to Jerusalem (Ezra 7:25) and he proclaims “the *tôrā*^h of God” in front of a large public gathering (Neh 8:3). As a result, Ezra enjoys acclaim that is usually bestowed upon the first deliverer of תורה—Moses. Had Moses not preceded him, the Ezra of rabbinic tradition is deemed worthy of receiving the תורה directly from God (*b. Sanh.* 21b; *t. Sanh.* 4:7; *y. Meg.* 1:9). For his role in the publication of the Pentateuch, Ezra enjoys somewhat of a vivid afterlife beyond the biblical witness. The account of Ezra in LXX 1 Esd (= Esdras α/Vg. 3 Esdras) 8:1-9:55 is a Greek translation that follows the order in MT (Ezra 7:1-10:44;

Neh 7:72 [ET 73]-8:18).¹ In the first or second century CE 4 Ezra (= Vg. 2 Esdras),² a prequel to the biblical account, Ezra is in Babylon when he converses with God through ethereal visions and is inspired to produce twenty-four books and—for good measure—another seventy books for the wise (14:37-48). For the most part, critics continue to uphold the importance of Ezra's contributions during the

1. The relationship between 1 Esdras and EM continues to be debated; see the contributions in Lisbeth S. Fried, ed., *Was 1 Esdras First? An Investigation into the Priority and Nature of 1 Esdras* (SBLAIL 8; Atlanta: Society of Biblical Literature, 2011) with the majority opinion upholding 1 Esdras as an adapted Greek translation of 2 Chronicles 35-36 and parts of Ezra-Nehemiah. Talshir argues that 1 Esdras is based on a Hebrew-Aramaic original and its intent is to tell the (originally Aramaic) story of the Three Youths in 1 Esd 3:1-5:6 (see Zipora Talshir, *1 Esdras: From Origin to Translation* [SBLSCS 47; Atlanta: Society of Biblical Literature, 1999], 3-106; *idem*, "Ezra-Nehemiah and First Esdras," *Bib* 81 [2000]: 566-73). For 1 Esdras as a representation of a source that precedes EM, see Sigmund Mowinckel, *Studien zu dem Buche Ezra-Nehemia* (3 vols; SNVAO.II n.s. 3, 5, 7; Oslo: Universitetsforlaget, 1964-1965), 1:24-45; Karl-Friedrich Pohlmann, *Studien zum dritten Esra: Ein Beitrag zur Frage nach dem ursprünglichen Schluß des chronistischen Geschichtswerkes* (FRLANT 104; Göttingen: Vandenhoeck & Ruprecht, 1970); Dieter Böhler, *Die heilige Stadt in Esdras α und Esra-Nehemia: Zwei Konzeption der Wiederherstellung Israels* (OBO 158; Freiburg: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht, 1997); *idem*, "On the Relationship between Textual and Literary Criticism: The Two Recensions of the Book of Ezra; Ezra-Neh (MT) and 1 Esdras (LXX)" in *The Earliest Text of the Hebrew Bible: The Relationship between the Masoretic Text and the Hebrew Base of the Septuagint Reconsidered* (ed. A. Schenker; SBLSCS 52; Atlanta: Society of Biblical Literature, 2003), 35-50; Lester L. Grabbe, *Ezra-Nehemiah* (OTR; London/New York: Routledge, 1998), 109-15; *idem*, *A History of Jews and Judaism in the Second Temple Period* (2 vols; LSTS 47, 68; London/New York: T & T Clark, 2004-2011), 1:83-85; David M. Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (New York/Oxford: Oxford University Press, 2011), 78-82, 168-69.

2. Unless noted otherwise, dates are BCE.

formative years of Judaism. In his *Tractatus Theologico-Politicus*, the Jewish-Dutch philosopher Spinoza places Ezra as the second coming of Moses and regards him—and not Moses—as the author of the Pentateuch.³ Koch, in a famous essay, argues that Ezra personally understood the march from Babylon to Jerusalem as a ritualized second Exodus and fulfilment of prophetic promises; as a result, Ezra is rightfully placed as the key figure for the foundation of Judaism.⁴

Challenges against Ezra arose in the last couple of centuries as critics weighed the incomplete literary and archaeological evidence. The last couple of decades have witnessed a proliferation of studies that question the existence of a historical Ezra and argue for the artificiality of the biblical materials attributed to an Ezra Memoir or source. Increasingly tied to this skepticism is the growing challenge against the existence of a recognizable Pentateuch not only in EM but also in fifth or fourth century Yehud. Before an examination of Ezra 7-10; Nehemiah 8(-10), some remarks are required on the viability of the historical Ezra and the memoir attributed to him in addition to the process in which the Pentateuch achieves its final form.

3. Originally published in 1670. For an accessible English translation, see Baruch Spinoza, *Theologico-Political Treatise* (trans. M. Silverthorne, J. Israel; CTHP; Cambridge: Cambridge University Press, 2007), 127-32.

4. Klaus Koch, "Ezra and the Origins of Judaism," *JSS* 19 (1974): 173-97.

1.1. Ezra and the Ezra Memoir

Traditionally, Ezra not only has a hand in publishing the Pentateuch but is also the author of Chronicles and Ezra-Nehemiah (*b. B. Bat.* 15a). Zunz challenged Ezran authorship of Ezra-Nehemiah and argued that another author, Chr, composed both Ezra-Nehemiah and Chronicles.⁵ The common authorship of Ezra-Nehemiah and Chronicles enjoyed the dominant view among premodern and modern critics until Japhet's demonstration that linguistic features in Chronicles and Ezra-Nehemiah are also attested in other post-exilic biblical compositions.⁶ Also opposing common authorship, Williamson examines the linguistic forms common to Chronicles and Ezra-Nehemiah and finds only six examples (which are themselves inconclusive) that can be claimed as exclusive to these books.⁷ In this study, the view that Ezra-Nehemiah does not originate from Chronistic circles is

5. Leopold Zunz, *Die Gottesdienstlichen Vorträge der Juden, historisch entwickelt. Ein Beitrag zur Alterthumskunde und biblischen Kritik, zur Literatur- und Religionsgeschichte* (Berlin: A. Asher, 1832), 22.

6. Sara Japhet, "The Supposed Common Authorship of Chronicles and Ezra-Nehemiah Investigated Anew," *VT* 18 (1968): 330-71; repr., in *From the Rivers of Babylon to the Highlands of Judah: Collected Studies on the Restoration Period* (Winona Lake, Ind.: Eisenbrauns, 2006), 1-37; *idem*, "The Relationship between Chronicles and Ezra-Nehemiah" in *Congress Volume: Leuven, 1989* (ed. J. A. Emerton; VTSupp 43; Leiden: Brill, 1991), 293-313; repr., in *Rivers of Babylon*, 169-82.

7. H. G. M. Williamson, *Israel in the Books of Chronicles* (Cambridge: Cambridge University Press, 1977), 37-59; *idem*, *Ezra, Nehemiah* (WBC 16; Waco, Tx.: Word Books, 1985), xxxiii-xxxv.

upheld and Chronicles retains its value as a recovered witness of the Second Temple period.⁸

Ezra-Nehemiah can be delineated into three major units: a late account of the reconstruction of the Jerusalem temple under Jeshua and Zerubbabel (Ezra

8. Also Mark Throntveit, "Linguistic Analysis and the Question of Authorship in Chronicles, Ezra and Nehemiah," *VT* 32 (1982): 201-16; Tamara Cohn Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah* (SBLMS 36; Atlanta: Scholars, 1988), 14-36. There remains support for Chr authorship of Ezra-Nehemiah; see Peter R. Ackroyd, *I & II Chronicles, Ezra, Nehemiah: Introduction and Commentary* (TBC; London: SCM, 1973), 22-24; Robert Polzin, *Late Biblical Hebrew: Toward an Historical Typology of Biblical Hebrew Prose* (HSM 12; Missoula, Mont.: Scholars, 1976), 70-72; David J. A. Clines, *Ezra, Nehemiah, Esther: Based on the Revised Standard Version* (NCBC; Grand Rapids, Mich.: Eerdmans/London: Marshall, Morgan & Scott, 1984), 9-12; Menahem Haran, "Book-Size and the Device of Catch-Lines in the Biblical Canon," *JJS* 36 (1985): 1-11; Antonius H. J. Gunneweg, "Zur Interpretation der Bücher Esra-Nehemia: Zugleich ein Beitrag zur Methode der Exegese" in *Congress Volume: Vienna, 1980* (ed. J. A. Emerton; VTSupp 32; Leiden: Brill, 1981), 146-61; *idem*, *Esra* (KAT 19:1; Gütersloh: Gütersloher Verlagshaus Mohn, 1985), 24-26; David Talshir, "A Reinvestigation of the Linguistic Relationship between Chronicles and Ezra-Nehemiah," *VT* 38 (1988): 165-93; Joseph Blenkinsopp, *Ezra-Nehemiah: A Commentary* (OTL; Philadelphia: Westminster, 1988), 47-54; Karl-Friedrich Pohlmann, "Zur Frage von Korrespondenzen und Divergenzen zwischen den Chronikbüchern und dem Esra/Nehemia-buch" in *Congress Volume: Leuven, 1989*, 314-30.

1-6);⁹ NM (Nehemiah 1-7, 11-13); and EM (Ezra 7-10; Nehemiah 8[-10]).¹⁰ The commentaries by Batten,¹¹ Rudolph,¹² Myers,¹³ Clines,¹⁴ Williamson,¹⁵ and Blenkinsopp¹⁶ generally reflect the consensus held throughout much of the twentieth century that the constituent parts of Ezra-Nehemiah preserved authentic memoirs and correspondence that accrued independently of each other

9. This study accepts the argument that Ezra 1-6 was composed after EM and NM and is a retrojection into an earlier period; see H. G. M. Williamson, "The Composition of Ezra i-vi," *JTS* n.s. 34 (1983): 1-30; repr., in *Studies in Persian Period History and Historiography* (FAT 38; Tübingen: Mohr Siebeck, 2004), 244-70; *pace* Blenkinsopp, *Ezra-Nehemiah*, 43-44. In support for the late provenance of Ezra 1:1-4:5, see Peter Bedford, *Temple Restoration in Early Achaemenid Judah* (JSJSupp 65; Leiden/Boston/Köln: Brill, 2001), 85-181.

10. An alternative for Ezra 7-Nehemiah 13 is proposed in Dwight R. Daniels, "The Composition of the Ezra-Nehemiah Narrative" in *Ernten, was man sät: Festschrift für Klaus Koch zu seinem 65. Geburtstag* (ed. D. W. Daniels et al.; Neukirchen-Vluyn: Neukirchener Verlag, 1991), 311-28. Daniels upholds an Ezra source in Ezra 7-10 and a Nehemiah source in Nehemiah 1-7; 12:31-43 but argues that Neh 8:1-12:30 is a source in which both Ezra and Nehemiah appear. I contend that Neh 8:1-12:30 is from multiple sources.

11. Loring W. Batten, *A Critical and Exegetical Commentary on Ezra-Nehemiah* (ICC; Edinburgh: T & T Clark, 1913).

12. Wilhelm Rudolph, *Ezra und Nehemia samt 3. Esdra* (HAT 20; Tübingen: Mohr, 1949).

13. Jacob Myers, *Ezra. Nehemiah* (AB 14; Garden City, N.Y.: Doubleday, 1965).

14. Clines, *Ezra, Nehemiah, Esther*.

15. Williamson, *Ezra, Nehemiah*.

16. Blenkinsopp, *Ezra-Nehemiah*.

through editorial reworking and were fused together into the final form of Ezra-Nehemiah.

The accounts in Ezra 7-10; Nehemiah 8(-10) were widely considered to preserve an original Ezra memoir or source. Schaeder maintained that the memoir contained reports of Ezra's activities over a period of one year.¹⁷ This view is not widely accepted but has been revived by Williamson.¹⁸ The switches from first-person reports to third-person accounts in EM lead critics to search for different source material along these lines. In a manner similar to the second person singular and plural addresses in Deuteronomy,¹⁹ its regular occurrence in EM may lie in the stylistic variations of a single author. Drawing upon parallels from Ahiqar and Tobit, Mowinckel argues that the switches from first-person to third-person are a stylistic feature of a composer working after Ezra's activities.²⁰ Stylistic

17. Hans Heinrich Schaeder, *Esra der Schreiber* (BZT 5; Tübingen: Mohr, 1930; repr., Nendeln: Kraus Reprint, 1966), 34-38.

18. Following the proposed transposition in Frieder Ahleemann, "Zur Esra-Quelle," ZAW 18 (1942-1943): 89, in Williamson, *Ezra, Nehemiah*, 310. For further discussion and support, see §5.1.2.

19. Moshe Weinfeld, *Deuteronomy 1-11: A New Translation with Introduction and Commentary* (AB 5; New York/London: Doubleday, 1991), 13-15.

20. Sigmund Mowinckel, "'Ich' und 'Er' in der Ezrageschichte" in *Verbannung und Heimkehr: Beiträge zur Geschichte und Theologie Israels im 5. und 6. Jahrhundert v. Chr.: Wilhelm Rudolph zum 70. Geburtstag* (ed. A. Kuschke; Tübingen: Mohr, 1961), 211-33; *idem*, *Studien*, 3:75-94; similarly, with Chr as the author, C. C. Torrey, *Ezra Studies* (Chicago: University of Chicago Press, 1910; rep., LBS; New

changes such as a shift in person should not be completely ignored but this line of investigation has yet to produce a secure identification of multiple source materials or the separation of original materials from editorial insertions in the Ezra accounts. Still, most critics agree that the Ezra accounts are not a uniform composition. Opposing the dominant scholarly interest, Childs cautions against the eager search for sources at the expense of the canonical shape of Ezra-Nehemiah.²¹ Breaking away from canonical commitments—yet spurred by the literary critical sensibilities advocated by Sternberg²²—Eskenazi offers a considerable defence for synchronic readings of Ezra-Nehemiah.²³ However, it remains difficult to place the book of Ezra (or the book of Nehemiah) as part of an “Ezra-Nehemiah” composition and both Ezra and Nehemiah should be regarded as at least two separate “books.”²⁴

York: Ktav, 1970), 244-46. See the critique and argument for the third-person accounts as adaptations of an original first-person memoir in Williamson, *Ezra, Nehemiah*, 146-47.

21. Brevard Childs, *Introduction to the Old Testament as Scripture* (Philadelphia: Fortress/London: SCM, 1979), 624-38.

22. Meir Sternberg, *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading* (IndStBL; Bloomington, Ind.: Indiana University Press, 1985).

23. Eskenazi, *Age of Prose*, 11-14, 37-126; and focusing on the lists of people in *idem*, “The Structure of Ezra-Nehemiah and the Integrity of the Book,” *JBL* 107 (1988): 641-56.

24. James C. VanderKam, “Ezra-Nehemiah or Ezra and Nehemiah?” in *Priests, Prophets and Scribes: Essays on the Formation and Heritage of Second Temple Judaism in Honour of Joseph Blenkinsopp* (ed. E. Ulrich et al.; JSOTSupp 149; Sheffield: JSOT, 1992), 55-75; David Kraemer, “On the Relationship of the Books of Ezra and

The dominant position upholds Ezra-Nehemiah as a composite work that results after the incorporation of lists, official documents, memoirs, and supplementary materials.

Another serious challenge lies with Ezra himself. According to Ezra 7:6, Ezra and his caravan arrive in Jerusalem in the seventh year of one Artaxerxes. As it is presented in Ezra-Nehemiah, the year is 458 and the monarch can be identified as Artaxerxes I Longemanus (r. 465-424). Afterwards, Nehemiah arrives in Jerusalem in 445, which is the twentieth year of the reign of the same monarch (Neh 2:1, 11). Support for Ezra proclaiming תורה in 458 could be construed from the so-called Passover Papyrus (*TAD A4.1*) dated to 419. However, the Passover Papyrus contains regulations that do not wholly align with the Pentateuch, makes no direct reference to Ezra, and is in an advanced fragmentary state. Otherwise, there is little—if any—inscriptional or extra-biblical evidence to support the existence of a historical Ezra. In contrast, on the basis of references to the Samaritan governor Sanballat in a letter from Elephantine dated to 407 (*TAD A4.7:18; A4.8:16; cf. Neh 2:10, 19*), Nehemiah's arrival in Jerusalem can be securely dated to 445. Ben Sira includes Nehemiah among his "men of renown" (49:13) but not Ezra. Second Maccabees also makes no mention of Ezra but embellishes Nehemiah's

Nehemiah," *JSOT* 59 (1993): 73-92.

accomplishments by attributing events (such as the building of the temple and altar in 1:18-36; 2:13-15) to him that are absent in Ezra-Nehemiah. If Ezra is indeed an influential figure then it is somewhat curious that any one of Ben Sira, the composer of 2 Maccabees, or the New Testament evangelists, does not make a passing remark on Ezra.²⁵

By the dawn of modern biblical criticism, a few scholars had questioned the veracity of the biblical chronology but van Hoonacker stands out as the first to provide persuasive arguments for the reversal of the biblical order—that is, Nehemiah’s mission first and then Ezra’s real mission beginning in 398 in the seventh year of Artaxerxes II Mnemon (r. 404-359).²⁶ Van Hoonacker’s suggestion that Ezra was present during Nehemiah’s second mandate found few supporters but the dating of Ezra to 398 gained acceptance.²⁷ The matter, however, remains

25. The importance of Nehemiah to Ben Sira and 2 Maccabees can be explained by each author’s interest in the temple state through Nehemiah’s rebuilding projects; see Anne Fitzpatrick-McKinley, “What Did Nehemiah do for Judaism?” in *A Wandering Galilean: Essays in Honour of Seán Freyne* (ed. Z. Rodgers et al.; SJSJ 132; Leiden/Boston: Brill, 2009), 93-119.

26. Albin van Hoonacker, “Néhémie et Esdras: Nouvelle hypothèse sur la chronologie de l’époque de la restauration,” *Muséon* 9 (1890): 151-84, 317-51, 389-401; *idem*, “La succession chronologique Néhémie-Esdras,” *RB* 32 (1923): 481-94.

27. E.g., H. H. Rowley, “The Chronological Order of Ezra and Nehemiah” in *The Servant of the Lord* (2nd ed., Oxford: Blackwell, 1965), 137-68; Henri Cazelles, “La Mission d’Esdras,” *VT* 4 (1954), 113-40; Ackroyd, *I & II Chronicles, Ezra, Nehemiah*, 24-26; W. Stewart McCollough, *The History and Literature of the Palestinian Jews from Cyrus to Herod: 550 BC to 4 BC* (Toronto/Buffalo: University of Toronto Press, 1975),

undecided as there has been a steady revival in support of Ezra's arrival in 458.²⁸

Doubts on the historicity of Ezra also existed but the studies by Torrey stand out as the most influential. Outside of Nehemiah, Torrey saw little historical value in Ezra-Nehemiah and regarded Ezra as a fabrication of the Chronicler.²⁹ The role that Torrey assigned to the Chronicler in shaping the accounts of Ezra was readily

43-44.

28. For 458 see, for example, Schaeder, *Ezra der Schreiber*, 5-38; Frank Moore Cross, "A Reconstruction of the Judean Restoration," *JBL* 94 (1973): 4-11; rev. in *From Epic to Canon: History and Literature in Ancient Israel* (Baltimore: Johns Hopkins University Press, 1988), 151-164; Williamson, *Ezra, Nehemiah*, xxxix-xlii; Blenkinsopp, *Ezra-Nehemiah*, 135; Deborah W. Rooke, *Zadok's Heirs: The Role and Development of the High Priesthood in Ancient Israel* (OTM; Oxford: Oxford University Press, 2000), 155; James C. VanderKam, *From Joshua to Caiaphas: High Priests After the Exile* (Minneapolis: Fortress/Assen: Van Gorcum, 2004), 100-1. Kellermann maintains the place of Nehemiah after Ezra but argues for Ezra's arrival in 448 (Ulrich Kellermann, "Erwägungen zum Problem der Esradatierung," *ZAW* 80 [1968]: 55-87). For 398 see Paolo Sacchi, *The History of the Second Temple Period* (trans. of *Storia del Secondo Tempio: Israele tra VI secolo a.C e I secolo d.C.* [Turin: Società Editrice Internazionale, 1994] by T. Kirk; JSOTSupp 285; Sheffield: Sheffield Academic, 2000), 136, 169; Joachim Schaper, *Priester und Leviten im achämenidischen Juda: Studien zur Kult- und Sozialgeschichte Israels in persischer Zeit* (FAT 31; Tübingen: Mohr Siebeck, 2000), 246; Carr, *Formation*, 208. No longer maintained is 428; see William Foxwell Albright, *The Biblical Period from Abraham to Ezra* (New York: Harper & Row, 1963), 93 (and n. 193); John Bright, *A History of Ancient Israel* (3rd ed.; Philadelphia, Westminster, 1981), 400-1; and its convincing refutation in John A. Emerton, "Did Ezra Go to Jerusalem in 428 B.C.?" *JTS* n.s. 17 (1966): 1-19.

29. C. C. Torrey, *The Composition and Historical Value of Ezra-Nehemiah* (BZAW 2; Giessen: J. Ricker, 1896); *idem*, *Ezra Studies*; *idem*, *The Chronicler's History of Israel: Chronicles-Ezra-Nehemiah Restored to its Original Form* (New Haven, Conn.: Yale University Press, 1954).

accepted and finds support in the studies by Mowinckel and Kapelrud.³⁰ However, Torrey's skeptical evaluation of Ezra lost out to the more positive assessment of Ezra's historicity as championed by Albright.³¹ Critics who enthusiastically adopted Torrey's views were the exception rather than the norm.³²

Recently, Torrey's full insights have enjoyed a renaissance with Garbini among the first critics to offer a positive reappraisal.³³ Much of this revival can be attributed to Noth's highly influential *Überlieferungsgeschichtliche Studien*. Noth argues that the Chronicler fashions Ezra after Nehemiah (from NM) and composes the Ezra accounts in their place.³⁴ Most of the scholarly attention on *Überlieferungsgeschichtliche Studien* initially focused on the notion of a Deuteronomistic historian but Noth's literary analysis of the Ezra accounts is the

30. Mowinckel, *Studien*, 3:11-17; Arvid Kapelrud, *The Question of Authorship in the Ezra Narrative: A Lexical Investigation* (Oslo: Jacob Dybwad, 1944).

31. Albright, *Abraham to Ezra*, 90-95.

32. Notably, Gustav Hölscher, "Die Bücher Esra und Nehemia" in *Die Heilige Schrift des Alten Testaments* (2 vols; ed. E. Kautzsch, A. Bertholet; 4th ed.; Tübingen: Mohr, 1922-1923), 2:491-95.

33. Giovanni Garbini, *History and Ideology in Ancient Israel* (trans. of *Storia e ideologia nell'Israele antico* [BSSTB 3; Brescia: Paideia, 1986] by J. Bowden; London: SCM, 1988), 151-69.

34. Martin Noth, *Überlieferungsgeschichtliche Studien: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament* (2nd ed.: Tübingen: Max Niemeyer, 1957), 145-48; Eng. of part 2, *The Chronicler's History* (trans. H. G. M. Williamson; JSOTSupp 50; Sheffield: JSOT, 1987), 62-65.

precursor to the growing number of studies that regard Ezra as a literary invention with Nehemiah as the prototype. In some ways, Ezra could be conceived of as a second Nehemiah. Upholding the Edict in Ezra 7:12-26 (and possibly 8:26-27) as the only authentic *vorchronistische* material, Kellermann argues that Ezra 7-10 (and Nehemiah 8-10) is a midrash composed by the Chronicler from a Persian document.³⁵ In der Smitten includes Ezra 8:1-14 with the Edict as the *vorchronistische* sources for the Chronicler's midrashic account of Ezra.³⁶ In a return to Noth, Gunneweg questions the historical veracity of Ezra 7-10, casts doubt on an actual memoir that can be attributed to Ezra, and confirms NM as the Chronicler's source material for the Ezra accounts.³⁷ Spurred by Gunneweg's insights, Grabbe raises problems with the authenticity of the sources in EM (and all of Ezra-Nehemiah).³⁸ Following Ben Sira's omission of Ezra, Lebram pushes Ezra into the

35. Ulrich Kellermann, *Nehemia. Quellen, Überlieferung und Geschichte* (BZAW 102; Berlin: Töpelmann, 1967), 56-69; *idem*, "Esradatierung," 55-61.

36. Wilhelm T. In der Smitten, *Esra: Quellen, Überlieferung und Geschichte* (SSN 15; Assen: Van Gorcum, 1973), 56-66.

37. Gunneweg, *Esra*, 141.

38. Lester L. Grabbe, "Reconstructing History from the Book of Ezra" in *Second Temple Studies I: Persian Period* (ed. P. R. Davies; JSOTSupp 117; Sheffield: JSOT, 1991), 98-106; *idem*, *Judaism from Cyrus to Hadrian* (2 vols; Minneapolis: Fortress, 1992), 1:36-38; *idem*, "What Was Ezra's Mission?" in *Second Temple Studies II: Temple and Community in the Persian Period* (ed. T. C. Eskenazi, K. H. Richards; JSOTSupp 175; Sheffield: JSOT, 1994), 286-99; *idem*, *Ezra-Nehemiah*, 138-52.

early second century and casts him as a protest figure operating in the background of the Hasmonean temple theocracy and within the struggle for the law of Moses to be recognized as the constitution of Jerusalem.³⁹ Kratz views Ezra 7:21-22 as the only authentic kernel of a fictional travel report in 7:1-6, 11a, 12-13, 21-22, 27-28; 8:15a, 21-36 composed into its place with what remains in Ezra 7-8 and all of Ezra 9-10 (which postdates Neh 13:23-31) as supplements.⁴⁰ Identifying the complex and conflicting socio-political ideologies throughout what she identifies as (in chronological order) the *Nehemiaschrift*, *Estraschrift*, and the mediating *Gesamtkomposition*, Karrer sees little authenticity in Ezra 7:1-9:5 and identifies the independent *Estraschrift* in Ezra 7:1*, 6a-c, 8, 28b-d; 8:15-34; 9:6-10:44; Neh 8:1-18.⁴¹ Becking regards Ezra 7-10 as a fictional account based upon Nehemiah 8, which he assigns to the Nehemiah account.⁴² Two monographs separately published in 2004

39. Jurgen C. H. Lebram, "Die Traditionsgeschichte der Esragestalt und die Frage nach dem historischen Esra" in *Sources, Structures, Synthesis: Proceedings of the Groningen 1983 Achaemenid History Workshop* (ed. H. Sancisi-Weerdenburg; AchH 1; Leiden: Nederlands Instituut voor het Nabije Oosten, 1987), 103-38, esp. 126-32.

40. Reinhard G. Kratz, *Die Komposition der erzählenden Bücher des Alten Testaments: Grundwissen der Bibelkritik* (UTB 2157; Göttingen: Vandenhoeck & Ruprecht, 2000), 74-90; Eng., *The Composition of the Narrative Books of the Old Testament* (trans. J. Bowden; New York: T & T Clark, 2005), 68-83.

41. Christiane Karrer, *Ringens um die Verfassung Judas. Eine Studie zu den theologisch-politischen Vorstellungen im Esra-Nehemia-Buch* (BZAW 308; Berlin/New York: de Gruyter, 2001), 227-40.

42. Bob Becking, "The Idea of Torah in Ezra 7-10: A Functional Analysis," *ZABR* 7 (2001): 275-76; repr. "Law as an Expression of Religion (Ezra 7-10)" in

by Juha Pakkala and Jacob Wright employ redaction criticism towards solving the literary problems in EM and NM, respectively.⁴³ Wright identifies the core of NM as an original building inscription (no more than several lines) that grew through what he identifies as six editorial layers and through multiple hands. EM is not left untouched, with Wright supporting most of Kratz's analysis. Persuaded by stylistic indicators that betray editorial insertions and supplementations, Pakkala argues that EM consists of an original Ezra Source scattered throughout twenty-one verses in Ezra 7-8; Nehemiah 8; Ezra 9-10 that underwent expansion through no less than seven phases.

The studies that stem from a dwindling confidence in a historical Ezra address the literary difficulties detected in Ezra 7-10; Nehemiah 8(-10). Furthermore, they identify ideologically charged episodes and portrayals of a character named Ezra. There is, however, little consensus on how to divide these materials and how to extract an original kernel and its supplemental layers. Against the major departures from the classical view, this study supports the

Yahwism after the Exile: Perspectives on Israelite Religion in the Persian Era (ed. R. Albertz, B. Becking; STAR 5; Assen: Royal Van Gorcum, 2003), 20-21; repr., in *Ezra, Nehemiah, and the Construction of Early Jewish Identity* (FAT 80; Tübingen: Mohr Siebeck, 2011), 45-46.

43. Juha Pakkala, *Ezra the Scribe: The Development of Ezra 7-10 and Nehemiah 8* (BZAW 347; Berlin: de Gruyter, 2004); Jacob L. Wright, *Rebuilding Identity: The Nehemiah Memoir and its Earliest Readers* (BZAW 348; Berlin: de Gruyter, 2004).

integrity of EM throughout most of Ezra 7-10; Nehemiah 8(-10) and recognizes that NM's influence can be detected in one of the supplemental layers to EM. This study presupposes that the historical Ezra lurks beneath the biblical witness contained in Ezra 7-10; Nehemiah 8(-10) but how much of the historical Ezra can be retrieved from the textual witness remains an ideological debate. Related to this debate is how much of the affairs of Second Temple Yahvism can be extracted from EM.

1.2. Reichsautorisation of תורה

In the search for EM's value as a (near-)contemporary witness of the social, political, and religious institutions of fifth-fourth century Yehud, the value of the Edict of Artaxerxes in Ezra 7:12-26 is contested, with some critics questioning its authenticity as a Persian document.⁴⁴ Other critics contend that if Ezra 7:12-26 contains an original Persian edict, then its recovery is difficult due to its alleged post-Imperial Aramaic and scribal interjections.⁴⁵ Grätz goes further and dismisses

44. In addition to the literature in §1.1, Kapelrud, *Authorship*, 42.

45. Lester L. Grabbe, "The Law of Moses in the Ezra Tradition: More Virtual than Real?" in *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch* (ed. J. W. Watts; SBLSymS 17; Atlanta: Society of Biblical Literature, 2001), 92-94; *idem*, "The 'Persian Documents' in the Book of Ezra: Are They Authentic?" in *Judah and Judeans in the Persian Period* (ed. O. Lipschits, M. Oeming; Winona Lake, Ind.:

the authenticity of the Edict by equating it to a Hellenistic royal endowment.⁴⁶

After Janzen argues that the Edict contains words unattested outside of Palestinian Aramaic, he concludes that the Edict does not conform to official Persian

correspondence but—in what is a reversal of Kellermann’s evaluation—is rather a

midrash of the Ezra narrative.⁴⁷ It would be unusual, though admittedly not

impossible, for a midrash to be composed in the form of a royal edict from a non-

Yehudite king.⁴⁸ Steiner challenges Janzen’s linguistic arguments and contends that

the legal aspects of Ezra’s mission conform to the Persian imperial apparatus.⁴⁹ The

Eisenbrauns, 2006), 531-70, esp. 551-55. Schwiderski regards the Aramaic documents in Ezra 1-6 as fictive Hellenistic letters but, due to the derivations from Imperial Aramaic as insufficient evidence, leaves open the question for Ezra 7:12-26 (Dirk Schwiderski, *Handbuch des nordwestsemitischen Briefformulars: ein Beitrag zur Echtheitsfrage der aramäischen Briefe des Esrabuches* [BZAW 295; Berlin/New York: de Gruyter, 2000], 343-80; pace H. G. M. Williamson, “The Aramaic Documents in Ezra Revisited,” *JTS* n.s. 59 [2008]: 57-62).

46. Sebastian Grätz, *Das Edikt des Artaxerxes: eine Untersuchung zum religionspolitischen und historischen Umfeld von Esra 7,12-26* (BZAW 337; Berlin/New York: de Gruyter, 2004), 147-91.

47. David Janzen, “The ‘Mission’ of Ezra and the Persian Period Temple Community,” *JBL* 119 (2000): 619-43.

48. In support of the place of the Edict with its surrounding narrative, see §3.3.4 for the importance of *any* king (here, Artaxerxes) as essential to maintaining the cosmic order, even in Persian-period Yehud. My main contention here is with the label of Ezra 7:12-26 as “midrash.”

49. Richard C. Steiner, “The MBQR at Qumran, the *Episkopos* in the Athenian Empire, and the Meaning of LBQR² in Ezra 7:14: On the Relation of Ezra’s Mission to the Persian Legal Project,” *JBL* 120 (2001): 623-46, esp. 638-43.

Edict may preserve an authentic Aramaic document that is consistent with Persian imperial objectives but there are indications that the Edict betrays the reworking of Yehudite hands.⁵⁰ Artaxerxes' modest attribution of himself as מלך מלכיא (cf. Nebuchadnezzar as מלכא מלך מלכיא [Dan 2:37] and מלך מלכים [Ezek 26:7]), a title unattested in official Persian documents, suggests a level of artificiality.⁵¹ It would be unusual for a Persian monarch to refer to a political entity that ceased to exist ("people of Israel" [7:13]; "God of Israel" [v. 15]).⁵² Artaxerxes also refers to the Israelite deity as אלה שמיא (vv. 12, 21, 23 [2x]; also Cyrus in 2 Chr 36:22//Ezra 1:1). This designation, or its Hebrew equivalent (אלהי השמים), usually refers to Yahveh in a foreign land or in conversation with a non-Yahvist.⁵³ Some of the quantities of the provisions listed in Ezra 7:22 appear impossibly large. The prohibition on tolls

50. Rudolph, *Ezra und Nehemia*, 73; Williamson, *Ezra, Nehemiah*, 98-99; Blenkinsopp, *Ezra-Nehemiah*, 147; Kenneth G. Hoglund, *Achaemenid Imperial Administration in Syria-Palestine and the Missions of Ezra and Nehemiah* (SBLDS 125; Atlanta: Scholars, 1992), 47-48, 226-31.

51. Bedford, *Temple Restoration*, 120-22.

52. Grabbe, *History of the Jews*, 325; Bedford, *Temple Restoration*, 115-16.

53. Cf. Gen 24:3, 7; Ezra 5:12; Jonah 1:9; TAD A4.7:2, 15, 27-28. Some critics claim that Yahveh as אלהי השמים is evidence of Genesis 24 as a post-exilic composition. In defence of its pre-exilic provenance see Gary A. Rendsburg, "Some False Leads in the Identification of Late Biblical Hebrew Texts: The Cases of Genesis 24 and 1 Samuel 2:27-36," *JBL* 121 (2002): 23-46, esp. 24-35. I submit that foreigners (at any time) can refer to Israel's deity as אלהי השמים.

and tributes levied against the Temple and its workers (Ezra 7:24) is also likely a fabrication grounded on some historical basis.⁵⁴

According to Ezra 7:25-26, Ezra is given a royal mandate to teach the law and appoint magistrates and judges. In his “Zentralgewalt und Lokalautonomie im Achämenidenreich,” Frei discusses multiple examples of Achaemenid intervention in the establishment of the legal codes of its vassal-states.⁵⁵ Frei opens the possibility that vv. 25-26 fit within the Achaemenid programme and some critics accept that the provision for Ezra to enforce “the laws of the king” to not only Yehud but also the wider satrapy of Eber-Nahara reflects actual practices.⁵⁶ It is

54. As supported by the Gadatas Inscription (Russell Meiggs and David M. Lewis, *A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C.* [Oxford: Clarendon, 1969], 20-22; see Williamson, *Ezra, Nehemiah*, 103; Blenkinsopp, *Ezra-Nehemiah*, 150). In lines 22-29, Darius condemns Gadatas for extracting tribute from the Apollo cult. Its authenticity is questioned in Lisbeth S. Fried, *The Priest and the Great King: Temple-Palace Relations in the Persian Empire* (BAJS 10; Winona Lake, Ind.: Eisenbrauns, 2004), 117-19.

55. Peter Frei, “Zentralgewalt und Lokalautonomie im Achämenidenreich” in *Reichsidee und Reichsorganisation im Perserreich* (ed. P. Frei, K. Koch; OBO 55; Göttingen: Vandenhoeck & Ruprecht, 1984), 8-43; 2nd rev. ed. (1996), 8-131. For a summary, see *idem*, “Die persische Reichsautorisation: Ein Überblick,” *ZABR* 1 (1995): 1-35; Eng., “Persian Imperial Authorization: A Summary” in *Persia and Torah* (trans. J. W. Watts), 5-40.

56. Michael Heltzer, “The Right of Ezra to Demand Obedience to ‘The Laws of the King’ from Gentiles of the V Satrapy,” *ZABR* 4 (1998): 192-96; Lisbeth S. Fried, “‘You Shall Appoint Judges’: Ezra’s Mission and the Rescript of Artaxerxes” in *Persia and Torah*, 65-88.

suggested from the Cyrus Cylinder (COS 2.124) that the Persians employed a systematic policy of repatriating exiled peoples and re-establishing the local cults throughout their vast empire. Comparisons are made between the mandates of Ezra and those of an Egyptian in the autobiographical Udjahorresnet Inscription dated to the reign of Darius I (r. 522-486).⁵⁷ Frei's influence can be found in studies that present the Yehudite scribes as the ones who compiled the Pentateuch under the auspices of the Achaemenid overlords.⁵⁸

The evidence supports the notion that the Achaemenids employed a pragmatic approach to governing a vast empire by showing interest in the local cults and in understanding that the proper operation of their temples is integral to the religious and, in turn, economic infrastructure of its vassals. The Jerusalem

57. Joseph Blenkinsopp, "The Mission of Udjahorresnet and those of Ezra and Nehemiah," *JBL* 106 (1987): 417-21.

58. E. Theodore Mullen, *Ethnic Myths and Pentateuchal Foundations: A New Approach to the Formation of the Pentateuch* (SBLSemSt 35; Atlanta: Scholars, 1997); Alexander Fantalkin and Oren Tal, "The Canonization of the Pentateuch: When and Why?" *ZAW* 124 (2012): 1-18, 201-12; *idem*, "Judah and its Neighbors in the Fourth Century BCE" in *Judah to Judea: Socio-economic Structures and Processes in the Persian Period* (ed. J. U. Ro; HBM 43; Sheffield: Sheffield Phoenix, 2012), 169-80; Jacques Vermeylen, "Les deux «pentateuques» d'Esdras," *VT* 62 (2012): 248-75. Furthermore, Persian support is often cited as the historical background for the compilation of the Pentateuch from its constituent parts (see §1.5). See also the argument that late fifth century Levitical groups composed Ezra-Nehemiah under Persian sponsorship in Kyung-Jin Min, *The Levitical Authorship of Ezra-Nehemiah* (JSOTSupp 409; London/New York: T & T Clark, 2004).

temple was likely of economic interest to the Achaemenids and organized accordingly.⁵⁹ What remains to be proven, however, is that the Persians were equally benevolent to all of their vassals. Concerning the temple, Kuhrt remarks that the Cyrus Cylinder follows the model of a Mesopotamian building inscription from the reign of Assurbanipal (r. 668-627), projects exclusive devotion to Marduk, and specifies a concern for the affairs of Babylon and its adjacent territories.⁶⁰ Turning to the biblical witness, Bedford argues that the rebuilding of the Jerusalem temple is a joint venture at the time of Darius that results after the repatriates and non-repatriates are convinced (through Haggai and [First] Zechariah) that Yahveh's planned return to Jerusalem is impending.⁶¹ The biblical claim for the importance of the Jerusalem temple to the wider empire may be overstated.

The theory of *persische Reichsautorisation* as the historical background to the literature and institutions of Yehud is no longer widely supported. In its defence, Schmid counters that Frei advocates for the *elevation* of local laws to the rank of

59. See Joachim Schaper, "The Jerusalem Temple as an Instrument of the Achaemenid Fiscal Administration," *VT* 45 (1995): 528-39; *idem*, "The Temple Treasury Committee in the Times of Nehemiah and Ezra," *VT* 47 (1997): 200-6.

60. Amélie Kuhrt, "The Cyrus Cylinder and Achaemenid Imperial Policy," *JOT* 25 (1983): 83-97. Specifically, lines 30-34 are disputed as a program for restoring local sanctuaries (pp. 87-88).

61. Bedford, *Temple Restoration*, 85-181.

imperial law.⁶² Still, it remains difficult to place the Pentateuch as the product of an Achaemenid imperial initiative to centralize and codify local laws. If the Yehudite scribes canonized the Pentateuch to appease the Achaemenid overlords, then one could ask why is the Pentateuch not in the *lingua franca*—that is, Aramaic? For this reason, Ska accepts that the Persians were involved with the local affairs of Yehud but questions the identification of the Pentateuch with the authoritative document in Ezra 7.⁶³ Still, if Ezra 7 refers to any law of the land (Pentateuch or not) then why is there so little—if any—description of Persian enforcement of this law? Hagedorn agrees that the Persian context (despite the lack of official interest) stimulates the codification of the biblical legal material but—opposing Achaemenid colonial policy—argues that the biblical authors pre-emptively create the Pentateuch in order to avoid an imagined future conflict with the empire.⁶⁴ After examining Persian actions in Egypt and Asia Minor, Lee accepts Frei’s theory that the Persians

62. Konrad Schmid, “The Persian Imperial Authorization as a Historical Problem and as a Biblical Construct: A Plea for Distinctions in the Current Debate” in *The Pentateuch as Torah: New Models for Understanding its Promulgation and Acceptance* (ed. G. N. Knoppers, B. M. Levinson; Winona Lake, Ind.: Eisenbrauns, 2007), 23-38.

63. Jean-Louis Ska, “From History Writing to Library Building: The End of History and the Birth of the Book” in *Pentateuch as Torah*, 146-47; see also *idem*, “‘Persian Imperial Authorization’: Some Question Marks” in *Persia and Torah*, 169-70.

64. Anselm C. Hagedorn, “Local Law in an Imperial Context: The Role of Torah in the (Imagined) Persian Period” in *Pentateuch as Torah*, 57-76.

intervened in Yehud through legislation but ultimately disagrees that the Persians were involved with the contents or the formation of the Pentateuch.⁶⁵

I concur that the Persians had no direct involvement with the Pentateuch and that the theory of *Reichsautorisation* does not adequately explain how the Pentateuch achieved its final form. The Achaemenids had pressing matters at their frontiers and it is difficult to see how the expenditure of legislative resources towards implementing the local laws and customs of a remote sub-province offered any strategic benefits for the empire.⁶⁶ I agree that the Persians were sympathetic towards the local cults but I am of the opinion that the Edict—which is well integrated into EM (see §3)—overstates the level of Persian involvement in Yehud. It is difficult to envision how the codification of the Pentateuch in the tiny remote outpost of Yehud advances *Pax Persica*. Furthermore, if the Pentateuch in its final form was conceived of as the authoritative constitution of Yehud then it remains to be explained why it does not stay static but is rewritten, revised, and reworked along ideological fractures among competing Yahvistic groups. Whereas the Achaemenids were unlikely heavily invested in Yehud, the recovered Yehudite

65. Kyong-Jin Lee, *The Authority and Authorization of Torah in the Persian Period* (CBET 64; Leuven: Peeters, 2011), 213–51.

66. See also Pierre Briant, *Histoire de l'Empire perse: de Cyrus à Alexandre* (Paris: Fayard, 1996), 1001; Eng., *From Cyrus to Alexander: A History of the Persian Empire* (trans. P. T. Daniels; Winona Lake, Ind.: Eisenbrauns, 2002), 976.

witnesses from this period embellish and enhance the significance of their sub-province within the larger world of its surrounding empire. Still, regardless of the historical implausibility of a Persian authority's interest in the minutiae of Yehudite legal customs, both the Edict and EM remain useful as reflections of a Yehudite perspective on the contemporary political, social, and religious institutions. Theories on the conditions that propelled the collation of originally independent sources, fragments, or supplements into the final form of the Pentateuch can no longer be securely established by the background of Persian imperial interests. Instead, the impetus for the formation of the Pentateuch from its constituent parts to its final form lies elsewhere.

1.3. The Formation of the Pentateuch

By the end of the first century CE, there appears to be some recognition of a “law” (Matt 22:40; Prologue to Ben Sira) and the “law of Moses” (Luke 24:44). In *C. Ap.* 1.37-43, Josephus defends the records of his people contained in 22 books and among them “five are the books of Moses, comprising the laws and the traditional history from the birth of man down to the death of the lawgiver” (1.39). These books of Moses are recognizable as the Pentateuch. However, the further back one

moves in time, the shape of the Pentateuch becomes more of an uncertainty.

Despite the inconsistencies in transmission, the recovered manuscript evidence from Qumran suggests that the Pentateuch was regarded as authoritative. The discussion is further complicated by the textual divergences in the traditions from the fifth or fourth to first century that lead to MT, LXX, and SamP.⁶⁷ Beyond these traditions, the identification of the contents of “תורה” becomes less secure.

Pre-modern and modern critics have long recognized that the origins of the Pentateuch lie in its constituent parts.⁶⁸ Among the competing models that emerged in the late nineteenth century, what became known as the New Documentary Hypothesis gained acceptance through the magisterial presentation by Wellhausen in his epochal *Prolegomena zur Geschichte Israels*.⁶⁹ For the most part,

67. Acknowledging that these traditions were still developing throughout this period, it would be appropriate to affix the label “proto-” before these traditions. The analysis in this study, unless noted otherwise, will be based on MT. LXX can be dated to the third century at the earliest. Arguing that the Pentateuch is a shared Judean-Samaritan enterprise, Knoppers dates SamP to the Maccabean period when Judean-Samaritan relations disintegrated (Gary N. Knoppers, *Jews and Samaritans: The Origins and History of their Early Relations* [New York/Oxford: Oxford University Press, 2013], 178-94). Although textual variants are not to be completely ignored, I consider distinct ideologies and narrative continuity as important factors in the source critical analysis of Genesis-Deuteronomy.

68. For a history of pentateuchal criticism see Ernest W. Nicholson, *The Pentateuch in the Twentieth Century: The Legacy of Julius Wellhausen* (Oxford: Oxford University Press, 1998).

69. Julius Wellhausen, *Prolegomena zur Geschichte Israels* (2nd ed.; Berlin: G. Reimer, 1883); Eng., *Prolegomena to the History of Israel* (trans. J. Sutherland Black and

the Graf-Wellhausen Hypothesis enjoyed dominance throughout the first half of the twentieth century with some critics continuing to operate within the classical paradigm.⁷⁰ A challenge was raised by Kaufmann who, accepting the source documents themselves, disputes the late dating of P and argues for its antiquity in the pre-exilic period.⁷¹ This position continues to find its strongest support among Israeli and Israeli-influenced scholarship.⁷² Support for a pre-exilic Priestly source

A. Enzies with preface by W. Robertson Smith; Edinburgh: Adam & Charles Black, 1885); repr., *Prolegomena to the History of Ancient Israel* (New York: Meridan Books, 1957); and the credit to Karl Heinrich Graf in *Prolegomena*, 3-4; Eng., 3-4. Wellhausen engages in a detailed discussion of each source document in *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* (Berlin: G. Riemer, 1889; 4th repr., Berlin: de Gruyter, 1963).

70. Notably, Richard Elliot Friedman, *Who Wrote the Bible?* (New York: Summit, 1987); *idem*, *The Hidden Book of the Bible* (San Francisco: HarperSanFrancisco, 1998); *idem*, *The Bible with Sources Revealed: A New View into the Five Books of Moses* (San Francisco: HarperSanFrancisco, 2003); *idem*, “Three Major Redactors of the Torah” in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Post-Biblical Judaism: Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday* (2 vols; ed. C. Cohen et al.; Winona Lake, Ind.: Eisenbrauns, 2008), 1:31-44.

71. Yehezkel Kaufmann, *tôl’dôt hā’emûnā^h hayisrā’ēlīt: miy^amê qedem ‘ad sôp bêt šēnī* [תולדות האמונה הישראלית: מימי קדם עד סוף בית שני] (8 parts in 4 vols; Tel Aviv: Mosad Byalik, 1937-1956), 1:113-42; Eng. vol. 1-3, *The Religion of Israel: From its Beginnings to the Babylonian Exile* (trans. and ab. M. Greenberg; Chicago: University of Chicago Press, 1960), 175-200. For an accessible discussion on Kaufmann’s impact, see Job Y. Jindo, “Recontextualizing Kaufmann: His Empirical Conception of the Bible and its Significance in Jewish Intellectual History,” *JJTP* 19 (2011): 95-129.

72. Avi Hurvitz, “The Evidence of Language in Dating the Priestly Code,” *RB* 81 (1974): 24-56; *idem*, *A Linguistic Study of the Relationship between the Priestly Source and the Book of Ezekiel* (CRB 20; Paris: Gabalda, 1982); *idem*, “Dating the Priestly Source in Light of the History Study of Biblical Hebrew a Century after

is upheld in two monographs that investigate Ezekiel's literary influences. Levitt

Kohn argues that Ezekiel fuses a Priestly document with Deuteronomic materials

and with minimal contributions from JE.⁷³ Accordingly, Ezekiel anticipates the final

Wellhausen," ZAW 100 Supplement (1988): 88-100; Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972; repr., Winona Lake, Ind.: Eisenbrauns, 1992), 179-89; *idem*, *Place of the Law in the Religion of Ancient Israel* (VTSupp 100; Leiden/Boston: Brill, 2004), 3-74; Menahem Haran, *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School* (Oxford: Clarendon, 1978; repr., Winona Lake, Ind.: Eisenbrauns, 1985), 3-12, 132-48; *idem*, "Behind the Scenes of History: Determining the Date of the Priestly Source," JBL 100 (1981): 321-33; *idem*, "Ezekiel, P, and the Priestly School," VT 58 (2008): 211-28; Gary A. Rendsburg, "Late Biblical Hebrew and the Date of P," JANESCU 12 (1980): 65-80; Thomas M. Krapf, *Die Priesterschrift und die vorexilische Zeit: Yehezkel Kaufmanns vernachlässigter Beitrag zur Geschichte der biblischen Religion* (OBO 119; Freiburg: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht, 1992); Ziony Zevit, "Converging Lines of Evidence Bearing on the Date of P," ZAW 94 (1982): 481-511; Meir Paran, *Forms of the Priestly Style in the Pentateuch: Patterns, Linguistic Usages, Syntactic Structures* [דרכי הסגנון מבנים הכהני בתורה: דבמים, שימושי לשון, מבנים] (intro. M. Haran; Jerusalem: Magnes, 1989), esp. 273-305; Jacob Milgrom, *Leviticus 1-16: A New Translation with Introduction and Commentary* (AB 3; New York/London: Doubleday, 1991), 3-35; *idem*, "The Case for the Pre-Exilic and Exilic Provenance of the Books of Exodus, Leviticus and Numbers" in *Reading the Law: Studies in Honour of Gordon J. Wenham* (ed. J. G. McConville, K. Möller; LHBOTS 461; New York/London: T & T Clark, 2007), 48-56. For challenges, see Joseph Blenkinsopp, "An Assessment of the Alleged Pre-Exilic Date of the Priestly Material in the Pentateuch," ZAW 108 (1996): 495-518 (*pace* Jacob Milgrom, "The Antiquity of the Priestly Source: A Reply to Joseph Blenkinsopp," ZAW 111 [1999]: 10-22; Avi Hurvitz, "Once Again: The Linguistic Profile of the Priestly Material in the Pentateuch and Its Historical Age. A Response to J. Blenkinsopp," ZAW 112 [2000]: 180-91); Baruch A. Levine, "Late Language in the Priestly Source: Some Literary and Historical Observations" in *Proceedings of the Eighth World Congress of Jewish Studies: Panel Sessions—Bible Studies and Hebrew Language* (ed. D. Krone; Jerusalem: World Union of Jewish Studies, 1983): 69-82.

73. Risa Levitt Kohn, *A New Heart and a New Soul: Ezekiel, the Exile, and the Torah* (JSOTSupp 358; London: Sheffield Academic, 2002), esp. 30-104; *idem*, "A

form of the Pentateuch and Levitt Kohn states that “[a] century after the Babylonian destruction of Judah, the disputes reflected in the disparate ideologies of JE, D, and P were rendered less visibly exclusive.”⁷⁴ I am unconvinced that the distinctive features of the different sources were deemed as less of an obstacle after a period of time but Levitt Kohn demonstrates that, at the very least, independent Priestly and Deuteronomic sources were consulted as early as in the exilic period. Addressing the literary relationship between Ezekiel and Leviticus 17-26, Lyons concludes that Ezekiel’s oracles reflect the prophet reading, interpreting, and appropriating H.⁷⁵ Although the notion of pre-exilic P (and its implications for the formation of the Pentateuch and the composition of Ezekiel) does not enjoy wide acceptance, this position cannot be completely dismissed.

It is, however, the methodological challenges first raised by Rendtorff and applied by Blum that continue to present the greatest opposition to the Graf-Wellhausenian paradigm.⁷⁶ Against the final form of the Pentateuch as the starting

Prophet Like Moses? Rethinking Ezekiel’s Relationship to the Torah,” ZAW 114 (2002): 236-54.

74. Levitt Kohn, *New Heart and a New Soul*, 116-17.

75. Michael A. Lyons, *From Law to Prophecy: Ezekiel’s Use of the Holiness Code* (LHBOTS 507; London/New York: T & T Clark, 2009).

76. Rolf Rendtorff, *Das Überlieferungsgeschichtliche Problem des Pentateuch* (BZAW 147; Berlin: de Gruyter, 1977); Eng., *The Problem of the Process of Transmission in the Pentateuch* (trans. J. J. Scullion; JSOTSupp 89; Sheffield: JSOT, 1990); Erhard

point, Rendtorff argues that the process of the formation of the Pentateuch must begin with individual traditions contained in the *kleinsten Einheiten*.⁷⁷ Most of continental European pentateuchal criticism has accepted the view that any investigation into the formation of the Pentateuch begins with the identification of literary units. Within the last decade, scholarly debate on the validity of the New Documentary Hypothesis has been reinvigorated with a debate taking place between “post-documentarians” and “neo-documentarians.”⁷⁸ The post-documentarians build upon the insights of Rendtorff and Blum and argue that kernels of traditions independently accrued over time through redactional activity spurred by a single historical circumstance and with the aim to reorient the theological interests of a text.⁷⁹ In contrast, the neo-documentarians also reject

Blum, *Die Komposition der Vätergeschichte* (WMANT 57; Neukirchen-Vluyn: Neukirchen Verlag, 1984); *idem*, *Studien zur Komposition des Pentateuch* (BZAW 189; Berlin: de Gruyter, 1990).

77. Rendtorff, *Problem*, 1-28; Eng., 11-42.

78. See the opening remarks in Baruch J. Schwartz, “Does Recent Scholarship’s Critique of the Documentary Hypothesis Constitute Grounds for Its Rejection?” in *The Pentateuch: International Perspectives on Current Research* (ed. T. B. Dozeman, K. Schmid, B. J. Schwartz; FAT 78; Tübingen: Mohr Siebeck, 2011), 3-16 and Konrad Schmid, “Has European Scholarship Abandoned the Documentary Hypothesis? Some Reminders on Its History and Remarks on Its Current Status” in *The Pentateuch*, 17-30, in addition to the essays contained in this volume.

79. Its practitioners are usually labelled “non-documentarians” but this does not accurately capture the return to the classical Documentary, Fragmentary, and Supplementary hypotheses, see—along with a critique of the “neo-Documentary Hypothesis”—Thomas Römer, “Zwischen Urkunden, Fragmenten und

many of the key tenets of the Graf-Wellhausenian paradigm but maintain the existence of four source documents combined by a single redactor with three of the documents (J, E, P) preserved in Genesis-Numbers and in the last chapters of Deuteronomy.⁸⁰

There are discernible points of agreement between both camps. P is a continuous narrative (although, as I discuss below, where it ends finds little

Ergänzungen: Zum Stand der Pentateuchforschung,” ZAW 125 (2013): 2-24. As such, I prefer the label “post-documentarians.” Still, the strong preference for redaction criticism as the means to identify the composition (and historical setting) of the Pentateuch is undeniable. For its use in pentateuchal criticism and its practitioners, see Jaeyoung Jeon, *The Call of Moses and the Exodus Story: A Redactional-Critical Study in Exodus 3-4 and 5-13* (FAT.II 60; Tübingen: Mohr Siebeck, 2013), 7-70. For a comparison on how redaction is defined by post-documentarians and neo-documentarians, see Jeffrey Stackert, “Distinguishing Innerbiblical Exegesis from Pentateuchal Redaction: Leviticus 26 as a Test Case” in *The Pentateuch*, 369-74. Challenges against the existence of redactors in antiquity along with methodological critiques against redaction criticism are presented in John Van Seters, *The Edited Bible: The Curious History of the “Editor” in Biblical Criticism* (Winona Lake, Ind.: Eisenbrauns, 2006), esp. 244-97.

80. See the presentations in Baruch J. Schwartz, “The Torah—Its Five Books and Four Documents” [התורה: חמשת חומשיה וארבע תעודותיה] in *The Literature of the Hebrew Bible: Introductions and Studies* [ספרות המקרא: מבואות ומחקרים] (2 vols; ed. Z. Talshir; Jerusalem: Yad Ben-Zvi, 2011), 1:161-225; esp. 1:199-218; *idem*, “How the Compiler of the Pentateuch Worked: The Composition of Genesis 37” in *The Book of Genesis: Composition, Reception, and Interpretation* (ed. C. A. Evans et al.; VTSupp 152; Leiden: Brill, 2012), 263-78; Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation* (FAT 52; Tübingen: Mohr Siebeck, 2007); Joel S. Baden, *J, E, and the Redaction of the Pentateuch* (FAT 68; Tübingen: Mohr Siebeck, 2009), *idem*, *The Composition of the Pentateuch: Renewing the Documentary Hypothesis* (AYBRL; New Haven/London: Yale University Press, 2012).

consensus), Deuteronomic texts are upheld, and what are leftover in the Pentateuch are non-Priestly and non-Deuteronomic materials. The major point of contention lies in the last group of texts. Among neo-documentarians, these texts are either J or E (with classical JE completely dismissed). In contrast, post-documentarians follow the wider rejection of an independent Elohist source or tradition with its classical expression contained in Rudolph and Volz's challenge to E.⁸¹ At the expense of E's demise, J enjoyed greater acceptance but continental scholarship has now abandoned this document with this result less assured in English speaking scholarship.⁸² Post-documentarians now regard texts classically assigned to J, E, or JE as preserving independent and competing traditions of Israel's origins: on the one hand, the patriarchal accounts in Genesis; and on the other hand, the exodus and wilderness accounts in Exodus-Numbers.⁸³ These

81. Paul Volz and Wilhelm Rudolph, *Der Elohist als Erzähler: Ein Irrweg der Pentateuchkritik?* (BZAW 63; Giessen: A. Töppelmann, 1933); furthermore, Wilhelm Rudolph, *Der "Elohist" von Exodus bis Josua* (BZAW 68; Berlin: A. Töppelmann, 1938).

82. See the essays in Jan Christian Gertz, Konrad Schmid, Marcus Witte, eds., *Abschied vom Jahwisten: Die Komposition des Hexateuch in der jüngsten Diskussion* (BZAW 315; Berlin: de Gruyter, 2002) and in Thomas B. Dozeman, Konrad Schmid, eds., *A Farewell to the Yahwist? The Composition of the Pentateuch in Recent European Interpretation* (SBLSymS 34; Atlanta: Society of Biblical Literature, 2006).

83. Thomas Römer, *Israels Väter. Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition* (OBO 99; Freiburg: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht, 1990), 543-68; *idem*, "Le Deutéronome à la quête des origines" in *Le Pentateuque: Débats et recherches* (ed. P. Haudebert; LD 151; Paris: Éditions du Cerf, 1992), 65-98; Eng., "Deuteronomy in

traditions were connected by a later redactor and some adherents consider post-exilic P as this redactor. This view of competing ancestral traditions is generally accepted among critics who abandon the notion of source documents but not without critique.⁸⁴ With the demise of J and E and the revival of P as a coherent narrative, new questions surfaced concerning the precise limits of the Priestly materials.⁸⁵ Perlitt's challenge against the classical view that P continues through

Search of Origins" in *Reconsidering Israel and Judah: Recent Studies on the Deuteronomistic History* (trans. P. T. Daniels; ed. G. N. Knoppers, J. G. McConville; SBTs 8; Winona Lake, Ind.: Eisenbrauns, 2000), 112-38; and the detailed expression in Konrad Schmid, *Erzväter und Exodus: Untersuchungen zur doppelten Begründung der Ursprünge Israels innerhalb der Geschichtsbücher des Alten Testaments* (WMANT 81; Neukirchen-Vluyn: Neukirchener Verlag, 1999); Eng., *Genesis and the Moses Story: Israel's Dual Origins in the Hebrew Bible* (trans. J. D. Nogalski; Siphut 3; Winona Lake, Ind.: Eisenbrauns, 2010).

84. See Erhard Blum, "Die Literarische Verbindung von Erzvätern und Exodus: Ein Gespräch mit neueren Endredaktionshypothesen" in *Abschied vom Jahwisten*, 119-56; repr., in *Textgestalt und Komposition: Exegetische Beiträge zu Tora und Vordene Propheten* (ed. W. Oswald; FAT 69; Tübingen: Mohr Siebeck, 2010), 85-121. Arguing against competing accounts of Israel's origins, see John Van Seters, "The Patriarchs and the Exodus: Bridging the Gap between Two Origin Traditions" in *The Interpretation of Exodus: Studies in Honour of Cornelis Houtman* (ed. R. Roukema; CBET 44; Leuven: Peeters, 2006), 1-15; Ludwig Schmidt, "Die vorpriesterliche Verbindung von Erzvätern und Exodus durch die Josefsgeschichte (Gen 37; 39-50*) und Exodus 1," *ZAW* 124 (2012): 19-37; Graham I. Davies, "The Transition from Genesis to Exodus" in *Genesis, Isaiah, and Psalms: A Festschrift to Honour Professor John Emerton for His Eightieth Birthday* (ed. K. Dell, G. I. Davies and Y. V. Koh; VTSupp 135; Leiden: Brill, 2010), 59-78. See also the debate between Joel S. Baden, "The Continuity of the Non-Priestly Narrative from Genesis to Exodus," *Bib* 93 (2012): 161-186 and Konrad Schmid, "Genesis and Exodus as Two Formerly Independent Traditions of Origins for Ancient Israel," *Bib* 93 (2012): 187-208.

85. The acceptance of P as a source among post-documentarians is a

Deuteronomy (esp. 34:7-9) has been accepted by many critics yet there is a lack of agreement with regards to the precise end of P(g).⁸⁶ Among proponents of Priestly materials in Deuteronomy, P's ending is also uncertain with the setting up (שב"ג) [hi.]) of the אהל מועד at Shiloh in Joshua 18-19 presented as a possible conclusion.⁸⁷

departure from Rendtorff and Blum (see also P as an expansion of JE in Frank Moore Cross, *Canaanite Myth and Hebrew Epic* [Cambridge, Mass.: Harvard University Press, 1973; repr., 1997], 290-95). For the classic rebuttal, see Klaus Koch, "P—kein Redaktor! Erinnerung an zwei Eckdaten der Quellenscheidung," VT 37 (1987): 446-67.

86. Lothar Perlitt, "Priesterschrift im Deuteronomium?" ZAW 100 Supplement (1988): 65-88; repr., in *Deuteronomium-Studien* (FAT 8; Tübingen: Mohr, 1994), 123-43. Among the proposed endings: Exod 29:42-46 (Eckart Otto, "Forschungen zur Priesterschrift," TRu 62 [1997]: 1-50); 40:16, 17a, 33b (Thomas Pola, *Die ursprüngliche Priesterschrift: Beobachtungen zur Literarkritik und Traditionsgeschichte von P^g* [WMANT 70; Neukirchen-Vluyn: Neukirchener Verlag, 1995], 291-97), v. 34 (Kratz, *Komposition*, 104-5; Eng., 103-6), v. 34b (Albert de Pury, "P^g as the Absolute Beginning" in *Les Dernières Rédactions du Pentateuque, de l'Hexateuque et de l'Ennéateuque* [ed. T. Römer, K. Schmid; BEThL 203; Leuven: Peeters, 2007], 99-128); Lev 16:34 (Christoph Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus* [FAT.II 25; Tübingen: Mohr Siebeck, 2007], 20-68); Num 27:12-13 (Ed Noort, "Bis zur Grenze des Landes? Num 27,12-13 und das Ende der Priesterschrift" in *The Books of Leviticus and Numbers* [ed. T. Römer; BEThL 215; Leuven: Peeters, 2008], 99-119); Deut 32:48-50, 52; 34:1*, 5*, 7a, 8 (Christian Frevel, *Mit Blick auf das Land die Schöpfung erinnern. Zum Ende der Priestergrundschrift* [HBS 23; Freiburg: Herder, 2000], 278-82). For a refutation of Sinai as the end of P(g), see Ludwig Schmidt, "Die Priesterschrift—kein Ende am Sinai!" ZAW 120 (2008): 481-500; Suzanne Boorer, "The Place of Numbers 13-14* and Numbers 20:2-12* in the Priestly Narrative (Pg)," JBL 131 (2012): 45-63.

87. For the Shiloh temple as the object of P's tabernacle legend, see Haran, *Temples*, 198-201. For Joshua 18-19 as P, see also Milgrom, *Leviticus 1-16*, 30-31; Philippe Guillaume, *Land and Calendar: The Priestly Document from Genesis 1 to Joshua 18* (LHBOTS 391; London: T & T Clark, 2009), 157-63. Against the existence of Priestly materials in Joshua, see Rainer Albertz, "The Canonical Alignment of the Book of

In the search for a historical setting that gives shape to individual texts and collections, there is a growing tendency to date most of the biblical corpus to the Persian period with increasing support for the Hellenistic and Hasmonean periods.⁸⁸ As a result, some critics place the Pentateuch as a Jewish product that responds to the pressures of Hellenization.⁸⁹ It should be noted that the premise

Joshua” in *Judah and the Judeans in the Fourth Century B.C.E.* (ed. O. Lipschits, G. N. Knoppers, R. Albertz; Winona Lake, Ind.: Eisenbrauns, 2007), 287-303. Classically, the source documents are thought to continue into Joshua (Wellhausen, *Composition*, 116-34; see also the source critical divisions in William E. Addis, *The Documents of the Hexateuch: Translated and Arranged in Chronological Order* [2 vols; London: D. Nutt/New York: G. P. Putnam’s Sons, 1893]; J. Estlin Carpenter and George Harford-Battersby, *The Hexateuch According to the Revised Version* [2 vols; London: Longmans, Green, and Co., 1900], esp. 2:303-59). The question of source documents in Joshua requires a new approach that is beyond the scope of this study.

88. For example, Konrad Schmid, *Literaturgeschichte des Alten Testaments: eine Einführung* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2008), 140-200; Eng., *The Old Testament: A Literary History* (trans. L. M. Maloney; Minneapolis: Fortress, 2012), 141-209; Carr, *Formation*, 153-351.

89. Reinhard G. Kratz, “Temple and Torah: Reflections on the Legal Status of the Pentateuch between Elephantine and Qumran” in *Pentateuch as Torah*, 77-103. For the argument that the Pentateuch is a creation of Jewish scholars based in Alexandria composed between 273-72 BCE (cf. *Let. Aris.* 307-17 [OTP 2:33-34]), see Russell Gmirkin, *Berosus and Genesis, Manetho and Exodus: Hellenistic Histories and the Date of the Pentateuch* (LHBOTS 433; CIS 15; London/New York: T & T Clark, 2006); pace John Day, “The Flood and the Ten Antediluvian Figures in Berosus and in the Priestly Source in Genesis” in *On Stone and Scroll: Essays in Honour of Graham Ivor Davies* (ed. J. K. Aitken, K. J. Dell, B. A. Mastin; BZAW 420; Berlin: de Gruyter, 2011), 221-23. Gmirkin discusses Genesis 1-11 and the Exodus accounts yet overstates his claim for the entire pentateuchal corpus.

that a text can only arise from a single historical event is open to criticism.⁹⁰ Other critics oppose the dating of biblical materials to the Persian period and beyond on the basis of available archaeological, socio-economic, and literary evidence.⁹¹ Still, the continued interest in the late Persian or early Hellenistic periods has influenced recent discussion on the book of Numbers, with a growing number of critics arguing that this book contains late redactional layers that give shape to the Pentateuch.⁹² Numbers is notorious for its source critical difficulties as classical source critics concede that J and E break down after Num 10:28.⁹³ Anticipating the current discussion on Numbers, Noth in his commentary hesitantly commits

90. See Benjamin D. Sommer, “Dating Pentateuchal Texts and the Perils of Pseudo-Historicism” in *The Pentateuch*, 85-108.

91. In support of Judah as the background for the writing of Genesis-2 Kings, see Israel Finkelstein and Neil Asher Silberman, *The Bible Unearthed: Archaeology’s New Vision of Ancient Israel and the Origin of its Sacred Texts* (New York: Simon and Schuster, 2001). Against the view that most of biblical literature is a product of the Persian and Hellenistic periods, see William M. Schniedewind, *How the Bible Became a Book* (Cambridge: Cambridge University Press, 2004), 165-82. See also the critique against alleged evidence of a late edition of the Hebrew Bible in Ronald S. Hendel, “A Hasmonean Edition of MT Genesis?: The Implications of the Editions of the Chronology in Genesis 5,” *HeBAI* 1 (2012): 448-64.

92. For a summary on the current state of research, see Christian Frevel, “The Book of Numbers—Formation, Composition, and Interpretation of a Late Part of the Torah: Some Introductory Remarks” in *Torah and the Book of Numbers* (ed. C. Frevel, T. Pola, A. Scharf; FAT.II 62; Tübingen: Mohr Siebeck, 2013), 1-37.

93. For example, Wellhausen, *Composition*, 98-116.

himself to the existence of J, E, and P.⁹⁴ Römer maintains that Numbers consists of Deuteronomistic-Priestly mixed texts that comment upon the legal and narrative texts in Exodus-Leviticus and Deuteronomy.⁹⁵ In two separate but related publications, Achenbach applies Otto's *Hexateuchredaktor* and *Pentateuchredaktor*⁹⁶ and introduces the early fourth-century Jerusalem temple *theokratische Bearbeitung* as the latest post-Priestly redactional layer in Numbers whose work is key in the reshaping of the Hexateuch into the Pentateuch.⁹⁷ Examining the last chapters of Numbers, Albertz detects post-Priestly layers in Numbers 20-24 and, accepting that

94. Martin Noth, *Das vierte Buch Mose: Numeri* (ATD 7; Göttingen: Vandenhoeck & Ruprecht, 1966), 8; Eng., *Numbers: A Commentary* (trans. J. D. Martin; OTL; Philadelphia: Westminster, 1968), 4.

95. Thomas Römer, "Das Buch Numeri und das Ende des Jahwisten: Anfragen zur »Quellenscheidung« im vierten Buch des Pentateuch" in *Abschied vom Jahwisten*, 220-31; *idem*, "Israel's Sojourn in the Wilderness and the Construction of the Book of Numbers" in *Reflection and Refraction: Studies in Biblical Historiography in Honour of A. Graeme Auld* (ed. R. Rezetko, T. H. Lim, W. B. Aucker; VTSupp 113; Leiden/Boston: Brill, 2007), 427-33; *idem*, "Pentateuchforschung," 19-20.

96. See Eckart Otto, *Das Deuteronomium im Pentateuch und Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens* (FAT 30; Tübingen: Mohr Siebeck, 2000).

97. Reinhard Achenbach, *Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch* (BZABR 3; Wiesbaden: Harrassowitz Verlag, 2003); *idem*, "Die Erzählung von der gescheiterten Landnahme von Kadesch Barnea (Numeri 13-14) als Schlüsseltext der Redaktionsgeschichte des Pentateuchs," ZABR 9 (2003): 56-123.

a Pentateuch redaction follows a short-lived Hexateuch redaction, assigns Numbers 25-36 to the Pentateuchal redactor.⁹⁸

In the absence of archaeological evidence, the search for the original biblical materials that are beneath the received text is for the most part an ideological exercise.⁹⁹ To a certain degree, I concur that the Pentateuch preserves competing traditions of Israel's origins but place these differences not within individual units of traditions but within the source documents themselves. Against the view that the non-Priestly accounts in Numbers are rewritings of their counterparts in Exodus or Deuteronomy, I maintain that J, E, and P continue throughout the laws and narratives contained in Numbers. The numerous accounts that portray the failure of the Israelites to obey their deity—even after the divine revelation at a mountain—in Numbers are integral to the contradictory and competing claims of what exactly happened in the wilderness between Yahveh and the Israelites.¹⁰⁰

98. Rainer Albertz, "Das Buch Numeri jenseits der Quellentheorie. Eine Redaktionsgeschichte von Num 20-24," ZAW 123 (2011): 171-83, 336-47; *idem*, "A Pentateuchal Redaction in the Book of Numbers? The Late Priestly Layers of Num 25-36," ZAW 125 (2013): 220-33.

99. See the perceptive remarks concerning the scholarly discussion on J in Jean-Louis Ska, "The Yahwist, a Hero with a Thousand Faces. A Chapter in the History of Modern Exegesis" in *Abschied vom Jahwisten*, 23.

100. For the use of wisdom motifs before, during, and after the wilderness accounts in P, E, and J see Philip Y. Yoo, "The Absence of Wisdom in the Wilderness

1.4. The Pentateuchal Source Documents

Following the view that the Pentateuch is indeed an eclectic composition, there is the question of the constituent parts. What follows is a brief discussion on the sources of the Pentateuch at the time of their collation, beginning with the mostly agreed upon Priestly and Deuteronomic materials.

Critics agree on the existence of a Priestly source but not on its provenance, parameters (see above), or its formation. Since Klostermann observed that Leviticus 17-26 is not a Priestly supplement but a distinct legal code he labels as *Heiligkeitgesetz*,¹⁰¹ most critics agree that the priestly accounts are composed of P and H. Against the classical chronological order of H preceding P, Knohl demonstrates that H expands upon P pericopes.¹⁰² The placement of H after P was also followed by Milgrom.¹⁰³ Furthermore, Knohl and Milgrom argue that H

Traditions” in *Wisdom: Proceedings of the Oxford Old Testament Seminar* (ed. J. Jarick; LHBOTS; London: T & T Clark, forthcoming).

101. August Klostermann, *Beiträge zu seinem Verständnis und seiner Entstehungsgeschichte* (Leipzig: G. Böhme, 1893), 368-418.

102. Israel Knohl, “The Priestly Torah Versus the Holiness School,” *HUCA* 58 (1987): 65-117; *idem*, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995; repr., Winona Lake, Ind.: Eisenbrauns, 2007), 8-45.

103. Milgrom, *Leviticus 1-16*, 13-35; *idem*, *Leviticus 17-22: A New Translation with Introduction and Commentary* (AB 3A; New York/London: Doubleday, 2000; repr., New Haven/London: Yale University Press, 2008), 1349-63.

expansions exist in Genesis, Exodus, Leviticus (1-16), and Numbers.¹⁰⁴ Knohl contends that the Holiness School (his “HS”) is responsible for the final form of the Priestly materials and the entire Pentateuch;¹⁰⁵ however, the evidence used to support this view is not convincing.¹⁰⁶ Although they belong to the same ideological tradition, P and H have subtle differences that emerge upon closer scrutiny. P follows an ancient Near Eastern program for the proper upkeep of sancta and ensures that its own deity is satisfied with its earthly abode. This concern is retrojected to a tabernacle situated in the past wilderness utopia. Although the Israelites are charged with the upkeep of sancta, P regards humans (in the absence of rival deities since the beginning of the world) as the agent that poses a polluting threat to Yahveh’s earthly abode with the devastating result that Yahveh’s presence will depart from the Israelites. This threat is the *raison d’être* for the Priestly legislation. Following Schwartz’s argument that H is not independent of P

104. In assigning most of Numbers to the later stratum, Knohl’s treatment of Numbers is somewhat aligned with recent continental scholarship (see above). It should be noted that Knohl and Milgrom do not agree on the precise identification of H texts in Genesis-Numbers. Compare the summary in Knohl, *Sanctuary of Silence*, 104-6 with Milgrom, *Leviticus 17-22*, 1337-44; the discussions in Knohl, *Sanctuary of Silence*, 225-30 and Jacob Milgrom, *Leviticus 23-27: A New Translation with Introduction and Commentary* (AB 3B; New York/London: Doubleday, 2001), 2440-46.

105. Knohl, *Sanctuary of Silence*, 101-3.

106. Exod 20:11 is often cited as such evidence. For the assignment of this verse to R^{Pent}, see §2.1.1.

and is better described as a legislation rather than a code,¹⁰⁷ I accept H as a supplementation of the Priestly laws that aims to extend the demands for holiness into the land of Canaan and in perpetuity. Through its expansion of the Priestly materials, H upgrades P in order to present the Priestly laws as the legal corpus par excellence.¹⁰⁸ Although the precise stratification of P and H remains uncertain,¹⁰⁹ this study will distinguish between P and H with the recognition that both form the Priestly Corpus (“PC”) that is eventually collated with the other pentateuchal sources.

Along with counter-arguments to de Wette’s identification of Josiah’s law book (2 Kgs 23:2) with Deuteronomy,¹¹⁰ the dating of Deuteronomy to the late

107. Baruch J. Schwartz, *The Holiness Legislation: Studies in the Priestly Code* [תורת הקדושה: עיונים בחוקה הכהנית שבתורה] (Jerusalem: Magnes, 1999), 17-24; *idem*, “Introduction: The Strata of the Priestly Writings and the Revised Relative Dating of P and H” in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions* (ed. S. Shectman, J. S. Baden; AThANT 95; Zürich: Theologischer Verlag Zürich, 2009), 6-7; followed in Stackert, *Rewriting the Torah*, 2 n. 4.

108. For H’s use of P, CC, and D in composing a legal code that preserves the Priestly laws yet marginalizes the other legal corpora, see Stackert, *Rewriting the Torah*, 31-208; *idem*, “The Holiness Legislation and its Pentateuchal Sources: Revision, Supplementation, and Replacement” in *Strata of the Priestly Writings*, 188-204.

109. Q (*quatuor*) and *Priestercode* in Wellhausen, *Composition*, 184, 207; P_g, P_s (supplemental), P_x (undefined), H in George Buchanan Gray, *A Critical and Exegetical Commentary on Numbers* (ICC; Edinburgh: T & T Clark, 1903), xxxiii-xxxiv; pre-exilic P₁, P₂, P₃, pre-exilic pre-H₁, pre-H₂, H, and exilic H_R in Milgrom, *Leviticus 1-16*, 61-63; *idem*, *Leviticus 17-22*, 1345-47, 1361-64.

monarchic period has become less of a linch-pin of pentateuchal criticism.¹¹¹ Still, there remains support for a seventh century dating for the legal core of Deuteronomy on the basis of comparative evidence.¹¹² Deuteronomy presupposes the non-Priestly pentateuchal materials yet its narrative and laws are composed with the aim to supersede its predecessors. Against the assumption that D revises the JE portions in Exodus and Numbers, Haran argues that D's account of the wilderness generation is solely dependent on E and suggests that ostensible "JE" texts can be separated into its constituent parts.¹¹³ Baden furthers this view by

110. Wilhelm M. L. de Wette, "Dissertatio critico-exegetica, qua Deuteronomium a prioribus Pentateuchi libris diversum, alius cuiusdam recentioris auctoris opus esse monstratur" (Ph.D. diss. Jena, 1805); repr., in *Opuscula theologica* (Berlin: Apud G. Reimerum, 1833), 149-68.

111. For re-evaluations on the pre-exilic provenance of Deuteronomy, see Kratz, *Komposition*, 118-38; Eng., 114-33; Juha Pakkala, "The Date of the Oldest Edition of Deuteronomy," *ZAW* 121 (2009): 388-401 (*pace* Nathan MacDonald, "Issues in the Dating of Deuteronomy: A Response to Juha Pakkala," *ZAW* 122 [2010]: 431-35); *idem*, "The Dating of Deuteronomy: A Response to Nathan MacDonald," *ZAW* 123 (2011): 431-36; Ernest W. Nicholson, "Deuteronomy and the Babylonian Diaspora" in *On Stone and Scroll*, 269-85; *idem*, "Reconsidering the Provenance of Deuteronomy," *ZAW* 124 (2012): 528-40; *idem*, *Deuteronomy and the Judaeon Diaspora* (Oxford: Oxford University Press, 2014), 41-73.

112. Eckart Otto, "Das Deuteronomium als archimedischer Punkt der Pentateuchkritik: Auf dem Wege zu einer Neubegründung der de Wette'schen Hypothese" in *Deuteronomy and Deuteronomistic Literature: Festschrift C. H. W. Berkelmas* (ed. M. Vervenne, J. Lust; BEThL 133; Leuven: Peeters, 1997), 321-39; Bernard M. Levinson and Jeffrey Stackert, "Between the Covenant Code and Esarhaddon's Succession Treaty: Deuteronomy 13 and the Composition of Deuteronomy," *JAJ* 3 (2012): 123-140.

113. Menahem Haran, *Ages and Institutions in the Bible* [תקופות ומוסדות במקרא];

arguing that the narrative portions of D are dependent on independent and separate E and J documents and questions the validity of the Graf-Wellhausen JE document.¹¹⁴ What is also debatable is how much of the last chapters of Deuteronomy are indeed Deuteronomistic. Both the האזינו (Deut 32:1-43) and the Blessing of Moses (33:1-29) are generally considered to be compositions that are ancient and pre-date Deuteronomy. Haran argues that the האזינו (and its prelude) is originally from E and the Blessing of Moses from J.¹¹⁵ Finally, Deuteronomy 34 is a composite of multiple sources.¹¹⁶ Through the proclamation of its own legal code and within the narrative frame of Moses' farewell speech to the second wilderness generation at the plains of Moab over a short period of time (apparently, a single

[עיונים היסטוריים] (Tel Aviv: Am Oved, 1972), 37-38; *idem*, *Temples*, 92, 262 n. 4; *idem*, *The Biblical Collection: Its Consolidation to the End of the Second Temple Times and Changes of Form to the End of the Middle Ages* [תהליכי הגיבוש עד סוף ימי בית שני] (3 vols; Jerusalem: Mosad Bialik and Magnes, 2003-2008), 2:197-200.

114. Baden, *Redaction*, 99-195.

115. For Deut 33:1-29 to J, see Haran, *Temples*, 67 (also Baden, *Composition*, 28, 81). For Deut 32:1-43 to E, see Haran, *Biblical Collection*, 2:76-80. Driver argues that Deut 31:14-22 is JE (S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* [ICC; Edinburgh: T & T Clark, 1895; 3rd ed., 1902], 336-37) but Haran assigns Deut 31:14-22 to E and v. 23 to D (Haran, *Biblical Collection*, 2:71-73; see also Weinfeld, *Deuteronomistic School*, 10 n. 2, 83 n. 2; *idem*, *Deuteronomy 1-11*, 10). I do not follow Haran's assignment of Deut 31:23 to a Deuteronomistic scribe who inserted the E materials and include v. 23 with the prelude in vv. 14-22 as originally E.

116. Philip Y. Yoo, "The Four Moses Death Accounts," *JBL* 131 (2012): 423-41. See only the three non-Deuteronomistic sources in Baden, *Composition*, 147-48.

day), D's justification for its existence is grounded in its cult centralization program and its own conceptions of the Israelite deity. It also regards the moral standards of the wilderness generation as portrayed in its source materials as inadequate for later generations who inherit the promised land from Yahveh.

I maintain—but also acknowledge that the results are far from agreed upon—that the non-Priestly and non-Deuteronomistic materials can be assigned to either J or E, with minimal contributions from J^{Dtr} and R^{Pent}. The work of J^{Dtr}, who supplements and is responsible for the final form of J (what I label as J+), is most evident in Exod 34:1-28. Classically, Exod 34:1-28 is assigned to J under the assumption that J has a festival calendar and describes the giving of a law code at Sinai.¹¹⁷ However, vv. 18-26a are convincingly demonstrated as secondary with Gesundheit presenting a cogent case that these verses are a Deuteronomistic revision of CC.¹¹⁸ I contend that J's Sinai event lacks the giving of any laws and is a

117. Wellhausen, *Composition*, 334; Jörn Halbe, *Das Privilegrecht Jahwes: Ex 34,10-26. Gestalt und Wesen, Herkunft und Wirken in vordeuteronomischer Zeit* (FRLANT 114; Göttingen: Vandenhoeck & Ruprecht, 1975), 256-315; Friedman, *Sources Revealed*, 177-79; William H. C. Propp, *Exodus 19-40: A New Translation with Introduction and Commentary* (AB 2A; New York/London: Doubleday, 2006), 150. Exod 34:1-10 is not homogenous and can be divided between a theophany in J (Exod 34:2-3, 4*, 5aβ-10) and the giving of the second tablets of stone in E (Exod 34:1, 4*, 5aα) (see Baden, *Redaction*, 166-72).

118. Shimon Gesundheit (Ba-Ron), "The Festival Calendars in Exodus XXIII 14-19 and XXXIV 18-26," *VT* 48 (1998), 161-95; *idem*, *Three Times a Year: Studies on Festival Legislation in the Pentateuch* (FAT 82; Tübingen: Mohr Siebeck, 2012), 12-43. See also Frederick V. Winnett, *The Mosaic Tradition* (NMES 1; Toronto: University of

theophany that responds to the Israelites' challenge "is Yahveh among us or not?"

(Exod 17:7; 19:9b).¹¹⁹ J^{Dtr} shields the claim espoused by its original document that the Israelites knew of a set of laws before Sinai. This facet has escaped critics who argue that Abraham keeping Yahveh's commandments, statutes, and laws (מצותי חקותי ותורתי) in Gen 26:5 reflects Deuteronom(ist)ic phraseology and is a Deuteronomistic insertion.¹²⁰ Weinfeld disputes this verse as Deuteronomic and remarks that deuteronomic literature never uses plural תורות but singular תורה.¹²¹

Toronto Press, 1949), 50-54; H. Louis Ginsberg, *Israelian Heritage of Judaism* (TSJTSA 24; New York: Jewish Theological Seminary of America, 1982), 62-66; Michael A. Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985; repr. with add., 1989), 194-97; Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford/New York: Oxford University Press, 1988), 8-9, 69-71; Erhard Blum, "Das sog. »Privilegrecht« in Exodus 34,11-26: Ein Fixpunkt der Komposition der Exodusbuches?" in *Studies in the Book of Exodus* (ed. M. Vervenne; BETHL 126; Leuven: Peeters, 1996), 347-66; repr., in *Textgestalt und Komposition*, 157-76; David M. Carr, "Method in Determination of Direction of Dependence: An Empirical Test of Criteria Applied to Exodus 34,11-26 and its Parallels" in *Gottes Volk am Sinai: Untersuchungen zu Ex 32-34 und Dtn 9-10* (ed. M. Köckert, E. Blum; VWGT 18; Gütersloh: Kaiser, Gütersloher Verlagshaus, 2001), 107-140; Hans-Christoph Schmitt, "Das sogenannte jahwistische Privilegrecht in Ex 34,10-28 als Komposition der spätdeuteronomistischen Endredaktion des Pentateuch" in *Abschied vom Jahwisten*, 157-71.

119. Accordingly, what Yahveh gives to the Israelites is a ברית, which is tersely spelled out in Exod 34:10.

120. Rendtorff, *Problem*, 60; Eng., 78; Blum, *Studien*, 103, 189.

121. Weinfeld, *Deuteronomistic School*, 75 n. 4, 338. Also John Van Seters, "The Theology of the Yahwist: A Preliminary Sketch" in "Wer ist wie du, HERR, unter den Göttern?" *Studien zur Theologie und Religionsgeschichte Israels; für Otto Kaiser zum 70. Geburtstag* (ed. I. Kottsieper et al.; Göttingen: Vandenhoeck & Ruprecht, 1994), 227; *idem*, "In the Babylonian Exile with J: Between Judgment in Ezekiel and Salvation in

In support, I add that a Deuteronomistic editor would have been aware that Moses received the laws at Horeb (Deut 5:2; 18:16) and did not issue them to the Israelites until they arrived in Moab (Deut 1:5; 28:69 [ET 29:1]). For these reasons, Gen 26:5 should be regarded as J and Deuteronomistic insertions lie sporadically elsewhere in this source. J recounts Yahveh's activities in the primeval period,¹²² the accounts of the patriarchs, the Exodus, and the wilderness. In J, the relationship between Yahveh and humanity is often fractious and the Israelites and Yahveh occasionally contemplate abandoning each other. J preserves aetiologies and narratives but does not contain a law code. This law code is supplied and inserted into the Sinai theophany by J^{Dtr} who, unsatisfied with the absence of a law code, reshapes J into the document that is eventually fused into the final form of the Pentateuch (J+).

Second Isaiah" in *The Crisis of Israelite Religion: Transformation of Religious Tradition in Exilic and Post-Exilic Times* (ed. B. Becking, M. C. A. Korpel; OtSt 42; Leiden/Boston/Köln: Brill, 1999), 71-72 n. 2.

122. For detractors of J, Crüsemann's conclusion that Gen 12:1-3 are not J but a late expansion and Genesis 2-11 contains a *vorpriesterliche Urgeschichte* remains influential; see Frank Crüsemann, "Die Eigenständigkeit der Urgeschichte: Ein Beitrag zur Diskussion um den 'Jahwisten'" in *Die Botschaft und die Boten: Festschrift für Hans Walter Wolff zum 70. Geburtstag* (ed. J. Jeremias, L. Perlitt; Neukirchen-Vluyn: Neukirchener Verlag, 1981), 11-29. For a convincing rebuttal and in support for Gen 12:1-3 to J (and for J's narrative continuity), see Ronald S. Hendel, "Is the 'J' Primeval Narrative an Independent Composition? A Critique of Crüsemann's 'Die Eigenständigkeit der Urgeschichte'" in *The Pentateuch*, 181-205.

Despite the persistent attacks on E, some critics continue to defend the existence of a distinct Elohistic tradition, albeit with different conceptions of its exact contents and coherency.¹²³ Observed among many of its proponents is that E displays a strong interest in prophecy and the visionary revelation of the word of Yahveh. Unlike P and J, E does not contain a primeval account but—in a manner similar to Jeremiah—begins with the דבר־יהוה revealed to Abraham (Gen 15:1aβ; cf. Jer 1:1).¹²⁴ E also contains accounts of the patriarchs and how one unparalleled prophet, Moses, led the Israelites out of Egypt and through the wilderness. Among critics who accept a substantial Elohistic source or tradition(s), a difficulty lies with the integrity of E's law-giving episode in Exodus 19-24*. Propp regards the Decalogue in Exod 20:1-14 as a redactional adaptation of Deut 5:6-18.¹²⁵ The removal of the Decalogue from its surrounding narrative, however, results in an incoherent narrative with what remains in Exod 19:25 and 20:15α.¹²⁶ Similarly, some critics

123. Alan W. Jenks, *The Elohist and North Israelite Traditions* (SBLMS 22; Missoula, Mont.: Scholars, 1977); Karl Jaroš, *Die Stellung des Elohisten zur kanaanäischen Religion* (2nd rev. ed.; OBO 4; Freiburg: Universitätsverlag, 1982); Axel Graupner, *Der Elohist: Gegenwart und Wirksamkeit des transzendenten Gottes in der Geschichte* (WMANT 97; Neukirchen-Vluyn: Neukirchener Verlag, 2002); Tzemah Yoreh, *The First Book of God* (BZAW 402; New York/Berlin: de Gruyter, 2010).

124. See §3.1.1 for the treatment of אחר הדברים האלה (ו) in Gen 15:1α; Ezra 7:1α.

125. Propp, *Exodus 19-40*, 145-46.

126. וירד משה אליהם ויאמר אלהם...וכל־העם ראים את־הקולת ואת־הלפידם.

regard the legal section in Exod 20:23-23:19, the Covenant Code (CC), as separate from its surrounding narrative.¹²⁷ Arguing that CC could not exist in a vacuum, David Wright identifies texts in Exodus as belonging to a Covenant Code Narrative (CCN) which frames CC.¹²⁸ I agree that both the Decalogue and CC are integral to E's recollection of the events at Horeb. Another problematic section is Exod 24:3-8, with critics assigning these verses to a late (Deuteronomistic) addition.¹²⁹ Despite

127. Martin Noth, *Überlieferungsgeschichte des Pentateuch* (Stuttgart: Kohlhammer, 1948), 39 n. 139; Eng., *A History of Pentateuchal Traditions* (trans. with intro. B. W. Anderson; Englewood Cliffs, N.J.: Prentice-Hall, 1972), 36 n. 139; *idem*, *Das zweite Buch Mose: Exodus* (ATD 5; Göttingen: Vandenhoeck & Ruprecht, 1959), 139-41; Eng., *Exodus: A Commentary* (OTL; trans. J. S. Bowden; London: SCM, 1962), 173-75; Jenks, *Elohist*, 45-47. Van Seters contends that exilic J composed CC out of Deuteronomy and the Holiness Code (see John Van Seters, *A Law Book for the Diaspora: Revision in the Study of the Covenant Code* [New York/Oxford: Oxford University Press, 2003], esp. 47-81). This argument cannot be maintained. See the objections in Bernard M. Levinson, "Is the Covenant Code an Exilic Composition? In Response to John Van Seters" in *In Search of Pre-Exilic Israel* (ed. J. Day; JSOTSupp 406; London: T & T Clark, 2004), 272-325; repr., in *"The Right Chorale": Studies in Biblical Law and Interpretation* (FAT 54; Tübingen: Mohr Siebeck, 2008), 276-330; David P. Wright, *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi* (Oxford/New York: Oxford University Press, 2009), 22-23.

128. Wright, *Inventing God's Law*, 332-44. Wright acknowledges that many of the texts he labels "CCN" are source critically assigned to E but restrains from identifying these texts as such. Still, the argument that CC could not have existed without a surrounding narrative is persuasive.

129. Noth, *Pentateuch*, 33 n. 115; Eng., 31 n. 115; Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament* (rev. ed.; AnBib 21A; Rome: Biblical Institute, 1981), 266-69; Rendtorff, *Problem*, 90; Eng., 112; Blum, *Studien*, 50-52; Jean-Louis Ska, "From History Writing to Library Building: The End of History and the Birth of the Book" in *Pentateuch as Torah*,

these challenges, Exod 24:3-8 describes a covenant that follows the giving of CC and these verses fit in E.¹³⁰ I believe that much of the skepticism on E arises because this source contains ideological and historical claims that contradict the other sources to the point where it diverges from preconceived notions of what was normal in the Israelite cult. The dissatisfaction of one of E's readers led to the revised account of the wilderness generation now contained in D's narrative.

What are mostly preserved in the Pentateuch are multiple representations of the First Temple cult that are projected onto an idealized and imagined period prior to the Israelite confederacy. These sources share the same basic narrative: Yahveh promised Israel's ancestors that the land of Canaan will be their inheritance, the ancestors moved to Egypt where the Israelites became numerous, the Israelites left Egypt under Yahveh's protection, and throughout the wilderness journey Yahveh was with the Israelites on numerous occasions. The sources, however, recount the details of this grand narrative through their own cultic, ideological, and historical bias. In one of the irreconcilable differences in detail, the wilderness tent is either at the physical and spiritual centre of the Israelite encampment (Num 2:17 [P]) or pitched outside of the Israelite encampment (Exod

160-69; and vv. 4-8 in Schniedewind, *How the Bible Became a Book*, 124-27.

130. Friedman, *Sources Revealed*, 160; Baden, *Redaction*, 168. See "proto-Deuteronomic" in Wright, *Inventing God's Law*, 341-42.

33:7 [E]).¹³¹ The materials from CC, Deuteronomic, and Priestly law contain different—and contradictory—requirements for the proper observance of the Yahvistic cult. Some of the other cultic and historiographical differences between the source documents will be explored in the following chapters. The narrative and legal traditions in the pentateuchal sources were combined into the final form by R^{Pent} who preserved the source materials with minimal, yet unavoidable, interventions. The process of redaction, its impetus, and the literary strategies that led to the collation of the sources into the final form of the Pentateuch is rooted in the literary practices of the Second Temple period. Although a secure explanation remains elusive, I submit that the impetus for the collation of these sources lies in mitigating between the increasingly competing claims that a readership upheld as rooted in a distant authoritative past. The formation of the Pentateuch from its constituent parts to the final form anticipates late Second Temple sectarian adaptations and publications of “scripture.”

131. Menahem Haran, “The Nature of the ‘Ohel Mo‘edh’ in Pentateuchal Sources,” *JSS* 5 (1960): 50-65; *idem*, *Temples*, 260-75; Benjamin D. Sommer, *The Bodies of God and the World of Ancient Israel* (Cambridge/New York: Cambridge University Press, 2009), 80-83.

1.5. Ezra's תורה

Returning to the question of Ezra's role in the shaping of the Pentateuch from its constituent parts to its final form, this study presumes that, even if Ezra can be relegated to a literary fiction, EM portrays the historical realities of its contemporary time. EM is cognizant that the post-exilic Yahvistic cult upholds something authoritative—תורה—that it regards as given by Yahveh to Moses and the Israelites at a wilderness mountain. According to EM, Ezra and the returnees inherit this תורה from the First Temple.

The antiquity of most, if not all, of the pentateuchal source documents forms the basis for attributing the formation of the Pentateuch to Ezra in the fifth or fourth century. Wellhausen established his chronology of the source documents by arguing that Ezra introduces the Priestly Code and the entire Pentateuch.¹³² Reflecting the contemporary interest in the New Documentary Hypothesis, Geissler produced lists of words and phrases that are common to the (hexateuchal) sources and the *Esrasmemoiren*.¹³³ Although Geissler anticipates the current skepticism over some parts of EM (especially in his removal of Ezra 7:1-10, 11-26), his conclusion

132. Wellhausen, *Prolegomena*, 403-409; Eng., 404-10.

133. Johannes Geissler, *Die litterarischen Beziehungen der Esrasmemoiren: insbesondere zur Chronik und den hexateuchischen Quellenschriften* (Chemnitz: J. C. F. Pickenhahn & Sohn, 1899).

that Ezra knows the Hexateuch loses most of its force due to his expansive *Esrasmemoiren* in Ezra 7:27-10:44; Neh 7:6-10:40; 13:1-3. Few, if any, critics would consider Neh 7:6-72a [ET 73a]; 13:1-3 as EM and it will be argued that Neh 9:5aβ-10:40 are supplemental to EM (§2). For many critics, Ezra's proclamation of תורה remains a viable setting for the promulgation of the Pentateuch in its final form.¹³⁴ As I have discussed above (§1.2), the theory of Persian imperial authorization is a popular historical setting for the final form of the Pentateuch, even among critics who disagree on the process of its formation.¹³⁵ This view has been challenged through the suspicion that EM is unaware of the entire pentateuchal corpus and this claim is bolstered by a lowered date of the

134. Albright, *Abraham to Ezra*, 94-96; Schaeder, *Ezra der Schreiber*, 69; Mowinckel, *Studien*, 3:124-41; Grabbe, *Ezra-Nehemiah*, 147; Myers, *Ezra. Nehemiah*, lix; Williamson, *Ezra, Nehemiah*, 92. For Ezra as the redactor of the Pentateuch, see Friedman, *Who Wrote the Bible?*, 223-25. For Genesis-Joshua implied in Nehemiah 8(-10), see Thomas Römer and Marc Zvi Brettler, "Deuteronomy 34 and the Case for a Persian Hexateuch," *JBL* 119 (2000): 416; Timothy L. Lim, *The Formation of the Jewish Canon* (AYBRL; New Haven, Conn./London: Yale University Press, 2013), 69-72.

135. Blum, *Studien*, 339-60; *idem*, "Esra, die Mose-tora und die persische Politik" in *Religion und Religionskontakte im Zeitalter der Achämeniden* (ed. R. G. Kratz; VWGT 22; Gütersloh: Gütersloher Verlag, 2002), 231-56; repr., in *Textgestalt und Komposition*, 177-205; Frank Crüsemann, *Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gesetzes* (München: Chr. Kaiser, 1992), 387-93; Eng., *The Torah: Theology and Social History of Old Testament Law* (trans. A. W. Mahnke; Minneapolis: Fortress, 1996), 334-39; David M. Carr, *Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville, Ky.: Westminster John Knox, 1996), 327-33; Baden, *Redaction*, 309-12; Schwartz, "Torah," 1:215-17.

Pentateuch. Some critics equate Ezra's תורה to D;¹³⁶ a combination of D and P;¹³⁷ or something completely other than the Pentateuch.¹³⁸ The discrepancies between Ezra-Nehemiah and the Pentateuch do not necessarily draw out the conclusion that the latter assumes the former. Instead, the chronological priority of all of the pentateuchal materials can be defended through plausible explanations.

This study supports the notion that EM employs Priestly and Deuteronomic materials but also demonstrates the use of pentateuchal materials that are Yahvistic and Elohist. Although the labels Yahvistic and Elohist are subject to dismissal, many critics could agree that these disputed materials are neither Priestly nor Deuteronomic. Having placed the formation of the Pentateuch in the Second Temple period, this study investigates how EM employs the pentateuchal materials to construct its narrative of Ezra and the returnees. Before an examination of EM in §§3-5, I begin in §2 with how the final form of the Pentateuch influences the compositions preserved in Nehemiah 9-10.

136. Ulrich Kellermann, "Erwägungen zum Esragesetz," ZAW 80 (1968): 373-85; *pace* Koch, "Origins," 180-81.

137. Cazelles, "Mission," 139; Blenkinsopp, *Ezra-Nehemiah*, 155.

138. Cornelis Houtman, "Ezra and the Law: Observations on the Supposed Relation between Ezra and the Pentateuch" in *Remembering all the Way: a Collection of Old Testament Studies Published on the Occasion of the Fortieth Anniversary of the Oudtestamentisch Werkgezelschap in Nederland* (ed. B. Albrektson; OtSt 21; Leiden: Brill, 1981), 112-13.

Chapter Two

The Historical Recital and the אִמְנָה

(Nehemiah 9:5a β -37; 10:1, 29-40)

In Ezra-Nehemiah, the events in Nehemiah 9-10 likely occur on the 24th day of the seventh month and a day after the עֲצֵרָת in Neh 8:18. In this chapter, I argue that most of Nehemiah 9-10 are supplemental compositions that arose after EM. Furthermore, I argue that the historical recital in Neh 9:5a β -37 and the אִמְנָה in Neh 10:1, 29-40 consistently use materials that arise after the Pentateuch is shaped into its final form. This discussion on the use of the pentateuchal materials in Nehemiah 9-10 will offer points of departure for the following examination on EM.

2.1. The Place of Nehemiah 9

Textual support for the continuity of Nehemiah 8-9 is found with the mention of Ezra in LXX Neh 9:6a (καὶ εἶπεν Εσδρας). However, LXX καὶ εἶπεν Εσδρας should be considered as secondary.¹ Wellhausen draws upon parallels from 2 Kings 22-23 (esp. 23:1-3) in upholding the unity and Chronicist authorship of Nehemiah 8-10.² Noth regards Nehemiah 8-10 as a literary creation from both EM and NM.³ Other critics lend support for the unity of Nehemiah 8-9 through synchronic readings.⁴ I contend that Nehemiah 9 contains two major points of tension. The

1. Batten, *Ezra and Nehemiah*, 352, 362; Noth, *Überlieferungsgeschichtliche*, 130, 149 n. 6; Eng., 49, 164; Rudolph, *Esra und Nehemia*, 154; Mowinckel, *Studien*, 1:56; Michael W. Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study* (SBLDS 164; Atlanta: Society of Biblical Literature, 2001), 161; Juha Pakkala, "The Disunity of Ezra-Nehemiah" in *Unity and Disunity in Ezra-Nehemiah: Redaction, Rhetoric, and Reader* (ed. M. J. Boda, P. L. Redditt; HBM 17; Sheffield: Sheffield Phoenix, 2008), 204-5. In support of LXX, and the unlikely supposition that vv. 3-5 are spoken by Ezra, see Paul L. Redditt, "The Dependence of Ezra-Nehemiah on 1 and 2 Chronicles" in *Unity and Disunity*, 223 n. 29.

2. Wellhausen, *Prolegomena*, 406-8; Eng., 408-10.

3. Noth, *Überlieferungsgeschichtliche*, 148-49; Eng., 65-66. See also Kratz, *Komposition*, 88-89; Eng., 80-81.

4. Eskenazi, *Age of Prose*, 96-111; Duggan, *Covenant Renewal*, 140-289; Mark J. Boda, "Redaction in the Book of Nehemiah: A Fresh Proposal" in *Unity and Disunity*, 36-37.

first is its place after Nehemiah 8 and the second is the division between prose and recital in Neh 9:5.

2.1.1. *The Discontinuity of Nehemiah 9*

If Nehemiah 8-9 is indeed an original unit, then the transition from celebration in 8:18 to repentance in 9:1 is startling—why the sudden change in mood? Additionally, the separation from the foreigners in Neh 9:2 is closer to the events in Ezra 9-10 (especially 9:1; 10:11). As a result, some critics regard Nehemiah 9 as a completely separate composition that was appended after Neh 8:18 by a later redactor.⁵ This is justified for Neh 9:6-37 as these verses speak in general terms without explicit reference to the events in Nehemiah 8.⁶ The difficulty lies in lexical and thematic affinities between Nehemiah 8 and 9:1-5.⁷ Due to lexical parallels and connections, Duggan supports the unity of Neh 7:72b-9:5.⁸ Many of his

5. Mowinckel, *Studien*, 1:56; Kapelrud, *Authorship*, 1; Antonius H. J. Gunneweg, *Nehemia* (KAT 19.2; Gütersloh: Gütersloher Verlagshaus Mohn, 1987), 120; In der Smitten, *Esra*, 48-49; Hans-Peter Mathys, *Dichter und Beter: Theologen aus spätalttestamentlicher Zeit* (OBO 132; Freiburg: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht, 1994), 20.

6. Batten, *Ezra and Nehemiah*, 352-53; Mowinckel, *Studien*, 1:53; Williamson, *Ezra, Nehemiah*, 308-10; Blenkinsopp, *Ezra-Nehemiah*, 301.

7. Kellermann, *Nehemia*, 32-33; Blenkinsopp, *Ezra-Nehemiah*, 294.

8. Duggan, *Covenant Renewal*, 73-74.

examples are not exclusive to Neh 7:72b-9:5 but are found elsewhere in Ezra 7-10. Chronological notices not only exist in Neh 7:72b; 8:3; 9:1 but are also in Ezra 9:16, 17. The Levites occupy a central role in Neh 8:7-8, 9, 11; 9:4-5 but their absence at the Ahava in Ezra 8:15-20 is equally crucial for the caravan (see §3.5.2). More telling is what is absent in Neh 7:72b-8:18. For example, בִּדְרָל (ni.) in 9:2 is unattested in 7:72b-8:18 but elsewhere in Ezra 9:1; 10:8, 11, 16. It follows that Neh 9:1-5 is connected to Nehemiah 8 and Ezra 7-10. In support of the transposition of Nehemiah 8 (see §4.1.1), I do not consider Neh 9:1-5 to be in its original place. These verses may fit after Ezra 10:44 but Neh 9:5 would then become an unsatisfying ending to EM. Clines regards Nehemiah 8-9 as a unit that was originally in between Ezra 7-8 and ch. 9-10.⁹ One problem with this reconstruction is that the notice of separation from foreigners in Neh 9:2 fits poorly before Ezra 9-10. At this point, it is sufficient to note that Neh 9:1-5 is closer to EM in Ezra 7-10; Nehemiah 8 than Neh 9:6-37. There remains the question of where precisely the division between prose and recital within Nehemiah 9 occurs and how much of Neh 9:1-5 is originally EM.

9. Clines, *Ezra, Nehemiah, Esther*, 10, 180-81, 189.

In Neh 9:5a, the Levites declare to the gathering:

קומו ברכו את־יהוה אלהיכם מן־העולם עד־העולם

Rise and bless Yahveh your God, from eternity to eternity.

and continue in v. 5b:

ויברכו שם כבודך ומרומם על־כל־ברכה ותהלה

May your glorious name be blessed, honoured above all blessing and praise!

The first problem lies with מן־העולם עד־העולם in v. 5aβ. Torrey asks, “how could these people be exhorted to ‘stand up and bless Yahwè from everlasting to everlasting’? They were not immortal, and had not been eternal.”¹⁰ Duggan counters that Neh 9:5 contains parallel clauses that begin with ברכו and ויברכו and finds support in Ps 115:18 (ואנחנו נברך יהוה מעתה ועד־עולם).¹¹ However, in this proposal for parallelism, קומו is omitted and this word should be included with ברכו. The second problem is more difficult. The Levites exhort the Israelites to rise and bless Yahveh (v. 5a) but it is nearly impossible that the Israelites are the object of “your glorious name” (v. 5b). The second person plural imperatives in v. 5a

10. Torrey, *Ezra Studies*, 280.

11. Duggan, *Covenant Renewal*, 146-48.

address the Israelites but the singular suffix (and what follows) in v. 5b must refer to Yahveh.¹²

From LXX Neh 9:6a (καὶ εἶπεν Εὐδραξ) and Ps 41:14; 106:48; 1 Chr 16:36, Torrey inserts וַיֹּאמֶר עֲזָרָא בָרוּךְ אַתָּה יְהוָה אֱלֹהֵינוּ in between Neh 9:5a and v. 5b.¹³ As noted above, the reconstruction of וַיֹּאמֶר עֲזָרָא is not widely supported on the grounds that LXX Neh 9:6a is secondary. However, the insertion of בָרוּךְ אַתָּה יְהוָה before מִן־הָעוֹלָם עַד־הָעוֹלָם in Neh 9:5aβ is upheld.¹⁴ A similar phrase is found elsewhere:

(Ps 41:14) בָרוּךְ יְהוָה אֱלֹהֵי יִשְׂרָאֵל מִן־הָעוֹלָם וְעַד הָעוֹלָם
 (Ps 106:48) בָרוּךְ־יְהוָה אֱלֹהֵי יִשְׂרָאֵל מִן־הָעוֹלָם וְעַד הָעוֹלָם
 (1 Chr 16:36) בָרוּךְ יְהוָה אֱלֹהֵי יִשְׂרָאֵל מִן־הָעוֹלָם וְעַד הָעֵלֶם
 (1 Chr 29:10) בָרוּךְ אַתָּה יְהוָה אֱלֹהֵי יִשְׂרָאֵל אֲבִינוּ מֵעוֹלָם וְעַד עוֹלָם

Although Ps 41:14, 106:48; 1 Chr 16:36 occur at the end of a psalm, 1 Chr 29:10 supports (reconstructed) Neh 9:5aβ, b as the beginning of a recital. Following the reconstruction, the plural וַיְבָרְכוּ in v. 5b (which follows בָּרְכוּ in v. 5aα) is awkward on its own and, following Ps 72:19 (בָּרוּךְ שֵׁם כְּבוֹדָךְ לְעוֹלָם), I submit that וַיְבָרְכוּ

12. For Neh 9:5 as a standard beginning of a post-exilic prayer see Judith H. Newman, *Praying by the Book: The Scripturalization of Prayer in Second Temple Judaism* (SBLEJL 14; Atlanta: Scholars, 1999), 59-60.

13. Torrey, *Ezra Studies*, 280-82. This addition is absent in his reconstructed text in *Chronicler's History*, 120, 176.

14. Kurt Gallig, *Die Bücher der Chronik, Esra, Nehemia* (ATD 12; Göttingen: Vandenhoeck & Ruprecht, 1954), 235; Williamson, *Ezra, Nehemiah*, 303-4.

originally read ברוך. The reason for the change from the original participle to a finite verb lies in the transposition of the imperative ברכו (Neh 9:5aα) to its present place. Neh 9:5aβ, 5b is reconstructed as follows:

ברוך יהוה אלהי ישראל מן־העולם עד־העולם
ברוך שם כבודך ומרומם על־כל־ברכה ותהלה

Blessed is Yahveh, God of Israel, from age to age.

Blessed is your glorious name, honoured above all blessing and praise!

What remains in Neh 9:5aα is not part of the recital:

קומו ברכו את־יהוה

Rise and bless Yahveh your God. (Neh 9:5aα)

Kellermann correctly identifies these words as a terse exhortation directed to the Israelites and completes the pericope in Neh 9:1-4.¹⁵ The original place of Neh 9:1-5aα within EM will be discussed elsewhere (§§5.1.2, 5.5.2). For now, it can be excluded from this discussion of the historical recital in Nehemiah 9.¹⁶ As reconstructed above, Neh 9:5aβ, b is the introduction to what follows in vv. 6-37.¹⁷

15. Kellermann, *Nehemia*, 32-35.

16. Pakkala contends that 9:1-5 provide a transition between Nehemiah 8 and 9:6-37 (*Ezra the Scribe*, 181-84).

17. Likewise, Pröbstl regards Neh 9:5aβ as an original introduction to a prayer but opines that the tensions in v. 5 are minimal (Volker Pröbstl, *Nehemia 9, Psalm 106 und Psalm 136 und die Rezeption des Pentateuchs* [Göttingen: Cuvillier Verlag, 1997], 8).

2.2. The Historical Recital (Nehemiah 9:5aβ-37)

Arguments for supplemental layers within Neh 9:5aβ-37 are unconvincing and I consider the entirety of this composition to be original.¹⁸ Morgenstern argues that Nehemiah 9 preserves a (pre-Ezran) synagogue liturgy but the reverse direction of influence is more likely.¹⁹ Nehemiah 9—which I restrict to vv. 5aβ-37—resists any clear label.²⁰ For now, I designate Neh 9:5aβ-37 as a “historical recital.”

18. For vv. 7-8 as additions see A. C. Welch, “The Source of Nehemiah IX,” *ZAW* 47 (1929): 132; Rudolph, *Esra und Nehemia*, 154, 157; *pace* Welch in Williamson, *Ezra, Nehemiah*, 313. Rudolph removes v. 22 as a later addition (*Esra und Nehemia*, 160); however, for the unity of vv. 22-24 see Williamson, *Ezra, Nehemiah*, 316.

19. Julian Morgenstern, “The Chanukkah Festival and the Calendar of Ancient Israel,” *HUCA* 20 (1947): 21 n. 34. See, however, Leon J. Liebreich, “The Impact of Nehemiah 9:5-37 on the Liturgy of the Synagogue,” *HUCA* 32 (1961): 227-37. The same is also unconvincingly claimed for Nehemiah 8 (see §4).

20. Among the proposals: prayer (Blenkinsopp, *Ezra-Nehemiah*, 302; Williamson, *Ezra, Nehemiah*, 305); penitential prayer psalm (Myers, *Ezra. Nehemiah*, 166); a confession of sins (Maurice Gilbert, “La place de la Loi dans la prière de Néhémie 9” in *De la Tôrah au Messie: Études d'exégèse et d'herméneutique bibliques offertes à Henri Cazelles pour ses 25 années d'enseignement à l'Institut Catholique de Paris [Octobre 1979]* [Paris: Desclée, 1981], 307-16); post-exilic scripturalization or learned reflection on scripture (Judith H. Newman, “Nehemiah 9 and the Scripturalization of Prayer in the Second Temple Period” in *The Function of Scripture in Early Jewish and Christian Tradition* [ed. C. A. Evans, J. A. Sanders; JSNTSupp 154; Sheffield: Sheffield Academic, 1998], 112-23; *idem*, *Praying by the Book*, 55-116); credal summary (Manfred Oeming, “‘See We Are Serving Today’ [Nehemiah 9:36]: Nehemiah 9 as a Theological Interpretation of the Persian Period” in *Judah and the Judeans in the Persian Period* [ed. O. Lipschits and M. Oeming; Winona Lake, Ind.: Eisenbrauns, 2006], 574; Rolf Rendtorff, “Nehemiah 9: An Important Witness of Theological Reflection” in *Tehillah le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg* [ed. M. Cogan, B. L. Eichler, J. H. Tigay; Winona Lake, Ind.: Eisenbrauns, 1997], 111-17; repr., in *Der Text in seiner Endgestalt: Schritte auf dem Weg zu einer Theologie des*

Welch argues that Nehemiah 9 is influenced by the book of Deuteronomy (which he regards as a law code of northern Israel) and dates the composition to the Josianic period.²¹ Disputing the early date, Rendsburg partially supports Welch by identifying multiple linguistic characteristics of a northern Israelian dialect in Nehemiah 9.²² However, some critics dispute the existence of a northern dialect altogether and argue that Nehemiah 9 demonstrates linguistic features that are post-exilic.²³ Williamson situates Neh 9:6-37 among the non-exiled communities

Alten Testaments [Neukirchen-Vluyn: Neukirchen Verlag, 2001], 265-71); or recently, post-exilic “penitential prayer” in Richard Bautch, *Developments in Genre between Post-Exilic Penitential Prayers and the Psalms of Communal Lament* (SBLABS 7; Atlanta: Society of Biblical Literature, 2003), 125-35; Rodney A. Werline, *Penitential Prayer in Second Temple Judaism: The Development of a Religious Institution* (SBLEJL 13; Atlanta: Scholars, 1998), 56-59; Mark J. Boda, *Praying the Tradition: The Origin and Use of Tradition in Nehemiah 9* (BZAW 277; Berlin/New York: de Gruyter, 1999), 32-38; see critique in Bob Becking, “Nehemiah 9 and the Problematic Concept of Context (*Sitz im Leben*)” in *The Changing Face of Form Criticism for the Twenty-First Century* (ed. M. Sweeney, E. Ben Zvi; Cambridge/Grand Rapids, Mich.: Eerdmans, 2003), 259-61; repr., in *Construction of Early Jewish Identity*, 91-93.

21. Welch, “Nehemiah IX,” 130-37.

22. Gary A. Rendsburg, “The Northern Origin of Nehemiah 9,” *Bib* 72 (1991): 348-66.

23. Pröbstl, *Nehemia 9*, 104-5; Boda, *Praying the Tradition*, 16. For example, חיה in Neh 9:29 can be regarded as a feature of LBH (cf. SamP Lev 18:5: וְחַיָּה בָּהֶם with MT Lev 18:5: וְחַי בָּהֶם) (Hurvitz, *Linguistic Study*, 47).

that remained in Judah.²⁴ Most critics place Nehemiah 9 in the post-exilic period but its precise date finds little agreement.²⁵

Of greater interest for this study are the literary influences behind Neh 9:5aß-37. The influence of the biblical corpus is undeniable with observed connections between Nehemiah 9 and Joshua 24;²⁶ Psalm 78;²⁷ Ezekiel 20;²⁸ Ezra 9:6-15.²⁹ There are also notable connections between Nehemiah 9 and the

24. H. G. M. Williamson, "Structure and Historiography in Nehemiah 9" in *Proceedings of the Ninth World Congress of Jewish Studies. Panel Sessions: Bible Studies and the Ancient Near East* (ed. M. Goshen-Gottstein; Jerusalem: World Union of Jewish Studies, 1988), 129; repr., in *Studies in Persian Period and Historiography*, 292-93.

25. Among the options: the early Persian period (Min, *Levitical Authorship*, 114); the middle Persian period (Oeming, "Nehemiah 9," 572, 584); the time of Nehemiah (Martin Rehm, "Nehemia 9," BZ 1 [1957]: 59-69); the late Persian period (Batten, *Ezra and Nehemiah*, 363; Mathys, *Dichter und Beter*, 20); late 3rd century (Jacques Vermeylen, "The Gracious God, Sinners and Foreigners: How Nehemiah 9 Interprets the History of Israel" in *History and Identity: How Israel's Later Authors Viewed Its Earlier History* [ed. N. Calduch-Benages, J. Liesen; DCLY 2006; Berlin/New York: de Gruyter, 2006], 104-11); or, the Hasmonean period (Kratz, *Komposition*, 98; Eng., 91-92).

26. Christophe Nihan, "The Torah between Samaria and Judah: Shechem and Gerizim in Deuteronomy and Joshua" in *Pentateuch and Torah*, 196.

27. Bautch, *Post-Exilic Penitential Prayers*, 116-21.

28. Waldemar Chrostowski, "An Examination of Conscience by God's People as Exemplified in Neh 9,6-37," BZ 34 (1990): 253-61.

29. Michael W. Duggan, "Ezra 9:6-15: A Penitential Prayer within its Literary Setting" in *Seeking the Favor of God. Volume 1, The Origins of Penitential Prayer in Second Temple Judaism* (ed. M. J. Boda, D. K. Falk, R. A. Werline; SBLEJL 21; Atlanta: Society of Biblical Literature, 2006), 175-77. For arguments against a common relationship between Ezra 9:6-15 and Neh 9:6-37, see Batten, *Ezra and Nehemiah*, 365; Clines, *Ezra*,

Pentateuch and Deuteronomistic History.³⁰ Von Rad includes Neh 9:13-14 as among the first witnesses of a separate *Sinaitradition* integrated into the patriarchal narratives (cf. Deut 26:5b-9; 6:20-24; Josh 24:2b-13).³¹ Gunneweg contends that the recital follows Deuteronomy and Dtr but remarks that it also presumes JE and P and belongs to the latest parts of the Hebrew Bible.³² In the contemporary yet independent studies on Nehemiah 9, Pröbstl and Boda support Deuteronomic and Priestly influences to various degrees. Pröbstl regards Nehemiah 9 as primarily reliant on Deuteronomic traditions with Priestly modifications.³³ In support of Priestly and Ezekielian influences in Nehemiah 9, Boda further argues for their

Nehemiah, Esther, 192.

30. Myers, *Ezra. Nehemiah*, 167-69; Grabbe, *History of the Jews*, 1:336; Bautch, *Post-Exilic Penitential Prayers*, 125-35; Duggan, *Covenant Renewal*, 224.

31. Gerhard von Rad, *Das formgeschichtliche Problem des Hexateuch* (BWANT 4; Stuttgart: Kohlhammer, 1938), 11; repr., "Das formgeschichtliche Problem des Hexateuch" in *Gesammelte Studien zum Alten Testament* (TB 8; Munich: Kaiser, 1958), 19-20; Eng., "The Form-Critical Problem of the Hexateuch" in *The Problem of the Hexateuch and Other Essays* (trans. E. W. Trueman Dicken; Edinburgh/London: Oliver & Boyd, 1966), 12-13. However, Fensham remarks that the recollection of the molten calf in Neh 9:18 indicates that Sinai was originally part of the wilderness tradition (F. Charles Fensham, "Neh. 9 and Pss. 105, 106, 135 and 136. Post-exilic Historical Traditions in Poetic Form," *JNSL* 9 [1981]: 43; *idem*, *The Books of Ezra and Nehemiah* [NICOT; Grand Rapids, Mich.: Eerdmans, 1982], 230).

32. Gunneweg, *Nehemia*, 129.

33. Pröbstl, *Nehemia* 9, 7-105, esp. 95-99.

supersession of Deuteronomic foundations.³⁴ Among adherents who regard the Pentateuch as composed of predominantly Deuteronomic and Priestly traditions, Nehemiah 9 continues to attract interest as a document that knows the final form of the Pentateuch.³⁵

Many scholars agree that Neh 9:6-37 follows the narrative in Genesis-Kings. Setting aside the *ועתה* statements in vv. 32-37 and the sections that follow Joshua-Kings in vv. 26-31,³⁶ the following discussion on vv. 6-25 examines episodes from Genesis-Deuteronomy. The question at hand is whether or not Neh 9:6-25

34. Boda, *Praying the Tradition*, esp. 186-87.

35. Römer, *Israels Väter*, 539-42; Schmid, *Erzväter und Exodus*, 302-6; Eng., 282-86.

36. These sections draw upon Joshua-Kings with material from the Jeremianic sermons (Rudolph, *Esra und Nehemia*, 161; Williamson, *Ezra, Nehemiah*, 316) and Ezekiel 20 (Blenkinsopp, *Ezra-Nehemiah*, 306; Chrostowski, "Neh 9,6-37," 253-61). There are few notable allusions to pentateuchal literature. *תורתך* in vv. 26, 29, 34 refers to the Deuteronomic sense of "Law." *וחי בהם* in Neh 9:29 reflects *וחי בהם* in Lev 18:5(; Ezek 20:11) (in addition to n. 23, Geissler, *Esrasmemoiren*, 21; Rudolph, *Esra und Nehemia*, 161; Gilbert, "Néhémie 9," 313; Pröbstl, *Nehemia* 9, 85; Boda, *Praying the Tradition*, 177; Blenkinsopp, *Ezra-Nehemiah*, 306). In Neh 9:32, the attribution of Israel's deity as *האל הגדול הגבור* follows Deut 10:17 [D] (Welch, "Nehemia IX," 132; Myers, *Ezra. Nehemiah*, 169; for *האל הגדול הגבור* as Deuteronomic liturgical formula see Weinfeld, *Deuteronomic School*, 38-41, 331) and the description of the current hardship as *את כל-התלאה אשר מצאתנו* recalls Exod 18:8; Num 20:14 (Myers, *Ezra. Nehemiah*, 169; Blenkinsopp, *Ezra-Nehemiah*, 307; Boda, *Praying the Tradition*, 181).

integrates language, motifs, and themes from different pentateuchal traditions or refers to these traditions after their collation into the final form of the Pentateuch.

2.2.1. Creation

Due to its place at the beginning of the historical recital, Neh 9:6 is often compared to the Priestly creation account in Genesis.³⁷ Following P's appellation of the Israelite deity as אלהים, Batten regards יהוה in v. 6 as an alteration by "an illogical Yahwist."³⁸ There is little, if any, support for an emendation. כל-צבאם could refer to Gen 2:1 [P] but other lexical connections between Neh 9:6 and Gen 1:1-2:4a [P] are less certain. The description of Yahveh "making" (את עשית) in Neh 9:6 is not

37. Some critics consider the Priestly account of creation as one of the latest layers of the Pentateuch (see, for example, Joseph Blenkinsopp, *The Pentateuch: An Introduction to the First Five Books of the Bible* [London: SCM, 1992; repr., AYBRL; New Haven, Conn./London: Yale University Press, 2007], 217-25, 237-42). Accordingly, Neh 9:6 demonstrates the use of a late form of the Pentateuch (Williamson, *Ezra, Nehemiah*, 312; Blenkinsopp, *Ezra-Nehemiah*, 303-4; Clines, *Ezra, Nehemiah, Esther*, 193). I am of the opinion that Gen 1:1-2:4a is not a late layer. Compared to its ancient Near East neighbours, P denies the existence of competing deities and substitutes humans as the polluting agent that threatens Yahveh's earthly abode. The existence of humanity is integral to P's program of cultic purity—if humans are taken out of P, then its legal code collapses.

38. Batten, *Ezra and Nehemiah*, 365.

decisive.³⁹ Both P (Gen 1:7, et al.) and J (Gen 2:4b) use עשה to describe God's actions in their respective creation accounts.

In ואתה מחיה את־כלם (Neh 9:6aβ), Boda sees resonances of Yahveh making and bestowing life in J's creation account.⁴⁰ However, the sense of חייה (pi.) is not reflected in either one of the Genesis creation accounts.⁴¹ Deuteronom(ist)ic elements in Neh 9:6 are also suspected with the exhortation that "the host of the heavens" worship Yahveh⁴² and the declaration of Yahveh's exclusivity.⁴³ Drawing upon Hezekiah's proclamation of Yahveh as God alone, Mathys argues that 2 Kgs 19:15 is the *Vorlage* to Neh 9:6 but the latter leaves out לכל ממלכות הארץ and

39. *k'tib. q'rê: ʔattāʰ*. In support of the *k'tib* as a reflection of Israelian Hebrew, see Rendsburg, "Nehemiah 9," 360.

40. Boda, *Praying the Tradition*, 99.

41. Cf. elsewhere in Deut 6:24; Jer 49:11; Ps 33:19; 41:3; Qoh 7:12. For חייה (pi.) conveying the sense of "to maintain someone," see Norbert Lohfink, "Deuteronomy 6:24: לְחִיָּתָנוּ 'to Maintain Us' in 'Sha'arei Talmon': *Studies in the Bible, Qumran, and the Ancient Near East Presented to Shemaryahu Talmon* (ed. M. Fishbane, E. Tov; Winona Lake, Ind.: Eisenbrauns, 1992), 116-17.

42. Welch, "Nehemiah IX," 136; Weinfeld, *Deuteronomistic School*, 320, 321. For a discussion on polytheistic councils in the ancient Near East, its development in the post-exilic period, and influence upon Neh 9:6b, see Newman, *Praying by the Book*, 66-70.

43. Cf. Deut 6:4. See Welch, "Nehemiah IX," 132; Rudolph, *Esra und Nehemia*, 158; Gunneweg, *Nehemia*, 125; Mathys, *Dichter und Beter*, 5; Bautch, *Post-Exilic Penitential Prayers*, 128; Boda, *Praying the Tradition*, 94.

expands the *Schöpfungsaussagen*.⁴⁴ Boda presents a stronger case for the use of Exod 20:11 in Neh 9:6 by identifying a common reference to the tripartite cosmos—heaven, earth, and sea (and all that fills their respective domains).⁴⁵ The resonance is noticeable when the original P and J creation accounts are included for comparison:⁴⁶

<i>Neh 9:6aa</i>	<i>Gen 2:1 [P]</i>	<i>Gen 2:4b [J]</i>	<i>Exod 20:11a</i>
אתה־הוא יהוה לבדך		ביום	כי ששת־ימים
את עשית	ויכלו	עשות יהוה אלהים	עשה יהוה
את־השמים שמי	השמים	ארץ ושמים	את־השמים
השמים			
<u>וכל־צבאם</u>	<u>והארץ וכל־צבאם</u>		
הארץ וכל־אשר			ואת־הארץ
עליה			את־הים
<u>הים וכל־אשר בהם</u>			<u>ואת־כל־אשר־בם</u>

44. Mathys, *Dichter und Beter*, 5-6. See also Bautch, *Post-Exilic Penitential Prayers*, 128.

45. Boda, *Praying the Tradition*, 96-101. Duggan argues that in Neh 9:6 “the heavens and the earth” (cf. Gen 1:1) is a “conventional merism” that is paralleled with the seas (*Covenant Renewal*, 171). Boda’s observation on the division of the cosmos remains preferred.

46. Throughout this study, texts are underlined for emphasis.

You are Yahveh, you alone. You alone made <u>the heavens</u> , the heaven of heavens, with <u>all their host</u> , <u>the earth</u> and all that is on it, <u>the seas</u> and <u>all</u> <u>that is in them</u> .	The heavens and the earth were finished and <u>all their host</u> .	In the day Yahveh God made the earth and the heavens	For in six days Yahveh made <u>the</u> <u>heavens</u> , <u>the earth</u> , <u>the sea</u> and <u>all</u> <u>that is in them</u> .
--	--	---	--

The composer expands the cosmos from Exod 20:11a with the Deuteronom(ist)ic phrase שמי השמים⁴⁷ and includes וכל-צבאם from the Priestly creation account (Gen 2:1).

With Exod 20:11 established as the major influence on Neh 9:6, the provenance of Exod 20:11 becomes of interest. Exod 20:11 is in the middle of a classically Elohistic chapter. However, the rationale in Exod 20:11a for a day of cessation rooted in the six days of creation is foreign to E. Due to Priestly language (notably, יום השבת and קד"ש), Exod 20:11 is often assigned to H (cf. Lev 26:3; 26:2).⁴⁸ In Exod 31:17b [P], Yahveh makes (עש"ה) the heavens and the earth over a period of

47. Cf. Deut 10:14; 1 Kgs 8:27; Ps 148:4; 2 Chr 2:5; 6:18. See Geissler, *Esrasmemoiren*, 17; Batten, *Ezra and Nehemiah*, 365; Rudolph, *Esra und Nehemia*, 158; Myers, *Ezra. Nehemiah*, 167; Gunneweg, *Nehemia*, 125; Boda, *Praying the Tradition*, 97.

48. Knohl, *Sanctuary of Silence*, 67. See also the assignment of Exod 20:11 to the redactor of H in Milgrom, "H_R in Leviticus and Elsewhere in the Torah" in *The Book of Leviticus: Composition and Reception* (ed. R. Rendtorff, R. A. Kugler; VTSupp 93; Leiden/Boston: Brill, 2003), 38-39.

six days and rests on the seventh day.⁴⁹ Similar to Gen 2:1, Exod 31:17b lacks any mention of water. Exod 20:11 resembles Holiness ideology but its insertion into an Elohist (or non-Priestly) chapter supports Friedman’s assignment of this verse to a redactor who does not belong to a Priestly school.⁵⁰ I assign this verse to R^{Pent}. Here, this redactor supplements the (Elohist) Sabbath command (vv. 8-10) with the (Priestly) six days of creation and seventh-day rest and includes the waters within the cosmos. The recognition that Exod 20:11 is R^{Pent}—the latest layer in the Pentateuch—suggests that in its use the composer of Neh 9:6 does not presuppose an intermediate stage of the Pentateuch but its final form.

2.2.2. *Abr(ah)am*

The composer does not use any of the accounts of Yahveh’s announcement to Abram in Gen 12:1 [J]; 15:1 [E]; 17:1-2a [P].⁵¹ Rather, Neh 9:7a uniquely describes

49. See the assignment of Exod 31:12-17 to H in Haran, *Temples*, 20 n. 11; Knohl, *Sanctuary of Silence*, 16, 66; Milgrom, *Leviticus 1-16*, 13; contra Exod 20:11 and 31:16-17 to P in Saul Olyan, “Exodus 31:12-17: The Sabbath According to H, or the Sabbath According to P and H?,” *JBL* 124 (2005): 203. I maintain that Exod 20:11 and 31:16-17 have different details of the cosmos and are from different hands.

50. Friedman, *Sources Revealed*, 153.

51. For Genesis 17 lacking a well-defined priestly theology and the conclusion that Abraham is not in P(ḡ) but in a separate patriarchal history, see Benjamin Ziemer, *Abram-Abraham: Kompositionsgeschichtliche Untersuchungen zu Genesis 14, 15 und 17* (BZAW 350; Berlin/New York: de Gruyter, 2005), 280-90. I

Yahveh's revelation to Abram through the deuteronomistic ideology of election (often expressed as **בְּחִירָה**).⁵² The change of Abram's name to **אַבְרָהָם** in Neh 9:7 (also 1 Chr 1:27) follows the Priestly report in Gen 17:5.⁵³ It is uncertain if the other pentateuchal (or Abraham/patriarchal) traditions originally had a name change—either similar accounts in the other traditions were lost after their collation⁵⁴ or a redactor reworked all of the references to **אַבְרָהָם** in Genesis 11-16.⁵⁵ Elsewhere, the composer uses material from Genesis 15 (see below) and it is likely that Neh 9:7 reflects a final form of the Pentateuch that preserved the different traditions about Abra(ha)m in Genesis 11-25 including the Priestly name change in Gen 17:5.

maintain that Genesis 17 is a Priestly text.

52. Rolf Rendtorff, *Die "Bundesformel": Eine exegetisch-theologische Untersuchung* (StB 160; Stuttgart: Verlag Katholisches Bibelwerk, 1995), 9-11; Eng., *The Covenant Formula: An Exegetical and Theological Investigation* (trans. M. Kohl; OTS; Edinburgh: T & T Clark, 1998), 1-4; *idem*, "Nehemiah 9," 112. See also Newman, *Praying by the Book*, 71; Bautch, *Post-Exilic Penitential Prayers*, 128; Boda, *Praying the Tradition*, 101-2. For the deuteronomistic use of **בְּחִירָה** in Yahveh's election of Israel, temple, Jerusalem, and David, see Weinfeld, *Deuteronomistic School*, 324, 327, 354.

53. Myers, *Ezra. Nehemiah*, 167; Williamson, *Ezra, Nehemiah*, 313; *idem*, "Nehemiah 9," 128 n. 28; repr. 291 n. 28; Blenkinsopp, *Ezra-Nehemiah*, 303. The change from **הִי"ה** (Gen 17:5b) to **שִׁי"מ** (Neh 9:7) is due to narrative voice; see Boda, *Praying the Tradition*, 103.

54. Geissler, *Ezraemoiren*, 25; also Gerhard von Rad, *Das Geschichtsbild des chronistischen Werkes* (BWANT 4/3; Stuttgart: Kohlhammer, 1930), 71.

55. Rudolph, *Ezra und Nehemia*, 159; also Friedman, *Sources Revealed*, 50. It should be noted that another name change is in a non-Priestly episode, Gen 32:22-32 [E]. In v. 28, an **אִישׁ** informs Jacob that he is no longer **יעקב** but **ישראל**.

Abraham's arrival from **אור כשדים** in Neh 9:7 is reported in Gen 11:28, 31; 15:7. These verses contain source critical problems. Terah's **תולדות** in Gen 11:27-32 is considered Priestly but vv. 29-30 are commonly assigned to J.⁵⁶ Friedman argues that Abram comes from Ur in P but from Haran in J.⁵⁷ I contend that P's Abram departs Ur and stops in Haran before Canaan (Gen 11:31-32). More problematic is **אור כשדים** in a non-Priestly verse, Gen 15:7 [J]. This verse is connected to another account of covenant making in vv. 7-10 in which Abraham burns sacrifice upon the altar he previously constructed (Gen 13:18 [J]).⁵⁸ Von Rad argues that **אור כשדים** is an insertion into an originally Elohist verse and the use of Gen 15:7 in Neh 9:7 indicates a direct use of an edited Pentateuch.⁵⁹ Although I attribute Gen 15:7 to a different source [J], von Rad's identification of **אור כשדים** in this verse as

56. Milcah in Gen 11:29 is connected to the notice of her giving birth in Gen 22:20(aβ)-24, a non-Priestly text [J]; see Sarah Shectman, *Women in the Pentateuch: A Feminist and Source-Critical Analysis* (HBM 23; Sheffield: Sheffield Academic, 2009), 80-81. For Milcah in J, see Wellhausen, *Composition*, 7 n. 1; Baden, *Composition*, 70.

57. Friedman, *Sources Revealed*, 50.

58. Rendtorff regards Gen 15:7 as Deuteronomistic and vv. 7-21 formulated in view of 11:31, noting the parallels between **הוצאתיך** in 15:7 and **ויצא** in SamP and LXX 11:31 (cf. MT **ויצאו**) (*Problem*, 63; Eng., 81). SamP and LXX 11:31, however, are not necessarily original and could equally be a harmonization based upon MT 15:7.

59. Rad, *Geschichtsbild*, 71-72. Friedman suggests that Gen 15:7 originally had **חרן** (*Sources Revealed*, 54).

redactional (which I assign to R^{Pent}) suggests that Neh 9:7 reflects the final form of the Pentateuch.

The use of Genesis 15 continues in Neh 9:8.⁶⁰ Abraham trusting (אֱמַן [ni.]) Yahveh in v. 8aα reflects a similar description in Gen 15:6 (albeit, אֱמַן [hi.]).⁶¹ Source-critically, I regard Gen 15:6 as Elohist and not from the same document as v. 7.⁶² Turning to Yahveh's establishment of a covenant with Abraham in Neh 9:8aβ, pentateuchal literature contains two similar accounts. The first, which follows Abram's name change to Abraham, is in Gen 17:10-14, 23-27 [P] with circumcision as a mark of the covenant between Yahveh and Abraham. The second is in Gen 15:7*-11, 17-21 [J]. Here, Yahveh instructs Abram to cut animals and establishes (כָּרַת) a covenant with Abram to unconditionally give the land to his descendants. Due to the absence of circumcision, Geissler remarks that Neh 9:8 is not dependent

60. Gunneweg, *Nehemia*, 125; Pröbstl, *Nehemia* 9, 50.

61. Rendtorff, "Nehemiah 9," 116; Pröbstl, *Nehemia* 9, 51; Bautch, *Post-Exilic Penitential Prayers*, 129. See, however, the use of Genesis 22 in later Second Temple literature and the possible source for נֶאֱמַן in Neh 9:8 in Newman, *Praying by the Book*, 72-74.

62. In assigning Gen 15:1aβ-6 to E, the occurrence of the oracular word (דְּבַר־יְהוָה in v. 1aβ) is an Elohist theme (see John Skinner, *A Critical and Exegetical Commentary on Genesis* [ICC; Edinburgh: T & T Clark, 1910], 278; Jenks, *Elohist*, 34). E, as narrator, is free to call the Israelite deity יהוה or אֱלֹהִים at any time (see Baden, *Redaction*, 228-9, 234-5). Abraham's response in v. 2, אֲדֹנֵי יְהוָה מֵהִתְתַּן־לִי, may be a redactional insertion to harmonize דְּבַר־יְהוָה in v. 1 but I believe that E's patriarchs (unlike Moses) do call Yahveh by the personal name יהוה.

on the Priestly version of the Abrahamic covenant.⁶³ Critics see stronger resonances in Neh 9:8 to Gen 15:18-21.⁶⁴ The list of nations from Gen 15:18-21 is truncated in Neh 9:8 and the omission of the geographical description of “the river of Egypt to the great river, the river Euphrates” (Gen 15:18) recognizes the political situation and geographical realities of post-exilic Yehud. Other suggested resonances between Neh 9:8 and Genesis 15 are not convincing. Bautch relates the description of Yahveh as צדיק to the final word of Gen 15:6 (צדקה).⁶⁵ However, in Gen 15:6 it is Abraham and not Yahveh who is described as צדקה.

The presentation of Abraham in Neh 9:7-8 is a composite sketch of Abraham from verses in Genesis that are originally Priestly (17:5) and non-Priestly (15:6, 7, 18-21).⁶⁶ Source-critically, the non-Priestly segments in Genesis 15 are divided between J and E. The seamless use of these originally disparate traditions, with Gen

63. Geissler, *Esrasmemoiren*, 25.

64. Rudolph, *Ezra und Nehemia*, 159; Rad, *Geschichtsbild*, 71-72; Rendtorff, *Bundesformel*, 10; Eng., 2; Myers, *Ezra. Nehemiah*, 167; Moshe Anbar, “Genesis 15: A Conflation of Two Deuteronomistic Narratives,” *JBL* 101 (1982): 53-54; Blenkinsopp, *Ezra-Nehemiah*, 304; Pröbstl, *Nehemia* 9, 52.

65. Bautch, *Post-Exilic Penitential Prayers*, 129.

66. Blum, *Vätergeschichte*, 423-24; Carr, *Fractures*, 82-83 (with Gen 15:19-21 as Deuteronomistic in pp. 164-65).

15:7 in its redacted form, suggests that the composer knows these traditions not as separate entities but after their collation in the final form of the Pentateuch.

2.2.3. Exodus

The Exodus tradition in Neh 9:9-11 is recognized as following the final form of the Pentateuch.⁶⁷ Although this episode is referred to in Deut 26:7, Neh 9:9 is dependent upon Exod 3:7 and almost follows it verbatim.⁶⁸

<i>Neh 9:9</i>	<i>Exod 3:7a, βα</i>	<i>Deut 26:7</i>
	וַיֹּאמֶר יְהוָה	
וַתֵּרָא אֶת־עֲנִי אֲבוֹתֵינוּ בְּמִצְרַיִם	רָאָה רֹאֲתִי אֶת־עֲנִי עַמִּי אֲשֶׁר	וַנִּצְעַק אֱלֹהֵי אֲבוֹתֵינוּ
	בְּמִצְרַיִם	וַיִּשְׁמַע יְהוָה אֶת־קִלְנוּ וַיֵּרָא
וְאֶת־זַעַקְתָּם שָׁמַעַתְּ	וְאֶת־זַעַקְתָּם שָׁמַעְתִּי מִפְּנֵי	אֶת־עֲנִינוּ וְאֶת־עַמְלָנוּ
עַל־יַם־סוּף	נִגְשִׁיו	וְאֶת־לַחְצָנוּ
	Yahveh said,	
<u>You saw the distress of</u> <u>our ancestors</u> in Egypt.	<u>"I have seen the distress</u> <u>of my people</u> who are in Egypt.	<u>We cried</u> to Yahveh the god of our fathers.
And you heard <u>their cry</u> at the <i>yam sūp</i> .	And I have heard <u>your</u> <u>cry</u> on account of their taskmasters.	Yahveh heard our voice and <u>he saw our distress</u> , toil, and affliction.

67. Gunneweg, *Nehemia*, 125; Williamson, *Ezra, Nehemiah*, 313; Blenkinsopp, *Ezra-Nehemiah*, 313.

68. The use of אֲבוֹתֵינוּ and not עַמִּי is acceptable as the composer recalls a first-person speech from the distant past (contra Pröbstl, *Nehemia* 9, 56).

However, Neh 9:9b departs from Exod 3:7b by placing the cry of the Israelites at the **יָם סוּף**, which is alluded to in Exod 14:10, 15a [P]. In Neh 9:9, the composer combines the cry of the Israelites at the **יָם סוּף** with the distress of the Israelites on account of their Egyptian taskmasters (Exod 3:7 [J]; Deut 26:6-7 [D]).⁶⁹

Deut 6:22 is often considered to be the influence on Yahveh giving “signs and wonders” in v. 10a.⁷⁰ Boda remarks that the afflicted persons in Deut 6:22 are not the same as in Neh 9:10a and argues for influences from the “Dtr pattern” in Deut 29:1 [ET 2]; 34:11.⁷¹ Pröbstl links Neh 9:10a with Deut 34:10-12, which he upholds as the *Endredaktion* of the Pentateuch.⁷² There are resonances between Neh 9:10a; Deut 29:1b-2; and 34:11.⁷³

Neh 9:10a

Deut 29:1b-2

Deut 34:11

69. Boda, *Praying the Tradition*, 116.

70. Geissler, *Esrasmemoiren*, 17; Welch, “Nehemiah IX,” 132; Rudolph, *Esra und Nehemia*, 159; Gunneweg, *Nehemia*, 125.

71. Boda, *Praying the Tradition*, 118-19.

72. Pröbstl, *Nehemia* 9, 57. For Deut 34:10-11 as a redactional reworking connected to the formation of the Pentateuch, see Lothar Perlitt, “Mose als Prophet,” *EvTh* 31 (1971): 591-93; repr., in *Deuteronomium-Studien*, 3-5; Otto, *Deuteronomium*, 228-30; Römer and Brettler, “Deuteronomy 34,” 405-7; Konrad Schmid, “The Late Persian Formation of the Torah: Observations on Deuteronomy 34” in *Judah and the Judeans in the Fourth Century B.C.E.*, 245-47.

73. Weinfeld, *Deuteronomie School*, 330; *idem*, *Deuteronomy 1-11*, 348.

ותתן אתה ומפתיים	לכל־האתות והמופתיים
אתם ראיתם את כל־אשר עשה יהוה לעיניכם בארץ מצרים בפרעה ולכל־עבדיו ובכל־עם ארצו	אשר שלחו יהוה לעשות בארץ מצרים לפרעה ולכל־עבדיו ולכל־ארצו
המסות הגדלת אשר ראו עיניך האתה והמפתיים הגדלים ההם	
You gave <u>signs and wonders</u> against <u>Pharaoh, all his servants, and all the people of his land.</u>	for all the <u>signs and wonders</u> that Yahveh sent him [Moses] to do in the land of Egypt against <u>Pharaoh, all his servants, and all his land.</u>
You have seen all that Yahveh has done before you in the land of Egypt against <u>Pharaoh, all his servants, and all his land.</u> The great trials your eyes saw—the <u>signs and</u> those great <u>wonders.</u>	

Neh 9:10a follows Deut 34:11 but, with the omission of אשר שלחו יהוה לעשות בארץ

מצרים, removes Moses as the prime agent who acts against the Egyptians. From

Deut 29:1-2b, the composer makes one notable alteration: rather than the land

itself, Yahveh acts against the *people* of the land. The composer's use of עם reflects

the many references to Pharaoh's עם from the plague narratives.⁷⁴ Neh 9:10a

reflects the final form of the Pentateuch through its integration of materials from

originally separate sources: D (Deut 29:1-2b) and E (34:11).⁷⁵

74. Boda, *Praying the Tradition*, 119.

75. For Deut 34:10-12 to E, see Baden, *Composition*, 99-100; Yoo, "Four Moses

Pröbstl argues that the parallels between Neh 9:10 and Exod 3:7 continue:⁷⁶

Neh 9:10aβ

Exod 3:7bβ

כי ידעת כי הזידו עליהם

כי ידעתי את־מכאביו

For you know they acted
presumptuously to them.

For I know their sufferings.

Pröbstl might be correct. Neither E-N nor Chr uses מכאב (Exod 3:7) or כא"ב and the composer replaces מכאב with זי"ד (*hi.*) to express the Egyptians "acting presumptuously." Critics point to Exod 18:11 where Jethro describes the Egyptian treatment of the Israelites as זי"ד (*qal*).⁷⁷ The description of Yahveh making a name for himself in Neh 9:10b is from Exod 9:16.⁷⁸ The phrase כהיום הזה reflects Deuteronom(ist)ic language that expresses the people's situation at the present moment.⁷⁹

Neh 9:11 recalls the event of the Israelites crossing the sea under pressure from the charging Egyptian cavalry:

Death Accounts," 436-38.

76. Pröbstl, *Nehemia* 9, 56.

77. Batten, *Ezra and Nehemiah*, 366; Rudolph, *Esra und Nehemia*, 159; Gunneweg, *Nehemia*, 125; Clines, *Ezra, Nehemiah, Esther*, 194; Boda, *Praying the Tradition*, 119.

78. Gunneweg, *Nehemia*, 125; Williamson, *Ezra, Nehemiah*, 313.

79. Rudolph, *Esra und Nehemia*, 159; Duggan, *Covenant Renewal*, 175.

Neh 9:11

Exodus 14

והים בקעת לפניהם	ובקעהו
ויעברו בתוך־הים ביבשה	ויבאו בני־ישראל בתוך הים ביבשה
ואת־רדפיהם השלכת	וירדפו מצרים ויבאו אחריהם כל סוס פרעה
	רדבו ופרשיו אל־תוך הים

במצולת כמו־אבן במים עזים

You [Yahveh] split the sea before them	But you [Moses] will lift your staff
They crossed through the middle of the sea on dry ground	stretch your hand over the sea and
You threw their pursuers	split it. (v. 16a)
	The Israelites went through the middle
	of the sea on dry ground. (v. 22a)
	The Egyptians pursued—all of
	Pharaoh's horses, his chariots, and his
	drivers—after them into the sea. (v. 23)

into the depths like a stone into the
mighty waters.

The composer draws upon the Priestly tradition of the splitting of the sea—and not

the pushing back of the waters [J]—preserved in Exodus 14.⁸⁰ במצולת כמו־אבן במים

עזים, however, is not from the Priestly tradition but from the Song of the Sea that

was incorporated into a non-Priestly source (Exod 15:5 [J]: תהמת יכסימו ירדו במצולת:

80. Pröbstl, *Nehemia* 9, 62. See, however, the division of these verses within the wider scheme of a priestly Exodus narrative, additions, and an *Endredaktion* composition in Jan Christian Gertz, *Tradition und Redaktion in der Exoduserzählung: Untersuchungen zur Endredaktion des Pentateuch* (FRLANT 186; Göttingen: Vandenhoeck & Ruprecht, 2000), 189-232.

(כמו־אבן).⁸¹ Neh 9:11 uses materials that were originally from different sources, P and J.

I include Neh 9:12 in the recollection of the Exodus. In two separate verses, Nehemiah 9 refers to both an עמוד ענן and an עמוד אש that led the Israelites in their wilderness sojourn:

v. 12

v. 19b

ובעמוד ענן הנחיתם יומם

את־עמוד הענן לא־סר מעליהם ביוםם
להנחתם בהדרך

ובעמוד אש לילה להאיר להם
את־הדרך אשר ילכו־בה

ואת־עמוד האש בלילה להאיר להם
ואת־הדרך אשר ילכו־בה

And with a pillar of cloud you led them
by day

The pillar of cloud did not depart from
them by day to lead them on the
journey

and a pillar of fire by night to give
them light
on the journey which they were to go.

and the pillar of fire by night to give
them light
on the journey which they were to go.

With the exception of לא־סר מעליהם and להנחתם בהדרך in Neh 9:19b, the above descriptions of the pillars are nearly identical. Most of the descriptions of עמוד in the Pentateuch can be eliminated from consideration. Priestly texts never call anything an עמוד ענן and its עמודים refer to supporting pillars used for the tabernacle and its appurtenances.⁸² In Elohist texts, an עמוד ענן stands at the entrance of the אהל מועד that is placed outside the Israelite wilderness

81. Batten, *Ezra and Nehemiah*, 344.

82. Haran, *Temples*, 153-54, 157-58.

encampment to signify Yahveh's presence (Exod 33:9-10; Num 12:5; Deut 31:15).⁸³

Exod 13:21-22 introduces the עמוד as an instrument that guides the Israelites

through the wilderness (also Num 14:14 [below]; cf. Exod 14:19, 24; Num 10:34):

ויהוה הלך לפניהם יומם בעמוד ענן לנחתם הדרך ולילה בעמוד אש להאיר להם
ללכת יומם ולילה לא־ימיש עמוד הענן יומם ועמוד האש לילה לפני העם

Yahveh went before them by day in a pillar of cloud to lead them along the way and a pillar of fire to give them light to go by day and night. Neither the pillar of cloud by day nor the pillar of fire by night departed from the people. (Exod 13:21-22)

When Moses pleads on behalf of the Israelites upon their refusal to enter Canaan,

he remarks that through an עמוד Yahveh led the Israelites through the wilderness:

וענגד עמד עליהם ובעמד ענן אתה הלך לפניהם יומם ובעמוד אש לילה
...and your cloud stands over them and in a pillar of cloud you go before them by day and a pillar of fire by night. (Num 14:14bβ)

Setting aside the vexing question of how many pillars are envisioned in Exod

13:21-22;⁸⁴ Num 14:14; Neh 9:12, 19, the עמוד serves the same function: to lead the

83. Jenks, *Elohist*, 60; Friedman, *Sources Revealed*, 359; Sommer, *Bodies of God*, 81-82, 99; Baden, *Redaction*, 120 n. 63, 185.

84. Specifically, does Exod 13:21-22 refer to a single עמוד that alternates between cloud and fire or two distinct and separate עמודים? Exod 14:24aβ further complicates the matter: בעמוד אש וענן. Propp argues that there is a single pillar and Exod 14:24 describes this pillar in transition (William H. C. Propp, *Exodus 1-18: A New Translation with Introduction and Commentary* [AB 2; New York/London: Doubleday, 1999], 499). Gross argues that vor-P had an original *Wolkensäule* followed by the creation of a *Feuersäule* by the redactor who combined P and vor-P (Walter Gross, "Die Wolkensäule und die Feuersäule in Ex 13 + 14. Literarkritische, redaktionsgeschichtliche und quellenkritische Erwägungen" in *Biblische Theologie und gesellschaftlicher Wandel: für Norbert Lohfink SJ* [ed. G. Braulik, W. Gross, S. McEvenue; Freiburg: Herder, 1993], 142-65) but see the response and argument for

Israelites in their wilderness sojourn.⁸⁵ The pluses in Neh 9:19 (when compared to

v. 12) follow Exod 13:22.⁸⁶ The change of מו"ש to סו"ר in Neh 9:19 follows

Deuteronom(ist)ic speech or reflects the declining use of מו"ש in later literature.

Some critics maintain that Deut 1:33 is the dominant influence to Neh 9:12.⁸⁷

However, in Deut 1:33b, Yahveh leads the Israelites on their wilderness sojourn

באש לילה and בענן יומם. The absence of עמוד in Deut 1:33 (cf. Num 14:14) reflects the

deuteronomic belief that Yahveh did not manifest himself in any way or shape on

earth.⁸⁸ The descriptions of עמוד in Neh 9:12, 19 follow the tradition of an עמוד that

guided the Israelites before and after Sinai in Exod 13:21-22 and Num 14:14.

2.2.4. Sinai

The composer opens the Sinai recollection with the following:

a single pillar in Exod 13:21-22; 14:24 (vor-P) in Erhard Blum, "Die Feuersäule in Ex 13-14—eine Spur der 'Endredaktion'?" in *Interpretation of Exodus* (ed. R. Roukema; CBET 44; Leuven: Peeters, 2006), 117-37; repr., in *Textgestalt und Komposition*, 137-156.

85. Geissler, *Esrasmemoiren*, 26; Gunneweg, *Nehemia*, 125; Pröbstl, *Nehemia* 9, 60.

86. Duggan, *Covenant Renewal*, 213; contra Boda, *Praying the Tradition*, 156.

87. Welch, "Nehemiah IX," 132; Rudolph, *Esra und Nehemia*, 159; Boda, *Praying the Tradition*, 124-25; Duggan, *Covenant Renewal*, 176, 207.

88. See Sommer, *Bodies of God*, 62-68.

ועל הר־סיני ירדת ודבר עמהם משמים

You descended upon Mount Sinai and spoke with them from the heavens. (Neh 9:13a)

The question arises, how can Yahveh descend from the heavens (v. 13aα) yet also speak from the heavens (v. 13aβ)? One explanation is that Yahveh touches down on the summit of Sinai which itself extends into the heavenly realm.⁸⁹ Another explanation lies in the composer's use of pentateuchal materials that describe Yahveh descending upon the earth (Exod 19:11, 18, 20 [J]) and Yahveh speaking from the heavens (Exod 20:22b [R^{Pent}]; Deut 4:36 [D]).⁹⁰ The Pentateuch preserves originally contradictory conceptions of Yahveh's manifestation on earth: on the one hand, according to J and E Yahveh himself is embodied in multiple earthly forms; on the other hand, in P, D, and—I submit—upheld by R^{Pent}, Yahveh never leaves the heavenly realm and his earthly presence is represented by the Priestly כבוד or Deuteronomic שם.⁹¹ The composer unlikely believes that Yahveh leaves the

89. Batten, *Ezra and Nehemiah*, 366. By analogy of a ziggurat, Bautch, *Post-Exilic Penitential Prayers*, 130.

90. Geissler, *Ezra und Nehemia*, 26; Rudolph, *Ezra und Nehemia*, 159; Williamson, *Ezra, Nehemiah*, 314; Gunneweg, *Nehemia*, 126; Pröbstl, *Nehemia* 9, 80-81; Duggan, *Covenant Renewal*, 208.

91. Weinfeld, *Deuteronomic School*, 206-7; *idem*, *Deuteronomy 1-11*, 212-13; Sommer, *Bodies of God*, 38-79.

heavenly realm. Still, Neh 9:13a reflects the preservation of pentateuchal traditions that either support or reject Yahveh's earthly manifestation.⁹²

Neh 9:13b-14 contains two nearly parallel descriptions of laws:

ותתן להם משפטים ישרים ותורות אמת חקים ומצוות טובים

ואת־שבת קדשך הודעת להם ומצוות וחקים ותורה צוית להם ביד משה עבדך

You gave them upright judgements, true instructions and good statutes and commandments.

You made known to them your holy Sabbath and commandments, statutes, and instruction you commanded them through Moses your servant. (Neh 9:13b-14)

There are notable differences between v. 13b and v. 14. First, v. 13b contains

משפטים (cf. 2 Kgs 17:37; 2 Chr 19:10) but Neh 9:14 has ואת־שבת קדשך הודעת להם. The

composer includes שבת קדשך in v. 14a due to its growing importance in post-exilic

Yahvism.⁹³ Welch contends that Deut 5:15 is the influence on Neh 9:14a (ואת־שבת)

(קדשך).⁹⁴ Deuteronomy, however, does not refer to Sabbath as holy or consecrated

and Exod 16:23 (שבת־קדש ליהוה) is the more likely influence on Neh 9:14a.⁹⁵ The

92. Pröbstl, *Nehemia* 9, 81; Boda, *Praying the Tradition*, 126.

93. For the emphasis of the life sustaining purpose of the Sabbath that distinctly marks Ezekiel 20 and influences Neh 9:14, see Rudolph, *Esra und Nehemia*, 159; Clines, *Ezra, Nehemiah, Esther*, 194; Pröbstl, *Nehemia* 9, 81.

94. Welch, "Nehemiah IX," 133.

95. Gilbert, "Néhémie 9," 311; Williamson, *Ezra, Nehemiah*, 314; Blenkinsopp, *Ezra-Nehemiah*, 304; Pröbstl, *Nehemia* 9, 80; Duggan, *Covenant Renewal*, 209. Boda argues for the stronger influence of other Priestly materials (in Ezek 20:11-24; Lev 26:35, 43) (*Praying the Tradition*, 134-36).

importance of Sabbath as consecrated to Yahveh is clear in Exod 16:23 but this verse precedes Sinai. Geissler argues that Neh 9:14 is influenced from Exod 31:13-14a, what he regards as belonging to the Priestly *Heiligkeitgesetz* and is a *Verbindungsglied* between the different origins of Sabbath from a mountain in J, E, D (cf. Exod 20:8; 34:21; Deut 5:12-15) and creation in P_g (cf. Gen 2:3; Exod 16:22-26).⁹⁶ Apart from Geissler's demarcation of the origins of Sabbath, the assignment of Exod 31:13-14a to H is supported.⁹⁷ The connection between Neh 9:14a with Exod 31:13-14a is convincing due to their common setting at Sinai.

Second, adjectives are attached to the law codes in Neh 9:13b but not in v. 14. Boda argues that v. 13b reflects a Deuteronomistic idiom (ישר...טוב) influenced by Ezekielian thought.⁹⁸ The attributions of משפטים as upright (cf. Ps 119:137), תורות as true (cf. Ps 119:142; Mal 2:6), and חקים ומצות as good appear to reflect a late period. Pröbstl argues that משפטים ישרים in Neh 9:13bα follows Yahveh speaking from the heavens when the Decalogue is proclaimed.⁹⁹ The connection that Pröbstl

96. Geissler, *Esrasmemorien*, 26; also Gunneweg, *Nehemia*, 126.

97. For Exod 31:13-17 to H, see Knohl, *Sanctuary of Silence*, 14-17; Milgrom, *Leviticus 17-22*, 1338-39. For a critique and argument for the assignment of vv. 16-17 to P, see Olyan, "Exodus 31:12-17," 201-9. I am satisfied that vv. 13-14a are confirmed as H.

98. Boda, *Praying the Tradition*, 130-32. חקים ומצות טבים in Neh 9:13b is the opposite declaration of Ezek 20:25 (Pröbstl, *Nehemia* 9, 81).

99. Pröbstl, *Nehemia* 9, 80-81.

forges between v. 13a β and Exodus is insightful and helps locate the influence of

משפטים ישרים; however, the Decalogue is called הדברים in Exod 20:1. Instead,

משפטים ישרים in Neh 9:13b α refers to what follows the דברים—the legal corpus [CC]

that is identified as משפטים:

ואלה המשפטים אשר תשים לפניך

These are the judgments that you shall set before you. (Exod 21:1)

By referring to the משפטים in Neh 9:13b α , the composer continues to follow the narrative as presented in the book of Exodus.

I now turn to the near-parallel legal descriptions in v. 13b β (ותורות אמת חקים)

(ומצות טובים) and v. 14b α (ומצוות וחקים ותורה). Starting with Neh 9:14b α , either Lev

26:46 or Num 36:13 or both verses are thought to be the influence:

אלה החקים והמשפטים והתורות אשר נתן יהוה בינו ובין בני ישראל בהר סיני
ביד־משה

These are the statutes, the judgements, and the instructions which Yahveh set between him and the Israelites on Mount Sinai through Moses. (Lev 26:46)

אלה המצוות והמשפטים אשר צוה יהוה ביד־משה אל־בני ישראל בערבת מואב
על ירדן ירחו

These are the commandments and the judgements which Yahveh commanded through Moses to the Israelites on the plains of Moab by the Jordan at Jericho. (Num 36:13)

However, whereas Neh 9:14 recalls events at Sinai, Num 36:13 locates the giving of laws at the plains of Moab. Lev 26:46 contains the plural תורות but Neh 9:14b uses the singular תורה. There is no need to follow Gilbert's forced reading of singular *Loi*

against MT Lev 26:46.¹⁰⁰ Priestly literature frequently refers to תורה but in the sense of Priestly ritual or instruction and rather than a singular “Law.”¹⁰¹ Accordingly, the individual Priestly תורה are collectively grouped together and referred to as תורות. Rather than Neh 9:14, the plural תורות (and חקים) in Lev 26:46 matches Neh 9:13bβ. I argue below that the influence on v. 14 lies elsewhere. Concerning מצות in Neh 9:13bβ, another Priestly legal summary statement focuses on מצות:

אלה המצות אשר צוה יהוה את־משה אל־בני ישראל בהר סיני

These are the commandments which Yahveh commanded Moses to the Israelites at Mount Sinai. (Lev 27:34)

The giving of מצות at Mount Sinai in Lev 27:34 matches Neh 9:13bβ and fits the context of vv. 13-14. Thus, Neh 9:13bβ is a fusion of Lev 26:46 [H] and 27:34 [P].¹⁰²

Neh 9:14b is dependent on another legal notice from Yahveh’s mountain, one that refers to a *single* תורה:

וזאת התורה אשר־שם משה לפני בני ישראל

This is the instruction which Moses placed before the Israelites.
(Deut 4:44)

100. Gilbert, “Néhémie 9,” 311.

101. Milgrom, *Leviticus 1-16*, 2-3, 382-83; *idem*, *Leviticus 23-27*, 2342.

102. Although I favour the use of משפטים in Neh 9:13bα from Exod 21:1, the word also arises in Lev 26:46. The placement of משפטים as the first word in a series of legal terminology may be a Janus construction that looks backwards to Exod 21:1 and, at the same time, forward to Lev 26:46.

D never uses plural תורות but always singular תורה, and more precisely התורה, to refer to “Law.”¹⁰³ Deuteronomy 4:44 is the first notice of התורה given to the Israelites at a mountain (here, Horeb). The influence to ומצוות וחקים in Neh 9:14b is detected in a few verses before Deut 4:44:

ושמרת את־חקיו ואת־מצותיו אשר אנכי מצוך היום אשר ייטב לך ולבניך אחר־יך

You will keep my statutes and my commandments which I commanded you this day so that it will be good for you and your children after you. (Deut 4:40a)

In Neh 9:14b, the composer combines the notices of חקים and מצות from Deut 4:40 with the declaration of a single תורה from Deut 4:44. The composer intentionally uses תורות from Leviticus-Numbers in Neh 9:13bβ and תורה from Deuteronomy in v. 14b and follows the order of the legal declarations in the Pentateuch. Neh 9:13-14 incorporates the summary declarations that are preserved throughout Exodus-Deuteronomy.

Finally, ביד־משה עבדך in Neh 9:14bβ appears Deuteronomistic (cf. 1 Kgs 8:53, 56) but the tradition of Moses as Yahveh’s servant is reflected elsewhere in Exod 14:31 [J];¹⁰⁴ Num 12:7; Deut 34:5 [E];¹⁰⁵ Josh 22:5; Mal 3:22; Neh 10:30 [ET 29]

103. Weinfeld, *Deuteronomic School*, 338. Furthermore, Weinfeld remarks “Deuteronomy...expanded the concept of [tetrateuchal] *tôrâ* by giving it the general sense of Mosaic law” (*Deuteronomy 1-11*, 129).

104. For Exod 14:30-31 to J see Friedman, *Sources Revealed*, 144.

105. Yoo, “Four Moses Death Accounts,” 432.

(עבד־האלהים). Following the use of the legal notices from Deut 4:40a, 44, I consider

Deut 34:5 to be the influence to Neh 9:14b β . The pentateuchal influences to Neh

9:13-14 may be summarized as follows:

<i>Nehemiah 9</i>		<i>Pentateuch</i>
v. 13a α	ועל־הר־סיני ירדת	Exod 19:11, 18, 20 [J]
13a β	ודבר עמהם משמים	Exod 20:22b [E]
13b α	משפטים	Exod 21:1 [E]
13b β	חקים...תורות	Lev 26:46 [H]
13b β	מצות	Lev 27:34 [P]
14a	שבת קדשך	Exod 31:13-14a [H]
14b α	מצוות וחקים	Deut 4:40 [D]
14b α	תורה	Deut 4:44 [D]
14b β	ביד משה עבדך	Deut 34:5 [E]

The composer's use of the above legal notices comes from a statement pronounced

at a mountain, whether it is Sinai or Horeb. The distinction between Sinai and

Horeb appears to be lost upon later composers. According to 1 Kgs 19:18, Elijah

fasted on Horeb. Sinai is absent in Dtr but Ben Sira regards Sinai and Horeb as one

and the same in his praise of Elijah (Ben Sira 48:7).¹⁰⁶ In Neh 9:13-14, the composer

also fuses Sinai and Horeb into a single location.

106. Patrick W. Skehan and Alexander A. Di Lella, *The Wisdom of Ben Sira: A New Translation with Notes* (AB 39; New York: Doubleday, 1987), 533.

After Sinai, the composer recounts the Israelite wanderings in the wilderness. Neh 9:15a contains the first of two recollections of Yahveh providing food and water for the Israelites. The second recollection is in v. 20b:

v. 15a

v. 20b

ולחם משמים נתתה להם לרעבם
ומים מסלע הוצאת להם לצמאם

ומנך לא־מנעת מפיהם
ומים נתתה להם לצמאם

And you gave them bread from heaven
for their hunger
and you brought out water from a rock
for their thirst.

You did not withhold your manna from
their mouths
And you gave them water for their
thirst.

Neh 9:15a, 20b recall the double accounts of food in Exod 16:1-36; Num 11:4-9 and water in Exod 17:1-7; Num 20:1-13. The description of bread from heaven in Neh 9:15a also recalls Exod 16:4.¹⁰⁷ Whereas the bread rains down (מט"ר [*hi.*]) in Exod 16:4, Pröbstl explains that Nehemiah 9 describes Yahveh's actions through נת"נ.¹⁰⁸ It should be noted that the contexts are slightly dissimilar. In Exod 16:4, Yahveh provides bread from heaven to test the Israelites but according to Neh 9:15aα, the bread is given to satiate the Israelites' hunger. A stronger comparison can be drawn elsewhere from Exodus 16 in the descriptions of Yahveh giving (נת"נ) the

107. Geissler, *Esrasmemoiren*, 13, 27; Batten, *Ezra and Nehemiah*, 367; Rudolph, *Ezra und Nehemia*, 159; Fensham, *Ezra and Nehemiah*, 320; Gunneweg, *Nehemia*, 126; Williamson, *Ezra, Nehemiah*, 314; Boda, *Praying the Tradition*, 143.

108. Pröbstl, *Nehemia* 9, 80.

mysterious morning bread and evening flesh to the Israelites in response to their accusation that Moses and Aaron brought them into the wilderness to kill them with hunger (vv. 3, 8, 12, 15). Exodus 16 is classically divided between a narrative about bread raining down from heaven as Yahveh's test for the Israelites [J] and another narrative about a mysterious bread (later identified as מן) Yahveh gives to the Israelites throughout their forty years in the wilderness [P].¹⁰⁹ In Neh 9:15aα, the composer uses לחם משמים preserved from one source and the giving (נתן) of the bread for the Israelites' hunger preserved from another source.¹¹⁰ The composer's use of the final form of Exodus 16 is strengthened by the classical view that the Priestly sections in Exodus 16 (vv. 2-3, 6-25, 32-35) are not in its natural location but transposed from its original place in P by a later redactor.¹¹¹

In Neh 9:15aβ, Yahveh brings (יצא [hi.]) water from a rock (סלע) to quench the Israelites' thirst (צמא). Critics regard Exodus 17 (vv. 2, 3, 6) and Numbers 20 (vv. 8, 10, 11) as the influences on Neh 9:15aβ.¹¹² סלע occurs frequently throughout the

109. For the source division of Exodus 16 to J and P, see Propp, *Exodus 1-18*, 588-90; Friedman, *Sources Revealed*, 146-48.

110. Boda, *Praying the Tradition*, 143; Duggan, *Covenant Renewal*, 209.

111. For the transposition of the Priestly verses in Exodus 16 to before Num 15:17-21, see Joel S. Baden, "The Original Place of the Priestly Manna Story in Exodus 16," *ZAW* 122 (2010) 491-504; *idem*, "The Structure and Substance of Numbers 15," *VT* 63 (2013) 354-58. For a defence of its original location, see Ludwig Schmidt, "Die Priesterschrift in Exodus 16," *ZAW* 119 (2007) 483-98.

Hebrew Bible but the description of water coming out (יִצְאָ [hi.]) from a סֶלַע is only in Num 20:8, 10, 11. These verses, however, do not label the Israelites' thirst as צָמָא. Instead, this word appears in Exod 17:3.¹¹³ For this reason, Geissler's opinion that Neh 9:15aβ is solely dependent on Num 20:1-13 is not accepted.¹¹⁴ The composer's choice of סֶלַע in Neh 9:15aβ is deliberate. In another post-exilic historical recollection, water is drawn not from a סֶלַע but from a צֹר (Ps 105:41). Neh 9:15aβ is composed with both Exod 17:1b-7 (צָמָא) and Num 20:1-13 (יִצְאָ [hi.] and סֶלַע) in mind. These verses are from originally separate traditions.¹¹⁵ In J (Exod 17:1b-7), Moses draws water from a צֹר before Sinai but in P (Num 20:8-13) Moses draws water from a סֶלַע after Sinai.

The recollection of the spies episode that begins in Neh 9:15b is generally regarded as a fusion of Deuteronom(ist)ic and Priestly themes. From pentateuchal

112. Batten, *Ezra and Nehemiah*, 367; Rudolph, *Esra und Nehemia*, 159; Gunneweg, *Nehemia*, 126; Williamson, *Ezra, Nehemiah*, 314; Clines, *Ezra, Nehemiah, Esther*, 194.

113. See also Pröbstl, *Nehemia* 9, 80. Boda suggests that rather than Exodus 17, a commonly employed word pair (רָעַב-צָמָא) may be more influential in Neh 9:15aβ (*Praying the Tradition*, 143-44).

114. Geissler, *Ezramemoiren*, 27. With the exception of Num 20:8bα, Geissler sees Num 20:1-13 as uniform.

115. Specifically, the P verses in Num 20:1-13 are vv. 1aα, 2, 3b-4, 6-13 (contra all of vv. 1-13 to H in Knohl, *Sanctuary of Silence*, 94-96). For Num 20:1-13 as a redacted version of Exod 17:1-7, see Blum, *Studien*, 271-78; Achenbach, *Vollendung*, 302-17.

literature, the spies are recalled in Num 13:1-14:45 and Deut 1:19-45. Source critically, Num 13:1-14:45 is divided between P and J. In support of Deuteronom(ist)ic influences on Nehemiah 9, critics cite the command to go (בוא) and possess (ירש) the land in v. 15b α .¹¹⁶ Other critics note that הארץ אשר-נשאת את-ידיך in v. 15b β contains a strong Priestly motif (cf. Exod 6:8; Num 14:30).¹¹⁷ Boda takes up a mediating position and argues that the composer relies on Deut 1:19-45 and inserts Priestly vocabulary.¹¹⁸ It should be noted that descriptions of Yahveh swearing (נשא) an oath to give land to the Israelites also appear outside of Deuteronom(ist)ic and Priestly traditions (cf. Gen 26:3; Exod 33:1; Num 14:23; 32:11) and the promise of land is a common theme shared by all of the pentateuchal traditions.¹¹⁹ Neh 9:15b contains resonances from two verses in Numbers 14:

116. Geissler, *Esrasmemoiren*, 17; Welch, "Nehemiah IX," 133; Rudolph, *Ezra und Nehemia*, 159; Clines, *Ezra, Nehemiah, Esther*, 194; Boda, *Praying the Tradition*, 144. The notion of possessing the land is strongly Deuteronomistic and lacking in Priestly literature (Weinfeld, *Deuteronomistic School*, 342).

117. Batten, *Ezra and Nehemiah*, 367; Williamson, *Ezra, Nehemiah*, 314; Pröbstl, *Nehemia* 9, 82. Geissler includes Exod 6:8 but his assignment of Num 14:30 to JE is untenable on the basis that Joshua never appears in J's narrative of the spies and there are no E sections in Numbers 13-14 (*Esrasmemoiren*, 13). יד in the singular + נשא is a distinct Priestly oath expression (see Milgrom, *Leviticus 1-16*, 586-87).

118. Boda, *Praying the Tradition*, 146.

119. See Yoo, "Four Moses Death Accounts," 429-30; Joel S. Baden, *The Promise to the Patriarchs* (New York/Oxford: Oxford University Press, 2013), 101-25.

Neh 9:15b

Numbers 14

והביאתיו אל־הארץ אשר־בא שמה וזרעו
 יורשנה

You told them to go and possess the
 land

...and I will bring [Caleb] into the land
 which he went and his descendants
will possess it. (v. 24b)

אִם־אתם תבאו אל־הארץ אשר נשאתי את־ידי
 לשכן אתכם

which you swore to give to them.

You will not enter the land which I
swore to settle you. (v. 30a)

The parallels between Neh 9:15bα and Num 14:24b are not exact. The oath in Num 14:24b is issued for Caleb and his descendants and not the Israelites. More recognizable is the influence of Num 14:30a upon אשר־נשאת את־ידי in Neh 9:15bβ. Still, Neh 9:15b combines Num 14:24b and v. 30a, verses that are originally from separate documents.¹²⁰ לתת להם (Neh 9:15bβ) appears Deuteronomistic,¹²¹ but this phrase within the context of the promise of land is also in Gen 15:7 [J]; Exod 6:4 [P]; 13:5 [E].

In Neh 9:16 the ancestors¹²² act presumptuously (זִיָּד [hi.]), stiffen their necks, and disobey Yahveh's מצות (v. 16b). Unlike זִיָּד (hi.) in Neh 9:10aβ referring

120. For Num 14:24b to J and v. 30a to P, see Friedman, *Sources Revealed*, 265; Baden, *Redaction*, 117.

121. Pröbstl, *Nehemia* 9, 82.

122. Explicative vav in והם ואבתינו; see Williamson, *Ezra, Nehemiah*, 304.

to the Egyptians (cf. Exod 18:11 [E]), זִי"ד (*hi.*) in Neh 9:16a describes the wilderness generation (also v. 29). The use of זִי"ד (*hi.*) in Neh 9:16a is derived from the spies episode in Deut 1:43b:¹²³

ותמרו את־פי יהוה ותזדו ותעלו ההרה

You rebelled against the command of Yahveh and you
presumptuously went up to the hill country.

The difficulty with Deut 1:43b as the influence on Neh 9:16a is what follows after.

Pröbstl reckons that Neh 9:16 alludes to the Israelites' presumptuousness in Deut

1:43 but, noting the absence of a return to slavery (cf. Neh 9:17), hesitates to make

the connection between these two verses.¹²⁴ I submit that this difficulty is resolved

if v. 16a is placed after v. 15b:

ותאמר להם לבוא לרשת את־הארץ אשר־נשאת את־ידך לתת להם / והם
ואבתינו הזידו

You told them to go and possess the land which you swore to give to
them / but they—their ancestors—acted presumptuously. (Neh
9:15b, 16a)

123. Rudolph, *Esra und Nehemia*, 161; Welch, "Nehemiah IX," 133; Clines, *Ezra, Nehemiah, Esther*, 195; Boda, *Praying the Tradition*, 119, 146; Duggan, *Covenant Renewal*, 210.

124. Pröbstl, *Nehemia* 9, 63. As a result, Pröbstl sees a stronger connection to Exod 21:14; Deut 17:13; 18:20. However, Exod 21:14 (a deceitful killer) and Deut 18:20 (a false prophet) should be eliminated from consideration. Likewise, Deut 17:13 follows the observance of decisions announced by levitical priests and a presiding judge.

In support of the separation of v. 16a from v. 16b, neither the Kadesh Barnea episode in Deut 1:19-45 nor Num 13:1-14:45 frames the directives to enter Canaan as a מצוה. A question, however, arises: why does the composer in Neh 9:16a use זי"ד (*hi.*) from Deut 1:43 and—in light of the dependency of Neh 9:15b on Numbers 14 (esp. vv. 24b, 30a)—not use עפ"ל (*hi.*) from the similar notice in Num 14:44? The explanation may lie in the influence of Deuteronom(ist)ic thought but I submit that the composer, with the choice of זי"ד or עפ"ל, selects זי"ד (*hi.*) over the rare and unfamiliar עפ"ל attested elsewhere only in Hab 2:4 (as *pu.*).

The stiffening of the necks (ויקשו את-ערפם) and the מצוה in Neh 9:16b look forward to the rebellious ancestors and Yahveh's נפלאות v. 17aα. Nowhere in the spies episodes in Num 13:1-14:45 and Deut 1:19-45 are the Israelites labelled as a “stiff-necked people” or stiffening their necks. From the wilderness narratives, the Israelites stiffen their necks in Exod 32:9; 33:3, 5; 34:9; Deut 9:6, 13 but in these descriptions, קש"ה is an attributive adjective. In Neh 9:16b, 17aβ, 29, קש"ה (*hi.*) is a finite verb and is closer to Deut 10:16; 2 Kgs 17:14; Jer 7:26; 17:23; 19:15; 2 Chr 30:8; 36:13.¹²⁵ Pröbstl recognizes the influence of Deuteronom(ist)ic terminology in Neh 9:16b but, due to circumcision language, does not consider Deut 10:16 as the direct

125. Batten, *Ezra and Nehemiah*, 367; Duggan, *Covenant Renewal*, 210. As language rooted in Deuteronomy, see Weinfeld, *Deuteronomistic School*, 337. The use of the idiom continues in post-biblical literature (cf. 1QS 4:11; 5:5; 6:26; 1QH 12:4, see Myers, *Ezra. Nehemiah*, 167).

influence upon ויקשו את־ערפם.¹²⁶ It appears that—along with ואל שמעו אל־מצותיך (also v. 29)¹²⁷—the composer employs Deuteronomistic phraseology in his presentation of the spies episode. Remaining in the spies episode, Neh 9:17α contains resonances from the notices of the Israelites’ mistrust of Yahveh despite witnessing his אותות (Num 14:11, 22). Boda opines that both Num 14:11, 22 have few lexical contacts with Nehemiah 9.¹²⁸ Pröbstl connects the charge that the Israelites forgot Yahveh’s נפלאות to Deut 7:18; Ps 78:42; 105:5a (/ / 1 Chr 16:12a); 106:7.¹²⁹ The relationship between Neh 9:17α and Numbers 14 is contextual and the composer is one among other post-exilic composers who reshapes the Israelites forgetting Yahveh’s נפלאות in the wilderness.

The second occurrence of ויקשו את־ערפם (Neh 9:17aβ) begins a new unit.¹³⁰ The composer recalls the wilderness generation’s threat to select a new leader and return to Egypt from Numbers 14:

126. Pröbstl, *Nehemia* 9, 64.

127. Duggan, *Covenant Renewal*, 210; see also Weinfeld, *Deuteronomic School*, 337.

128. Boda, *Praying the Tradition*, 149.

129. Pröbstl, *Nehemia* 9, 65.

130. There is little reason to support Batten’s assessment of ויקשו את־ערפם in v. 17 as “a copyist’s error” (*Ezra and Nehemiah*, 367).

Neh 9:17a β

Num 14:4

ויקשו את־ערפם ויתנ־ראש לשוב לעבדתם
במצרים

ויאמרו איש אל־אחיו נתנה ראש ונשובה
מצרימה

They stiffened their necks and set a leader to return to their servitude in Egypt.

They spoke to one another, “Let us set a leader and let us return to Egypt.”

Pröbstl argues that Neh 9:17a does not follow Num 14:3-4, which he regards as Priestly, due to the ancestors not following through on their request to set a leader.¹³¹ I contend that Num 14:4 is not Priestly but Yahvistic and conveys the Israelites’ *threat* of a mutiny against Moses. The resonances in שׂוֹׁב and נִתָּן, the geographical location of Egypt, and the threat of a rebellion among the wilderness generation all together suggest that Neh 9:17a β is dependent on Num 14:4.

In Neh 9:17b, the composer continues to draw out motifs from Numbers 14. Yahveh as a “God of forgiveness” recalls the dialogue between Moses and Yahveh in Num 14:19-20 and Exod 34:9-10a:

131. Pröbstl, *Nehemia* 9, 65-66.

Neh 9:17bα

Num 14:19-20

Exod 34:9-10αα

		ויאמר
	סלח־נא לעון העם הזה כגדל	אִם־נָא מִצָּאתִי חֵן בְּעֵינֶיךָ אֲדֹנָי
ואתה אלוה סליחות	חסדך וכאשר נשאתה לעם	יִלְךְ־נָא אֲדֹנָי בִּקְרִבְנוּ כִּי
	הזה ממצרים ועד־הנה	עַם־קִשְׁהָ־עֵרֶף הוּא וְסִלַּחְתָּ
		לְעוֹנֵנוּ וּלְחַטֹּאתֵנוּ וְנַחֲלַתְנוּ
	ויאמר יהוה סלחתי כדברך	וַיֹּאמֶר הֵנָּה אֲנִכִּי כִרְתַּת בְּרִית
	[Moses:]	He [Moses] said,
But you are a God of	“ <u>Forgive</u> the iniquity of	“If I have found favour in
<u>forgiveness...</u>	this people for your	your sight, O Lord, may
	faithfulness is great, just	my Lord go in our midst
	as you have taken this	for this is a stiff-necked
	people from Egypt until	people. And <u>forgive</u> our
	now.”	iniquities and our sin,
		and take us for an
		inheritance.”
	Yahveh said, “I <u>forgive</u> as	He [Yahveh] said, “I will
	you say.”	make a covenant...”

In Num 14:19-20, סלִיחַ is used in Moses’ exhortation and Yahveh’s response. In

contrast, in Exod 34:9-10αα Moses asks Yahveh for forgiveness (וסלחת) but Yahveh

responds by declaring a covenant (אנכי כרת ברית). Neh 9:17bα follows Numbers 14

and not Exodus 34.¹³² The use of Numbers 14 in Neh 9:17bβ is slightly more

complicated. Yahveh as אֲרֶךְ־אֵפִים וְרַב־חֶסֶד¹³³ is a direct quotation from Num

132. Also Duggan, *Covenant Renewal*, 211. Pröbstl traces סלִיחַ in Neh 9:17 to Deuteronomistic speech which he finds in Exod 34:9 (*Nehemia* 9, 67). Boda regards סליחות as influenced by 1 Kgs 8; 2 Chr 6 (*Praying the Tradition*, 151).

133. *kʾtīb. qʾrê: ḥesed*.

14:18a α (ארך אפים ורב־חסד). However, the composer also describes Yahveh as חנון

ורחום. This description is not in Numbers 14 but in Exodus 34:

Neh 9:17b β

Num 14:18a

Exod 34:6-7a

		ויעבר יהוה על־פניו ויקרא יהוה
חנון ורחום	יהוה	יהוה אל רחום וחנון
אֶרֶךְ־אִפַּיִם ורַב־חֶסֶד	אֶרֶךְ אִפַּיִם ורַב־חֶסֶד	אֶרֶךְ אִפַּיִם ורַב־חֶסֶד
ולא עזבתם		ואמת נצר חסד לאלפים
	נשא עון ופשע	נשא עון ופשע וחטאה
...compassionate and merciful, slow to anger and great of steadfastness and you did not abandon them.	[Moses:] Yahveh is slow to anger and great of steadfastness forgiving iniquity and transgression...	Yahveh went before him and proclaimed: “Yahveh is a <u>merciful</u> <u>and compassionate</u> god; <u>Slow to anger and great</u> <u>of steadfastness</u> and truth, keeping steadfastness for the thousandth generation forgiving iniquity, transgression, and sin...

Critics regard Exod 34:6 as the influence to Neh 9:17b β .¹³⁴ חנון and רחום, however,

are reversed. The reversal is explained by the observation that חנון ורחום in Neh

9:17b β reflects LBH.¹³⁵ Ps 145:8; Joel 2:13; Jonah 4:2 also have the order חנון ורחום

134. Batten, *Ezra and Nehemiah*, 367; Rudolph, *Esra und Nehemia*, 164; Welch, “Nehemiah IX,” 134; Clines, *Ezra, Nehemiah, Esther*, 195; Williamson, *Ezra, Nehemiah*, 314; Duggan, *Covenant Renewal*, 211-12.

135. Avi Hurvitz, *Transition Period in Biblical Hebrew: A Study in Post-exilic Hebrew and its Implications for the Dating of Psalms* [לתולדות לשון בימי בית] (Jerusalem: Mosad Bialik, 1972), 104-06; Rendsburg, “Nehemiah 9,” 363.

followed by ארץ־אפים ורב־/וגדל־חסד Neh 9:17bβ reflects Num 14:18a but adapts CBH

רחום וחנן from Exod 34:6 to describe Yahveh as “compassionate and merciful.”

The composer expands upon Yahveh’s compassion and mercy by freely incorporating another detail of the wilderness generation’s apostasy. The description of a molten calf is in Exodus 32 (vv. 4, 8) and Deuteronomy 9 (vv. 12, 16). The quotation in Neh 9:18a is from Exod 32:4:

Neh 9:18

Exod 32:4

אף כי־עשו להם עגל מסכה	ויקח מידם ויצר אתו בחרט ויעשהו עגל מסכה
ויאמרו זה אלהיך אשר העלך ממצרים	ויאמרו אלה אלהיך ישראל אשר העלוך מארץ מצרים

Indeed they made a molten calf.

He took [gold] from them, fashioned it in a mould, and cast a molten calf.

They said, “This is your God who brought you out from Egypt!”

They said, “These are your gods, O Israel, who brought you out of the land of Egypt!”

The change from plural אלה אלהיך in Exod 32:4(, 8) to singular זה אלהיך is noteworthy. Pröbstl opines that Neh 9:18 is a modification based the individuality of Yahveh (v. 6a) and the law-giving at Sinai (v. 13).¹³⁶ Fishbane identifies the change of plural forms from Exod 32:4, 32 to singular forms in Neh 9:18 as an example of a later scribal concern to eliminate dubious cultic practices and pagan references.¹³⁷ The composer eliminates any polytheistic references and, at the same

136. Pröbstl, *Nehemia* 9, 66.

137. Fishbane, *Biblical Interpretation*, 70.

Neh 9:20-21 recalls Yahveh's spiritual and material provisions for the Israelites during their forty years in the wilderness. The description of Yahveh's

138. Geissler, *Esrasmemoiren*, 27; Myers, *Ezra. Nehemiah*, 168; Boda, *Praying the Tradition*, 152.

good spirit that instructs the wilderness generation in v. 20a alludes to the tradition of the seventy elders in Num 11:16-17, 24b-25.¹³⁹ However, in Numbers 11 the *רוח* that is placed upon the seventy elders is temporary (v. 25bβ: *ויתנבאו ולא יספו*). Here, the composer follows the tradition of Yahveh's *רוח* in the wilderness that is reflected in Isa 63:11-14a.¹⁴⁰ The use of Numbers 11 continues in the description of Yahveh providing his *מן* in Neh 9:20bα. The composer retains the basic mention of *מן* in Num 11:4-9 but leaves out the conclusion of this pericope—the people are sick of the *מן*, demand meat (vv. 7-9), and Yahveh provides quails (vv. 18, 24, 31-34)—in favour of the positive portrayal of *מן* already given in Neh 9:15 (cf. Exod 16:15). In Neh 9:20a and v. 20bα, the composer's use of *רוח* and *מן* reflects the final form of Numbers 11, which is a chapter composed of two originally different accounts. One account [J] continues from Exod 16:4-5, 26-31 and describes how the Israelites are now sick of the *מן* and want variety in their wilderness diet. The other account [E] depicts Moses' frustrations in leading the people and the place of prophecy among the wilderness generation.¹⁴¹ In Neh

139. Welch, "Nehemiah IX," 134; Rudolph, *Esra und Nehemia*, 161; Blenkinsopp, *Ezra-Nehemiah*, 315; Pröbstl, *Nehemia* 9, 71-72; Boda, *Praying the Tradition*, 158, 160; Duggan, *Covenant Renewal*, 213.

140. See connections between Neh 9:20 and Isa 63:11 in Batten, *Ezra and Nehemiah*, 368; H. G. M. Williamson, "Isaiah 63,7-64,11. Exilic Lament or Post-Exilic Protest?" *ZAW* 102 (1990): 56.

141. Benjamin D. Sommer, "Reflecting on Moses: The Redaction of Numbers

9:20b β , the composer turns to the description of bringing water out of a rock in Num 20:8 [P] but, in addition to omitting the word סלע, reworks the account in vv. 1-13 in line with—and continuing—the positive portrayal in Neh 9:15 (cf. Exod 17:1-7). Similar to Neh 9:15, v. 20 is a fusion of materials from originally different sources: Yahveh's רוּחַ from Num 11:16-17, 24b-25 [E], מֶן from Num 11:4-9 [J], and מִים from 20:3a β -4, 6-13 [P].

In Neh 9:21, the composer recalls Yahveh sustaining (כּוֹלֵל [pil.]) the Israelites in the wilderness through Deuteronomic imagery and motifs:¹⁴²

<i>Neh 9:21</i>	<i>Deut 2:7b</i>	<i>Deut 8:4</i>	<i>Deut 29:4 [ET 5]</i>
<u>וארבעים שנה</u>	<u>זה ארבעים שנה</u>		<u>ואולך אתכם ארבעים</u>
<u>כלכלתם במדבר</u>	<u>יהוה אלהיך עמך</u>		<u>שנה במדבר</u>
<u>לא חסרו</u>	<u>לא חסרת דבר</u>		
<u>שלמתייהם לא בלו</u>		<u>שמלתך לא בלתה</u>	<u>לא־בלו שלמתיכם</u>
		<u>מעליך</u>	<u>מעליכם</u>
<u>ורגליהם לא בצקו</u>		<u>ורגלך לא בצקה</u>	<u>ונעלך לא־בלתה מעל</u>
		<u>זה ארבעים שנה</u>	<u>רגלך</u>

11," *JBL* 118 (1999): 601-24; Baden, *Composition*, 82-102.

142. Geissler, *Esrasmemoiren*, 18; Rudolph, *Ezra und Nehemia*, 161; Gunneweg, *Nehemia*, 127; Myers, *Ezra. Nehemiah*, 168; Duggan, *Covenant Renewal*, 214; Pröbstl, *Nehemia* 9, 82-83.

(also 32:33) and recalled in Deut 2:24-3:13 (also 1:4; 4:46-47; 29:6; 31:4). Both accounts contain different details. In Num 21:21-35, Moses recognizes the need to find another direct path to Canaan after a failed attempt to cross Edomite territory in order to appease the increasingly impatient Israelites (Num 20:3a, 5, 14-21). The Israelites request from Sihon king of the Amorites secure passage through his territory. Sihon unsuccessfully confronts the Israelites at Jahaz and loses Heshbon and his territory. The Israelites proceed to Bashan where they are successful against Og and take his territory.¹⁴⁴ In Deuteronomy, Yahveh commands the Israelites to enter the Transjordanian lands and informs them that they will be successful against Sihon and Og. Neh 9:22 is thought to be influenced by Num 21:21-35 and/or Deut 2:24-3:13,¹⁴⁵ or the Deuteronomistic corpus.¹⁴⁶ In support of Num 21:21-35, Boda argues that the composer chooses the tetrateuchal version of events over the Deuteronomic version and demonstrates a Priestly

144. The assignment of Num 21:21-35 is disputed but a case can be made for E (see Baden, *Redaction*, 136-37; vv. 21-32 to E in Jaroš, *Stellung*, 16; but with reservations in Graupner, *Elohist*, 159 and J in Wellhausen, *Composition*, 108; Friedman, *Sources Revealed*, 279). Achenbach views both Sihon narratives as Deuteronomistic recensions with Num 21:21-26 as a (Hexateuch redactional) *Kontrasterzählung* for the apparent failure in Edom (*Vollendung*, 358-66).

145. Geissler, *Esrasmemoiren*, 27; Gunneweg, *Nehemia*, 127; Williamson, *Ezra, Nehemiah*, 316; Blenkinsopp, *Ezra-Nehemiah*, 305.

146. Welch, "Nehemiah IX," 133; Fensham, "Post-exilic Historical Traditions," 44.

understanding.¹⁴⁷ However, the only Priestly affinity that can be detected in Neh 9:22 is ותחלקם לפאה.¹⁴⁸ Deut 2:24-3:13 should be considered as the primary influence on Neh 9:22 for the following reasons. First, in Deut 2:25a, Yahveh declares that the dread and fear of the Israelites will be upon the peoples under the heavens. In Num 21:34, Yahveh talks only about Og's people. Second, the composer's attribution of Sihon as מלך חשבון in Neh 9:22 does not match Num 21:21-35; 32:33 which consistently refers to Sihon as מלך האמרי. In Deuteronomy, Sihon is both מלך האמרי (אשר יושב בחשבון) and מלך חשבון. Third, despite the parallel נת"נ + ל in Neh 9:22a and Num 32:33,¹⁴⁹ the circumstances are different. In Num 32:33, Moses distributes the conquered land under his own authority but in Neh 9:22 Yahveh allocates the land. Rather than Yahveh's near absence in Num 21:21-35; 32:33, the portrayal of Yahveh's active role in the conquest of the Transjordanian tribes in Deut 2:21-35 better suits the composer's historical recital and follows his claim for Yahveh's continuous actions among the Israelites. In a manner similar to D's reworking of E

147. Boda, *Praying the Tradition*, 166.

148. See חל"ק (ni.) in Num 26:35, 55 [P] and פאה in the Priestly descriptions of tabernacle, (Levitical) towns, and land.

149. Boda, *Praying the Tradition*, 162; Pröbstl, *Nehemia* 9, 83. Num 32:33 contains source critical problems. I assign the entire verse to E with the exception of ולחצי שבט מנשה בין-יוסף to R^{Pent} (cf. Josh 13:29; 22:13, 15).

narratives, the composer prefers the Deuteronomic version of the Transjordanian conquest.¹⁵⁰

Neh 9:23-25 describes the entry into Canaan by the children of the wilderness generation. Unlike the Priestly view that Yahveh retains title on the land and the Israelites hold a lease, the notion that the Israelites entered and possessed the land (v. 23: *לָבוֹא לְרֶשֶׁת*; v. 24: *וַיָּבֹאוּ...וַיִּרְשׁוּ*) is Deuteronomic.¹⁵¹ Pröbstl regards Neh 9:23 as the beginning of the Deuteronomistic influences in the historical recital and links this verse to the formulaic (and in his view Deuteronomistic) promise texts in Exod 13:5; Deut 6:1; 31:20; Judg 2:1.¹⁵² Neh 9:23 may be compared to the multiple promises of progeny that appear in the Pentateuch (Gen 15:5; 22:17; 26:4) but, arguing for the composer's shift to Deuteronomy at this point in the historical recital, Deut 1:10 is the likely influence on Neh 9:23a.¹⁵³ Some critics view the conquering *בָּנִים* in Neh 9:24 as a reference to Num 14:31-33.¹⁵⁴ However, according to Num 14:31-34 the children will be brought

150. For the reworking of E sections in Numbers 20-21 in Deut 2:2-3:11, see Baden, *Redaction*, 130-41.

151. Weinfeld, *Deuteronomistic School*, 342.

152. Pröbstl, *Nehemiah* 9, 83.

153. Batten, *Ezra and Nehemiah*, 368; Welch, "Nehemiah IX," 134; Gunneweg, *Nehemiah*, 127; Pröbstl, *Nehemiah* 9, 83.

154. Rudolph, *Esra und Nehemia*, 161; Gunneweg, *Nehemiah*, 127.

into the land after the wilderness generation are killed off on account of their disobedience against Yahveh. The composer does not regard the wilderness period or the second generation's entrance into Canaan as punishment but follows the Deuteronomic portrayal of Yahveh dutifully leading the Israelites for forty years in the wilderness (cf. Deut 2:7b; 8:4; 29:4 [ET 5]). Deuteronomic influences continue in Neh 9:24-25. **וּתְכַנֵּעַ** in Neh 9:24a recalls the Deuteronomic promise that Yahveh will subdue great and many peoples (Deut 9:1-3).¹⁵⁵ The declaration that Yahveh handed the kings and peoples of the land over to the Israelites (Neh 9:24b) is a recurring motif in Deuteronomy (1:27; 2:24, 30; 3:3; 7:24; et al.).¹⁵⁶ Neh 9:25 contains affinities with multiple verses from the book of Deuteronomy:¹⁵⁷

Neh 9:25

Deuteronomy

155. Welch, "Nehemiah IX," 133; Rudolph, *Esra und Nehemia*, 161; Gunneweg, *Nehemia*, 127. Deuteronomic literature is aware of the presence of Canaanites; however, it never uses the appellation of **יְשֵׁבֵי הָאֶרֶץ** to represent the Canaanites or any inhabitant of the land. In the pentateuchal corpus, see references to the prior inhabitants of Canaan in Exod 23:31 [E]; Lev 18:25 [H]; Num 32:17; 33:52, 55 [P].

156. See also Boda, *Praying the Tradition*, 169.

157. Boda opines that Neh 9:25 bears a closer resemblance to "fortified cities" (**עָרִים בְּצוּרִים**) in Num 13:28 and **הָאֶרֶץ הַשְּׂמֹנָה** in v. 20 rather than Deut 6:10-11 (*Praying the Tradition*, 170). In favour of the influence from Deuteronomy, I contend that it would be unusual—but not entirely impossible—for the composer to integrate the spies episode in his recollection of the entry into Canaan.

וילכדו ערים בצרות ואדמה שמנה בצרות	ונלכד את כל עריה בעת ההוא... כל אלה ערים בצרות
They captured fortified cities and a rich land... (v. 25aα)	We captured their cities at that time...all these were fortified cities. (3:4aα, 5)
ויירשו בתים מלאים כל טוב ברות חצובים כרמים וזיתים ועץ מאכל לרב אשר לאנטעת	ובתים מלאים כל טוב אשר לאמלאת וברת חצובים אשר לאחצבת כרמים וזיתים אשר לאנטעת
...and possessed houses filled with goods, hewn cisterns, vineyards, olive trees, and fruit trees in abundance... (v. 25aβ)	...houses filled with goods which you did not fill, hewn cisterns which you did not hewn, vineyards and olive trees which you did not plant... (6:11a)
ויאכלו וישבעו וישמינו ויתעדנו בטובך הגדול They ate, became full became fat, and delighted in your great goodness (v. 25b)	ואכלת ושבעת ...and you eat and are filled... (6:11b) ואכל ושבע ודשן ...they ate, became full, grew fat... (31:20) וישמן ישרון ויבעט שמנת עבית כשית Jeshurun grew fat and kicked. You grew fat, thick, and gorged! (32:15a)

The composer has made some modifications from the above references. In Neh

9:25aβ the composer is dependent on Deut 6:11a but removes the reminder that the

Israelites received material goods that they themselves did not fill, cut, or plant.¹⁵⁸

In Neh 9:25, the composer gleans materials from the book of Deuteronomy but all

of these materials are not *Deuteronomic*. The Israelites eating and becoming full in

Neh 9:25b recalls Deut 31:20 and their growing fat (שמ"נ [hi.]) and luxuriating in

158. Batten, *Ezra and Nehemiah*, 368; Welch, "Nehemiah IX," 133; Clines, *Ezra, Nehemiah, Esther*, 196; Boda, *Praying the Tradition*, 169.

Yahveh's bounty recalls the admonition contained in Deut 32:15 (שמ"נ twice

[*qal*]).¹⁵⁹ Deuteronomy 31-34 is a composite of J, E, D, and P (see §1.4) and Deut 31:20 and 32:15 (itself from an ancient poem) are Elohist. Neh 9:25 demonstrates the composer's use of not only Deuteronomistic materials but also its dependency on the book of Deuteronomy that arises out of the final form of the Pentateuch.

The above examination of Neh 9:15-25 reveals resonances to materials in

Exodus, Numbers, and Deuteronomy:

<i>Nehemiah 9</i>	<i>Exodus</i>	<i>Numbers</i>	<i>Deuteronomy</i>
15a	16:4, 15; 17:1b-7	20:8-13	
15b-16a		14:44	1:43
16b-17aα		14:4, 11, 22	
17aβ-18	32:4	14:18-20	
19	13:22	14:14	
20a		11:16-17, 24b-30	
20b	16:15; 17:3	11:4-9; 20:8-13	
21			2:7; 8:4; 29:4
22			2:24-3:13
23			1:10-11
24			1:27; 2:7, 24, 30; 3:3; 7:24; 8:4; 29:5
25			3:4-5; 6:11; 31:20; 32:15

159. Rudolph, *Esra und Nehemia*, 161; Blenkinsopp, *Ezra-Nehemiah*, 305; Clines, *Ezra, Nehemiah, Esther*, 196; Pröbstl, *Nehemia* 9, 84.

The composer occasionally injects Deuteronomistic phraseology to frame the historical recital contained in Genesis-Deuteronomy but frequently uses pentateuchal motifs that arise after the collation of original source documents and occasionally to verses that are in their redacted and final form. The impression in Neh 9:5a β -37 is that the composer uses the final form of the Pentateuch shaped by R^{Pent}.

2.3. The אִמְנָה (Nehemiah 10)

In Ezra-Nehemiah, Neh 10:1 [ET 9:38] immediately follows the historical recital in Nehemiah 9 and also appears to occur on the 24th day of the seventh month.¹⁶⁰ Following the above argument that Nehemiah 9 is not in its original place and vv. 5a β -37 preserves a post-EM composition (§§2.1.1, 2.2.1-6), ch. 10 should also be regarded as post-EM material.¹⁶¹ Nehemiah 10 begins with a community's intent

160. I will refer to the Hebrew versification of Nehemiah 10 in this discussion. For the inclusion of Neh 10:1 with 9:6-37 see Fredrick C. Holmgren, "Faithful Abraham and the $\text{ʿ}amānā$ Covenant: Nehemiah 9,6-10,1," ZAW 104 (1992): 249-54; Oeming, "Nehemiah 9," 576-84. I consider Neh 10:1 as the beginning of a new composition but its correct place is not integral to this current discussion.

161. Jepsen raises the possibility that Nehemiah 10 is connected to Ezra and precedes Nehemiah (Alfred Jepsen, "Nehemia 10," ZAW 66 [1954]: 87-106) but see the critique in Williamson, *Ezra, Nehemiah*, 326-27.

to enter into a written אִמְנָה (v. 1). Boda argues that אִמְנָה is synonymous with בְּרִית and suggests that Neh 10:1 indicates the enactment of a covenant.¹⁶² Becking disputes this point and remarks that the use of a word other than בְּרִית signifies that Neh 10:1 does not have a covenant in mind.¹⁶³ If Neh 10:1 has something akin to a בְּרִית in mind then it is remarkably different than Yahveh instigating a legitimate בְּרִית (cf. Exod 23:32). In Ezra 10:3, Shecaniah calls for a בְּרִית to be established with Yahveh but, because his suggestions are not followed through, Shecaniah's proposed בְּרִית is ritually unacceptable (see §5.4.1). It appears to me that the word אִמְנָה acknowledges that what follows are neither new laws nor something that was directly initiated by Yahveh.¹⁶⁴ The list of signatories in Neh 10:2-28 is likely an addition.¹⁶⁵ The declaration to enter into a "curse and an oath" in v. 29aα (בְּאֵלָה וּבִשְׁבוּעָה) recalls Deut 29:11 [ET 12]. Neh 10:29 also projects an ideology of separation, בְּדִל (ni.), that follows the perceived threat of Israel's assimilation with its surrounding neighbours in Leviticus 18-20.¹⁶⁶

162. Boda, *Praying the Tradition*, 32-34.

163. Becking, "Nehemiah 9 and the Problematic Concept of Context," 260-61; repr., 92-93.

164. This point is most evident in Neh 8:8. See the discussion in §4.3.2.

165. Rudolph, *Ezra und Nehemia*, 173-74; Kellermann, *Nehemia*, 38; Williamson, *Ezra, Nehemiah*, 325-30; Blenkinsopp, *Ezra-Nehemiah*, 311.

166. Milgrom, *Leviticus 17-22*, 1739.

Neh 10:31-40 is considered by some critics to be a representation of Jewish proto-sectarianism and a document that states the rationale for a well-defined group's existence (cf. 1QS).¹⁶⁷ The focus on the remaining discussion of Nehemiah 10 will be on the individual pledges in vv. 31-40 that follow the תורת האלהים (vv. 29, 30) and their relationship to the pentateuchal materials. It should first be noted that although similarities exist between the pledges in vv. 31-40 and pentateuchal literature, there are few (if any) actual citations. Some critics contend that the discrepancies arise due to the use of a pre-canonical Pentateuch in Neh 10:31-40.¹⁶⁸ Blenkinsopp observes that Nehemiah 10 is more rigorous than the corresponding pentateuchal legislation and remarks that this composer does not have the final form of the Pentateuch.¹⁶⁹ Geissler regards בתורת האלהים as a reference to an early stage of P and the regulations assume Priestly laws but accrue out of the particular requirements of the representative community.¹⁷⁰ I contend that the differences between pentateuchal legislation and the pledges in Nehemiah 10 arise due to

167. Morton Smith, *Palestinian Parties and Politics that Shaped the Old Testament* (New York: Columbia University Press, 1971; repr., London: SCM, 1987), 132; Shaye J. D Cohen, *From the Maccabees to the Mishnah* (LEC 7; Philadelphia: Westminster, 1987; 2nd ed., Louisville, Ky./London: Westminster John Knox, 2006), 140-41; Blenkinsopp, *Ezra-Nehemiah*, 312.

168. Crüsemann, *Tora*, 395-98; Eng., 340-43.

169. Blenkinsopp, *Ezra-Nehemiah*, 319.

170. Geissler, *Ezra-Nehemiah*, 31-44.

different conceptions and concerns of a post-exilic Yahvism that is temporally and culturally separated from an earlier period. Neh 10:31-40 reshapes the pentateuchal materials and employs strategies to align legislation with particular ideological concerns. Thus, Nehemiah 10 presupposes the final form of the Pentateuch.¹⁷¹ Neh 10:31-40 may be regarded as *halakot* that develop pentateuchal legislation within the literary or historical frame of Neh 5:1-13; 13:4-31.¹⁷² Clines identifies exegetical innovations that arise out of previously existing pentateuchal laws and categorizes them as follows: creation of facilitating law; revision of facilitating law; creation of a new prescription from a precedent in pentateuchal law; re-definition of categories (towards greater comprehensiveness); and, integration of distinct (and competing) prescriptions.¹⁷³ I agree that the pledges are innovations. Pentateuchal legislation typically overgeneralizes and attempts to anticipate every contingency and Neh 10:31-40 is an attempt to overcome perceived gaps between law and praxis. ככתוב בתורה in Neh 10:35, 37 does not refer

171. Mowinckel, *Studien*, 3:148-49; Williamson, *Ezra, Nehemiah*, 333.

172. Kaufmann, *tôl'dôt*, 4:331-32; Eng. vol. 4, *History of the Religion of Israel: From the Babylonian Captivity to the End of Prophecy* (trans. C. Efroymson; New York: Ktav, 1977), 384; Rudolph, *Esra und Nehemia*, 173; Fishbane, *Biblical Interpretation*, 114-34; Kellermann, *Nehemia*, 39-41; David J. A. Clines, "Nehemiah 10 as an Example of Early Jewish Exegesis," *JSOT* 21 (1981): 111-17; *idem*, *Ezra, Nehemiah, Esther*, 199-200; Williamson, *Ezra, Nehemiah*, 330-31; contra Eskenazi, *Age of Prose*, 124-25; Duggan, *Covenant Renewal*, 271.

173. Clines, "Nehemiah 10," 112-13.

to the exact words of legal prescriptions from a תורה but acknowledges the existence of an authoritative legal collection.¹⁷⁴ The pledges in Neh 10:31-40 clarify the ambiguities that arise from applying (what may be regarded as sealed) pentateuchal law to a later period.

Some critics detect multiple layers in Neh 10:31-40. Reinmuth argues that not all of Neh 10:31-40 contains parallels to Nehemiah 13 and reconstructs the growth of the pledges as follows: an original layer (vv. 31-32, 38a [possibly minus ותרומתינו], 40b), followed by an editing preoccupied with temple personnel (vv. 38b, 39, 40a), and a final supplement concerned with provisions for the cult (vv. 33-34, 36-37).¹⁷⁵ Reinmuth remarks that v. 35 presents a difficulty due to the lack of a parallel to pentateuchal law. Rothenbusch regards this verse as a later addition.¹⁷⁶ I

174. For a discussion on the post-exilic use of כְּכַתוּב in Neh 10:35, 37 as a citation of legal referents, see Kevin L Spawn, *“As It Is Written” and Other Citation Formulae in the Old Testament: Their Use, Development, Syntax, and Significance* (BZAW 311; Berlin: de Gruyter, 2002), 104-8, 249-50. See also the discussion concerning EM’s use of an existing authoritative law code in §4.4.2.

175. Titus Reinmuth, “Reform und Tora bei Nehemia. Neh 10,31-40 und die Autorisierung der Tora in der Perserzeit,” *ZABR* 7 (2001): 291-94; *idem*, *Der Bericht Nehemias: Zur literarischen Eigenart, traditionsgeschichtlichen Prägung und innerbiblischen Rezeption des Ich-Berichts Nehemias* (OBO 183; Freiburg: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht, 2002), 213.

176. Ralf Rothenbusch, “...abgesondert zur Tora Gottes hin”: *ethnisch-religiöse Identitäten im Esra/Nehemiabuch* (HBS 70; Freiburg: Koch Neff & Volckmar, 2012), 230.

argue below that Neh 10:35 is not necessarily secondary and fits within the variety of legal strategies employed in the pledges. Some critics regard Neh 10:36-40a as the product of supplemental layers.¹⁷⁷ I consider vv. 36-40a to consist of a single pledge with multiple obligations.¹⁷⁸ In support of the unity of Neh 10:31-40a,¹⁷⁹ and setting aside v. 40b as a concluding statement, I categorize the legal strategies as follows:

Broadening Legislation	Intermarriage (Neh 10:31)
Merging Legislation	Seventh year produce and debt (v. 32b)
	Obligation of the firstborn (v. 37)
	Obligation of the תרומה offering (v. 38a)
Closing Gaps in Legislation	Obligation of the first-fruit (v. 36)
	Obligations of tithes and the Levites' tithe (vv. 38b-40a)
	The Sabbath (v. 32a)
	Wood offering (v. 35)
Creating a Pledge	The Temple Tax (vv. 33-34)

177. The following supplemental layers are proposed: vv. 38b-39 (Rudolph, *Ezra und Nehemia*, 178); vv. 38b-40a (Blenkinsopp, *Ezra-Nehemiah*, 318; Rothenbusch, *Identitäten*, 230); v. 40a (Mowinckel, *Studien*, 3:145; Kellermann, *Nehemia*, 39).

178. For the unity of Neh 10:36-40a, see Williamson, *Ezra, Nehemiah*, 338-39.

179. There is the question of how many items are actually contained in Neh 10:31-40. The count ranges from six (Williamson, *Ezra, Nehemiah*, 334), and ten (David A. Glatt-Gilad, "Reflections on the Structure and Significance of the מִנְחָה [Neh 10,29-40]," *ZAW* 112 [2000]: 388-89), to 18 (Kaufmann, *tôl'dôt*, 4:332-38; Eng., 384-89).

Neh 10:31 contains the single example of broadening pentateuchal law. The pledge against intermarriage is influenced by Deut 7:3 and Exod 34:12-16.¹⁸⁰

However, Neh 10:31 does not directly quote either law. Although the Deuteronomists identify abominable nations, they permit exogamy when the foreigner is from a nation that does not pose a significant threat for the Israelites to forsake Yahveh (§5.2.2). In the episode of the mixed marriages in Ezra 9-10, the “holy seed” mingled with foreigners and married foreign women and the situation is resolved through the separation from all foreigners and the sending away of the foreign wives and their offspring. The identification of the עמי הארץ in Neh 10:31 implies that the ban of intermarriage applies to all foreigners (cf. Neh 13:23-30a). Whereas the Deuteronomists allow for the possibility of a non-threatening foreigner to enter into the Israelite confederacy and Ezra 9:1-2 refers to the Deuteronomic law as the basis against the practice, Neh 10:31 unabashedly prohibits marriage to all foreigners and encapsulates the demand for Israel’s ritual separation from all foreign nations (cf. Leviticus 18-20).

180. Rudolph, *Ezra und Nehemia*, 177; Myers, *Ezra. Nehemiah*, 178.

2.3.2. Merging Legislation

Separate yet related pentateuchal laws are occasionally harmonized with the sum of its parts becoming a more comprehensive regulation. This strategy is necessary due to the preservation and incorporation of original multiple legal codes in the Pentateuch that individually impose their own particular ideology and demands upon the common and priestly ranks to ensure the proper upkeep of the Yahvistic cult. The parade example for this post-exilic strategy is Chr's description of Josiah's passover lamb in 2 Chr 35:13:

ויבשלו הפסח באש כמשפט והקדשים בשלו בסירות ובדודים ובצלחות ויריצו
לכל-בני העם

They boiled the *pesah* in fire, as prescribed, and boiled the *qodāšîm* in pots, cauldrons, and pans. They rushed them to all the people. (2 Chr 35:13)

The depiction requires a stretch of logic: how does one boil anything in fire? There is no *משפט* that dictates “boil a פסח in fire” among the pentateuchal legal corpora. Instead, Chr draws upon two similar, yet conflicting, prescriptions for the פסח:

Exod 12:9

אל־תֹאכְלוּ מִמֶּנּוּ נֹא וּבִשַׁל מִבֶּשֶׁל בַּמִּים כִּי
אִם־צִלִי־אֵשׁ רָאשׁוּ עַל־כַּרְעֵיו וְעַל־קִרְבּוֹ

Do not eat from it raw or boiled in water; but roasted over the fire—its head, legs, and entrails.

Deut 16:7

וּבִשַׁלְתָּ וְאָכַלְתָּ בַּמָּקוֹם אֲשֶׁר יִבְחַר יְהוָה אֱלֹהֶיךָ
בּו וּפְנִיתָ בַבֶּקֶר וְהִלַּכְתָּ לְאֹהֶלֶיךָ

You will boil and eat [it] at the place which Yahveh your God will choose. You will return the next morning to your tents.

Chr combines the prescriptions from the originally Priestly (Exod 12:9) and Deuteronomic (Deut 16:7) codes to form a more comprehensive law concerning the פסח.¹⁸¹ The combination of different, but related, laws to create comprehensive legislation continues into post-biblical literature. The prescription against incestuous relationships in the Temple Scroll results after the merger of originally Priestly (Lev 20:21) and Deuteronomic (Deut 23:1 [ET 22:30]) laws:

11QT 66:11-13¹⁸²

Lev 20:21

Deut 23:1 [ET 22:30]

לוא יקח איש את אשת אביו

ולוא יגלה כנף אביו

לוא יקח איש את אשת אחיו

ולוא יגלה כנף אחיו

בן אביו או בן אמו

כי נדה היא

ואיש אשר יקח את-אשת

אחיו

נדה הוא

ערוות אחיו גלה

עריצים יהיו

לא־יקח איש את־אשת אביו

ולא יגלה כנף אביו

181. See the discussion in Fishbane, *Biblical Interpretation*, 135-36.

182. Text and versification from Yigael Yadin, *The Temple Scroll* (3 vols. Jerusalem: Israel Exploration Society, 1983), 1:70.

A man shall not take his
father's wife
and not expose his
father's cloak.

A man shall not take his
brother's wife
and not expose his
brother's cloak—his
father's son or his
mother's son—
for it is an impurity.

If a man takes his
brother's wife,

it is an impurity,
he has exposed his
brother's nakedness.
They will be childless.

A man shall not take his
father's wife
and not expose his
father's cloak.

Turning to the pledges in Nehemiah 10, the pledge to forgo the seventh year produce and every debt in v. 32b is an example of merging related yet slightly contradictory laws. Two originally separate Sabbath laws, the Priestly land release in Exod 23:11a α and the Deuteronomic debt release in Deut 15:2, are combined:¹⁸³

Neh 10:32b

Exod 23:11a α

Deut 15:2a β , b α

וְנָטַשׁ אֶת־הַשָּׂנִי הַשְּׁבִיעִית
וּמָשָׂא כָל־יָד

וְהַשְּׁבִיעִית תִּשְׁמַטְנָה וְנָטַשְׁתָּהּ

שְׁמוֹט כָּל־בְּעַל מִשָּׁה יָדוּ
אֲשֶׁר יִשֶׁה בָּרַעְהוּ לֹא־יִגַּשׁ
אֶת־רַעְהוּ וְאֶת־אָחִיו

183. Rudolph, *Ezra und Nehemia*, 177; Myers, *Ezra. Nehemiah*, 178; Clines, "Nehemiah 10," 113; Fishbane, *Biblical Interpretation*, 135.

We will forgo the
[produce of] the seventh
year
and every debt.

...but the seventh [year]
you will release and forgo
it...

Every creditor will remit
the debt
which is held against his
neighbour. He shall not
oppress his neighbour or
kin.

The obligation to bring the first-fruit of the land to the בית יהוה in Neh

10:36a α combines the prescriptions for the first-fruit preserved from each one of
the pentateuchal legal codes (Exod 23:19 [CC]; 34:26 [J^{Dtr}]; Deut 26:1-11 [D]; Num
28:26 [P]). Likewise, the obligation to bring the firstborn of sons, livestock (v. 37a α),
and herds and flocks (v. 37b α) incorporates different laws of the firstborn:

Neh 10:37

Exod 22:28b-29a
[ET 29b-30a]

Exod 34:20a

Deut 15:19a

Num 18:15b

ואת־בכורות בנינו
ובהמתינו

בכור בניך
תתן־לי

כל בכור בניך
תפדה

אך פדה תפדה
את בכור האדם
ואת בכור־
הבהמה הטמאה
תפדה

ככתוב בתורה
ואת־בכורי
בקרנו וצאנינו
להביא לבית
אלהינו לכהנים
המשרתים
בבית אלהינו

כט כן־תעשה
לשרך לצאנך

כל־הבכור אשר
יולד בבקרך
ובצאנך הזכר
תקדיש ליהוה
אלהיך

ולא־יראו פני
ריקים

...and all <u>the</u> <u>firstborn of</u> <u>our sons</u> and <u>beasts</u>	<u>The firstborn</u> <u>of your sons</u> you will give to me.	All <u>the</u> <u>firstborn of</u> <u>your sons</u> you will redeem;	...but you shall redeem <u>the</u> <u>firstborn of</u> humans; and the firstborn of unclean <u>beasts</u> you shall redeem.
as written in the <i>tôrā</i> ^h			
and all <u>the</u> <u>firstborn of</u> our <u>herds</u> and our <u>flocks</u> to bring to the house of our God for the priests who minister in the house of our God.	You will do the same for your cattle and <u>your flock</u>	All the male <u>firstborn</u> born in your <u>herd</u> and <u>your flock</u> you must consecrate to Yahveh your God.	

Critics attempt to find the legal reference to ככתוב בתורה in Neh 10:37. Duggan suggests that ככתוב בתורה is an allusion to sanctify the firstborn in Exod 13:2, 12-15.¹⁸⁴ Exodus 13, however, is not explicitly labelled as תורה. Fishbane regards ככתוב בתורה as a “shorthand allusion” to Num 18:15b-16.¹⁸⁵ These verses lack any reference to the firstborn of the herds and flocks (cf. Neh 10:37b). Here, as in Neh 10:35, ככתוב בתורה appears to refer to an authoritative source without explicitly citing any of its laws. In the obligations to forgo the seventh year produce and

184. Duggan, *Covenant Renewal*, 283.

185. Fishbane, *Biblical Interpretation*, 215.

every debt (v. 32b), the bringing of the first-fruits (v. 36), and the bringing of the first born (v. 37), the composer does not reject one legislation over the other but attempts to harmonize all of the relevant laws that were originally in separate law codes.¹⁸⁶

I include the תרומה offering in Neh 10:38 as an example of merging pentateuchal legislation. Following Kaufmann, תרומה represents a class of contributions of its own and is distinct from the first-fruits.¹⁸⁷ That the תרומה is a recognized class in its own right is suggested by ותרומת הכהנים in Neh 13:5. The composer has the list in Neh 13:5 in mind and presents תרומות under a separate category in Neh 10:38. Milgrom distinguishes the Priestly תנופה as offered *before* Yahveh (לפני יהוה) and in the sanctuary from the Priestly תרומה as offered *to* Yahveh (ליהוה). Both are dedications to Yahveh but in the תרומה title is transferred through a non-ritual dedication outside the sanctuary (sometimes given directly to the priest).¹⁸⁸ The omission of specific Priestly תרומה offerings in Neh 10:36-40a can be explained. The construction and endowment of the Tabernacle (cf. Exod 25:2-3;

186. This preservationist tendency can, I believe, be also illuminated by the manner in which R^{Pent} utilizes his source materials.

187. Kaufmann, *tôl'dôt*, 4:336; Eng., 387.

188. Milgrom, *Leviticus 1-16*, 415-16, 461-73; *idem*, *Numbers = Ba-midbar: The Traditional Hebrew Text with the New JPS Translation* (JPSTC; Philadelphia: Jewish Publication Society, 1990), 36, 50.

35:5, 21, 24; 36:3, 6) would not be relevant for the composer or any post-exilic community. Likewise, the portion of war spoils for the sanctuary (cf. Num 31:29, 41, 52) does not apply for the reason that Second Temple Yehud did not engage in much (if any) warfare.¹⁸⁹ Still, the composer employs some understanding of the (Priestly) תרומה offering from its source material. The first-fruit in Neh 10:36 is also offered ליהוה in Num 28:26.¹⁹⁰ The prime dough in Neh 10:38 is explicitly labelled as תרומה in Num 15:19-21 (also Ezek 44:30). The fruits of every new tree, wine, and oil in Neh 10:38 are each implied as תרומה in Num 18:11-19. The tithes for the Levites in Neh 10:39 are labelled as תרומה in Num 18:21-24, but as I shall discuss below, this obligation employs another strategy to address a gap in pentateuchal literature. The Priestly legislation is not the only one that identifies an offering as תרומה. In the beginning of the Deuteronomic legal code, the Israelites are commanded to bring תרומת ידך/כם (“the contributions of your hand[s]”) to the central sanctuary (Deut 12:6, 11) and not partake in these contributions in their own settlements (v. 17). The pledges in Neh 10:36-40a incorporate the originally Priestly and Deuteronomic conceptions of the תרומה offering. Rather than use the Deuteronomic phrase תרומת ידך/כם, the composer uses the more general תרומות.

189. Weinfeld, *Deuteronomic School*, 185-87.

190. As I shall discuss below, the first-born (v. 36) offers a special case but this offering should still be considered תרומה.

Neh 10:36 contains the obligation to bring the first-fruit of the land (v. 36α) and “all fruit of every tree” (v. 36β). In Neh 13:31, Nehemiah claims that he made the proper provisions for the first-fruits. The legal influence for Neh 10:36α is the setting aside of the first fruits for the priests in Num 18:13.¹⁹¹ The composer explicitly mentions the first-fruit of *every* fruit tree in Neh 10:36β in order to include as many first-fruits as an obligation to the **בית יהוה**.

Neh 10:38b-40a dictates that tithes from the soil are to be brought to the Levites in towns with an Aaronide priest present and requires the Levites to offer a tithe. “A priest, an Aaronide” (**הכהן בן־אהרן**) in Neh 10:39a reflects the recipient (“Aaron the priest”) of the **תרומת יהוה** from the collected tithes in Num 18:28. Many critics regard v. 39b as an addition but I consider the instruction for the Levites to present their received tithes as original and based upon Num 18:26-29. The difficulty with the requirement in Num 18:26-29 is apparent—how do the Levites receive their tithes in the first place?¹⁹² The composer fills in this lack of detail with a mechanism that enables the proper observance of the Levitical tithe requirement as prescribed in Num 18:26-29.

191. Williamson, *Ezra, Nehemiah*, 337.

192. See also Duggan, *Covenant Renewal*, 284.

In addition to the pledge against intermarriage (v. 31), the עמי הארץ are mentioned in another pledge. Neh 10:32a contains the pledge not to purchase from the עמי הארץ who sell goods on the Sabbath or holy day.¹⁹³ This practice is addressed (and warned against) in Amos 8:5; Jer 17:19-27; and Isa 58:12. Neh 10:32a upholds the essence of the Sabbath prohibitions contained in Exod 20:8-11 and Deut 5:12-15.¹⁹⁴ Clines identifies the innovation in Neh 10:32a as “work prohibited on the sabbath includes for the first time the business of buying.”¹⁹⁵ I submit that the greater concern lies with closing a gap in both of the Sabbath laws. The expansions in Deut 5:12-14 are minimal to Exod 20:8-10 but both laws prohibit work on the Sabbath and apply this prohibition to the voluntary resident גר. However, neither Exod 20:8-10 nor Deut 5:12-14 anticipates the loophole: what about the *foreigner*—one among the עמי הארץ—who enters the gates in order to sell goods on the Sabbath? This foreigner is not a גר and, not subject to the Sabbath laws, poses a potential threat for the proper observance of the Sabbath by a native and, presumably, the resident alien. Neh 13:15-16 reports the breaking of the Sabbath laws and Tyrians (who would not be classified as voluntary גרים) selling goods in

193. For ביום קדש as a reference to P’s calendar (Num 28:1-29:38), see Duggan, *Covenant Renewal*, 275.

194. Myers, *Ezra. Nehemiah*, 178.

195. Clines, “Nehemiah 10,” 113, also p. 115.

Jerusalem on this day. Nehemiah remarks that the ancestors' profanation of Sabbath was responsible for the destruction of Jerusalem and the current profanation poses the threat of Yahveh's renewed wrath (vv. 17-18).¹⁹⁶ In order to stem the flow of goods into Jerusalem on the Sabbath, Nehemiah has to resort to shutting the city gates (vv. 19-22a). Nehemiah's actions, as drastic as they may be, are appropriate responses to the perceived threat. In Neh 10:32a, the composer prohibits the procurement of goods from *all* foreigners, identified as the עמי הארץ, in order to uphold the sanctity of the Sabbath. The pledges in Neh 10:31, 32a share a common concern against the negative influences of the עמי הארץ on the cult but both pledges pursue different strategies in updating pentateuchal law.

The final example of closing a perceived gap is in the provision of the wood offering for the house of God in Neh 10:35. In Neh 13:31a, Nehemiah claims to provide for the wood offering. Citing the sacrifice of Isaac as an example, Mowinckel presumes that the pledge for the wood offering invokes an old custom.¹⁹⁷ This is unlikely. The influence appears to be the instructions for the עולה in Lev 6:2b-6 [ET 9b-13].¹⁹⁸ The עולה instruction in Lev 6:2b-6 is (in P's terminology)

196. Fishbane, *Biblical Interpretation*, 131.

197. Mowinckel, *Studien*, 3:149-50.

198. Batten, *Ezra and Nehemiah*, 378; Myers, *Ezra. Nehemiah*, 179.

a תורה (v. 2: זאת תורת העלה) and is an appropriate reference point for ככתוב בתורה in Neh 10:35. As it is written, however, Lev 6:2b-6 lacks an important detail that ensures the proper implementation of the instruction; specifically, who is responsible for providing the wood for the perpetual fire? For this reason, Gunneweg remarks, “Es ist deshalb unklar, auf welche Vorschrift das «wie im Gesetz geschrieben steht» zu beziehen ist. Auch in dieser Hinsicht lebten die Menschen der Bibel ohne Bibel!”¹⁹⁹ I contend that the composer actually knows all of the pentateuchal laws and the notice ככתוב בתורה supports its authority but accepts its inadequacy. Reading the expansion to Lev 24:1-2a in 4Q365 frg. 23 (especially lines 9-10) that contains more precise instructions for a wood offering, Harrington suggests that ככתוב in Neh 10:35 refers to a version of Leviticus that did have a wood offering.²⁰⁰ However, it is equally likely that Neh 10:35 itself is the influence upon the expansion of MT Lev 24:1-2a in 4Q365 frg. 23 (which, in turn, influences 11QT 23-24).²⁰¹ In support for MT, the pledge in Neh 10:35 fills a gap that arises from Lev 6:2b-6 and spreads the responsibility of bringing wood for the altar among the priests, Levites, and (according to set times) the people. ככתוב בתורה

199. Gunneweg, *Nehemia*, 138.

200. Hannah K. Harrington, “The Use of Leviticus in Ezra-Nehemiah,” *JHS* 13 (2013): 18-19.

201. Sidnie White Crawford and Christopher A. Hoffmann, “A Note on 4Q365, Frg. 23 and Nehemiah 10:33-36,” *RevQ* 23 (2008): 429-30.

acknowledges the existence of an authoritative source (here, Lev 6:2b-6) but Neh 10:35 recognizes and fixes a deficiency that prevents the application of an important legal prescription. The first-fruits, the Levite tithe of a tithe, and the separate pledges for the Sabbath and the wood offering close the gaps between pentateuchal law and contemporary practice.

2.3.4. *Creating a Pledge*

I set apart Neh 10:33-34 as a strategy of its own distinction. In the pledge of an annual contribution of one-third of a shekel for the upkeep of the “house of God,” the composer employs a unique strategy. Clines categorizes Neh 10:33 as a “creation of a new prescription from a precedent in pentateuchal law”; specifically, Exod 30:13-16.²⁰² In the Priestly description of the tabernacle construction, Exod 30:13-16 dictates that enrolled Israelites over the age of twenty years pay a half-shekel as תרומה, which is fulfilled in Exod 38:25-26. I have one major reservation—Exod 30:13-16 is not referred to as (Priestly) תורה.²⁰³ Instead, these verses are part of the tabernacle construction narrative.

202. Clines, “Nehemiah 10,” 112.

203. For a list of P’s individual תורה, see Milgrom, *Leviticus 1-16*, 2.

The pledge in Neh 10:33-34 is actually derived from a narrative in the Pentateuch. Still, there are problems with the dependency of Neh 10:33-34 on Exod 30:13-16. The tax rate of one-third of a shekel in Neh 10:33-34 goes against the tendency for taxes to increase over a period of time. For this reason, Wellhausen regards Exod 30:13-16 as a late Priestly layer that postdates Neh 10:33-34.²⁰⁴ The decrease in taxes is also explained by different monetary systems before and during the Persian period.²⁰⁵ However, Liver argues that the one-time tax in Exod 30:13-16 is linked to the annual tax in Neh 10:33-34 and becomes the Second Temple sanctuary tax.²⁰⁶ Milgrom observes that עבדה in Neh 10:33 does not have the same meaning as the one in Exod 30:16 and “the shekels of Exodus’ one-time census were devoted to the one-time construction (עבדה) of the Tabernacle (see Exod 30:16 and 38:25-28) and have nothing to do with the annual tax.”²⁰⁷ In creating a pledge from his source material, Exod 30:13-16, the composer reconfigures a

204. Wellhausen, *Prolegomena*, 153; Eng., 159; recently, Fantalkin and Tal, “Canonization,” 15.

205. Myers, *Ezra. Nehemiah*, 178-79.

206. Jacob Liver, “The Half-Shekel Offering in Biblical and Post-Biblical Literature,” *HTR* 46 (1963): 181-85.

207. Jacob Milgrom, *Studies in Levitical Terminology* (UCPNES 14; Berkeley: University of California Press, 1970), 86. Gunneweg notes the same discrepancy but completely dismisses the tabernacle account as the influence for Neh 10:33-34 (*Nehemia*, 137).

narrative by adding **בשנה** (Neh 10:33) to what was originally a one-time tax for the Tabernacle and creates an annual pledge for the **בית האלהים**.

2.4. Uses of the Pentateuch in Nehemiah 9:5a β -10:40

In this chapter, I examined how the historical recital in Neh 9:5a α -37 and the **אמנה** in Neh 10:31-40—compositions that are not part of, but supplements to, EM—presuppose the final form of the Pentateuch. The varied uses of the final form of the Pentateuch in Neh 9:5a β -37 and 10:31-40 anticipate the multiple interpretive strategies of the later Second Temple period and the resulting fluidity of “pentateuchal” manuscripts represented by (among others) SamP; (arguably) LXX; 11QT; and 4QRP^{a-e} (= 4Q158, 4Q364-367).²⁰⁸

The recital of the events from Genesis-Deuteronomy in Neh 9:5a α -37 frequently employs pentateuchal materials that arise after the collation of its constituent parts. In the references to events in Genesis 15; Exodus 14; Numbers 11; 14—chapters that are consistently upheld as a combination of different source

208. For 4QReworked Pentateuch as “biblical” and its departures from MT, see Emanuel Tov, “4QReworked Pentateuch: A Synopsis of its Contents,” *RevQ* 16 (1995): 647-53; repr., in *Hebrew Bible, Greek Bible, and Qumran* (TSAJ 121; Tübingen: Mohr Siebeck, 2008), 20-26.

materials or as an accretion of a base layer and its supplement(s)—the historical recital always refers to the final form of a “pentateuchal” pericope and not one of its constituent parts. From a source-critical perspective, Neh 9:6-25 refers to sequences of events that emerge after the combination of two or more source documents. More decisive is that the historical recital occasionally employs pentateuchal materials that do not belong to any of the sources but arise *after* the source documents are combined. These are the materials I ascribe to R^{Pent}. The pledges in Neh 10:31-40 also presuppose the final form of the Pentateuch but expand upon and upgrade pentateuchal law. The composer of the pledges recognizes that gaps exist between the ideological praxis of his community and the authoritative legal source, that is, the Pentateuch. In order to address these gaps, the composer employs strategies to broaden or merge legislation, closes any perceived gaps, and reshapes a narrative into law to ensure the effectiveness and proper observance by a Second Temple community temporally removed from the antiquity of the pentateuchal laws.

With the insights gained from the use of the final form of the Pentateuch in compositions that postdate EM, my attention now turns to the question of how EM reads and interprets materials from the Pentateuch.

Chapter Three

From Babylon to Jerusalem (Ezra 7-8)

Ezra 7-8 contains Ezra's high priestly genealogy, a copy of a purported official document from the Achaemenid monarch, the gathering of a caravan at the Ahava, a list of returnees, the arrival in Jerusalem, and the preparation and delivery of gifts for the house of God. However, the diversity of materials, uneasy transitions, and shifts between third-person narrative and first-person memoir initially suggest that Ezra 7-8 is not originally a single composition. Before examining the use of pentateuchal materials in Ezra 7-8, I will identify the extent of stratification underneath these chapters and separate EM from its editorial layers. In support for the integrity of most of Ezra 7-8, my attention then turns to the place of Artaxerxes' Edict within EM's framework, the relationship between תורה

and דת, and EM's strategic use of its source materials to portray the caravan's dutiful journey from Babylon to Jerusalem.

3.1. The Coherence of Ezra 7-8

Before an examination on EM's use of its source materials, it is necessary to identify what precisely constitutes EM. Due to the literary difficulties in Ezra 7-8, the numerous investigations into the identification of an original EM layer within these chapters have produced conflicting results. The problems with Ezra 7-8 can be divided into two parts. First concerns the place of Ezra 7:1-10 in EM and the separation of a base layer from any additions. The second is related to the blocks of diverse materials in Ezra 7:11-8:36 as EM or supplements to the base layer.

3.1.1. *The Strata of Ezra 7:1-10*

An increasing number of critics regard Ezra 7:1-10 as a secondary insertion to EM. Geissler opines that Ezra 7:1-10 (and vv. 11-26) contains little originality and finds the beginning to the *Esrasmemoiren* in Ezra 7:27.¹ Rudolph assigns Ezra 7:1-11 to

1. Geissler, *Esrasmemoiren*, 4 (and n. 2). See §1.5.

Chr's introduction to the *Esraquelle*.² Identifying **ואחר הדברים האלה** as material that connects the already combined Ezra and Nehemiah memoirs with Ezra 1-6, Williamson regards 7:1a β -10 as a rewriting of Ezra's account.³ Other critics sort through the literary problems contained in Ezra 7:1-10 and detect trace amounts of a memoir within these verses. Noth sees the original text in vv. 1a, 6, 10 with secondary additions contained in vv. 1b-5, 7, 8, 9.⁴ Karrer regards vv. 1*, 6*, 8 as original.⁵ Likewise, Pakkala identifies the base layer Ezra Source in 7:1* (**במלכות**), 6a (minus **הוא עזרא**), 8 with what remains in these chapters as supplements from at least six editorial phases.⁶

In the search for EM in Ezra 7:1-10, I begin with what is generally agreed upon. There are awkward transitions in 7:1a α and v. 6 alongside switches from singular to plural subjects (and vice-versa) in vv. 6, 7, 9. Ezra 7:1a α (**ואחר הדברים האלה**) is widely regarded as a link between Ezra 7:1a β -5 and the end of Ezra 1-6.⁷ In

2. Rudolph, *Esra und Nehemia*, xxiv.

3. Williamson, *Ezra, Nehemiah*, 89-91.

4. Noth, *Überlieferungsgeschichtliche*, 125, 145; Eng., 44, 62; also Gunneweg, *Esra*, 120.

5. Karrer, *Verfassung*, 234.

6. Pakkala, *Ezra the Scribe*, 22-81.

7. Batten, *Ezra and Nehemiah*, 302; Kapelrud, *Authorship*, 7-8; Williamson, *Ezra, Nehemiah*, 94; *idem*, "The Torah and History in Presentations of Restoration in Ezra-Nehemiah" in *Reading the Law*, 160; Daniels, "Composition," 312; Grätz, *Edikt*,

support of the redactional use of this phrase, I believe that the multiple occurrences of *אחר הדברים האלה* [ויהי] in Genesis function not as an (Elohistic) introductory phrase but as a redactional insertion that links originally disparate narratives from two different source documents.⁸ Ezra 7:1a α is a redactional insertion, which I attribute to R^{E-N}, that combines Ezra 1-6 with v. 1a β .

Some critics locate the genealogical list that places Ezra as a descendant of Aaron, Eleazar,⁹ and Phinehas in Ezra 7:1b-5 as an insertion that stresses Ezra's high priestly credentials.¹⁰ The high priestly succession finds its strongest expression in

46; Pakkala, *Ezra the Scribe*, 23-24.

8. Gen 15:1; 22:1; 39:7; 40:1; 1 Kgs 17:17; 21:1; Esth 2:1; 3:1; and the insignificant variant *אחרי* (GKC §103o) in Gen 22:20; 48:1; Josh 24:29. See also Gunneweg, *Ezra*, 121. As a classically Elohistic phrase see Wellhausen, *Composition*, 56; Carpenter and Harford-Battersby, *Documents*, 1:190. Space prevents me from a detailed discussion of the sources surrounding this redactional phrase but, acknowledging the contentious nature of the debates, I submit the following: Gen 14:1-14 [J]—15:1a β -6 [E]; 21:22-34 [J]—22:1a β -19 [E]—vv. 20a β -24 [J]; 39:1-6 [J]—vv. 7a β -23 [J]—40:1a β -41:57 [E]; 47:29-31 [J]—48:1a β -2 [E].

9. Not to be mistaken with another person of the same name in Ezra 8:33; 10:25.

10. Batten, *Ezra and Nehemiah*, 306; Clines, *Ezra, Nehemiah, Esther*, 99; Schaper, *Priester und Leviten*, 255 n. 102; contra In der Smitten, *Ezra*, 7-8. Against the tendency to view a genealogy as a later addition to the text but rather a tool employed in the Jewish or classical world to ascertain correct pedigree or (non-)relations see Mowinckel, *Studien*, 3:18-19; Gary N. Knoppers, "Ethnicity, Genealogy, Geography, and Change: The Judean Communities of Babylon and Jerusalem in the Story of Ezra" in *Community Identity in Judean Historiography: Biblical and Comparative Perspectives* (ed. G. N. Knoppers, K. A. Ristau; Winona Lake, Ind.: Eisenbrauns, 2009), 150 n. 12. Rooke suggests that *הכהן הראש* (Ezra 7:5) places Aaron "as a legitimating

P as the office first bestowed unto Aaron (Lev 9:1-24) and secured as a perpetual inheritance by Phinehas (Num 25:6-18). The placement of Ezra within a high priestly lineage appears to be extrapolated from the descriptions of “priest-scribe” (Ezra 7:11, 12; 8:9) or “the priest” (10:10, 16-18; Neh 8:9). What remains to be determined is the relationship between the supplemental material in Ezra 7:1α and vv. 1b-5; specifically, whether or not these sections belong to the same editorial layer. To solidify the presentation of Ezra as priest, a redactor forges a linkage between the first high priest Aaron and Ezra with the possible influence from 1 Chr 5:27-41 [ET 6:1-15].¹¹ Similarly, 1 Esdras adds ὁ ἀρχιερεύς to elevate Ezra to the high priesthood.¹² The elevated status of a priest in the post-biblical period is

and an originating figure, and therefore as an authoritative figure, for the priesthood, rather than as a high-priestly figure” (*Zadok’s Heirs*, 161).

11. The relationship between Ezra 7:1b-5 and the more expansive (and possibly secondary) list in 1 Chr 5:27-41 remains debated. For all or parts of 1 Chr 5:27-41 [ET 6:1-15] as the source to Ezra 7:1-5, see Noth, *Überlieferungsgeschichtliche*, 146; Eng., 63; Rudolph, *Esra und Nehemia*, 66; Galling, *Bücher*, 204; Kellermann, *Nehemia*, 59; Gunneweg, *Esra*, 120; Blenkinsopp, *Ezra-Nehemiah*, 136; Kratz, *Komposition*, 81; Eng., 75. The reverse is argued in John R. Bartlett, “Zadok and his Successors at Jerusalem,” *JTS* n.s. 19 (1968): 1-6; Sara Japhet, *I and II Chronicles: A Commentary* (OTL; London: SCM, 1993), 151; Schaper, *Priester und Leviten*, 269 n. 1. For Ezra 7:1b-5 unaware of 1 Chr 5:27-41, see Pakkala, *Ezra the Scribe*, 25.

12. Cf. 1 Esd 9:39, 40, 49 (≈ Neh 8:1, 2, 9, respectively). For ὁ ἀρχιερεύς as late, see Juha Pakkala, “Why 1 Esdras is Probably Not an Early Version of the Ezra-Nehemiah Tradition” in *Was 1 Esdras First?*, 105. In support of his argument that Ezra was indeed a high priest, Koch regards 1 Esdras as “probably correct” (“Origins,” 191).

suggested in *m. Git.* 5:8 in which a priest first reads what is assumed to be *tôṛā^h* followed by a Levite and then an Israelite. I assign both Ezra 7:1a α and vv. 1b*-5 (minus עזרא) to the compiler who gives shape to the final form of Ezra-Nehemiah, R^{E-N} . עזרא. במלכות ארתחשסתא מלך־פרס עזרא. (v. 1a β , b α^*) is retained as the beginning of EM.¹³

Some critics regard עזרא הוא in Ezra 7:6a as an insertion.¹⁴ Having assigned “Ezra the son of Seriah” (v. 1) to the basic text, Pakkala locates עזרא הוא as an addition.¹⁵ In agreement, I place עזרא הוא as a continuation of vv. 1b*-5 (R^{E-N}).¹⁶ In Ezra 7:6b, ויתן־לו המלך כיד־יהוה אלהיו עליו כל בקשתו, the motif of the hand of Yahveh projects the claim that Ezra was granted everything he had asked for from the monarch and recurs throughout Ezra-Nehemiah and Chronicles. The claim in Ezra 7:6b is inconsistent with Ezra declining a royal escort in 8:22 (which I attribute to EM) and should be treated as an addition (R^{EM-NM}) that presupposes Nehemiah’s claim (Neh 2:8b: ויתן־לי המלך כיד־אלהי הטובה עלי; see also §3.1.2).¹⁷

13. Kapelrud, *Authorship*, 8.

14. Williamson, *Ezra, Nehemiah*, 89; as *Wiederaufnahme* see Rudolph, *Esra und Nehemia*, 67.

15. Pakkala, *Ezra the Scribe*, 24.

16. הוא is certainly an addition. Whether or not עזרא in v. 6a α is an addition and in v. 1a β as original, or vice versa, is splitting hairs. Both are unlikely part of the same editorial layer and only one of the two עזרא belongs to EM.

Critics generally regard all or parts of Ezra 7:7-9 as secondary.¹⁸ In the list of temple workers in v. 7, the singers, gatekeepers, and temple servants are only in Ezra-Nehemiah and Chr.¹⁹ Williamson notes the absence of singers and gatekeepers in 8:1-20 and regards their inclusion in 7:7 as an editorial expansion (cf. Ezra 2:41-42//Neh 7:44-45). Upholding Ezra 8:1-20 as EM (see §§2.5.1-2), I submit that EM upgrades the temple personnel with the נתינים and supplies the tidbit that David established this class for the service of the Levites (v. 20; cf. 1 Chr 15:16-18).²⁰

17. As the work of an editor who knows NM, see Williamson, *Ezra, Nehemiah*, 90. For the dependency of Ezra 8:22 on NM see Noth, *Überlieferungsgeschichtliche*, 147; Eng., 64; In der Smitten, *Esra*, 9; Gunneweg, *Esra*, 124; Kellermann, *Nehemia*, 58; Kratz, *Komposition*, 78; Eng., 72; Wright, *Rebuilding Identity*, 86-93. For the phrase as an idiom of a particular time (specifically the second half of the fifth century) and thus no literary dependence existing between Ezra 7:6b and Neh 2:8b see Rudolph, *Esra und Nehemia*, 72; Pakkala, *Ezra the Scribe*, 63-64.

18. In der Smitten attributes vv. 7-9 to a “nachchronistischen Zusatz” (*Esra*, 11).

19. For the demotion of נתינים to the lowest classes of the post-exilic community see Joel P. Weinberg, “*Netînim* und ‘Söhne der Sklaven Salomos’ in 6.-4. Jh. v.u.Z.,” *ZAW* 87 (1975): 355-71; Eng., “*Netînim* and ‘Sons of the Slaves of Solomon’ in the Sixth to Fourth Century BCE” in *The Citizen-Temple Community* (trans. D. L. Smith-Christopher; JSOTSupp 151; Sheffield: JSOT, 1992), 75-91. Williamson points out that in Ezra 8:20 the נתינים provide a cultic function (also in Ezra 2; Neh 10:29 [ET 28]) (H. G. M. Williamson, “Judah and the Jews” in *Studies in Persian History: Essays in Memory of David M. Lewis* [ed. M. Brosius, A. Kuhrt; AchH 11; Leiden: Nederlands Instituut voor het Nabije Oosten, 1998], 155; repr., in *Persian Period History and Historiography*, 36-37). It should also be noted that בני-ישראל in v. 7 implies “commoner” (following Kapelrud, *Authorship*, 22).

20. Williamson, *Ezra, Nehemiah*, 88-90; pace Blenkinsopp, *Ezra-Nehemiah*, 138. Resolving the tensions between the singular and plural verbs, Williamson supports MT ויעלו (v. 7) and proposes ויבאו (v. 8). Others prefer in v. 7 an emendation to ויעל

והמשררים והשערים in Ezra 7:7 (cf. 10:24; זמריא תרעיא in 7:24) should be regarded as an addition from R^{E-N} that presumes Chr's depiction of the returnees from exile (1 Chr 9:17, 33). The double chronological notices in Ezra 7:7, 8 present more complications. In support for a one-year report, Schaefer retains the chronological notices in vv. 8, 9 as original to Ezra's *Denkschrift*.²¹ Noth regards vv. 8-9 as the first expansion (upon v. 6) that is followed by an addendum in v. 7.²² In support for retaining both dates, Koch observes that the same feature occurs in Neh 7:72b and 8:2 [EM; §4.1.1].²³ There remains, however, another notice in Ezra 7:9. Between the repeated notices of Ezra's arrival month in Jerusalem in v. 8 and v. 9, the more precise notice in v. 9 is argued as later than v. 8.²⁴ I contend that a suspected later layer does not always demonstrate a greater precision of terms. The exact opposite—that is, an original composer's use of technical terminology could be lost upon a subsequent editor or redactor—is equally possible *ceteris paribus*.²⁵ In

(hi.) (Rudolph, *Ezra und Nehemia*, 67; Gunneweg, *Ezra*, 125). Pakkala regards the plural use as one reason among many to view v. 7 (and v. 6b) as an addition (*Ezra the Scribe*, 27).

21. Schaefer, *Ezra der Schreiber*, 35.

22. Noth, *Überlieferungsgeschichtliche*, 125; Eng., 44; *pace* Kellermann, *Nehemia*, 58.

23. Koch, "Origins," 177.

24. Karrer, *Verfassung*, 228; Pakkala, *Ezra the Scribe*, 29.

25. For example, H frequently blurs P's exact and precise terms. See

maintaining EM as a one-year report, I regard v. 8 and the first word in v. 9 (כי) as an addition from R^{E-N} . Finally, some critics regard v. 10 as a midrash to v. 6.²⁶

Upholding this verse as the (admittedly casual) continuation from v. 9, the description of Ezra in v. 10 follows the rhetoric frequently employed by one of EM's prototypes, the Deuteronomic Moses (see §3.4.2).

I submit that the development of Ezra 7:1-10 is as follows. EM begins with Ezra who, in the seventh year of one Artaxerxes, goes to Jerusalem (vv. 1a β , b α^* [only עזרא], 6a [minus הוא עזרא], 7* [minus והמשררים והשערים], 9* [minus כי]-10). Following the example of Nehemiah, R^{EM-NM} inserts the claim that the Persian king favoured Ezra (v. 6b). Combining Ezra 1-6 with EM-NM, R^{E-N} provides the connecting link in 7:1a α , includes Ezra in a genealogy of the high priesthood (vv. 1b α^* [minus עזרא]-6a α^* [only הוא עזרא]), follows Chr by expanding EM's temple workers in v. 7 with והמשררים והשערים, and adds another chronological notice (v. 8).

examples in Milgrom, *Leviticus* 17-22, 1327-28.

26. Kapelrud, *Authorship*, 9; Kellermann, *Nehemia*, 58-59. Likewise, Pakkala, *Ezra the Scribe*, 30-32.

3.1.2. *The Integrity of Ezra 7:11-8:36*

The variety of materials in Ezra 7:11-8:36 suggests that some of the verses were originally self-contained units. In v. 11, critics note the awkward repetition of ספר and regard דברי מצות־יהוה וחקיו (v. 11b) as a secondary addition.²⁷ Within Ezra-Nehemiah, מצוה and חק appear in texts that post-date EM (Neh 9:13; 10:30 [ET 29]) and in a possible expansion to NM (Neh 1:7).²⁸ It is likely that Ezra 7:11b is an addition from R^{E-N} that expands upon Ezra’s title of “priest-scribe” (see §3.2.3).

I have argued elsewhere that the Edict in Ezra 7:12-26 reflects an idealized projection of Yehud’s place in the Achaemenid empire (§1.2). A contested issue is the extent in which the Edict corresponds with the rest of EM. Despite the arguments for Ezra 7:12-26 as a separate composition,²⁹ it is difficult to remove the Edict and maintain a coherent narrative throughout what remains. Ezra’s actions in Ezra 8—and arguments can be presented for Ezra 9-10; Nehemiah 8—can be

27. Schaefer, *Esra der Schreiber*, 50; Williamson, *Ezra, Nehemiah*, 98; Pakkala, *Ezra the Scribe*, 32.

28. Opinions are divided regarding the inclusion of Nehemiah’s first prayer into NM. In support see Williamson, *Ezra, Nehemiah*, 166-74; for arguments against see Wright, *Rebuilding Identity*, 9-23.

29. In addition to the discussion in §1.2, Pakkala finds a Rescript Editor who inserts the Edict (which itself undergoes three stages of revision) and related expansions in Ezra 8:24a, 25-29*, 33aα, 34 (*Ezra the Scribe*, 260-62).

explained from the instructions contained in the Edict.³⁰ I am of the opinion that the Edict is appropriately placed and belongs to the basic frame of EM's source materials. There is also the question of the integrity of the Edict itself and it is suggested that late Aramaic forms expose a continuous reworking of the Edict (see §1.2). Finding layers within the Edict, Galling regards Ezra 7:12-19 as the original document expanded by a Chronistic insertion in vv. 20-23, 26 and given its final form by a second Chronist in vv. 24-25.³¹ In der Smitten suggests that vv. 21-24 contains a *Sonderdokument* from the Seleucid period.³² It will be argued that the instructions to the treasurers of Eber-Nahara in vv. 21-24 are connected to the quantity of the provisions listed in vv. 15-20 (§3.3.3).³³ In line with the insertion of והמשררים והשערים in v. 7 (§3.1.1), I attribute only זמריא תרעיא in v. 24 to a redactor, here R^{E-N}.

30. For connections between the Edict and the rest of Ezra 7-10 (but not Nehemiah 8), see Becking, "Idea of Torah," 279-81; repr., in *Yahwism After the Exile*, 24-26; repr., in *Early Jewish Identity*, 51-52.

31. Galling, *Bücher*, 206.

32. In der Smitten, *Esra*, 14-19; pace Joseph Blenkinsopp, *Judaism: The First Phase. The Place of Ezra and Nehemiah in the Origins of Judaism* (Grand Rapids, Mich.: Eerdmans, 2009), 52-53.

33. See also Kellermann, "Esradatierung," 58-60; Gunneweg, *Esra*, 134-36 (only vv. 22-23, with v. 24 an addition); Williamson, *Ezra, Nehemiah*, 98.

The place of the first-person benediction in 7:27-28a as originally EM or as a supplemental layer remains debated.³⁴ Ezra's short doxology, ברוך יהוה אלהי אבותינו (Ezra 7:27a, βα), is comparable to Nehemiah's claim that he acted according to what his deity set (נת"ן) in his heart (Neh 2:12; 7:5).³⁵ Alongside the transposition of royal beneficence from Nehemiah to Ezra (7:6b), I locate vv. 27-28a as an insertion from the hand of R^{EM-NM}.³⁶

Critics regard the list of returnees in 8:1-14 as original to EM, as an independent list that is one of Chr's sources, or as a separate list incorporated into the original Ezra memoir. In support of the last view, the list is thought to derive from Ezra 2 (≡ Nehemiah 7).³⁷ I regard Ezra 2 as a census list that belongs to a separate composition that postdates EM and Nehemiah 7 (see §1.1). As a result, Ezra 8:1-14 is not influenced by Ezra 2 (or its near parallel in Nehemiah 7).³⁸ Placing

34. As original to EM see Rudolph, *Esra und Nehemia*, 77; Williamson, *Ezra, Nehemiah*, 99-100; pace Pakkala, *Ezra the Scribe*, 53-54.

35. Also Blenkinsopp, *Ezra-Nehemiah*, 160.

36. Among critics who regard Ezra 7:27-28 as reworked NM material (cf. Neh 2:8, 18), see Noth, *Überlieferungsgeschichtliche*, 147; Eng., 64; In der Smitten, *Esra*, 19-20.

37. Mowinckel, *Studien*, 1:118-22; Kapelrud, *Authorship*, 45-46; Kratz, *Komposition*, 79; Eng., 72.

38. Myers, *Ezra. Nehemiah*, 69-70; In der Smitten, *Esra*, 21; Williamson, *Ezra, Nehemiah*, 108-110.

Ezra 8:1-14 as an addition upon 7:28, Pakkala argues that the change from ראשים to ראשי האבות could not derive from a single author.³⁹ There is, however, nothing wrong with a single author equating ראשים with ראשי האבות. If the list is indeed an entirely secondary addition, one would need to explain the resulting disjunction between 7:28 and 8:15.⁴⁰ In support of the list in Ezra 8:1-14 as EM, Williamson observes that the list fulfils an instruction contained in the Edict (7:13).⁴¹ I argue below (§3.5.1) that the list of returnees follows one of EM's sources and should be regarded as original to the memoir. Some critics identify the narrative block in 8:15(b)-20 as a secondary layer.⁴² This may, however, be a hasty conclusion. There is little linguistically abnormal in vv. 15(b)-20 to distinguish it from its surrounding material.⁴³ For the same reasons that 7:28b-8:14 is included with EM, the search for Levites responds to a provision in the Edict (7:13).⁴⁴

39. Pakkala, *Ezra the Scribe*, 56.

40. Noth, *Überlieferungsgeschichtliche*, 125; Eng., 44; Rudolph, *Ezra und Nehemia*, 79; Williamson, *Ezra, Nehemiah*, 109; contra Batten, *Ezra and Nehemiah*, 318; Mowinckel, *Studien*, 1:118; Kellermann, *Nehemia*, 63; Gunneweg, *Ezra*, 144.

41. Williamson, *Ezra, Nehemiah*, 109.

42. Noth, *Überlieferungsgeschichtliche*, 125; Eng., 44-45; Kratz, *Komposition*, 81, 82; Eng., 73. Pakkala, *Ezra the Scribe*, 59-61.

43. Kapelrud, *Authorship*, 51.

44. Blenkinsopp, *Ezra-Nehemiah*, 164.

In Ezra 8:21-23, some critics suspect Ezra's denial of a royal escort in all or part of v. 22 as a digression that interrupts the observance of a fast in vv. 21, 23.⁴⁵ Drawing upon Nehemiah's acceptance of an escort of army officers and horsemen (Neh 2:9), critics—especially those who subscribe to NM as a source for the Ezra account—regard Ezra 8:21-23 as a response that uses similar vocabulary (חיל ופרשים) in exalting Ezra over Nehemiah (Neh 2:9).⁴⁶ The accounts, however, are different.⁴⁷ It is curious that Ezra refuses an armed escort for a perilous journey—or that the Achaemenid authorities would not be more insistent on ensuring the safe delivery of precious goods—but this action does not require excising any of Ezra 8:21-23 from EM. Ezra's waiver of any royal assistance (as virtuous yet questionable as it may be) and observance of a fast are integral to EM's presentation of the caravan fulfilling a ritually proper and righteous journey to Jerusalem. Commentators generally consider the preparations for the safe delivery of the temple treasures in vv. 24-30 as a continuation of vv. 21-23.⁴⁸ A minor problem lies

45. Pakkala, *Ezra the Scribe*, 61.

46. Kapelrud, *Authorship*, 52-53; Kellermann, *Nehemia*, 65; Gunneweg, *Ezra*, 154; In der Smitten, *Ezra*, 22; Kratz, *Komposition*, 78; Eng., 72 (with vv. 22b-23 as a possible expansion); Wright, *Rebuilding Identity*, 86-87.

47. See Williamson, *Ezra, Nehemiah*, 120.

48. For the opinion that vv. 24-30 is an intrusion, which itself is reworked, into originally different layers in vv. 23, 31, see Pakkala, *Ezra the Scribe*, 61-63, 305.

with the inclusion of the **שרי האבות לישראל** among the anticipated recipients of the vessels in the **בית אלהים** (v. 29). When the vessels are delivered, the **שרי האבות לישראל** are not present (v. 33). Placing **שרי האבות לישראל** as an insertion, Rudolph remarks “die Entgegennahme der Spende nur Sache des Tempelpersonals war.”⁴⁹ It would be slightly unusual for “the heads of the families in Israel” to be in the Temple precincts but according to Chr, the **שרי האבות** are among the leaders who present—but do not receive—offerings (**נדר** [hit.]) in the house of God (1 Chr 29:6). I am open to the possibility that **שרי האבות לישראל** in v. 29 is an addition from R^{E-N}. Finally, some critics regard the linguistic and ideological differences between the first-person narrative in Ezra 8:31-34 and vv. 35-36 as indications that the latter is an editorial summary.⁵⁰ In der Smitten regards Ezra 8:36 as presupposing (and exceeding Nehemiah in) Neh 2:9-10.⁵¹ I concede that the third-person narrative voice is suspicious but note that the giving of the **דתי המלך** (v. 36) suits the instructions in the Edict (7:21-24) and Ezra is overshadowed by the cultic offerings.

49. Rudolph, *Ezra und Nehemia*, 82. Noting the acceptable absence of absolute consistency in Ezra-Nehemiah, see Williamson, *Ezra, Nehemiah*, 120; Blenkinsopp, *Ezra-Nehemiah*, 170.

50. Williamson, *Ezra, Nehemiah*, 116; Blenkinsopp, *Ezra-Nehemiah*, 171; Pakkala, *Ezra the Scribe*, 65-66.

51. In der Smitten, *Ezra*, 24.

I maintain that most of Ezra 7:11-8:36 can be attributed to EM. The additions come in two stages: 7:27-28a is from R^{EM-NM}; 7:11b, 24aβ* [only זמריא תרעיא] and possibly 8:29αα* [only שרי האבות לישראל] are from R^{E-N}. EM's narrative frame emerges from what is retained as the original base layer in Ezra 7-8. The journey from Babylon commences on the first day of the first month (Ezra 7:9) with a planned three-day encampment at the Ahava (8:15). After a slight delay and search for Levites, the caravan departs on the twelfth day (8:31). Ezra and the caravan arrive in Jerusalem on the first day of the fifth month (7:9) and on the fourth day of this month material goods are weighed and presented to the temple officers (8:33). Underneath a substantial amount of Ezra 7-8 lies an account of the first six months of Ezra's mission.

3.2. Ezra

After identifying the base layer and supplements in Ezra 7-8, it is possible to identify EM's depiction of Ezra. From what is retained in Ezra 7-8, EM identifies Ezra as "a scribe expert in the *tôra*^h of Moses" (v. 6aβ); "priest-scribe" (v. 11a); and "priest, a scribe in the *dat* of the God of heaven" (v. 12). The multiple attributions

raise the question: is Ezra either a scribe *or* a priest, a scribe *and* a priest, or a “priest-scribe”?⁵²

3.2.1. *Ezra, Scribe*

Examining the dual titles in Ezra 7:12, Schaeder regards כהנא as Ezra’s function in the Jewish Babylonian community and ספר דתא די־אלה שמיא as the technical title for the minister of Jewish affairs within the Achaemenid chancellery.⁵³ According to Schaeder, ספר דתא (Ezra 7:12, 21) reflects Akk. *šāpiru* and mid-Persian *dipīr/dawīr*. As such, Ezra as *Schreiber* is “Sekretär (oder: Minister) vom Gesetz des Himmelsgottes.”⁵⁴ Schaeder regards Heb. *sōpēr* as representing Ezra’s place among the Jewish community as *Schriftgelehrter*. Examining the Hebrew text, Heltzer and Avishur suggest that the “*mhyr* in the Law of Moses” (Ezra 7:6) has “real administrative and political power over his coreligionists, the Jews, but he

52. Berquist contends that Ezra, like Nehemiah, exercises “civil authority under Persian command” and can be regarded as “governor” (Jon L. Berquist, *Judaism in Persia’s Shadow: A Social and Historical Approach* [Minneapolis: Fortress, 1995], 110). Unlike Nehemiah (Neh 5:14-15), Ezra—in any compositional layer—never identifies himself as פחה and there is little evidence to support Berquist’s assertion (see also Fried, *Priest and the Great King*, 217).

53. Schaeder, *Ezra der Schreiber*, 39-59 (esp. 45-55).

54. *ibid.*, 48-49.

was not the High Priest.”⁵⁵ Questioning the existence of a distinct office for Jewish affairs in Susa or Persepolis, Mowinckel rejects ספר דתא די־אלה שמיא as a marker of Ezra’s (high) place within the Achaemenid chancellery and proposes that the title is the equivalent of a γραμματεὺς who studies and learns the law through the wisdom of the God of heaven.⁵⁶ Hoglund remarks that both the missions of Ezra and Nehemiah reflect the skill and imagination of an interpreter who gives theological meaning (through the respective intermarriage episodes) to the post-exilic community’s newfound political situation. As a result, neither Ezra nor Nehemiah provide any direct evidence of the inner workings of the Achaemenid apparatus.⁵⁷

Still, EM’s presentation of Ezra as “scribe” is undeniable (also Ezra 7:6; Neh 8:1, 4, 13). After stripping Ezra 7-10; Nehemiah 8 down to a base “Ezra source,” Pakkala identifies Ezra as originally a scribe.⁵⁸ Among the multiple depictions of Ezra as scribe, ספר מהיר in Ezra 7:6 is noteworthy. In Ps 45:2 [ET 1] the Psalmist boasts “my tongue is the pen of a ספר מהיר.” The word מה(י)ר also appears in Isa 16:9; Prov 22:29. Outside of the biblical corpus, Aḥiqar is a “wise and skilful scribe”

55. Michael Heltzer and Yitzhak Avishur, “The Term *sōfēr māhīr* as Designating a Courtier in the Old Testament and the Aḥiqar Story,” *UF* 34 (2002): 217-21 [at 221].

56. Mowinckel, *Studien*, 3:117-24.

57. Hoglund, *Achaemenid Imperial Administration*, 207-40.

58. Pakkala, *Ezra the Scribe*, 236-43.

(Aram. *spr ḥkym wḥyḥr*) in the court of Esarhaddon.⁵⁹ ספר מהיר connotes not just any scribe but appears to identify a scribe of exceptional quality. Following Schaefer, van der Toorn agrees that the Hebrew term projects Ezra not as an official but a “Torah scholar.”⁶⁰ Rejecting the label of “scribe” or “secretary,” Willi draws a nearly similar conclusion, presenting Ezra as “ein literarische Gebildeter.”⁶¹ The place of the scribe in the Second Temple period is debated. Rendtorff argues that Judaism does not link the scribe with teaching until long after the Persian period.⁶² Grabbe suggests that Ezra 7:6 “gives a new meaning to the word ‘scribe’ in Israel since there is no suggestion up until now that the scribe had any special connection with the law or teaching of Yhwh.”⁶³ In contrast, Weinfeld remarks that the function of a “scribe of the Torah” is by the time of Ezra not new but “an intensification of the process started at the time of Josiah.”⁶⁴ I believe that the label of “scribe” is a remnant of an institution from the First

59. *Aḥiqar* 1:1 in AP, 212; ANET, 427; TAD C1.

60. Karel van der Toorn, *Scribal Culture and the Making of the Hebrew Bible* (Cambridge, Mass.: Harvard University Press, 2007), 78-79.

61. Thomas Willi, *Juda-Jehud-Israel: Studien zum Selbstverständnis des Judentums in persischer Zeit* (FAT 12; Tübingen: Mohr Siebeck, 1995), 107.

62. Rolf Rendtorff, “Esra und das »Gesetz«,” ZAW 96 (1984): 181-82.

63. Grabbe, *Ezra-Nehemiah*, 27.

64. Weinfeld, *Deuteronomy 1-11*, 11.

Temple that has undergone necessary changes in the post-exilic period (see below).

According to EM, Ezra is not only a scribe. A complete picture of Ezra's function in the post-exilic community requires an examination of his other titles.

3.2.2. *Ezra, Priest*

Koch suggests that when the temple treasures are delivered (Ezra 8:32-34) Ezra demotes Meremoth הכהן—who may be akin to P's high priest in Num 31:48-54—due to Meremoth's association with a disqualified priestly house (cf. Ezra 2:61-63//Neh 7:63-65).⁶⁵ Ezra thus becomes a legitimate—but not hereditary—high priest. In Ezra 7:1b-5, *ben* can refer to a member of a guild (GKC §128v) but the string of personal names suggests that its composer (who I regard as R^{E-N}) places Ezra as high priest by establishing him as a direct descendant of Aaron. Koch recognizes that the Edict appears to be unaware of Ezra's high priesthood but suggests “(that) priest (who is the) scribe of the Law of the God of Heaven” in Ezra 7:12 is an elevated position among the priesthood in the manner *Aḥiqar* is supreme among the ministers.⁶⁶ EM, however, lacks an important cog: P's הכהן הגדול.

65. Koch, “Origins,” 190-93; *idem*, “Ezra and Meremoth: Remarks on the History of the High Priesthood” in *‘Sha’arei Talmon*’, 105-10.

66. Koch, “Origins,” 193.

Recognizing the absence of הכהן הגדול, Koch upholds Num 31:48-54 as the canonical model for Ezra 8:32-34 and suggests “[i]n his stead, four representatives are waiting for Ezra, two of them priests and two of them Levites.”⁶⁷ The parallels between Ezra 8:32-34 and Num 31:48-54 are contextually different. The latter discusses activities after an armed conflict which poorly relates to EM’s Achaemenid Yehud. More significantly, Ezra 8:32-34 contains few, if any, projections of Meremoth and Ezra as (competing) high priests.⁶⁸

Although EM unlikely conceives of Ezra as high priest, there remains עזרא הכהן in Ezra 10:10, 16; Neh 8:2—all of which I maintain belong to the original layer—and הכהן הספר (see §3.2.3). Placing Ezra as “priest” among the expansions, Pakkala regards the omission of Ezra’s title in 1 Esd 9:7 as an indication that הכהן in Ezra 10:10 is late.⁶⁹ However, in two other parallels, 1 Esd 9:16 (Εσδρας ὁ ἱερεὺς) follows Ezra 10:16 and 1 Esd 9:40 implies that Ezra holds a higher priestly office (ὁ

67. Koch, “Ezra and Meremoth,” 106.

68. VanderKam, *Joshua to Caiaphas*, 47. Following her view of הכהן הגדול in Ezra 7:1b-5 as equivalent to a priestly authoritative figure, Rooke argues that EM lacks a serving high priest alongside Ezra and, for that matter, also neglects a high priesthood (*Zadok’s Heirs*, 159-70).

69. Pakkala, *Ezra the Scribe*, 42-43. Similarly, Pakkala observes that in Neh 8:1, Ezra is a ספר but in the next verse a כהן and argues that one cannot be original (p. 145).

ἀρχιερεύς) than in Neh 8:2 (הכהן) (see §3.1.1). The evidence from 1 Esdras suggests that later traditions tend, but not always, to ascribe a (high) priestly role to Ezra.

If Ezra is a “priest” then some of his actions appear to go beyond the duties of his office. It would be unusual for a priestly figure to be involved with the appointment of secular magistrates and judges (Ezra 7:25-26). Ezra’s public proclamation of תורה can be construed as a political threat to the priesthood.⁷⁰ Here, Ezra better represents a “scribe” rather than “priest.” Less so than “scribe,” Ezra the “priest” does not cover EM’s presentation of Ezra.

3.2.3. Ezra, “Priest-Scribe”

The title “priest-scribe” is only attested in Ezra-Nehemiah. Ezra is referred to as הכהן הספר in Ezra 7:11a; 8:9 and in the Edict as “the priest, the scribe in the law (דת) of the God of heaven” (7:12).⁷¹ I place עזרא הכהן הספר in Neh 12:26 as an editorial insertion by R^{EM-NM} (see §4.1.2). From the Edict, Rudolph (following Schaefer) places a dual title upon Ezra—that is, a “priest” within the Jewish

70. Cohen, *Maccabees to the Mishnah*, 138-39.

71. Rendtorff, however, writes “daß die Verwendung des Doppeltitels auf eine Redaktionsschicht zurückgeht, die an der Zusammenführung beider ein Interesse hatte” (“Esra und das »Gesetz«,” 174).

community and a “scribe” within the Persian state chancellery.⁷² Drawing upon Babylonian temple assemblies, Janzen views the overlap of Ezra’s priestly and scribal activities (outside of Ezra 7:12-26) as equivalent to the *ṭupšarru* who acts in both capacities.⁷³

What is debatable is when, in the formation of the Ezra accounts, Ezra is priest *and* scribe. Pakkala argues that Ezra is first a scribe who takes on the title and associated duties of “priest” as the Ezra Memoir grows. The opposite development, however, is equally plausible. Leuchter opines that “the redactors transformed the earlier image of Ezra as a P-type Moses into a D-type Moses: an exegete, teacher, covenant mediator, and lawgiver.”⁷⁴ The figure of Ezra can be construed as a character who reflects a compromise between Priestly and Deuteronomic traditions. However, the lack of continuity from the Deuteronomic Moses as a נביא among others (Deut 18:15) to Ezra as a type of “scribe” requires an explanation.⁷⁵

72. Rudolph, *Ezra und Nehemia*, 73.

73. Janzen, “‘Mission’ of Ezra,” 642.

74. Mark Leuchter, “Ezra’s Mission and the Levites of Casiphia” in *Community Identity and Judean Historiography*, 193.

75. Watts, however, remarks that in Deuteronomy, “[a]uthor, editor, and publisher unite in Moses the scribe, yet the lawgiver remains YHWH alone” (James W. Watts, “The Legal Characterization of Moses in the Rhetoric of the Pentateuch,” *JBL* 117 [1998]: 422) [my emphasis]. In Deut 31:24, although Moses writes (כתב) the “words of this *tôrā*” into a scroll (ספר), he is not described as “scribe.”

The solution is partially tied to the demise of classical Israelite prophecy by the exilic and post-exilic periods. Within this backdrop Fishbane writes, “this presentation of Ezra as one ‘who enquires of the Torah of YHWH’ (Ezra 7:10) is actually preceded by an indication that this scribe and priest of the law was also the recipient of ‘the hand of YHWH’ (v. 6)—a circumlocution used in late texts to indicate prophetic inspiration.”⁷⁶ Fishbane does not label Ezra as “priest-scribe” but I submit that EM’s unique title represents its use of multiple sources and responds to the realization that notions of the classical priest, scribe, and prophet (with its permutations of the נביא) undergo changes or cease to exist altogether in the post-exilic period. In creating the character of Ezra from—at the very least—the Priestly and Deuteronomic traditions, EM adapts to the changing duties of “priest” and “scribe,” accounts for the diminished prophetic office by replacing the נביא of its sources, and formulates the title of “priest-scribe.”⁷⁷

76. Fishbane, *Biblical Interpretation*, 539. In support of the classical view that prophecy ceased to exist in the exilic and post-exilic periods see Wellhausen, *Prolegomena*, 402-4; Kaufmann, *tôl’dôt*, 4:378-408; Eng., 449-84; Robert W. Wilson, *Prophecy and Society in Ancient Israel* (Philadelphia: Fortress, 1980), 306-7; and a defence against challenges to the classical view in Benjamin D. Sommer, “Did Prophecy Cease? Evaluating a Reevaluation,” *JBL* 115 (1995): 31-47.

77. E also demonstrates a strong interest in the institution of prophecy through Moses as the unparalleled נביא (see §1.4). For now, I remark that EM’s “priest-scribe” is not only from the Priestly and Deuteronomic traditions but also possibly from the Elohistic tradition.

3.3. Artaxerxes' Edict (Ezra 7:12-26)

Ezra 7:12-26 purports to be a copy of an official Achaemenid document that details Ezra's mission in Jerusalem. I regard the Edict as a composition inspired by Achaemenid policy yet betrays its Yehudite origins (§1.2) and integral to EM (§3.1.2). What remains in this study is an examination of how this purported official document fits into EM's narrative.

3.3.1. *Permitted Actions*

The Edict's first order of business is to grant anyone from the people of Israel, priests, and Levites who freely offer (נָדְּבָה [hit.]) to accompany Ezra permission to go to Jerusalem (v. 13). Ezra is commissioned “לְבַקְרָא” Judah and Jerusalem according to the law of your God which is in your hand” (v. 14). Steiner proposes that לְבַקְרָא means “to exercise the office of מְבַקֵּר”—that is, the office of a temporary overseer akin to the מְבַקֵּר (CD 13:13, 16; 1QS 6:20).⁷⁸ In P, if an examining priest finds a spread affliction on the skin then he has no need to search (בִּקְרָה) for yellow hair (Lev 13:36). P also prohibits anyone from distinguishing (בִּקְרָה) between good and bad tithes (27:33). In 2 Kgs 16:15, Ahaz informs Uriah “I will inquire

78. Steiner, “Meaning of LBQR,” 623-46.

(יהיה-לי לבקר) about the bronze altar.” From the above examples, בק”ר in Ezra 7:14 connotes a sense of authority given to someone to make decisions in pertinent matters and for it to be done בדת אלהך די בידך. What is meant by דת אלה will be discussed below (§3.4). Here, the placement of the deity’s law “in your hand” draws comparisons with the multiple notices of ביד משה in PC that indicate the establishment of המשפטים והמצות (Num 36:13 [P]), חקים (Lev 10:11 [H]), and החקים (Lev 26:46 [H]). Stronger comparisons are found in the multiple descriptions of Moses carrying physical tablets in his hands in the Elohist (Exod 32:15; 34:4b) and Deuteronomic (Deut 9:17; 10:3; also Exod 34:29 [J^{Dtr}]) traditions. In the Priestly and Yahvistic Sinai accounts, there are no tablets. EM’s portrayal of Ezra carrying a physical legal object (whatever law it may be) at his time of departure can be derived from the Elohist and/or Deuteronomic Moses.

3.3.2. *The Provisions*

The caravan is provided with silver and gold (v. 15) for the purchase of bulls, rams, lambs, grain offerings, and drink offerings (v. 17). Excess funds are permitted to be used with discretion (v. 18). Vessels are also provided for the service of the בית אלה (v. 19). In the event that the provisions are insufficient, Ezra is given *carte blanche* to access treasury funds as he sees necessary (v. 20).

Ezra's caravan is not the first description of a travelling Yahvistic party that carries precious merchandise or benefits obtained from foreign largesse. In P's wilderness journey from Egypt to Canaan via Sinai, the Israelites are flush with material wealth. The "gold, silver, and bronze" are a *תרומה ליהוה* (Exod 25:3; 35:5). Gold and silver are among the materials procured for the construction of the wilderness tabernacle (26:32; 36:36) and offered at the altar dedication (Num 7:84). In non-Priestly traditions silver and gold convey idols (Exod 20:23 [E]; Deut 7:25; 29:17) or material wealth (cf. Gen 24:35 [J]; Num 22:18 [E]). In E's exodus, the Israelites follow Yahveh's instructions to obtain silver and gold objects from their neighbours before leaving Egypt (Exod 3:22; 11:2; 12:35).⁷⁹ In E, the gold jewellery reappears in the making of the molten calf at Horeb (Exod 32:2-4). P and E—albeit by different means—project the Israelites in the wilderness with abundant wealth. EM's portrayal of the well-endowed returnees appears to follow P with the Jerusalem Temple replacing the portable wilderness sanctuary but, as I will discuss in Ezra 8:26 (§3.5.5), EM demonstrates a closer connection to E's provisions. The

79. These verses follow Gen 15:14 [also E] (see Baden, *Redaction*, 107; *idem*, *Composition*, 125). Other assignments for these verses include: J (George W. Coats, "Despoiling the Egyptians," VT 18 [1968]: 450-57); a priestly redactor (Peter Weimar, *Die Berufung des Mose: literaturwissenschaftliche Analyse von Exodus 2,23-5,5* [OBO 32; Freiburg: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht, 1980], 347); a pre-priestly composition in 3:22; 11:2 and an older layer in 12:35 (Blum, *Studien*, 38).

receipt, safe transport, and delivery of the material goods fit within EM's positive depiction of Ezra's caravan. Unlike E's wilderness generation, the silver and gold reach their destination for its rightful dedication to Yahveh in the בית אלהים (Ezra 8:33) as opposed to the casting of idols at an encampment.⁸⁰

The sacrifice of bulls, rams, and lambs is a well-attested practice in Second Temple literature (1 Chr 29:21; 2 Chr 29:21, 32; Ezra 6:9, 17). In EM, the funds are used to purchase animals (Ezra 7:17; cf. v. 24) along with מנחה offerings and נסך libations. The מנחה and נסך align with the עולה, מנחה, זבח and נסך offerings in Num 15:1-16 [H].⁸¹ This Holiness pericope lifts the sacrificial system from the wilderness mountain (cf. Numbers 7 [P]) and imposes it upon the Israelites in Canaan and in perpetuity—it is a חקת עולם לדורתכם (Num 15:15). With this prescription in mind, Ezra's caravan is given the means to fulfil their sacrificial obligations upon their arrival in Jerusalem. The connection between Ezra 7:17 and PC is strengthened by

80. It can also be noted that in Exodus only the Egyptians give gifts to the Israelites but the donors in EM are of an ethnic mix (see Melody D. Knowles, "Pilgrimage Imagery in the Returns in Ezra," *JBL* 123 [2004]: 58; *idem*, *Centrality Practiced: Jerusalem in the Religious Practice of Yehud and the Diaspora during the Persian Period* [SBLABS 16; Atlanta: Society of Biblical Literature, 2006], 81-84). The provision of gifts by both Judeans and "foreign" sympathisers reflects the situation of the Judean diaspora of the Second Temple period.

81. Rudolph, *Ezra und Nehemia*, 75; Kapelrud, *Authorship*, 34; Williamson, *Ezra, Nehemiah*, 102; Blenkinsopp, *Ezra-Nehemiah*, 149. For Num 15:1-16 to H see Knohl, *Sanctuary of Silence*, 53, 90.

what is absent in the other festival calendars. Sacrifice is the life-blood of the Priestly cult but not as crucial in the non-Priestly traditions. Both the Covenant Code (Exod 23:14-19a) and Deuteronomic code (Deut 16:1-17; cf. Exod 34:18-26a [J^{Dtr}]) lack instructions for any daily burnt or special public offerings. Vessels are also provided to Ezra (Ezra 7:19) but from the Sinai narratives it is only P that gives the vessels (כלים) a cultic function (Exod 37:16; Num 3:31; 4:9; 7:85).

3.3.3. *Orders to the Treasurers*

The treasurers of עבר נהרה are instructed to allocate upon Ezra's request no more than 100 talents of silver, 100 kors of wheat, 100 baths of wine, 100 baths of oil and unlimited salt (Ezra 7:22)—all generous quantities. These items are tied to the provisions in v. 17 and also feature in P's Sinai account: in the sanctification of the Aaronide priesthood (Exodus 29; Leviticus 8); the use of holy anointed oil (שמן) for the consecration of the Tent of Meeting (אהל מועד), Ark of the Testimony (ארון העדות), and its furnishings (Exod 35:15, 28; cf. Exod 37:29; 39:38; Exod 40:9); the שמן for lamps (cf. Exod 25:6; 35:8) and for the priest's anointed oil (Num 4:16); and, among the gifts offered by the twelve tribes at the dedication of the altar (Numbers 7). P's Israelites apparently have these items in abundant quantities at Sinai. Similar to the provisions in Ezra 7:17, EM draws the provisions

for the caravan from Holiness sections. H (Num 15:1-16) demands that the Israelites offer *מנחה* and *נסך* offerings (cf. Ezra 7:17) after their arrival in Canaan. Ezra 7:22 provides for an unlimited quantity of salt but P only mentions salt in commemorating the *ברית מלח* with Yahveh in the *מנחה* offering (Lev 2:13). EM's unlimited salt could have in mind H's *קדשים* in Num 18:19 that marks the *ברית מלח* in perpetuity for future generations.

3.3.4. *EM's Artaxerxes*

The Edict is a purported copy of an official document issued by one Artaxerxes. If indeed EM is partially influenced by Deuteronomy, then how does it justify Ezra's commission under a foreign king? According to Deut 17:15b the Israelites are forbidden to submit to foreign rulers. Yet its surrounding pericope (Deut 17:14-20) mandates that a monarch obtains and reads a copy of the *תורה* on a regular basis. In the Deuteronomistic framework, the law is most effective under a king or a *quasi*-regal leader as opposed to an individual judge.⁸² In its endorsement of an Israelite monarchic figure as the guardian of the law, however, the Deuteronomists do not anticipate a situation in which the Yahvistic king and cult are eliminated by or fall under the jurisdiction of foreign rule. Deuteronomy lacks a

82. Weinfeld, *Deuteronomistic School*, 170-71.

remedy for such a situation and the lack of a contingency plan becomes problematic for its later readers. For EM the figurehead of a monarch, retained as guardian of Yahveh's תורה and the deity's earthly representative, remains essential to the reconstruction of "Israel" within the cosmic order.⁸³

As long as Yehud is under Achaemenid rule, it is impossible to uphold the envisioned Deuteronomic kingship. The post-exilic writer faces the tension of balancing the requirement of (and preference for) a monarch's guardianship of תורה against a strict prohibition against a foreign ruler. Denying the immediate restoration of the Davidic monarch, EM's innovation is to transpose the Deuteronomic king into a foreign monarch and present this foreign monarch as divinely inspired to sanction the law.⁸⁴ This is not to suggest that EM claims Artaxerxes as a practicing Yahvist or identifies him as an Israelite or Judean. Rudolph comments on a slight disconnect when Ezra praises Yahveh and not the king in Ezra 7:27.⁸⁵ The explanation lies in R^{EM-NM} agreeing to the presentation of Artaxerxes as Yahveh's agent. The endorsements of Nebuchadnezzar (Jer 28:14; MT

83. For Deutero-Isaiah reflecting an exilic view that the rebuilding of the Jerusalem temple manifests Yahweh's sovereignty without a Davidic monarch or state but recast under Cyrus (cf. Isa 44:28), see Bedford, *Temple Restoration*, 75-78.

84. Lee, *Authority and Authorization*, 249.

85. Rudolph, *Ezra und Nehemia*, 77-78.

43:10) and Cyrus (Isa 41:1-7, 25-29; 44:24-45:13; 46:8-13; 48:12-16) along with Cyrus proclaiming the divine name (Ezra 1:2) reflect the new political reality experienced by the post-exilic Yahvistic cult under foreign rule. Likewise, Artaxerxes is idealistically portrayed as a foreign monarch who recognizes Yahveh as the universal and dominant **אלה שמיא**.⁸⁶ Post-exilic literature accepts its contemporary geo-political realities and finds little problem with a foreign monarch knowing the personal name of Yehud's deity. This is a shift from the pentateuchal traditions in which a foreigner is unexpected to know the divine name.⁸⁷ Through the authority of an Artaxerxes, EM maintains the Deuteronomic concern for a ruling monarch's stewardship of divine legislation but addresses its contemporary situation in which a foreign power dominates the land surrounding the Yahvistic cult. For EM, the existing Jerusalem Temple and the dominion of Yahveh are not tied to the reestablishment of the Judean monarchy, but rather, established and upheld by the maintenance of **תורה**.

As a whole, the Edict demonstrates an ancient Near Eastern concern for the proper maintenance of a temple to appease its residing deity. Despite the ongoing

86. This recognition is not exclusively post-exilic. In Gen 20:1-18 [E], Yahveh warns the Philistine king Abimelech of his impending doom resulting in Abimelech pleading for his innocence in his dealings with Abraham.

87. For literature, see Philip Y. Yoo, "Why Does Joseph Wash His Face?" *JSOT* 38 (2013): 8. See also §1.2.

scholarly debate surrounding the Achaemenids' management of Yehud (§1.2), the Edict retains its value as a preservation of a particular Yahvistic ideology rooted in its post-exilic context. Undoubtedly, the Achaemenids had a stake in the cultic centres but the provisions in the Edict presuppose an intimate knowledge of the Yahvistic cult. EM's vision of Yahvism inherits and incorporates the programme of its predecessors but renews some of the expressions from a bygone past for its Second Temple cult.

3.4. The Relationship between דת and תורה in EM

What remains to be discussed from the Edict is its attitude to "law." The "law" is featured in the general instructions found in Ezra 7:25-26:

ואנת עזרא כחכמת אלהך⁸⁸ די־בידך מני שפטין ודינין די־להון דאנין⁸⁹ לכל־עמה
די בעבר נהרה לכל־ידעי דתי אלהך ודי לא ידע תהודעון
וכל־די־לה לאוה עבד דתא די־אלהך ודתא די מלכא אספרנה דינה להוא מתעבד
מנה הן למות הן לשרשו⁹⁰ הן־לענש נכסין ולאסורין

88. Myers' suggestion that חכמת אלהך is equivalent to "the Torah of Moses" or "of Yahweh-God" (*Ezra. Nehemiah*, 59) is unlikely. Stronger comparisons lie with Deut 4:6 (Blenkinsopp, *Ezra-Nehemiah*, 151) or the elevation of Solomon, said to have חכמת אלהים בקרבו, in 1 Kgs 3:28.

89. *k'tīb. q'rê: dā'y'nîn.*

90. *k'tīb. q'rê: lišrōšî.*

And you, Ezra, according to the wisdom of your God which you possess, appoint magistrates and judges who will judge all the people in Eber-Nahara who know the law of your God—and you shall teach those who do not know them.

And all who will not obey the law of your God and the law of the king, let judgment be executed upon them whether by death, banishment, confiscation of property, or imprisonment.

The magistrates and judges fall into two categories—those who know the דתי אלהך and those who do not. The parallels to pentateuchal literature are noteworthy.

Gunneweg remarks that following Moses delegating capable men as judges (Exod 18:13-27) and gathering seventy elders (Num 11:14-17), Ezra is a second Moses who appoints magistrates and judges (Ezra 7:25).⁹¹ From these Elohist narratives,⁹² the gathering of the seventy elders is an unlikely parallel to Ezra's activity as it concerns the sharing of Moses' burdens that arose from the unruly Israelites. The prophetic activity (נבִּיָּא [hit.]) of the seventy elders is a short one-time ecstatic event (Num 11:24-25). The institution of the judiciary in Exod 18:13-27 is the more likely parallel to Ezra 7:25.⁹³ The Deuteronomic adaptation of this event (Deut

91. Gunneweg, *Ezra*, 138.

92. For Exod 18:13-27 to E, see Wellhausen, *Composition*, 80-81; Jenks, *Elohist*, 44; Propp, *Exodus 1-18*, 627; and n. 101 (and below). Numbers 11 presents source critical challenges (see the discussion on Neh 9:20 in §2.2.5). The gathering of the seventy elders in vv. 16-17, 24b-25 belongs to E's narrative of Moses complaining about the Israelites.

93. Grätz, *Edikt*, 81.

1:13-18)⁹⁴ and its expansion (16:18; 17:8-13) that renders Moses—and not Jethro—as the instigator of the judicial system also resonates in Ezra 7:25-26.⁹⁵ The appointment of שפטין ודיינין recalls the שפטים ושטרים in Deut 16:18.⁹⁶ Equally noteworthy is Deuteronomy's referral process. In E, referrals for important cases are directly brought to Moses (Exod 18:22). In D, if a case is too difficult to establish בן־דם לדם בן־דין לדין ובין נגע לנגע (Deut 17:8) then it is to be moved to the chosen place before the levitical priests or the presiding שפט—in contrast to E's altar (cf. Exod 22:7, 8) or in PC, either לפני יהוה (Num 5:16, 18, 30; 27:5) or before the priest adorned in his breastplate of justice (Exod 28:15-30; Lev 8:8). Unlike E, Deuteronomy anticipates that the higher verdict may not be deemed acceptable and cautions all affected parties to observe this decree as final and binding. If one disregards the verdict of the priest in charge (הכהן העמד) or the judge (שפט) then that person is subject to death (Deut 17:9b-13). There is also a point of contact between Ezra 7:26 and the warning contained in Deut 28:58 that failure to observe כל־דברי־התורה הזאת will result in many inflictions (without the explicit mention of

94. For the dependency of Deut 1:13-18 on Exod 18:13-27 [E] see Weinfeld, *Deuteronomy 1-11*, 139-40; Baden, *Redaction*, 106.

95. Blenkinsopp, *Ezra-Nehemiah*, 150-51; Grätz, *Edikt*, 99. Deut 16:18-17:7 is a unit that concerns the administration of justice in the local cult. For a defence of the integrity of Deut 16:18-17:7 with 17:8-13 see Levinson, *Legal Innovation*, 98-143.

96. Williamson, *Ezra, Nehemiah*, 104; Blenkinsopp, *Judaism: The First Phase*, 53; Leuchter, "Levites of Casiphia," 185-86.

death).⁹⁷ EM transposes the Deuteronomic centralized judiciary upon the Achaemenid legal apparatus and updates the punishments by adding imprisonment, confiscation, and banishment (for the last two, see Ezra 10:8 [§5.4.2]) to the common punishment of death.

A well-known crux is in Ezra 7:26 where the relationship between דתא and די־אלהך is contested. Does v. 26 have in mind one legal code (the “law of your God” is equal to “the law of the king”) or two (the laws are separate)? The question addresses the relationship between civil and religious law and serves as a point of departure for a discussion on Aram./Heb. דת and EM’s use of Hebrew legal terminology, including תורה.

3.4.1. דת/די

Frei observes that the biblical corpus does not contain a “law of the king” and suggests that דתא די־אלהך ודתא די מלכא (Ezra 7:26) represents a single law—that is, the law of God is the law of the king.⁹⁸ How one views the extent of Persian involvement in the affairs of Yehud influences one’s acceptance of this proposal

97. Grätz, *Edikt*, 100.

98. Frei, “Zentralgewalt und Lokalautonomie,” 17; 2nd. ed., 20-21, 51-61; *idem*, “Reichsauthorisation,” 7; Eng. 12.

(see §1.2). The traditional view that v. 26 presents two distinct legal codes—the law of (the Israelite) god *and* royal Achaemenid law—remains the preferred explanation.⁹⁹ It is possible that cultic law was once considered as equal to royal law. The Deuteronomic command for the Israelite monarch to meditate on תורה alone suggests that the law of Yahveh is the law of Deuteronomy’s king. This equal status is no longer possible after Yehud is subsumed under Persian hegemony. The two separate legal codes in v. 26 reflect this post-exilic situation. In Esth 3:8, Haman seeks the destruction of the Jews by invoking the claim that the Jews follow their own laws (דתיהם) and not the laws of the king (דתי המלך). Likewise, Chr distinguishes between “matter of God/Yahveh” and “matter of the king” (1 Chr 26:31-32; 2 Chr 19:11).¹⁰⁰ Finally, the exhortation ירא־את־יהוה בני ומלך עם־שונים in Prov 24:21 implies that cult and state are separate and distinct authorities.¹⁰¹ Excluded in this discussion is Deut 33:2 as the suggested emendation

99. Among the relationship between the two legal codes: a new distinction between “church” and “state” (Williamson, *Ezra, Nehemiah*, 105-6; also pp. xlvi-xlviii; *idem*, “Judah and the Jews,” 162; repr., 42-43); both refer to “all the people in the satrapy west of the Euphrates” (Grabbe, *Ezra-Nehemiah*, 140); “positive law, created by edict” and “natural law” (Fried, “You Shall Appoint Judges,” 88-89); and, between socio-religious laws and the official Persian law system (Gösta W. Ahlström, *A History of Ancient Palestine from the Palaeolithic Period to Alexander’s Conquest* [JSOTSupp 146; Sheffield: JSOT, 1993], 875).

100. See Gary N. Knoppers, “An Achaemenid Imperial Authorization of Torah in Yehud?” in *Persia and Torah*, 123-28.

101. Lebram, “Traditionsgeschichte der Esragestalt,” 110.

from MT *מימינו אש דת למו* to *מימינו אשדת למו* (supported by Vul.: *in dextera eius ignea lex*) should be rejected.¹⁰² The post-exilic distinction between religious *דת* and civil *תורה* is clear. What is unclear is EM's use of Aram. *דת* in relation to Heb. *תורה*.

3.4.2. *תורה and Other Legal Terminology*

What, exactly, is the *תורה* that EM has in mind? It is proposed that *תורה*—whether it is from Moses (7:6) or Yahveh (v. 10; Neh 9:3 [§5.5]) or something called *תורת האלהים* (Neh 8:8, 18)¹⁰³ or *התורה* (Ezra 10:3; Neh 8:2, 3, 9, 13, 14)—consistently refers to the same legal document.¹⁰⁴ In pentateuchal literature, it would be awkward (but not impossible) for Moses to refer to *תורה* as his own. *תורת יהוה* appears only in Exod 13:9 but I contend that this description is secondary and reflects the use of a late term.¹⁰⁵ *תורת האלהים* is absent in the pentateuchal corpus

102. Richard C. Steiner, “*דָּת* and *עֵין*: Two Verbs Masquerading as Nouns in Moses' Blessing (Deuteronomy 33:2, 28),” *JBL* 115 (1996): 693-696; Richard C. Steiner and Sid Z. Leiman, “The Lost Meaning of Deuteronomy 32 as Preserved in the Palestinian Targum to the Decalogue” in *Mishneh Todah: Studies in Deuteronomy and Its Cultural Environment in Honor of Jeffrey H. Tigay* (ed. N. S. Fox, D. A. Glatt-Gilad, M. J. Williams; Winona Lake, Ind.: Eisenbrauns, 2009), 157-66; supported in Theodore J. Lewis, “Divine Fire in Deuteronomy 32,” *JBL* 132 (2013): 791-803.

103. Also in Neh 10:28, 29, which I regard as secondary to EM (§2.3).

104. Kapelrud, *Authorship*, 21.

105. Exod 13:9 is considered to be Elohist (Haran, *Temples*, 345 n. 45; Friedman, *Sources Revealed*, 141-42) or within a deuteronomistic *Abschnitt* (Noth, *Exodus*, 79; Eng., 101-2; also Propp, *Exodus 1-18*, 377-78) but I submit that *למען תהיה*

but it should be noted that תורת אלהים is in Josh 24:26 [E; see §4.2.3]. EM's use of התורה is akin to Deuteronomy's frequent references to its contents as the authoritative, succeeding, and unparalleled התורה הזאת.¹⁰⁶ The multiple titles of תורה project תורה as a known authoritative document attributed to Moses or Yahveh.¹⁰⁷

EM occasionally employs other legal terminology: מצות ("commandment": Ezra 9:10, 14; 10:3); חק ("statute": Ezra 7:10); and משפט ("judgment": Ezra 7:10; Neh 8:18).¹⁰⁸ As I shall discuss in Ezra 9:10-11 (see §5.3.2.), EM's use of מצוה has in mind the commandments issued by the Deuteronomic נביאים. The comparisons between חק ומשפט in Ezra 7:10b and Exod 15:25; Josh 24:25 are noteworthy but the resonance is stronger to the Deuteronomic Moses' many exhortations of teaching (למ"ד) חקים and משפטים (Deut 4:1, 5, 14), which

תורת יהוה בפ"ד (v. 9aβ) is a redactional addition (R^{Pent}), influenced by the late appellation of תורה יהוה, into an Elohist pericope (vv. 1-16).

106. See also Rendtorff, "Esra und das »Gesetz«," 178.

107. Becking proposes an abstract concept of תורה in the book of Ezra, one that is not concerned with a rigid law-religion but symbolic of the relationship between its representative post-exilic Yahvistic community, its Judaeon/Israelite predecessors, and Yahveh ("Idea of Torah," 285-86; repr., in *Yahwism After the Exile*, 30-31; repr., in *Early Jewish Identity*, 56-57).

108. Ezra 7:11b contains מצות־יהוה וחקיו, which I regard as secondary (§3.1.1).

constitute the Deuteronomic legal corpus (Deut 12:1-26:16).¹⁰⁹ לדרוש את־תורת יהוה in Ezra 7:10a^β is also shaped by Deuteronomic influences. All of the terms in v. 10—חק, משפט, and התורה—appear in Lev 26:46 [H]; Deut 4:8. תורות in Lev 26:46, however, connotes not “teaching” or “Law” but, as it does elsewhere in PC, priestly “instructions.”¹¹⁰ The parallels in EM and Deut 4:8 are stronger. In Deut 4:8, the Deuteronomic Moses asks, “who is this great nation that has משפטים and חקים as righteous ככל התורה הזאת that I set before you this day?” In D, משפטים and חקים are subsumed under התורה. EM adopts this hierarchy and, through its multiple labels, upholds התורה as “Law.”

3.4.3. תורה as דתי אלה

Following the discussion above (§3.4.1), the דתין in Ezra 7:26 are not the one and the same but instead two law codes. One is religious (דתי אלה) and the other civil (דתי המלך). I now turn to the relationship between the דת and תורה(ה) in the Edict and EM.

Rendtorff challenges the widely-held presupposition that the events in Ezra 7 and Nehemiah 8 are related to each other and maintains that Aram. דת in Ezra

109. Rendtorff, “Esra und das »Gesetz«,” 175; Grätz, *Edikt*, 85.

110. Milgrom, *Leviticus 1-16*, 382-83.

7:12-26 is not the same *Gesetz* as Heb. תורה in Nehemiah 8.¹¹¹ As a result, Rendtorff distinguishes between the legal דת (Persian *Recht*) given to Ezra as *Schreiber* and religious תורה (*tora*, that is, the Pentateuch) that Ezra as *Priester* takes to Jerusalem. Kratz criticises Rendtorff's dismissal of Dan 6:6; 7:25 in which Aram. דת is used in a clear religious context and in applying this context (especially Daniel 6) to Ezra-Nehemiah argues that דת is identical to תורה.¹¹² A mediating position is proposed by Willi who partially supports Rendtorff's differentiation of דת from תורה but cautions against completely purging דת of any religious connotations.¹¹³ The above discussion does not take into strong consideration that the דתי אלה and דתי המלך in Ezra 7:26 are separate religious and civil laws. Elsewhere in the Edict, Ezra is described as ספר דתא די-אלה שמיא (v. 12) and he is to make inquiries די בידך (v. 14). Both descriptions present Ezra as an expert in only one set of laws—the law of his god—and according to both verses, Ezra does not consult civil (or royal) law. In describing separate religious and civil laws, a Yehudite composer (here, EM) has little choice but to use the appropriate Aramaic technical terminology. In Ezra

111. Rendtorff, "Esra und das »Gesetz«," 165-84; *idem*, "Noch einmal: Esra und das »Gesetz«," ZAW 111 (1999): 89-91.

112. Reinhard G. Kratz, *Translatio imperii: Untersuchungen zu den aramäischen Danielerzählungen und ihrem theologiegeschichtlichen Umfeld* (WMANT 63; Neukirchen-Vluyn: Neukirchener Verlag, 1991), 225-41, esp. 227-29.

113. Willi, *Juda*, 90-117.

8:36, the delivery of (Heb.) דתי המלך to the king's satraps (אחשדרפני המלך) and governors (פחוות) of Eber-Nahara (without any mention of priests) suggests that the דתי המלך are not religious laws and EM envisions that the Persian representatives are only concerned with civil law.¹¹⁴

In EM, the דתי המלך are not regarded as תורה(ה) and only the דתי אלה can be considered as identical to תורה(ה). The religious connotations of דתי אלה can be explained by the relationship of some of the instructions in the Edict and the pentateuchal corpus. In Ezra 7:25, the recognition that some of the magistrates and judges in the satrapy know the דתי אלה but others are not cognizant of this law code fits quite well with the proclamation of התורה in Neh 8:1-12. As I shall argue there (in §4), the gathered assembly in Jerusalem is aware of the existence of an authoritative document called התורה but upon hearing its words are apparently uninformed of its contents. What happens after the proclamation of this תורה can be construed as Ezra teaching the uninformed.

114. See also Rendtorff, "Esra und das »Gesetz«, " 173.

3.5. The Departure from the Ahava (Ezra 7:28b-8:30)

EM recounts Ezra's preparations for the caravan's journey to Jerusalem.

Among the returnees (Ezra 8:1-14), Ezra notices the absence of Levites and dispatches an envoy to find members from this class to join the caravan (vv. 15-20). Ezra then proclaims a fast (vv. 21-23) and entrusts gold, silver, and vessels to the priests and Levites (vv. 24-30). In support of the unity of these verses (with minor additions noted in §3.1.2), EM adapts the accounts of the Israelites departing from the wilderness mountain in order to present Ezra's caravan as one that is ritually superior to its predecessors.

3.5.1. The List of Returnees

Ezra is empowered (חז"ק [hit.]) and gathers ראשים (Ezra 7:28b). Here, EM builds upon motifs from the accounts of the wilderness generation. In E, before the Israelites depart for Canaan they are commanded to consecrate the first-born as a reminder that Yahveh brought them out of Egypt בחזק יד (Exod 13:3, 14, 16)/בִּיד חֲזָקָה (v. 9). D consistently reminds the Israelites that Yahveh brought them out of Egypt בִּיד חֲזָקָה (Deut 5:15; 6:21, et al.). The ראשים in Ezra 7:28b should be equated to the ראשי אבותיהם in 8:1 (§3.1.2). Following the appointment of magistrates and judges in Ezra 7:25, EM uses the technical terminology for ראשים from its source

material (Deut 1:15; cf. Exod 18:25 [E]). Ezra 8:1-14 contains a list of clan chiefs and peoples who departed with Ezra according to their genealogy (יח"ש). In EM's presentation of Ezra's caravan as a second wilderness, Ezra 8:1 recalls the registration at Sinai:

Ezra 8:1

Num 1:18aβ [P]

ואלה ראשי אבותיהם והתיחשם העלים עמי במלכות ארתחשסתא המלך מבבל	ויתילדו על־משפחתם לבית אבתם
--	------------------------------------

These are the chiefs of the clans
and those who came up with me
enrolled by genealogy in the reign of
King Artaxerxes from Babylon.

They registered themselves in their
clans, by their ancestral houses.

In Ezra 8:1 EM clarifies the rare (and older) use of יל"ד (*hit.*) from its source material (Num 1:18) and substitutes it with the more familiar יח"ש.¹¹⁵ The list of returnees consists of clan chiefs (ראשי אבותיהם), their accompanying males, and from Ezra 8:2 the priestly clans of Phinehas and Itamar and one Davidic group. In P, Aaron has four sons: Nadab, Abihu, Eleazar, and Itamar (Exod 6:23; 28:1; Num 3:2; 26:20). Nadab and Abihu carelessly offer unholy fire to Yahveh and are instantly killed

115. Hurvitz distinguishes the early terms ספ"ר, פק"ד, יל"ד, שפ"ח (P) from late יח"ש (also Ezra 8:3; outside of EM, 19x in E-N, Chr) and יח"ס (Aram.) in rabbinic literature ("Evidence of Language in Dating the Priestly Code," 27-29). Levine regards ויתילדו in Num 1:18 as an Aramaism and indicative of late dating (Baruch A. Levine, *Numbers 1-20: A New Translation with Introduction and Commentary* [AB 4; New York/London: Doubleday, 1964], 139); *pace* Avi Hurvitz, "The Chronological Significance of 'Aramaisms' in Biblical Hebrew," *IEJ* 18 (1962): 234-40.

(Lev 10:1-2). The obligations of the Aaronide priesthood fall upon Eleazar whose son Phinehas secures the high priesthood for his clan (Num 25:6-18). Itamar becomes in charge of the Gershonites and Merarites in their service of the wilderness tabernacle (Num 4:28, 33). Just as Eleazar (and his son Phinehas) and Itamar are among the Israelites on their journey through the wilderness, EM includes members of the clans under the same names in its presentation of Ezra's caravan as a second Sinai. The inclusion of Hattush, a Davidide, is symbolic. EM sees royal authority in Artaxerxes (§3.3.4) and it is unlikely that Hattush's purpose is to restore the Davidic monarchy.

The list of returnees in Ezra 8:3-14 follows the pattern "from the clan of A, Y ben Z, and with him x males." The twelve clans allude to the traditional number of pre-exilic tribes.¹¹⁶ Among the tribal lists in pentateuchal literature, 603,550 males over the age of twenty are recorded in P's Sinai census (Num 1:20-43, 46; 2:32; cf. P's census at Moab in Num 26:1-65). In comparison, the tally in EM is a much smaller figure of 1,513 males.¹¹⁷ Other differences between P and EM can be explained as

116. Rudolph, *Ezra und Nehemia*, 79; Williamson, *Ezra, Nehemiah*, 111; Pakkala, *Ezra the Scribe*, 57. Koch opines that Ezra desires to establish one Israel out of the twelve tribes in Judah and Samaria ("Origins," 193-94).

117. The count in 1 Esdras adds to 1,690. In support of the authenticity of the list in Ezra 8:2-14, see Blenkinsopp, *Ezra-Nehemiah*, 161; Williamson, *Ezra, Nehemiah*, 109-110; and (with some reservations), Koch, "Origins," 173; contra Ahlström, *History of Ancient Palestine*, 877; Pakkala, *Ezra the Scribe*, 56-58.

the latter refining the former to suit its post-exilic situation. P's census is saturated with militaristic language and its purpose is to report the conscription of eligible Israelite males. Furthermore, P's wilderness camp is akin to a war-camp (cf. Num 10:35) and acts accordingly.¹¹⁸ In its adaption of the Priestly Sinaitic census, EM condenses its own census by stripping P's recurring *במספר שמת מבן שערים שנה* because militaristic overtures are beyond the presentation of Ezra's journey and an armed Judean caravan is implausible within the political realities of Achaemenid Yehud. P's census contains first-person directives from Yahveh to Moses and Aaron but the lack of divine speech in Ezra 8:1-14—Ezra simply administers the census—is consistent with EM upholding the belief that Yahveh's direct and unmediated revelation has ceased by the time of the Second Temple.

3.5.2. *The Search for Levites*

The returnees gather at a body of water called the Ahava (v. 21) that shares its name with its location (cf. v. 15) and encamp (*חנ"ה*) there for three days. EM's motif of three days (Ezra 8:15, 32; 10:7-9) may be based on an established

118. Haran, *Temples*, 78 n. 28. For P's encampment in Numbers 2 as a representation of an Egyptian war camp from the second half of the second millennium see Milgrom, *Leviticus* 17-22, 340-41.

tradition.¹¹⁹ In P's wilderness narrative, the Israelites frequently encamp (חנ"ה) at a site, including Sinai (Exod 19:2). EM adopts P's חנ"ה in its gathering at the Ahava but the three days is from elsewhere. P's Sinai encampment lasts much longer than three days—the Israelites arrive on the third month after the Exodus (Exod 19:1), the כבוד covers Sinai for six days, and Moses is called out on the seventh day (24:16). After the building of the tabernacle and the giving of most of the laws, the Israelites finally depart Sinai on the 20th day of the second month of the second year (Num 10:11). The three days on a mountain is found in non-Priestly Exod 19:10-15 [J; see §1.4]. Among the pentateuchal traditions, J contains the only notice of a three day waiting period at the wilderness mountain. In Ezra 8:15, the three-day waiting period at the beginning of the journey is patterned after the ritualistic preparatory period of the same length of time in Exod 19:10-15 [J].

Some critics regard the delay at the Ahava (Ezra 8:15-20) as an addition spurred by Levitical interests (§3.1.2). I disagree. The search for Levites to minister (שר"ת) in the house of God properly fulfils the royal fiat (7:13). But why would EM have an interest in a class that, by its time, pales in comparison to the large number of priests?¹²⁰ Observing that Levites are already present in Jerusalem (Ezra

119. Blenkinsopp, *Ezra-Nehemiah*, 164.

120. In *Ezra-Nehemiah*, there are far fewer Levites than priests. Neh 7:39-42//Ezra 2:36-39 lists 4,289 priests but 74 Levites. In the Jerusalem census, NM

8:29, 30, 31), Koch remarks that Ezra's delay at the Ahava on account of the absence of Levites is only conceivable in accordance with P's inclusion of Levites, priests, and laity in the wilderness.¹²¹ EM's Levite is a fusion of Priestly and Deuteronomic traditions.¹²² Each tradition agrees that members from the tribe of Levi carry a sacred object ("ark of the covenant" in D [Deut 10:8-9]; the portable tabernacle and its appurtenances in P [Num 3:5-39]) but differ on the status and cultic employability of the בני לוי.

In the Priestly Corpus, only the priest may minister (שר"ת) in the sanctuary. In P, the Aaronides may be priests while the rest of the Levites are ineligible for the priesthood but remain dedicated to Yahveh (Num 3:40-45). P's Levites are not counted in the Sinai census (Num 1:49) but their exemption from conscription emphasizes their crucial service for the proper maintenance of the wilderness tabernacle: they transport the tabernacle and its vessels (vv. 50-51), encamp as a barrier between the stationary (holy) tabernacle and the (less holy, if not impure) surrounding tribes (vv. 52-53), and perform duties under Aaron's authority (3:6-10).

lists 1,192 priests and 284 Levites (Neh 11:10-18).

121. Koch, "Origins," 187.

122. In Exod 4:14 [J], Aaron is identified as הלוי. However, הלוי is not attested elsewhere in J and in E but as בני-לוי or בת-לוי (cf. Gen 29:34; 34:25, 30; Exod 2:1; 32:26, 28). I regard הלוי in Exod 4:14 as redactional (contra J in Baden, *Redaction*, 219-20; E in Propp, *Exodus 1-18*, 191; Friedman, *Sources Revealed*, 124).

Without the service of the Priestly Levites, the Israelites cannot travel from Sinai to Canaan with the tabernacle and its appurtenances. Still, the Levites are threatened with death should they *שר"ת* as priests (Num 18:3 [H]). Ezekiel likewise accuses the Levites of improperly officiating to Israel before the *גלולים* and contrasts their disservice to the Zadokites' righteous maintenance of Yahveh's sanctuary (Ezek 44:9-16).¹²³ The separation of a Levitical class from the priesthood is only in PC and Ezekiel. According to the Priestly tradition, Levites would not be permitted to *שר"ת* in a legitimate cultic centre in Casiphia.

For Deuteronomy, any male from the tribe of Levi is entitled to be a priest as long as he is in the central sanctuary (Deut 12:5-18). When a Levite chooses to remain outside of the chosen place there is nothing that distinguishes him from the citizen, sojourner, fatherless, or widow (12:18-19; 16:11, 14). Otherwise, when a Levite arrives at the chosen place he may *שר"ת* there (18:6-7). Ezra's discovery of Levites at a place called *כספיא המקום* is counter to Deuteronomy's promotion of the centralized Jerusalem cult yet the presence of temple workers (*נתינים*) along with Levites suggests that Casiphia was considered as a legitimate sanctuary.¹²⁴ For this reason, and in support of Deuteronomic influences, Batten argues for the deletion

123. See Haran, *Temples*, 103-11.

124. For Casiphia as a hub of exilic Israelite deportees and the realistic selection of Levites from that place, see Leuchter, "Levites of Casiphia," 179-83.

of המקום in Ezra 8:17.¹²⁵ The deletion is unwarranted. Deuteronomy does not conceive of the existence of cultic centres outside of Jerusalem and Judah and could not anticipate the establishment of Second Temple Yahvistic sanctuaries in Gerizim, Elephantine, Leontopolis, Lachish, and Arâq el-Emîr.¹²⁶ Although EM upholds Jerusalem as the unparalleled Yahvistic sanctuary, EM does not share Deuteronomy's strict cult centralization program which becomes impossible to promote after the deportations result in scattered Judean communities in the exilic and Second Temple periods.¹²⁷ In EM's presentation of the departure from the Ahava as a second Sinai event, the Casiphian Levites are necessary for Ezra's caravan and the search for these Levites emphasizes EM's view that their participation is essential for a successful journey to Jerusalem.¹²⁸ In Ezra 8:20, EM explains the inclusion of the נתינים, who are unattested in the pentateuchal corpus,

125. Batten, *Ezra and Nehemiah*, 321.

126. Houtman, "Ezra and the Law," 112-13; Haran, *Temples*, 46-48.

127. In support of deuteronomic charges to Ezra and the Levites, Leuchter invokes Seidel's Law and regards the charge to the messengers (supporting *q'rê*: דברי בפיו and וְאֶצְנִיָּה in Ezra 8:17 as reversing language from Deut 18:18 (דברי בפיו) followed by צו"ה ("Levites of Casiphia," 184). The *k'zîb* וְאֶצְנִיָּה, however, also makes good sense (see Williamson, *Ezra, Nehemiah*, 113). Also, even if the *q'rê* in Ezra 8:17 is preferred then there still remains a thematic gap between the search for Levites in Ezra 8:17 and the promise of the succession of (Deuteronomic) prophets in Deut 18:18. I do not place the post-exilic Levite as the successor to the extinct office of the classical prophet (see §3.2.3).

128. Also Kaufmann, *tôl'dôt*, 1:182-83; Eng., 199-200.

as a class instituted by David “for the service of the Levites” (לַעֲבֹדֶת הַלְוִיִּים).¹²⁹ The *עבדה* that EM speaks of is not the same as P. Milgrom remarks that the Priestly *עבדת הַלְוִיִּים* denotes “physical task”—that is, the Levites’ primary task of transporting the portable tabernacle—but in post-exilic texts as “cultic service.”¹³⁰ EM constructs the cultic service of the Casiphian Levites by modelling them after the Deuteronomic Levites but includes them in the caravan due to the important service preformed by the Priestly Levites in the journey from Sinai to Canaan.

3.5.3. *The Fast*

A fast is usually observed before approaching the deity, initiating a request to the deity, or mourning the dead.¹³¹ Before the departure of the caravan for Jerusalem, Ezra proclaims a fast in order for the caravan to deny themselves (*עֲנִיָּה* [*hit.*]) before Yahveh (Ezra 8:21a, 23). *עֲנִיָּה* (*hit.*) in Ezra 8:21 (also Dan 10:12) reflects a usage in LBH that is more precise than the wide semantic variety of CBH *עֲנִיָּה* (*pi.*).

129. Williamson, *Ezra, Nehemiah*, 117.

130. Milgrom, *Leviticus* 1-16, 7.

131. For the close connection between fasting and prayer, see Blenkinsopp, *Ezra-Nehemiah*, 168; David Lambert, “Fasting as a Penitential Rite: A Biblical Phenomenon?” *HTR* 96 (2003): 477-512.

pu.) in which fasting can be implied out of multiple meanings.¹³² Lev 23:29 [H]

contains ענ"ה (pu.) but in rewritten 11QT 25:11-12 the legalist uses ענ"ה (hit.):

Lev 23:29 [H]

11QT 25:11-12¹³³

כי כול הנפש אשר לוא תתענה בעצם היום הזה ונכרתה מעמיה	כי כול הנפש אשר לא תתענה בעצם היום הזה ונכרתה מעמיה
---	--

LBH ענ"ה (hit.) acquires the technical language of fasting not conveyed in pi./pu.¹³⁴

The Priestly Corpus, as in Lev 23:29, frequently employs the expression ענ"ה נפש

("afflicting the soul") which finds its way into Third Isaiah (Isa 58:3, 5, 10). Other

writings that use ענ"ה for fasting (צום) or hunger (רעב) do not mention נפש.¹³⁵ It

follows that Ezra 8:21 lacks the ענ"ה נפש terminology specific to P and used by

Third Isaiah. A better comparison could be made with Deut 8:3 where Moses

remarks "[Yahveh] afflicted (ענ"ה [pi.]) you by making you go hungry. Then he fed

you with manna which neither you nor your ancestors knew." In Ezra 8:21, EM

updates the variegated ענ"ה (pi.) from the Deuteronomic tradition (specifically Deut

132. Milgrom, *Leviticus 1-16*, 1054.

133. Text from Yadin, *Temple Scroll*, 2:113.

134. Lawrence H. Schiffman, "The Case of the Day of Atonement Ritual" in *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls. Proceedings of the First International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 12-14 May 1996* (ed. M. E. Stone, E. G. Chazon; STDJ 28; Leiden/Boston: Brill, 1998), 183-84.

135. Paran, *Priestly Style*, 334-35.

8:3) with the contemporary and more precise עִנְיָה (*hit.*) and includes the technical term צוֹם that is absent in the pentateuchal corpus.

The mention of a צוֹם in Ezra 8:21-23 requires further comment. In P's Sinai account there is no need for a fast. At Sinai, P's Israelites demonstrate their fidelity to Yahveh by building the tabernacle as specified and dutifully following Yahveh's precise instructions. When infractions against Yahveh do happen in P, they are remedied through sacrificial expiation and not by anything that can be construed as a fast. It is elsewhere in non-Priestly accounts, specifically E and D, that imply the ritual observance of a fast in the presence of the deity when Moses abstains from food and drink before receiving the tablets (Exod 24:18b; 31:18* [E]; Deut 9:9b, 10a [D]) and to plead the Israelites' case after their apostasy to Yahveh (Exod 34:28 [E]; Deut 9:18 [D]). The technical language צוֹם is absent in these episodes.¹³⁶ In Ezra 8:21, EM upgrades the Elohist/Deuteronomist portrait of Moses' first fast with the technical language of צוֹם that finds its way into Second Temple literature.¹³⁷

136. Baden notes that E lacks Moses abstaining from food and drink during his first ascent (Exod 24:18b; 31:18*) but suggests that this phrase was transposed into Deut 9:9b from E's account of Moses' second ascent (Exod 34:28b) (*Redaction*, 160). In E, Moses' abstention from food and drink is contrasted to the Israelites acceding to the covenant (Exod 24:3-8, 11בβ [וַיֹּאכְלוּ וַיִּשְׁתּוּ]). It is unclear if in D, Moses ascends Horeb before he prostrates before Yahveh. An ascent is clear in E but ambiguous in D—which suits the Deuteronomist contention that Yahveh remains in the (inaccessible) heavenly realm (see Sommer, *Bodies of God*, 62-68).

137. EM uses Moses' second fast as the prototype for Ezra's actions in Ezra

3.5.4. Divine Protection

In between the proclamation and observance of a fast (Ezra 8:21a, 23), Ezra seeks from Yahveh a “straight journey for ourselves, our children, and our possessions,” does not place a request for soldiers and a cavalry to accompany the caravan, and insists that “the hand of our God” is upon those who seek (בק"ש [pi.]) Yahveh (vv. 21b-22). Why does Ezra not place a seemingly sensible request? Avishur and Heltzer suggest that “a large number of people could defend themselves.”¹³⁸ This could be said for P where 600,550 eligible men enlist and capably engage in warfare (cf. Numbers 31) or Chr reports that over a million men who drew the sword (שלף חרב) were found in Israel upon David’s request (1 Chr 21:5). In contrast, EM’s caravan is a paltry amount of no more than 1,500 men. The inclusion of children (who are an afterthought in P, cf. Exod 12:37) and possessions suggest that the caravan is vulnerable and Ezra’s refusal is not pragmatic but is informed by ideology. Critics who uphold NM’s priority over Ezra 7-10 read Ezra 8:22 as boasting Ezra’s moral or religious superiority over Nehemiah (§3.1.2). There are, however, other possible influences. Ezra speaking of “all who seek him” and “all who forsake him” (v. 22b) is attested in post-exilic literature (cf. 1 Chr 28:9; 2

10:6. See §5.4.1.

138. Yitzhak Avishur and Michael Heltzer, “The Scribe and Priest Ezra: A Leader under Achaemenian Rule,” *Transeu* 29 (2005): 28.

Chr 15:2; Isa 58:2; 65:1, 11)¹³⁹ and his request can be regarded as a fulfilment of prophecy (cf. Jer 31:9; Isa 40:3; 52:11).¹⁴⁰

I submit that another explanation lies in EM's use of the Sinai accounts. The pentateuchal traditions present different depictions of Yahveh's accessibility and presence among the Israelites in the wilderness. In P, Yahveh is inaccessible to the general population as the כבוד is in the middle of the encampment and buffered by Levites on all sides (Numbers 1-4). Even the high priest must take precautionary measures before entering the holy of holies (Lev 16:13). In E, after the Israelites agree to the laws (the דברים and משפטים) at Horeb, Yahveh graciously sends a מלאך to guide the Israelites in their upcoming journey (Exod 23:20, 23; 32:34). D demystifies the journey from Horeb to Canaan as a divine messenger is nowhere found; rather, Yahveh remotely leads the Israelites from the heavenly realm (Deut 8:2; 11:23; 29:4 [ET 5]).¹⁴¹ Ezra's request for divine guidance before the departure has traces of J's theophany at Sinai. Before departing Sinai, Yahveh declares himself to

139. Williamson, *Ezra, Nehemiah*, 118; Blenkinsopp, *Ezra-Nehemiah*, 169.

140. For Isa 52:11 see Koch, "Origins," 187-88. For Jer 31:9; Isa 40:3 see Blenkinsopp, *Ezra-Nehemiah*, 168.

141. For D's program of demystification, see Weinfeld, *Deuteronomy 1-11*, 45-46. MT Deut 29:4a (ואולך אתכם ארבעים שנה במדבר) is difficult. אולך could grammatically refer to Moses, but context (cf. v. 5 [ET 6]: כי אני יהוה אלהיכם) suggests that Yahveh is speaking. Other manuscript traditions (Vg., Syr.) remove the ambiguity.

be a *threat* to the Israelites and in his place sends a מלאך (Exod 33:2a, 3).¹⁴²

Dissatisfied with the circumstances and the מלאך itself, Moses requests Yahveh “to make known your ways” (v. 13: הודעני נא את־דרכך). Yahveh acquiesces and for a fleeting moment permits Moses a quick glance at his goodness (טוב) (v. 19). In Exod 19:10-15, 20-23 [J], when Yahveh descends upon Sinai the Israelites are warned about the fatal consequences that will result from prematurely encroaching the mountain. At the end of J’s theophany, Yahveh forbids Moses from seeing his face with the threat of death (33:20). EM follows the notion that Yahveh responds positively to those who demonstrate their fidelity to him. Ezra’s insistence that “the hand of our God” is upon them at the Ahava is aligned with the demystification of the deity but follows the Yahvistic Moses’ plea for Yahveh’s presence and the deity’s positive, albeit fleeting, response before the Israelites depart from Sinai.¹⁴³

142. Baruch J. Schwartz, “Reexamining the Fate of the ‘Canaanites’ in the Torah Traditions” in *Sefer Moshe: The Moshe Weinfeld Jubilee Volume. Studies in the Bible and the Ancient Near East, Qumran, and Post-Biblical Judaism* (ed. C. Cohen et al.; Winona Lake, Ind.: Eisenbrauns, 2004), 154, 157; *idem*, “Torah,” 1:201; Baden, *Redaction*, 131 n. 78. In a subsequent publication, Baden argues that Exod 33:2 is a redactional insertion influenced by 34:11 (see Joel S. Baden, “On Exodus 33,1-11,” *ZAW* 124 [2012]: 332-33). I regard the מלאך as J (v. 2a) but v. 2b as a Deuteronomistic insertion (J^{Dtr}) that overwrites J’s original imperative עלה and, along with 34:11[-26] (§1.4), is consistent with the Deuteronom(ist)ic demystification of the deity.

143. Other than First Zechariah’s המלאך הדבר בי (who is not Yahveh; for a discussion on its identification and confusion with the על־סוס in Zech 1:9 see Carol L. Meyers and Eric M. Meyers, *Haggai, Zechariah 1-8: A New Translation with*

After the observance of a **צום**, Ezra selects twelve men from the **שרי הכהנים** (cf. Ezra 10:5; 2 Chr 36:14)—Sherebiah, Hashabiah, and ten unnamed persons—to guard the vessels until their delivery to the chief priests (**שרי הכהנים**)¹⁴⁴ and Levites in Jerusalem. The “silver, gold, and vessels” in Ezra 8:25 correspond to the items listed in the Edict (cf. 7:15, 19).¹⁴⁵ Within the wide semantic range of **ככר** (Ezra 8:26; also v. 22), its technical meaning as a unit of measurement appears in P’s provisions for Yahveh’s earthly abode (**ככר זהב**, Exod 25:39; 37:24; **ככר הכסף**, Exod 29:23). **כלי** **נחשת מצהב** in Ezra 8:27 may refer to the rare use of P’s **צהב** that describes an affliction of a thin yellow hair on the head or beard (Lev 13:30, 32, 36).¹⁴⁶ The **נדבה** in Ezra 8:28 is connected to the already-mentioned gold and silver (cf. **התנדבות עמא** in v. 16).¹⁴⁷

Introduction and Commentary [AB 25B; Garden City, N. Y.: Doubleday, 1987], 114) the lack of a divine **מלאך** in (middle to late) post-exilic literature is noticeable (the **מלאכים** in Neh 6:3 must be human).

144. For **שרי הכהנים** as heads of priestly families, see Rooke, *Zadok’s Heirs*, 168.

145. Williamson, *Ezra, Nehemiah*, 119.

146. Blenkinsopp, *Ezra-Nehemiah*, 169.

147. In P, the **נדבה** is part of the offerings for the tabernacle while it is being built. In Exod 35:29, these are perhaps given to Moses; who in turn gives the **נדבה** to Bezalel and Oholiab (in Exod 36:3). Elsewhere in P see, Lev 7:16; Lev 22:18, 21, 23, 38 [H]; Num 15:3; 29:39.

Ezra 8:25 describes the תרומת בית־אלהינו that is raised (רו"מ [hi.]) by the king, counsellors, lords, and Israel. The תרומה is attested throughout the biblical corpus but Paran distinguishes the raising (רו"מ [hi.]) of the תרומה found in Priestly texts (including Ezekiel) from the bringing (בו"א [hi.]) of the תרומה more widely attested in later texts.¹⁴⁸ In the Priestly Corpus, offerings are presented (לפני יהוה) תנופה ("before Yahveh," that is, within the sanctuary) or as an expression of a transfer from owner to deity (ליהוה) תרומה ("to Yahveh," that is, without ritual or outside the sanctuary).¹⁴⁹ The depiction of the offerings in Ezra 8:25 as a raised (רו"מ [hi.]) תרומה reflects its usage in P: as an offering that is transferred to Yahveh outside the בית אלהים in Jerusalem.

Not all of P's offerings are found in Ezra 8:24-30. Missing are the ככר לחם (cf. Exod 29:23). EM also includes vessels presumably known in its time, such as כפרי זהב (in Ezra 8:27; cf. Ezra 1:10; 1 Chr 28:17) which possibly replaces P's מנקית (Exod 25:29; 37:16; Num 4:7; also Jer 52:19). EM's כלי־כסף (Ezra 8:26; "vessels of silver") does not perfectly correlate to P's כסף הכלים (Num 7:85: "the silver of vessels") but with כלי־כסף in J (Gen 24:53) and E (Exod 3:22; 11:2; 12:35). Following the observation that the Edict projects the Israelites' wealth in the wilderness in P and

148. Paran, *Priestly Style*, 297-98. See §2.3.3 for the use of תרומה in Neh 10:38, 40 [ET 37, 39].

149. See §2.3.2.

E (Ezra 7:15; §3.3.2), the construction of כלי־כסף in Ezra 8:26 suggests that EM has E's material wealth in mind. In contrast to the Elohist tradition of the wilderness generation squandering the wealth they obtained in Egypt by building idols at Horeb, EM's returnees take the necessary precautions to ensure that the wealth they accumulated in Babylon is promptly delivered to the house of God for its intended purpose.

In Ezra 8:28-29, Ezra declares that the priests are holy to Yahveh, the vessels are holy, and the silver and gold are a freewill offering (נדבה) to Yahveh. Haran observes that קדש ליהוה “is most probably a standard formula to indicate the sanctity of the offerings.”¹⁵⁰ P's priests (cf. Exod 29:1; 39:30) and Levites (Num 3:12-13) are consecrated (קדש) for Yahveh.¹⁵¹ The high priest wears a diadem (ציץ) that is inscribed with the words קדש ליהוה (Exod 28:36-38; Exod 39:30). Koch remarks that the connections between Ezra 8:28 and Exod 28:36 suggest that the former corresponds to the latter.¹⁵² I agree that EM's declaration of קדש ליהוה follows P. Exod 28:36, however, specifically has the high priest in mind which

150. Haran, *Temples*, 215.

151. In addition to the priesthood and the tabernacle, the following are קדש ליהוה: Sabbath (Exod 16:23 [P]; 31:35 [H]); houses (Lev 27:14); fields (vv. 21-23); tithes of land (v. 30), בקר and צאן (v. 32) [all P].

152. Koch, “Origins,” 187.

cannot be said for EM. A stronger comparison can be drawn from P's preparations for departure from Sinai. EM's use of the number twelve and the responsibility given to the priests and Levites for the vessels draw upon P's instructions for the upkeep and transport of the tabernacle and its appurtenances (Numbers 3-4).¹⁵³ Among these instructions, Yahveh remarks that the Kohathites are never to touch these holy items due to the lethal potency of the tabernacle and its vessels (Num 4:15). Following the first Sinai, EM needs something quantifiably קדש to accompany the caravan. Similar to how Moses is not directly in charge of the vessels (it is a physical עבדה assigned to the Levites), Ezra assigns the guarding of the holy vessels to selected priests who are deemed קדש ליהוה. Absent among Ezra's instructions is the threat of death for mishandling the vessels. This may be explained on the basis that although EM holds the vessels as holy objects, its potency (if any) does not match that of the wilderness tabernacle and its furnishings. Furthermore, the lethal potency P assigns to certain cultic objects highlights the intense sanctity of the deity and, in turn, the wilderness generation's inability to meet its requirements. In contrast to its sources, EM regards the swift and uneventful journey of its caravan as an expression of its faithfulness to Yahveh and implies

153. Williamson, *Ezra, Nehemiah*, 118-19. Note also the instructions for the construction of these items in Exod 29:36; 30:29; 40:9, 10, which are also given at Sinai.

that due to their meticulous preparation Ezra and the returnees were under no serious threat of extermination from the deity or other humans at any time during their journey between Babylon and Jerusalem.

3.6. Arrival in Jerusalem (Ezra 8:31-36)

Ezra is rewarded for his meticulous preparations for the journey from Babylon to Jerusalem. The caravan arrives in Jerusalem after only four months with all the vessels intact and safely deliver them to the house of God. There are, however, two major problems that arise from EM's description of the caravan's arrival. First, the departure of the caravan is recorded on the twelfth day of the first month but EM lacks a פסח observance on the scheduled fourteenth day. If EM is dependent on any of the pentateuchal traditions, then the omission of this festival requires an explanation. Second, what is the purpose of the offerings? The fifth month does not feature in the cultic calendar but offerings are presented days after the caravan arrives in Jerusalem on that month.

3.6.1. *The Absence of פסח*

Ezra praises Yahveh for a safe journey from enemy forces and ambushes (Ezra 8:31; cf. v. 22). According to Ezra 8:31, the caravan eventually departs for Jerusalem on the twelfth day of the first month (cf. 7:9).¹⁵⁴ In P's Sinai account, the Israelites observe פסח on the mandated fourteenth day of the first month (Num 9:1-5) and depart Sinai on the twentieth day of the second month of the same calendar year (10:11-13). If the Priestly Sinai account is one of EM's source materials then the discrepancy between the above events in EM and P requires an explanation.¹⁵⁵

The Priestly Corpus prescribes the observance of פסח on the fourteenth day of the first month (Exod 12:6, 18 [P]; Lev 23:5 [H]; Num 9:3, 5; 28:16 [P]; Josh 5:10 [P]; cf. Ezek 45:21).¹⁵⁶ Blenkinsopp comments that “[t]he actual date of departure is two

154. Commentators do not see a difficulty with the differences in the departure dates in Ezra 7:9 and 8:31 (see, for example, Pakkala, *Ezra the Scribe*, 74). The delay could be explained on account of Ezra's unexpected search for Levites (Williamson, *Ezra, Nehemiah*, 120).

155. Koch suggests that Ezra's departure from Babylon “at the beginning of a new year” recalls P's Exodus (“Origins,” 186). According to Num 33:3, the Israelites depart Rameses on the fifteenth day of the first month (the day after פסח). P includes significant events on the first day of the year (the end of the Flood [Gen 8:13]; and the inauguration of the cult [Exod 40:1]) but I contend that EM is primarily occupied by Sinai—and not the exodus from Egypt.

156. In the event that an Israelite fails to observe פסח on its scheduled date, P allows for a “Second Passover” on the fourteenth day of the second month (Num 9:9-13 [H; see Knohl, *Sanctuary of Silence*, 90]). For discussion on the unique

days before Passover, which means that they [the returnees] also imitated the ancient Israelites by celebrating the festival at the beginning of their journey to the promised land.”¹⁵⁷ If this indeed is the case then there should be either a date of departure that comes after the scheduled פסח or the description of a celebrated פסח after the actual departure date. There is neither. The lack of a scheduled פסח observance (on either the first month or the second month)—coupled with the absence of another Priestly observance, יום הכפרים, in Nehemiah 8 (see §4.4.3)—reflects EM’s interpretative strategies. I contend that EM’s omission of פסח is not due to ignorance or the late development of a festival but rather EM negotiating between different, and sometimes conflicting, cultic prescriptions. Deuteronomy mandates פסח on the month of Abib (the first month) at a centralized location (Deut 16:5-6). For an adherent of the deuteronomic program, it would be anathema for a תורה abiding priest-scribe such as Ezra to observe Passover anywhere else other than Jerusalem. In other post-exilic texts, the observance of Passover follows the deuteronom(ist)ic program: in only one place, specifically the house of God in Jerusalem (Ezra 6:19; 2 Chr 30:1-27; 2 Chr 35:1-19). For these reasons, Knowles argues that “[i]f one wanted to keep Passover, at least according to Ezra, one had to

construction of a deferred rite and its historical circumstances, see Simeon Chavel, “The Second Passover, Pilgrimage, and the Centralized Cult,” *HTR* 102 (2009): 1-24.

157. Blenkinsopp, *Ezra-Nehemiah*, 139.

travel to Jerusalem.”¹⁵⁸ If EM is fully committed to the deuteronomic program, I would expect it to explicitly mention a Passover observance in Jerusalem. I submit that EM’s departure date is a compromise between the competing פסח legislation, specifically where פסח may or may not be celebrated. EM negotiates between the deuteronomic centralization program and the priestly allowances for multiple sanctuaries (represented by the פסח celebrations in Egypt [Exod 12:6, 18] and Canaan [Josh 5:10]) and deviates from P’s departure date from Sinai in order to appease any concern that Ezra and the caravan observed Passover outside of Jerusalem.

From Ezra 7:9, it can be assumed that the caravan arrives in Jerusalem on the first day of the fifth month. This date raises few contradictions in EM’s chronology. In 8:32, the caravan remains in Jerusalem for three days (cf. v. 15). Demsky observes that the three day requirement in Ezra 8:32-33 (also Neh 2:11-12) represents the purification ritual depicted in 11QT 45:7-12, which in turn, transports the sanctity of Sinai in Exod 19:10-15 to the Temple Mount.¹⁵⁹ I submit

158. Melody D. Knowles, “Pilgrimage to Jerusalem in the Persian Period” in *Approaching Yehud: New Approaches to the Study of the Persian Period* (ed. J. L. Berquist; SBLSemSt 50; Atlanta: Society of Biblical Literature, 2007), 12.

159. Aaron Demsky, “The Three-Day Period of Purification Before Entering the Temple” in *Birkat Shalom*, 2:775-785.

that the stronger parallel lies with the Israelites pausing for three days after crossing the Jordan into Canaan (Josh 3:1-2).¹⁶⁰

3.6.2. *The Delivery of the Offerings*

Ezra 8:33-34 reports that the priests and Levites completed their duties by weighing (שק"ל [ni.]) the silver, gold, and vessels before Meremoth הכהן, Eleazar, and the Levites Jozabad and Noadiah. If, as Koch suspects, P (Num 31:48-54) is the source for this account, then EM has significantly modified its source material by replacing הכהן הגדול with a priestly committee and reshaping the Priestly pericope from its original warfare context.

The activities of the returnees are recounted in Ezra 8:35-36. They present offerings to Yahveh, deliver only the דתי המלך to the satraps and governors (§3.4.3),¹⁶¹ and support the people and the house of God. Ezra's absence is noteworthy but, I believe, not significant. The presentation of the offerings fulfils the provisions contained in the Edict (Ezra 7:17).¹⁶² Differences in Hebrew and

160. Williamson, *Ezra, Nehemiah*, 120; Blenkinsopp, *Ezra-Nehemiah*, 171.

161. The פחה ("satrap") and אחשדרפן ("governor") are not in pentateuchal literature and should be viewed as representations of EM's contemporary period.

162. Kapelrud, *Authorship*, 57; Galling, *Bücher*, 210; Williamson, *Ezra, Nehemiah*, 122.

Aramaic vocabulary aside, Ezra 8:35-36 agrees with 7:17 in the named animals (bulls, rams, and lambs) and the manner in which they are presented (קר"ב).¹⁶³ The Edict does not make clear the intent for these animals but it is doubtful that a Persian monarch or authority (either real or fabricated by a Yehudite composer) had any knowledge of the finer intricacies of the Yahvistic sacrificial system. For this reason, the correspondence between the Edict and the narrative is imperfect. Both the grain-offering and drink-offering from the Edict (Ezra 7:17) are not in Ezra 8:35. Conversely, the חטאת in Ezra 8:35 is not mentioned in the Edict. The question, however, remains: what is the occasion for the offerings? The fifth month does not feature in any of the regular festivals and these offerings should not be viewed against the background of the Priestly scheduled offerings in Lev 23:1-44 [H]; Num 28:1-29:39 [P]. EM does not have a regular observance in mind but rather the unprescribed and spontaneous עולה and חטאת offerings.

There are two apparent problems with the presentation of the offerings in v. 35. First is the summary statement. הכל עולה ליהוה follows not only the 12 bulls, 96 rams, and 77 lambs for the עולה offering (which is the second problem discussed below) but also the 12 male goats for the חטאת offering.¹⁶⁴ The חטאת (purification

163. Kapelrud, *Authorship*, 58.

164. צפירי חטאת שנים עשר. For the lateness of צפיר (cf. עתד as “male goats” in Gen 31:10, 12; Numbers 7), see Kapelrud, *Authorship*, 58.

offering), however, is *not* an עולה (burnt offering).¹⁶⁵ The distinction between the חטאת and עולה is clear in the Priestly Corpus, upheld in Ezekiel (cf. Ezek 45:17), and understood by Chr (cf. 2 Chr 29:24). Recognizing the difficulty of Ezra 8:35b, Snaith shifts הכל עולה ליהוה and proposes to read חטאת שנים עשר.¹⁶⁶

From the non-Priestly traditions, Noah's one-time עולה from clean animals and clean birds (Gen 8:20 [J]) and Abraham's spontaneous עולה of a lamb (Gen 22:13 [E]) do not suit EM's bulls, rams, and lambs. The participants in Ezra 8:35 are presumably of a non-priestly status which limits the discussion to the Priestly prescriptions for the laity. P's instructions to the Israelites (Lev 1:2b) concerning the עולה consist of offering a bull (vv. 3-9), sheep or goats (vv. 10-13), or turtledoves or pigeons (vv. 14-17).¹⁶⁷ EM retains bulls and sheep (lambs) but not turtledoves and pigeons due to their poor quality. EM's עולה also includes rams which are not

165. Following Milgrom, I equate the חטאת as a purification—and not sin—offering (see Milgrom, *Leviticus 1-16*, 253-64). P has two חטאת in mind: 1) as a purification rite intended for the sanctuary and its attending priesthood from contamination; and 2) as a expiatory rite for offences of non-cultic officials, namely, the laity and their leaders. See Jacob Milgrom, “Two Kinds of ḥaṭṭāʾt,” *VT* 26 (1976): 333-37; *idem*, *Leviticus 1-16*, 263.

166. Norman Snaith, “A Note on Ezra viii. 35,” *JTS* n.s. 22 (1971): 150-52.

167. Noting that Lev 1:1-2 only talks of an offering from the herd or flock, Milgrom raises the possibility that the bird pericope in Lev 1:14-17 may be a later addition but recognizes that “the antiquity of birds as burnt offerings is well attested in extrabiblical and prebiblical sources” (*Leviticus 1-16*, 166-68 [at 167]). In support of PC as pre-exilic (§1.1), I believe that this addition (if construed as such) predates EM.

included in Lev 1:2b-17 but feature in the **אשם** that addresses unintentional sancta desecration (Lev 5:15-19). As it can be observed in the mixed marriages episode (§5.3.2), EM knows of P's **אשם** as a well-defined remedy for suspected and unintentional—yet unconfirmed—desecration of sancta and it is unlikely that EM confuses the **אשם** with the **עולה** in Ezra 8:35. I suspect that EM incorporates P's single ram when designated persons (the high priest [Lev 9:2], a Nazarite [Num 6:14], a **נשיא** from each tribe [Numbers 7]) offer an **עולה**. According to Leviticus 4, after an offender realizes his unintentional guilt (**שגגה**) he presents a **חטאת**. Among the listed offenders, a **נשיא** is required to bring an unblemished male goat (**שעיר** **עזים זכר תמים**) (vv. 22-26) and the ordinary person offers an unblemished female goat (**שעירת עזים תמימה נקבה**) or unblemished ewe (**כבש...נקבה תמימה**) (vv. 27-35). The presentation of a male goat for a **חטאת** in Ezra 8:35 fits the offering of a **נשיא** who has committed unintentional guilt and is a spontaneous private purification offering by the leader of the clan. Another question then arises: what is the specific unintentional guilt committed by EM's **נאיש** that the **חטאת** is supposed to expiate? Among the suggestions are a cleansing from ritual defilement after a journey¹⁶⁸ or acknowledging a period of infidelity.¹⁶⁹ It appears that EM has a vague answer—the

168. Williamson, *Ezra, Nehemiah*, 122.

169. Blenkinsopp, *Ezra-Nehemiah*, 173.

suspicion that some desecration against sancta was committed at some point prior to the arrival in Jerusalem is enough for the נשיא to dutifully present the חטאת.

Another problem in Ezra 8:35 lies in the tally of 12 bulls, 96 rams, and 77 lambs. The last number is not a multiple of twelve and MT may contain an error.¹⁷⁰ If the count of 72 lambs in 1 Esd 8:65; *Ant.* 11.137 is preferred over MT, then these numbers—alongside the twelve clans in Ezra 8:1-14—appear to be a symbolic reference to the twelve tribes of Israel. Ezra 8:35, however, has a cultic occasion in mind that differs from Numbers 7 where a נשיא from each of the twelve tribes offers a burnt offering of a bull, ram, and a yearling lamb in the dedication of the altar. Kapelrud offers a defence of MT by noting the symbolism of the number seven.¹⁷¹ What is overlooked is that only the description of פרים שנים-עשר על-כל-ישראל is representative of traditional Israel and likely offered by the named leaders of the clans.¹⁷² What comes after, the rams and lambs, is a different—yet still related—matter. The animals for EM's עולה refer to P's prescriptions for the individual, private, and spontaneous עולה in Leviticus 1. Thus, the tally in Ezra

170. Rudolph, *Ezra und Nehemia*, 84.

171. Kapelrud, *Authorship*, 58.

172. Herein lies the gap between the total sum of 185 עולה offerings and the approximately 1,500 non-Priestly returnees. The leader's offering of a bull is presented on behalf of the clan members.

8:35a reflects the clan leaders offering the more expensive bulls which are then followed by the rams and lambs from the lower socio-economic classes.

3.7. Ezra's First Six Months

In this chapter, I maintain that significant portions of Ezra 7-8 contain EM's account of the first six months of Ezra's mission. Drawing upon observed parallels between Priestly literature and Ezra, Koch writes, "Ezra's march from Babylon to Jerusalem was a cultic possession which Ezra understood as a second Exodus and a partial fulfilment of prophetic expectations."¹⁷³ The preceding discussion partially supports Koch's depiction of Ezra's caravan but argues that the journey is better understood as an interpretation and fusion of the accounts of the wilderness generation at Sinai. First the compiler (R^{EM-NM}) who combines EM with NM and then a later compiler (R^{E-N}) who attaches Ezra 1-6 to EM-NM provide supplemental materials to align EM with the developing Ezra-Nehemiah corpus.

Which Sinai accounts does EM have in mind? The Sinai account in Exod 19:1-Num 10:11 is generally agreed to be composite. For the most part, EM follows

173. Koch, "Origins," 184. On the latter point, see J. Gordon McConville, "Ezra-Nehemiah and the Fulfilment of Prophecy," VT 36 (1986): 205-24.

the basic frame of the Priestly Sinai account in its presentation of Ezra's caravan as a second Sinai. In both accounts, preparations are undertaken before the departure to the destination. EM, however, does not replicate the Priestly Sinai account down to its minutiae. Instead, EM adapts the Priestly account to its contemporary situation. P lists priests and Levites as the tabernacle officers and labourers but in Ezra 7:7 EM includes נתינים among Ezra's caravan with the explanation that this class originates from David's cult. I argue that some of the other details in EM that are not found in its Priestly counterpart are derived from the other pentateuchal Sinai/Horeb traditions. EM's acceptance of a foreign king can be explained through a post-exilic interpretation of the Deuteronomic code. To a lesser degree, EM includes details from the wilderness that are exclusively Elohist or Yahvistic in order to supplement its adaptations of the Priestly or Deuteronomic traditions. As a second Moses, EM's Ezra the "priest-scribe" is not dependent on a single tradition but a collation of the multiple pentateuchal depictions of Moses.

Unlike the Sinai/Horeb account(s), EM does not describe the giving of any laws before Ezra and his caravan depart the Ahava. In its place is a copy of a purported edict from one Artaxerxes that dictates permissible actions, provisions for the caravan, and instructions for Ezra. Missing in this edict are the contents of the דת די־אלה. This is not an oversight. EM sees no need to proclaim any of the דת

אלה or התורה because this law was *already proclaimed* at the wilderness mountain.

When EM speaks of דתי אלה or התורה, it has in mind something authoritative in which its contents were already revealed and given to the Israelites. This “Law,” however, is not known to everyone—some apparently know it but others need to be taught. The caravan inherits this “Law” but, as we shall see in the second half of Ezra’s mission, there is a caveat attached.

EM also excludes something comparable to the אהל מועד and its furnishings. According to Priestly tradition, this edifice accompanies the Israelites through the wilderness and is the forerunner to an established First Temple sanctuary. According to EM, when Ezra departs Babylon there is already a functioning בית אלהים in Jerusalem. EM omits the portable tabernacle, replaces the tabernacle furnishings with lesser objects that have the quality of קדש ליהוה, and retains the ritualistic importance of cultic personnel on the journey. The absence of both a law giving at the Ahava and a portable tabernacle that accompanies the caravan suggest that EM makes certain narrativel—alongside the occasional lexical—choices to present Ezra as the leader of an idealized second wilderness generation but is confined to the cultic and political realities of Achaemenid Yehud. EM’s most significant divergence from some of its source materials is the manner in which it compresses the length of Ezra’s journey. In portraying the returnees as the true

Yahvistic community, EM presents Ezra and the caravan as faithful and obedient.

Neither Ezra rebels against Yahveh (as Moses occasionally does) nor the returnees clash against Ezra or Yahveh (as the wilderness generation frequently does). As it is demonstrated by the search for Levites and his petitionary fast for a safe journey, Ezra goes to great lengths to ensure that Yahveh's protection for the journey is secured. Unlike the lengthy forty years the Israelites take to complete the journey from Egypt to Canaan in separate Priestly and Deuteronomic wilderness accounts, Ezra's caravan takes only four months to make the journey from the Ahava to Jerusalem. More significantly, in stark contrast to Moses and nearly everyone from the generation that left Sinai who eventually perish in the wilderness, Ezra and the caravan complete the journey to their intended destination.

EM's dependency on its source materials does not end with the caravan's arrival in Jerusalem. At the point of departure and especially throughout the journey, Ezra's mission is more harmonious than that of his predecessor, Moses. Ezra, however, will be confronted with serious challenges in the second half of his mission. The same difficulties the wilderness generation faced in upholding the legal demands of its deity will also be experienced by the returnees after Ezra produces a legal document.

Chapter Four

Ezra's Proclamation of תורה (Nehemiah 7:72b-8:18)

In the previous chapter, I argued that EM presents Ezra and the returnees as a group that surpasses the wilderness generation by swiftly travelling to their destination and dutifully delivering the cultic vessels for their proper use in the house of God in Jerusalem. What exactly happens after Ezra 8:36 is not agreed upon among critics. In this chapter, I support the original placement of Neh 7:72b [ET 73b]-8:18 in between Ezra 8 and ch. 9. Within two months of the caravan's arrival in Jerusalem, Ezra is asked to bring out and read a ספר in front of a public gathering. After hearing the contents of this ספר, the assembly expresses its remorse and a concern for the proper observation of a scheduled festival arises.

The episode of Ezra's proclamation of an authoritative ספר enjoys prominence in many discussions concerning the development of תורה in the fifth-fourth century. Most critics consider Ezra's announcement to mark a fundamental—yet important—shift in the liturgical and legislative use of the Pentateuch.¹ Liturgically, some critics consider the events in Nehemiah 8 to recount a (proto-)synagogue account.² There are, however, difficulties with this association. The first attestations of an institution that resembles a συναγωγή are from third century Egypt with its emergence in Judea at least two centuries later.³ Accordingly, the perceived references in Nehemiah 8 to synagogue practices should be viewed as anachronistic.⁴ Furthermore, elements from synagogue

1. Among recent discussion see James W. Watts, "Using Ezra's Time as a Methodological Pivot for Understanding the Rhetoric and Functions of the Pentateuch" in *The Pentateuch*, 489-506; and a more cautious evaluation in John J. Collins, "The Transformation of the Torah in Second Temple Judaism," *JSJ* 43 (2012): 459-62.

2. Hölscher, "Esra und Nehemia," 543; In der Smitten, *Esra*, 39-47; Kellermann, *Nehemia*, 29-30; Gunneweg, *Nehemia*, 110; Smith, *Palestinian Parties*, 127; Rendtorff, "Esra und das »Gesetz«," 178-79.

3. Cohen, *Maccabees to the Mishnah*, 111-15.

4. These concerns are alleviated if a late dating for Ezra-Nehemiah is followed. For example, Schmid writes: "The idea of Torah reading itself is a form of cultic veneration appears clearly in Neh 8:5-8, a text arising from a setting proximate to synagogue worship and that, consequently, hardly fits a date before the second or third century B.C.E." (Konrad Schmid, "The Canon and the Cult: The Emergence of Book Religion in Ancient Israel and the Gradual Sublimation of the Temple Cult," *JBL* 131 [2012]: 294).

practice are absent in Nehemiah 8.⁵ I am of the opinion that Nehemiah 8 influences later liturgical practices and I set aside the possible influence of synagogue worship upon EM. With regard to legal praxis, I do not uphold the Pentateuch as a civic mechanism employed by the Achaemenids to achieve their imperial goals in the sub-province of Yehud. Instead, I loosely employ the term “legal” to refer to the systematic laws, regulations, and obligations—and the listed penalties and consequences declared within—that best express and represent a community’s service and obligations to its deity. My focus in this chapter will be on the legal implications that arise among Ezra’s community after תורה is proclaimed and the manner in which תורה is employed to address cultic concerns. In this case, there is nothing new about EM’s use of authoritative materials. EM follows the tradition continued from its predecessors—legislators, prophets, and historians—of interpreting and reformulating “scripture” to address its own legal, religious, and social concerns. What separates EM from its predecessor is the access to a wider selection of authoritative materials.

5. See Rudolph, *Ezra und Nehemia*, 149; Williamson, *Ezra, Nehemiah*, 281-82; Schaper, *Priester und Leviten*, 259; Pakkala, *Ezra the Scribe*, 179.

4.1. The Continuation of EM

Ezra 8 ends with the returnees' support of the **בית האלהים** in Jerusalem in the fifth month. According to E-N, Ezra is again called into action in the ninth month due to a concern that some within the community have entered into exogamous marriages (Ezra 9-10). After a gap of some thirteen years that is covered by the intervening accounts of Nehemiah, Ezra resurfaces in the seventh month alongside Nehemiah and the Levites, proclaims **תורה**, and declares a holy day to Yahveh. There are, however, notable difficulties with E-N's presentation of Ezra's mission and critics remain divided over the exact sequence of Ezra's activities.

4.1.1. The Place of Nehemiah 8

How one views the composition of Nehemiah 8-10 is crucial to one's views on the contents and shape of EM. I argued in §2 that both Neh 9:5a β -37 and 10:1-40 postdate EM and were appended after the transposition of Neh 9:1-5a α from its original location in EM. Some critics defend the order in Ezra-Nehemiah and regard Nehemiah 8-10 as correct in its current place. Eskenazi argues that Ezra disappears after proclaiming **תורה** but due to popular demand resurfaces with Nehemiah at a

later date.⁶ Following Noth, some critics view Nehemiah 8 as the first stage (followed by gradual additions in ch. 9-10) of an insertion that presupposes NM (and Ezra 7-10).⁷

There remain reasons to uphold the separation of Nehemiah 8 (and Ezra 7-10) from NM. In my opinion, the strongest arguments are as follows.⁸ First, it is unlikely—but not impossible—that after Ezra’s arrival in Jerusalem, 13 years should elapse before he opens the ספר.⁹ There is little reason to suggest that Ezra requires any time to draft and publish this ספר. It is my contention that EM considers Ezra’s ספר—whatever its contents may be—as complete from the time of Moses and the wilderness generation (see §§3.7; 4.2.2-4).¹⁰ Second, the centrality of תורה in

6. Eskenazi, *Age of Prose*, 141-44.

7. Noth regards Neh 7(6-72); 8-10 as additions (*Überlieferungsgeschichtliche*, 127-28; Eng., 47-48). See the discussion in §1.1.

8. For a comprehensive discussion, see Pakkala, *Ezra the Scribe*, 167-75. I concur with Pakkala on all points in his discussion with the exception of the redaction history that he detects in both Ezra 7-10; Nehemiah 8 (see pp. 169-70; and below in §4.1.2).

9. Rudolph, *Esra und Nehemia*, 142-43; Williamson, *Ezra, Nehemiah*, 282-83; Blenkinsopp, *Ezra-Nehemiah*, 286.

10. Likewise, Gunneweg writes: “...in Sinne des Chr nicht an ein neues, dem Volk bislang unbekannt gebliebenes oder ein von Esra neu formuliertes oder redigiertes Gesetz zu denken ist, sondern an das alte, seit Mose für Israel verbindliche Gesetz, das seit eh und je im «Buch des Gesetzes Moses» aufgeschrieben steht ([Neh] 8:1)” (*Nehemia*, 110). In favour of separate authorship of EM and Chr, I add that *both* Chr and EM hold this view of the תורת־משה.

Nehemiah 8 is a concern that is also reflected in Ezra 7-10 but is of little, if any, significance to NM. Explanations in support for the supplemental insertion of a תורה episode in its current location remain unconvincing. Third, Ezra is presented as ספר מהיר בתורות משה in Ezra 7:6 and, following vv. 12-26 (which I maintain are integral to EM), one of Ezra's objectives is to make known the "laws of your God" (v. 25). Even if the historical veracity of Artaxerxes' Edict or Ezra's mission is contested, a sensible reading requires some actual teaching of the "laws of your God." There is, however, little elsewhere in Ezra 7-10 that depicts Ezra teaching תורה. At a minimum, Neh 8:1-8 fulfils the instructions from Ezra 7:25. Ezra as the producer of an existing ספר that contains תורה is consistent with the depiction of him as learned in "the laws of your God." Finally, the numerical dates in Nehemiah 8 follow the system employed in Ezra 7-10 which differs from the calendar system used throughout NM. If Nehemiah 8 is indeed grafted onto the end of Nehemiah 1-7 then it would be reasonable to expect that this composer continues the dating system of the immediately preceding material. For these reasons (among others), Nehemiah 8 (specifically Neh 7:72b [ET 73b]-8:18) bears a closer resemblance to EM and originally belongs with the material in Ezra 7-10.

Critics who group Nehemiah 8 together with Ezra 7-10 agree that this chapter was transposed to its current location. Opinion on the original location of

Nehemiah 8 is divided between two major views. The first option places Nehemiah 8 after Ezra 9-10.¹¹ As a result, the mixed marriages episode precedes Ezra's proclamation of תורה and the order of Ezra-Nehemiah (with the intervening NM materials recognized as separate) is preserved. Support for this order is found in 1 Esd 8:91-9:36 ($\approx$ Ezra 10:1-44); 9:37-55 ($\approx$ Neh 7:72 [ET 73]-8:18) but this evidence is not decisive.¹² Mowinckel regards Nehemiah 8 as a *Bundeserneuerung* that not only follows an annual covenant renewal tied to the New Year and Sukkot but also appropriately responds to the crisis in Ezra 9-10.¹³ The similarities between Nehemiah 8-10 and the Dtr and Chr accounts of Josiah reading from a rediscovered scroll (esp. 2 Kgs 23:1-3; 2 Chr 34:29-31, respectively) followed by a covenant renewal ceremony are noteworthy.¹⁴ In support of Nehemiah 8-10 as a compilation

11. Mowinckel, *Studien*, 1:19-27, 3:7-11; Kaufmann, *tôl'dôt*, 4:287-89; Eng., 333-35; Kapelrud, *Authorship*, 14; Koch, "Origins," 179, 192; Grabbe, *Ezra-Nehemiah*, 53, 139; Ralf Rothenbusch, "The Question of Mixed Marriages between the Poles of Diaspora and Homeland: Observations in Ezra/Nehemiah" in *Mixed Marriages: Inter-marriage and Group Identity in the Second Temple Period* (ed. C. Frevel; LHBOTS 547; New York: T & T Clark, 2011), 66; *idem*, *Identitäten*, 165-70. In der Smitten views Ezra 10:18-44 as a post-Chr redaction and places Nehemiah 8 after Ezra 10:17 (*Esra*, 35-38).

12. Although some critics propose that the Heb. *Vorlage* of 1 Esdras is the precursor to EM, I follow the opinion that 1 Esdras is a later translation (and interpretation) of EM (see §1).

13. Mowinckel, *Studien*, 3:45-46.

14. Wellhausen, *Prolegomena*, 406; Eng. 408.

of originally different materials, I regard the Josiah accounts as the prototype that R^{E-N} employs by transposing the reworked EM materials (Neh 7:72b-8:18; 9:1-5aα) and attaching Neh 9:5aβ-37; 10:1-40 in order to mould the climactic narrative of a covenant renewal overseen by both Ezra and Nehemiah on the seventh month.¹⁵

The other option is to place Nehemiah 8 in between Ezra 7-8 and 9-10.¹⁶

There is, however, a variety of opinions as to what verses should be included with Nehemiah 8. Torrey includes Neh 7:69-72 [ET 70-73] with 8:1-18 as a complete narrative.¹⁷ This reconstruction requires the unlikely retention of התרשתא in Neh 8:9 (see §4.1.2). Some critics include Neh 7:72a [ET 73a] with 7:72b-8:18.¹⁸ There is little illogical about a notice of priests, Levites, gatekeepers, singers, some of the people, temple servants, and all Israel settling in towns immediately after the caravan's arrival in Ezra 8:36. However, in addition to the observation that והשוערים והמשררים are unknown to EM (see §3.1.1), Neh 7:72a (≈ Ezra 2:70) is better suited as

15. For discussion on the final form presentation of Nehemiah 8-10 as a covenant renewal, see Dennis J. McCarthy, "Covenant and Law in Chronicles-Nehemiah," CBQ 44 (1982): 34-35; Duggan, *Covenant Renewal*, 68-78.

16. In addition to below, see Schaefer, *Esra der Schreiber*, 12; Smith, *Palestinian Parties*, 90; Williamson, *Ezra, Nehemiah*, 127-28, 286-87; Blenkinsopp, *Ezra-Nehemiah*, 44-45, 286; Otto, *Deuteronomium*, 196. Pakkala places the basic layers of Nehemiah 8 in between Ezra 8 and 9 (*Ezra the Scribe*, 167-77).

17. Torrey, *Composition*, 29-31; *idem*, *Ezra Studies*, 255-58; *idem*, *Chronicler's History*, 114, 168.

18. Schaefer, *Esra der Schreiber*, 17-23; Rudolph, *Esra und Nehemia*, 144-45.

a summary of the preceding list in Neh 7:6-71 [ET 6-72] ($\approx$ Ezra 2:1-69). Kapelrud detaches Neh 8:1a and regards v. 1b as the original start of the chapter.¹⁹ I argue below that EM's mention of the Water Gate as the location where Ezra publicly proclaims תורה is intentional (§4.2.1). I accept that the chronological notice of the seventh month and only the summary statement of a settlement in Jerusalem in Neh 7:72b [ET 73b] is the appropriate continuation from Ezra 8:36. It then follows that the events of Neh 7:72b-8:18 occur two months after Ezra arrives in Jerusalem and combines Ezra's activities during the important seventh month before the proceedings in Ezra 9-10 that commence sometime in the ninth month.

4.1.2. *Literary Considerations in Nehemiah 7:72b-8:18*

In comparison to Ezra 7-8, most critics see little editorial reworking in Nehemiah 8.²⁰ Suspensions, however, remain that this chapter contains notable traces of revision. A comparison between MT and 1 Esdras reveals a couple of textual inconsistencies. Neh 8:4 names 13 persons who stand alongside Ezra when he ascends the מגדל-עץ. The comparable list in 1 Esd 9:44 lacks the last name in MT

19. Kapelrud, *Authorship*, 80.

20. For example, Karrer sees substantial reworking in Ezra 7-8 but little in Nehemiah 8 (*Verfassung*, 227-40).

(משלם). Accordingly, some critics argue that Neh 8:4 originally contained 12 names.²¹ In support of 12 names, Koch opines that Ezra's account demonstrates a strong preference for the number 12 through the number of lay representatives in Ezra 8:1-14, 24 and the sacrifices in v. 35.²² I argued that Ezra 8:35 does not reflect a scheme based on the number 12 and the use of this number as a considerable motif in EM is overstated (see §3.6.2). In further support of MT Neh 8:4, the 13 people standing with Ezra may recall the 11 full and two half tribes of Manasseh and Ephraim in the wilderness. Neh 8:9 contains another problem that is more directly relevant to the compositional history of Ezra-Nehemiah. Here, Nehemiah התרשתא, Ezra the priest-scribe, and the Levites address the community. Nehemiah is absent in Neh 8:1-8 and apparently recedes from the action in vv. 10-18. The single appearance of "Nehemiah התרשתא" in Nehemiah 8 requires an explanation. Torrey, following his reconstruction of Neh 7:69-72 [ET 70-73] as the beginning of this unit (see §4.1.1), retains התרשתא as the original subject.²³ Support may be found in 1 Esd 9:49 (καὶ εἶπεν Ἀτθαράτης Ἑσδρά τῷ ἀρχιερεὶ καὶ ἀναγνώστῃ καὶ τοῖς Λευítais) and the translation of the Aramaic term for an official title into the

21. Torrey, *Ezra Studies*, 268, 279-80; Batten, *Ezra and Nehemiah*, 355; Myers, *Ezra. Nehemiah*, 150; Gunneweg, *Nehemia*, 109; Pakkala, *Ezra the Scribe*, 155 n. 73.

22. Koch, "Origins," 194.

23. Torrey, *Ezra Studies*, 269; also Noth, *Überlieferungsgeschichtliche*, 130; Eng., 49; Blenkinsopp, *Ezra-Nehemiah*, 284.

personal name “Attharates.” Against the placement of Nehemiah 8 within Ezra 7-10, Kratz remarks that the singular **וַיֹּאמֶר** in Neh 8:9, 10 can point only to one subject and identifies Nehemiah as the original subject (cf. Neh 10:2 [ET 1]).²⁴ The insistence that a Persian **תִּרְשָׁתָא** is present to appease the gathered assembly after the **סֵפֶר** is read, whether it is Nehemiah or not, presumes that the composer envisions a moderate degree of Persian involvement in the religious laws of the Jerusalem community. According to Ezra 8:36 the satraps and civic officials receive only the **דְּתֵי הַמֶּלֶךְ**—which EM differentiates as a legal code separate from Aram. **דְּתֵי אֱלֹהִים**/Heb. **תּוֹרַת הָאֱלֹהִים**—from the returnees. There is little in EM to suggest that the Persian representatives in Jerusalem had any direct interest in religious law. Most critics correctly view **נַחְמִיָּה הוּא הַתִּרְשָׁתָא ו** in Neh 8:9 as a later editorial gloss.²⁵ I attribute this addition to the work of R^{EM-NM} who presents Ezra and Nehemiah as contemporaries in the reconstruction. After this insertion, Nehemiah is a leading partner who is also present when the law is proclaimed. Similarly, in Neh 12:26,

24. Kratz, *Komposition*, 76, 89; Eng., 70, 81-82.

25. Batten, *Ezra and Nehemiah*, 357; Rudolph, *Esra und Nehemia*, 148; Cross, “Reconstruction,” 8; repr., 160; In der Smitten, *Esra*, 43; Kellermann, *Nehemia*, 28; Williamson, *Ezra, Nehemiah*, 279; Blenkinsopp, *Ezra-Nehemiah*, 288; Min, *Levitical Authorship*, 106, Rothenbusch, *Identitäten*, 53. Pakkala retains **וַיֹּאמֶר** (with Ezra as the subject) in his “Ezra Source” and assigns the list of Nehemiah, Ezra, and the Levites in Neh 8:9 to “an editor to whom the NM and EM were already in the same composition” (*Ezra the Scribe*, 156). In defence of retaining Nehemiah in Neh 8:9, see Daniels, “Composition,” 322-23.

R^{EM-NM} includes “Ezra the priest-scribe” with “Nehemiah the governor.” The original account in EM, however, envisions only Ezra as the leader of the gathering in Nehemiah 8.

Some critics raise questions about the place of the Levites vis-à-vis Ezra in Nehemiah 8. Upon the suspicion that Ezra 8:15(b)-20 is supplemental (§3.1.2), some critics regard the depictions of Levites in Nehemiah 8 as accretions that were driven by a late developing Levitical agenda to usurp the authority of the original teacher(s) of תורה.²⁶ Blenkinsopp raises the suspicion that Nehemiah 8 contains originally separate narrative layers which he detects in vv. 3, 4, 9 (an early Ezra narrative) and vv. 8, 11 (a later Levite strand).²⁷ Pakkala supports the original placement of the base layers to Nehemiah 8 in between Ezra 8 and ch. 9 and argues that Levitical editors are ultimately responsible for the final form of this chapter.²⁸ Two of the contested breaks are in between Neh 8:7, 8 and vv. 9, 10, 11. First, the Levites explain the תורה to the people (v. 7) and unnamed persons read from the ספר (v. 8). Batten presents the dilemma as such: “the usual rendering, *caused the people to understand the law*, is impossible, for that puts the cart before the horse

26. Kratz, *Komposition*, 89 n. 88; Eng., 86 n. 35.

27. Blenkinsopp, *Ezra-Nehemiah*, 45, 284-87.

28. Pakkala, *Ezra the Scribe*, 153-56.

with a vengeance.”²⁹ This narrative concern, however, can be alleviated after v. 8 is recognized as a summary statement that refers to Ezra and the named Levites from v. 4.³⁰ Against the view that Ezra 7-8 (specifically, 7:13, 24; 8:15-20, 28-30) contains supplements that promote specific Levitical interests, I contend that EM recognizes the cultic importance of the Levites through its own post-exilic lens. By the time of Chr, the importance of this class as learned interpreters and teachers in the post-exilic Yahvistic cult is firmly established.³¹ In 2 Chr 17:7-9, Jehoshaphat dispatches Levites to provide instruction in the ספר תורה יהוה throughout Judah. More suggestive is Chr’s own material in 2 Chr 35:3 (cf. 2 Kgs 23:21-23). In Chr’s description of a פסח observance, Josiah instructs the Levites who are now recognized as teachers for Israel to set aside the physical task of transporting the ארון־קדש for “they no longer carry it on their shoulders” and commands them to serve Yahveh and the people. I regard Neh 8:7 as original to EM and reflects a

29. Batten, *Ezra and Nehemiah*, 356 [italics original].

30. Williamson, *Ezra, Nehemiah*, 290. As a result, the proposed emendation of ויקרא in MT Neh 8:8 to ויקרא (see Hölscher, “Esra und Nehemia,” 546; Schaeder, *Esra der Schreiber*, 52-53; Rudolph, *Esra und Nehemia*, 147; Pakkala, *Ezra the Scribe*, 149) to present Ezra as the sole reader of the ספר is unnecessary (see also §4.2.3).

31. In support of Neh 8:7, 8 as integral to this chapter, see Noth, *Überlieferungsgeschichtliche*, 129; Eng., 48; Kapelrud, *Authorship*, 93; Rudolph, *Esra und Nehemia*, 147. Although these critics regard Nehemiah 8 as the product of Chr, they identify the importance of the Levites’ role in the proclamation and interpretation of תורה.

developing post-exilic acceptance of the Levites as teachers of תורה (see §4.2.4). In the second contested break, the Levites are present in v. 9 but in the next verse are absent when Ezra offers reassurances to the people. The Levites are mentioned again in v. 11 when they alone calm (חש"ה [hi.]) the people. Some critics regard v. 11 (and והלויים in v. 7) as an expansion to the original Ezra narrative.³² The intrusiveness of v. 11 is suggested by its interruption of a command (v. 10 [לכו]) and its fulfilment (v. 12 [וילכו]) but narrative snippets (original or supplemental and of various lengths) do regularly interrupt these sequences. I remain unconvinced that v. 11 must be viewed as an insertion into the base layer.³³ There is little to suggest that the Levites' reassurances in v. 11 are intended to supplant Ezra's words in the previous verse. Instead, the Levites' words are complementary to those of Ezra and the Levites' assistance is consistent with their post-exilic service as teachers of the law. Although there are indications of post-exilic Levitical interests scattered throughout Nehemiah 8, arguments for these verses as additions to the base layer that serve to elevate the Levitical class are not conclusive. As I discuss below (§4.2.4), EM continues to place a high importance on the place of Levites in Ezra's

32. In addition to above, Rudolph, *Ezra und Nehemia*, 148; Pakkala, *Ezra the Scribe*, 150.

33. Following Kellermann, *Nehemia*, 28; In der Smitten, *Ezra*, 43-44; Williamson, *Ezra, Nehemiah*, 292.

community and equates these Levites to those in some of the pentateuchal wilderness traditions but updates their legal service.

Most critics regard Neh 8:13-18 as a continuation from vv. 1-12 but a growing interest in redaction criticism has led to recent presumptions that Neh 8:13-18 must be a supplement to vv. 1-12.³⁴ Wright points to suspected redactional clues and terminological differences and explains that vv. 13-18 are added to show that the community promptly executed a commandment after its reading of תורה.³⁵ Pakkala points to the ראשי האבות becoming the lead actors after v. 12 (with Ezra pushed aside) along with the narrative unease of the leaders studying the law after the people understood (vv. 2, 8-9) and suggests that an author with an interest in the returning Gola community adds most of vv. 13-18.³⁶ I contend below (§4.3.2) that the Sukkot episode originally follows the proclamation of a ספר and Ezra's near absence is explainable. I also contend that there is little to doubt Neh 7:72b-8:18 as, for the most part, a coherent unity attributed to EM with the exception of minimal additions. The only additions to the base layer I detect are in Neh 8:9 and, I argue below (§4.2.3), a minor one in v. 8.

34. Kratz, *Komposition*, 89; Eng., 82.

35. Wright, *Rebuilding Identity*, 317-18.

36. Pakkala, *Ezra the Scribe*, 151-53, 156.

4.2. A Proclamation of תורה (Nehemiah 7:72b-8:8)

In Neh 7:72b-8:8, all of the people (כל־העם) gather as one (כאיש אחד) in a square before the Water Gate. This gathering includes men, women, and מבינים. Ezra opens the scroll in the sight of the people (v. 5: לעיני כל־העם) and the people respond with the common refrain אמן אמן and worship Yahveh by lifting their hands and bowing their face to the ground.

4.2.1. *The Reshaped First Day of the Seventh Month*

EM's account of the seventh month includes multiple gatherings that have strong connections to the prescribed sacred occasions (מקרא־קדש) of the seventh month in the Priestly cultic calendars (Num 29:1-39 [P]; Lev 23:23-43 [H]).³⁷ In both calendars, the first day of the seventh month is marked with a תרועה ("blast") of some sort:

Num 29:1-6 [P]

Lev 23:23-25 [H]

37. For a discussion on the unique qualities of the Priestly special occasions—which are unrelated and distinct from the evolution of the festivals found in non-Priestly calendars—as Yahveh's "proclaimed sacred times," see Baruch J. Schwartz, "Miqrā' Qodesh and the Structure of Leviticus 23" in *Purity and Holiness in Ancient Israel, Judaism, and Christianity: Essays in Memory of Susan Haber* (ed. C. S. Ehrlich et al.; WUNT 305; Tübingen: Mohr Siebeck, 2013), 11-24.

וידבר יהוה אל־משה לאמר
 דבר אל־בני ישראל לאמר
 בחדש השביעי באחד לחדש
 יהיה לכם שבתון זכרון תרועה
 מקרא־קדש
 כל־מלאכת עבדה לא תעשו
 והקרבתם אשה ליהוה

ובחדש השביעי באחד לחדש

מקרא־קדש יהיה לכם
 כל־מלאכת עבדה לא תעשו
 יום תרועה יהיה לכם ועשיתם עלה לריח ניחח
 ליהוה

<description of offerings>
 כמשפטם לריח ניחח אשה ליהוה

Yahveh spoke to Moses:

Speak to the Israelites—

On the seventh month, the first day of
 the month,
 a sacred convocation will be yours.

On the seventh month, the first day of
 the month,
 you shall observe complete rest;
 commemorative blasts for a sacred
 convocation.

You shall not do any work.
 For you, it is a day of blasts.
 You shall make an ^c*ōlā^h* offering, a
 pleasing odour for Yahveh

You shall not do any work;
 you shall bring an ^ʿ*išše^h* offering to
 Yahveh.

<description of offerings>

according to its ordinance, a pleasing
 odour for Yahveh.

Despite H's alterations of P,³⁸ the general purpose and requirements of the first day

of the seventh month are consistent throughout PC: no work is to be done

(תרועה and the day—a מקרא קדש—is marked by a תרועה (כל־מלאכת עבדה לא תעשו))

38. Among H's changes: 1) the addition of a narrative frame (Lev 23:23); 2) the alteration of P's יום תרועה ("Day of Blasts") to זכרון תרועה ("commemorative blasts"); 3) the addition of its exclusive שבתון ("a complete rest") terminology (see Milgrom, *Leviticus* 23-27, 2013-14); 4) commanding an אשה offering and not an עולה offering; and, 5) the omission of P's required sacrifices (Num 29:2aβ-6bα).

instrumental blast.³⁹ EM follows PC's prescribed **מקרא קדש** for the first day of the seventh month without many difficulties. The absence of both the **תרועה** and sacrificial offerings requires additional discussion.⁴⁰

An explanation for the absent trumpet blast in EM lies in PC's prescribed **תרועה**. According to Num 10:2-10, two silver trumpets (**שתי חצוצרות**) are to be made before the Israelites depart from Sinai. When these trumpets are blown (**רוֹעֵעַ**) they signal an assembly or a departure (vv. 2b-8a [P], 8b [H]), serve as a remembrance (**זכרון**) before armed hostilities commence (v. 9 [P]; cf. Num 31:6 [P]; 2 Chr 13:12), and as reminders on fixed festivals (**מוֹעֲדִים**) and the first of each month (v. 10; cf. Lev 23:24 [H]).⁴¹ The blowing of an object explicitly called a **תרועה**, however, signals an alarm (Num 10:5-6). A blast of the actual **תרועה** on the first day of the seventh month would not fit Ezra's situation in Jerusalem. Unlike Nehemiah stationing a

39. For the **תרועה** as an original war clamour which develops into liturgy that acclaims Yahveh, see Paul Humbert, *La «terou^ca»: analyse d'un rite biblique* (UNRTPFL 23; Neuchatel: Secrétariat de l'Université, 1946), esp. 15-21, 41. Humbert regards the late use of **תרועה** (which he includes Leviticus and Numbers) as normally a human cry and not instrumental. This is the case in Ezra 3:10-12 where the assembly raises a **תרועה גדולה**. It is, however, difficult to read a human cry into **תרועה** in Lev 23:24; Num 10:5, 6; 29:1 (Priestly texts which Humbert dates as late).

40. For these reasons, it is suggested that Nehemiah 8 does not refer to the New Year. See Duggan, *Covenant Renewal*, 100-101; Pakkala, *Ezra the Scribe*, 163 n. 98.

41. Knohl assigns Num 10:1-10 to H (*Sanctuary of Silence*, 52-53). Upholding the pericope to P, only the notice of an eternal statute (**לחקת עולם לדרתכם**; v. 8b) and the inclusion of joyous occasions (**ובים שמחתכם**; v. 10) suggest H insertions.

trumpeter beside him ready to sound a שופר when danger arises (Neh 4:12-14 [ET 18-20]), there is no foreseeable threat of militaristic hostilities for Ezra or his community. According to EM, Ezra is dutifully reliant on only Yahveh for protection (Ezra 8:22). Also, if there was any imminent danger for Ezra's community, it would be strange for Ezra to encourage the people to eat, drink, and be merry at the end of the day (Neh 8:10).⁴² There remains, however, the Priestly command to blow a trumpet on the first day of the month in Num 10:10 (cf. Lev 23:24). EM could have ignored all of the commands in vv. 2-9 and retained only v. 10. The omission of this תרועה prescription can be explained by the absence of Priestly-mandated sacrificial offerings. Unlike PC (Num 29:2aβ-6bα [P]; Lev 23:25 [H]), EM lacks any sacrificial offerings on the first day of the seventh month. Following 1 Esd 9:38 (τοῦ πρὸς ἀνατολὰς τοῦ ἱεροῦ πυλῶνος) and placing the Water Gate and the Temple as one and the same, Mowinckel contends that the gathering on the first day takes place at the Temple but a description of offered sacrifices is unnecessary since this regular event is already presumed by the intended audience.⁴³ In favour of MT, and the physical separation of the Water Gate from the

42. Also Milgrom, *Leviticus* 23-27, 2017-18.

43. Mowinckel, *Studien*, 3:47-52; also 1:38. Mowinckel also invokes this point in explaining the lack of יום הכפורים on the tenth day of the seventh month in Nehemiah 8. I argue below that Mowinckel is partially correct about the יום הכפורים but the complete explanation lies in EM's use of its source documents (§4.4.4).

temple complex, I believe that EM excludes sacrificial offerings on the first day because it regards the Water Gate as an inappropriate location for sacrifice.⁴⁴

Against Mowinckel, a square near the Water Gate serves as the appropriate place for the *public* proclamation of a ספר in Neh 8:1-12. In contrast, PC depicts the revelation of חקים, משפטים, and תורות as a private affair between Yahveh and Moses that occurs inside the private and highly guarded inner sanctum. Deuteronomy contains the stipulation that the law should be publicly read every seventh year at Sukkot (Deut 31:10-13). EM, however, does not mention a seventh year and even if this is implied it is speculative to align the seven-year cycles in Deut 31:10-13 to the year Ezra reads this ספר.⁴⁵ To explain the dissonance, Pakkala offers the solution that Deut 31:9-13 is a late innovation dependent on Nehemiah 8.⁴⁶ Against the late dating of Deuteronomy, I contend that EM presupposes and modifies D's Sukkot legislation for its own Sukkot account (§§4.4.2-3).⁴⁷ Both the Priestly and

44. This is not to suggest that EM has no use for sacrifices outside the sanctuary. As we shall see with the אשם in Ezra 10:19, EM agrees with the purificatory power of sacrifices (§5.5.3).

45. Blenkinsopp, *Ezra-Nehemiah*, 293.

46. Pakkala, *Ezra the Scribe*, 157.

47. See, for example, Deut 31:9-13 as a late addition attributed to the *Pentateuchredaktor* in Otto, *Deuteronomium*, 180-93. Otto follows the view that Ezra knows the Pentateuch in its final (or near-final) form and regards Nehemiah 8 not as a reproduction of Deut 31:9-13 but as an interpretation that applies this description of the סבית celebration for its own purpose (pp. 196-211).

Deuteronomic proclamations of Yahveh's laws are unlikely the prototype for EM. Instead, EM follows another pentateuchal tradition that presents the proclamation of Yahveh's laws as a public spectacle.

4.2.2. *Public Proclamations of "Law"*

To begin, the comparable assembly of the people gathered כָּאִישׁ אֶחָד to celebrate Sukkot in Ezra 3:1-7 belongs to an originally separate tradition (one that postdates EM; see §1.1). Turning to the Sinai narrative in Exod 19:1-Num 10:11, the Israelites positively respond to Yahveh as a collective unity on two occasions. After the Israelites arrive at a mountain, Yahveh—with Moses as the intermediary—reminds the Israelites of his saving acts and announces his demands. The people accept these demands (Exod 19:8a):

ויענו כל־העם יחדו ויאמרו כל אשר־דבר יהוה נעשה

All the people answered as one, "all that Yahveh has spoken we will do." (Exod 19:8a)

After the pyrotechnic display at the mountain, Yahveh first gives the דְּבָרִים (the Decalogue [20:1-17]). However, the Israelites are terrified of the trumpet blasts and the mountain engulfed in smoke, collectively tell Moses that they want no part of Yahveh, and keep a safe distance from the scene (Exod 20:18-21). More cultic

instructions follow in the form of CC (Exod 20:23-23:19). The people accede to their deity's demands a second time:

ויען כל־העם קול אחד ויאמרו כל־הדברים אשר־דבר יהוה נעשה

All the people answered in one voice, “all the words that Yahveh has spoken we will do.” (Exod 24:3)

יחדו and קול אחד are different words but both convey the same meaning: the people, as a single entity, affirm Yahveh's words. Exodus 19 and ch. 24 contain materials source critically assigned to J, E, and P. The visual theophany (absent a law code) is J's Sinai event in Exod 19:9b-16aα, 18, 20-25 (with ואהרן עמד in v. 24aβ to R^{Pent}). What remains in Exodus 19 is on the one hand, a Priestly chronological notice (vv. 1-2a) and, on the other hand, events that anticipate the giving of the Decalogue and CC (vv. 2b-9a, 16aβ-17, 19). This event, the contents of the Decalogue and CC, and the brief narrative in between (20:18-22) belong to E's Horeb event. The Israelites' second affirmation (Exod 24:3-8), including their auditory participation (v. 7: באזני העם), also belong to E. The Elohist narrative places the Israelites within auditory range of the deity and they twice respond to the proclamation of his ordinances. The other traditions preserved in Exodus 24 project a different picture. In J, Yahveh calls only Moses, Aaron, Nadab, Abihu, and seventy elders to ascend Sinai—leaving the people at the foot of the mountain—and worship at a distance (v. 1). In P, Yahveh's כבוד is visible to the Israelites (v. 17) but only for the revelation of the blueprint for the tabernacle. After the tabernacle is

built to Yahveh's specifications, the **כבוד** enters and it is from within the sacred precincts the Priestly **תורות** are given to Moses. According to D, the Israelites are present at the foot of Horeb for the **עשרת הדברים** and **משפטים** but, despite their close proximity, they only hear Yahveh's voice from a fire (Deut 4:10-14; 5:4). Following E, D regards the events at Horeb as primarily an auditory affair. D also follows E in presenting the people as fearful of the divine voice and, wanting no part of Yahveh themselves, delegate Moses as the intermediary (Deut 5:22-27; cf. Exod 20:18-21). In D, however, the Israelites do not respond uniformly (or in any way) in anticipation of the Decalogue (Deut 5:6-21) or after the giving of the legal code.

It could be contested that E's **קול אחד** (Exod 19:8a) or **יחדו** (Exod 24:3) is unlike EM's **כאיש אחד** (Neh 8:1). It could also be argued that there is a difference between responding **קול אחד** or **יחדו** and gathering **כאיש אחד**. I maintain that the slight differences can be explained by EM recasting E's account into its contemporary period. Compared to the earlier pentateuchal traditions, Yahveh is noticeably absent in EM and the contents of Ezra's **ספר** are not specified. EM recognizes that Yahveh already revealed his ordinances to the distant wilderness generation and, following the claim preserved in PC, what was revealed to this generation are to be observed in perpetuity—they are, in the words of H, **חקת עולם**.

A “second” account of the giving of the law in Nehemiah 8 would undermine the giving of the law *par excellence* to the wilderness generation. There is, however, an overhanging question: if EM bases his account from the wilderness narratives—even if the תורה was already revealed in some form—then why does Ezra proclaim the תורה in Jerusalem and not at the Ahava? Unlike the wilderness generation, Ezra’s caravan arrives at their intended destination without any complications. According to the relevant pentateuchal traditions, the wilderness generation can only receive Yahveh’s instructions in the desert because nearly everyone fails to survive the entire journey. EM reinforces the righteousness of Ezra’s returnees over the exodus generation by shifting the proclamation of תורה to where it perceives is the appropriate and rightful location: Jerusalem. Recognizing the existence of the תורת משה, EM pushes its proclamation from the first month at the Ahava to the seventh month in Jerusalem. Furthermore, EM presents this proclamation as one conducted among the masses and finds its precedent in the exclusively Elohist depiction of the wilderness generation’s explicit acceptance of Yahveh’s “laws.”

Rather than anticipate or respond to a newly revealed “law,” the people collectively ask Ezra to bring out the ספר תורת־משה. Whatever this ספר תורות משה refers to was not a new invention and does not require Yahveh’s revelatory speech.

Some of its contents may have already been known by Ezra's community.⁴⁸ EM, however, distinguishes knowing the existence of something called *תורות משה* from knowing its actual contents. Following the acknowledgement that some judges and magistrates might require instruction in the *דתי אלה* (Ezra 7:26), the upcoming episodes of *סבות* in Neh 8:13-18 and the mixed marriages in Ezra 9-10 reflect the concern that uncertainty exists with the precise demands of the *תורת משה*.

4.2.3. *Ezra's ספר*

EM consistently refers to the many variations of *התורה* as "Law" (§3.4.2). Do EM's multiple descriptions of *ספר* also refer to a single identifiable object? Nehemiah 8 contains four different labels of *ספר*; all of which, I argue below, EM employs to describe the same object.

First, in Neh 8:1 the people ask Ezra to bring the *ספר תורת משה אשר-צוה יהוה*. According to EM, Ezra is *ספר מהיר בתורת משה אשר-נתן יהוה אהלי ישראל* (Ezra 7:6). Similar to the relative clause in Ezra 7:6, *אשר-צוה יהוה את-ישראל* in Neh 8:1 suggests that EM presumes this *ספר* as something already made known to the Israelites. A similar description of the *ספר* in Neh 8:1 is found in Josh 8:31b; 23:6

48. Rudolph, *Ezra und Nehemia*, 145; Mowinckel, *Studien*, 3:129, 135, 140; Gunneweg, *Nehemia*, 110.

(ככתוב בספר תורת משה); 2 Kgs 14:6 (ככתוב בספר תורת משה). There is no mention of the *תורת משה* in the Pentateuch as it would be odd (but not impossible) for Moses to refer to a law as his own. 2 Kgs 14:6 and its parallel in 2 Chr 25:4 offers an intriguing suggestion into the shape of EM's source material. Chr, in its revision of 2 Kgs 14:6, switches *ספר* and *תורה*:

ככתוב בספר תורת־משה

As written in the scroll of the *tôrā^h* of Moses (2 Kgs 14:6)

ככתוב בתורה בספר־משה

As written in the *tôrā^h* in the scroll of Moses (2 Chr 25:4)

The swap is subtle as both accounts refer to the same legal prescription contained in Deut 24:16 but Chr's revision is instructive of the changing shape of the source material. *ברורה* and *בספר־משה* could be read in apposition ("in the *tôrā^h*, [that is,] the scroll of Moses") but the distinctiveness of the *ספר משה* as an entity in its own right (separate from *התורה*) is suggested in texts that arguably postdate EM: Ezra 6:18; Neh 13:1; 2 Chr 35:12. In 2 Chr 25:4, *התורה* appears as a distinct entity within a late developing and defined corpus, the *ספר משה*.⁴⁹ EM (along with its source materials), however, does not refer to anything called *ספר משה* and—following the

49. See Armin Lange, "Authoritative Literature in the Chronistic Corpus" in *The Words of a Wise Man's Mouth are Gracious* (Qoh 10,12) (ed. M. Perani; SJ 32; Berlin: de Gruyter, 2005), 34. The contents of this *ספר משה* are never identified but I conjecture that this label is one (of the possibly many) appellations of the final form of the Pentateuch that postdates EM.

different uses of תורה employed by different composers—its reference to התורה (here, תורת משה) is different than Chr’s all-encompassing התורה (the “Law”).

Second, Neh 8:3 contains the notice that the people are attentive to “the scroll of the law” (ספר התורה). According to Deut 31:26, this ספר התורה is to be placed in the ark of the covenant as a witness for the Israelites. Descriptions of the ספר התורה are found elsewhere in D (Deut 28:61; 29:20 [ET 21]; 30:10) and Dtr (Josh 1:8; 8:34; 2 Kgs 22:8 [//2 Chr 34:15], 11). EM recognizes that תורה was entrusted to Moses and its label of ספר התורה is equivalent to ספר תורת משה (Neh 8:1).

Third, the הספר in Neh 8:5 likely refers to the other, yet more precise, labels of ספר throughout EM. The pentateuchal law-giving accounts contain multiple references to ספר but these ספרים are precisely defined. In the aftermath of E’s molten calf episode, Moses intercedes on behalf of the Israelites by asking Yahveh to remove his name from a ספר if the people are not forgiven (Exod 32:32: מספרך). Yahveh refuses, maintaining that whoever sins will be removed from his ספר (v. 33: מספרי). In P, a priest writes curses against a suspected adulteress in a ספר (Num 5:23). D refers to the writing of a copy of the תורה on a ספר that the monarch is required to read all his life (Deut 17:18-19). The הספר in Neh 8:5 does not refer to any of the above references to ספר. In 2 Kgs 22:8//2 Chr 34:15, the ספר התורה is

rediscovered and Hilkiah gives “the book” (הספר) to Shaphan. Likewise, הספר in Neh 8:5 undoubtedly refers to the same ספר in Neh 8:1, 3.

Fourth, both Neh 8:8, 18 contain a description of reading (קר"א) from בספר (ב). In support of Neh 9:1-5aα as EM material transposed from its mixed marriages episode,⁵⁰ I also include a near similar description in Neh 9:3. In MT, these three descriptions slightly diverge from one another:

Neh 8:8	וּקְרָאוּ בַסֵּפֶר בַּתּוֹרַת הָאֱלֹהִים
Neh 8:18	וּקְרָא בַסֵּפֶר תּוֹרַת הָאֱלֹהִים
Neh 9:3	וּקְרָאוּ בַסֵּפֶר תּוֹרַת יְהוָה הָאֱלֹהִים

Although Neh 8:8 could be read “from the scroll of the Teaching of God” (NJPS) the text better supports the more literal “from the book, from the law of God” (NRSV).

Rudolph emends the vocalization and consonantal text in Neh 8:8 to resemble v.

18.⁵¹ Although the *paṭaḥ* in MT (בַּסֵּפֶר) is grammatically acceptable and any proposed changes in the consonantal text could result in greater difficulties, I accept most of the suggested emendations in Neh 8:8. In MT, בספר בתורת האלהים only occurs in this verse. More common is בַּסֵּפֶר תּוֹרַת מֹשֶׁה (Josh 8:31; 23:6; 2 Kgs 14:6) or בַּסֵּפֶר תּוֹרַת אֱלֹהִים (Josh 24:26). In support for the preposition ב in בתורה as a

50. See §§2.1.1; 5.5.2. However, some regard Neh 9:3 as part of a secondary addition (see Rudolph, *Ezra und Nehemia*, 156; Pakkala, *Ezra the Scribe*, 181).

51. Rudolph, *Ezra und Nehemia*, 147.

secondary addition,⁵² which in turn requires the repointing of the *paṭaḥ* to *š³vā³*, the description of the ספר in Neh 8:8 matches v. 18. I am less convinced of the need to emend the plural ויקראו in Neh 8:8 to singular ויקרא.⁵³ The plural also occurs in Neh 9:3 without much difficulty and Neh 8:8 should be regarded as a summary statement (see §4.1.2). There remains ספר תורת יהוה אלהים in Neh 9:3. Descriptions of ספר תורת יהוה are in 2 Chr 17:9; 34:14 and the individual pentateuchal traditions do not know of a תורת משה.⁵⁴ I submit that after Neh 9:1-5aα was transposed to its current location, R^{E-N} adds יהוה and changes אלהים to אלהים in Neh 9:3 to give the ספר that is read on the reshaped seventh month a description that is more commonly used at a later period. If these above reconstructions are acceptable then EM has in mind something called the ספר תורת האלהים in Neh 8:8, 18; 9:3. This label is also given to the scroll Joshua produces after a covenant is established (כר"ת) with the Israelites in Josh 24:26. Classically, Josh 24:1-28 is assigned to E, JE, or—among opponents of an E source—J. Most critics deny the continuation of pentateuchal sources into Joshua and some recognize Joshua 24 as

52. Following Rudolph, In der Smitten, *Esra*, 41; Gunneweg, *Nehemia*, 109. I attribute this addition to R^{EM-NM}.

53. See §4.1.2.

54. In §3.4.2, I suggested that the single occurrence of תורת יהוה in the Pentateuch (Exod 13:9aβ) is an insertion.

Deuteronomistic.⁵⁵ If Josh 24:26 is Deuteronomistic then an argument can be made that all of EM's references to a ספר derive from a single tradition. The notion of substantial Dtr authorship or redaction, however, is no longer widely agreed upon and there is a growing view that Josh 24:1-28 is a concluding post-Dtr summary for the Hexateuch. Römer and Brettler suggest that the reference to ספר תורת האלהים in Josh 24:26 is the title for a short-lived Persian period Hexateuch.⁵⁶ There remain, however, reasons to revisit the classical assignment of (at least parts of) Joshua 24. I agree that the compositional history of Joshua 24 is complex and surmise that its final form is the product of a base layer and supplements. Looking at only vv. 19-27, the events of the Israelites expressing their fidelity to Yahveh (despite Joshua's skepticism) followed by the establishment of a ברית resemble E's public acceptance of Yahveh's terms established at Horeb. Furthermore, Joshua's warning that the Israelites will abandon Yahveh for foreign gods (v. 20: אֱלֹהֵי נֹכַח, v. 23: אֱת־אֱלֹהֵי הַנֹּכַח) resembles E's ongoing concern for the ominous presence of these other gods.⁵⁷

55. For an examination of the six major literary-critical positions for Joshua 24 (basic E; basic JE; J; D/Dtr; a redacted covenant account; an eye-witness account), see William T. Koopmans, *Joshua 24 as Poetic Narrative* (JSOTSupp 93; Sheffield: JSOT, 1990), 104-17. Koopmans' survey ultimately leads to his rejection of all of these literary-critical solutions and is the starting point for his argument that Joshua 24 represents a distinct genre of poetry.

56. Römer and Brettler, "Deuteronomy 34," 415-16.

57. In Gen 35:2, 4, Jacob instructs his household to get rid of the foreign gods and then buries the confiscated idols under a tree near Shechem. These verses

EM's descriptions of ספר תורת משה (Neh 8:1), ספר התורה (v. 3), הספר (v. 5), and ספר תורת האלהים (v. 18; reconstructed in v. 8; Neh 9:3) all refer to a single document. This ספר recalls another ספר that is produced after the Israelites pledge their allegiance to Yahveh in the Deuteronomic and Elohist traditions. In D, this is the ספר התורה (also called the ספר תורת משה in Dtr) and in E the ספר תורת אלהים. EM does not explicitly equate its ספר with either one of these ספרים but it upholds the legacy of a piece of writing entrusted to the Israelites and presents the Jerusalem community as the inheritors of a document given by Yahveh to its distant ancestors.

4.2.4. Opening the Scroll

An apparent contradiction arises in Neh 8:3-5. In v. 3, Ezra reads the ספר but immediately after this verse, Ezra ascends a מגדל-עץ (v. 4) and opens the ספר (v. 5). The illogical sequence of events is appeased after v. 3 is viewed as a summary

are identified as E (see Friedman, *Sources Revealed*, 89; Jules F. Gomes, *The Sanctuary of Bethel and the Configuration of Israelite Identity* [BZAW 368; Berlin/New York: de Gruyter, 2006], 90-91; Baden, *Composition*, 233). Graupner argues that the reference to the giving of earrings (Gen 35:4) is a circumlocutory reference to the earrings used to construct the molten calf in Exod 32:2-3 [E] (*Elohist*, 299). I submit that the prediction in Deut 31:16 that the Israelites will whore after foreign gods (זונה אחרי) (אלהי נכר-הארץ) aligns with Gen 35:2, 4; Exod 32:2-3 and is also part of an E pericope (see §1.4).

statement.⁵⁸ In v. 3, Ezra reads “from sunrise until midday” (מִזְחֵהָאֹר עַד־מַחְצִית הַיּוֹם), which is a period of five, six, or seven hours.⁵⁹ Support for six hours can be found in Neh 9:3 (which I argue is EM) where the סֵפֶר (see §4.2.3) is read for a “fourth of the day” (רַבְעִית הַיּוֹם). The contents of Ezra’s סֵפֶר are impossible to determine from Nehemiah 8 (or 9:3) but it is unlikely the entire Pentateuch. Lim calculates that Ezra would have to maintain a phenomenal rate of 16 verses per minute to read the entire Pentateuch in six hours.⁶⁰ According to J+, E,⁶¹ and D (cf. Deut 11:32), the law giving takes place within a relatively short period of time and no longer than a single day. In contrast, the law-giving in PC is drawn out over a longer period of time from Sinai until the Israelites reach the plains of Moab.⁶² An attractive suggestion may follow that the reading of the סֵפֶר הַתּוֹרָה (Neh 8:3; cf. Deut 31:26

58. Rudolph, *Ezra und Nehemia*, 146; Kellermann, *Nehemia*, 27; Williamson, *Ezra, Nehemiah*, 288. The relationship between Neh 8:3 and its surrounding verses is contested but for v. 3 retained as original see Batten, *Ezra and Nehemiah*, 355 (v. 5 duplicates v. 3); Wright, *Rebuilding Identity*, 321 (v. 3 continues from v. 1 with v. 2 an addition); Pakkala, *Ezra the Scribe*, 146-47 (v. 3 is original and vv. 4-8 from a later editor). Contra Mowinckel, *Studien*, 3:52: “ein später hinzugefügter Zusatz.”

59. Williamson, *Ezra, Nehemiah*, 288; Blenkinsopp, *Ezra-Nehemiah*, 287.

60. Lim, *Formation*, 68.

61. Specifically, the proclamation of the Decalogue and CC and not the giving of the tablets which according to E takes place at least 40 days (Exod 34:28).

62. Baruch J. Schwartz, “The Priestly Account of the Theophany and Lawgiving at Sinai” in *Texts, Temples, and Traditions: A Tribute to Menahem Haran* (ed. M. V. Fox et al.; Winona Lake, Ind.: Eisenbrauns, 1996), 124.

[D]) and the ספר תורת האלהים (Neh 9:3; cf. Josh 24:26 [E]) in two separate quarter-day blocks are opaque acknowledgements of the existence of the four classical pentateuchal documents. This is, however, speculative. Nevertheless, at both public readings of the ספר, it is likely that only a portion—and not the entirety—of the final form of the Pentateuch is read.

The מגדל-עץ that Ezra stands on was made for a specific purpose (Neh 8:4: (אשר עשו לדבר).⁶³ Its precise meaning is uncertain.⁶⁴ It is evident that this מגדל-עץ is something elevated (v. 5: כי-מעל כל-העם היה). EM's portrayal of Ezra proclaiming תורה from an raised position is akin to the pentateuchal narratives of Moses receiving Yahveh's ordinances on elevated ground; specifically, a mountain called Sinai (in J, P) or Horeb (in E, D). When Ezra opens the scroll from this elevated position, the assembly stands (עמד). By the time the Levites explain (hi.) [בי"ג] the תורה (Neh 8:7) and the ספר is read (v. 8), the assembly is again standing.⁶⁵ Among

63. Batten, *Ezra and Nehemiah*, 354-55; Kapelrud, *Authorship*, 82; Williamson, *Ezra, Nehemiah*, 288.

64. Among the suggestions: tower (Batten, *Ezra and Nehemiah*, 354); pulpit (Kapelrud, *Authorship*, 81; Gunneweg, *Nehemia*, 110). The depiction of Solomon standing on a bronze platform (כיור נחשת) in the court of the בית-יהוה in 2 Chr 6:13 may offer a comparable example (see Williamson, *Ezra, Nehemiah*, 288; Blenkinsopp, *Ezra-Nehemiah*, 287).

65. The act of the assembly arising from their prostration is inferred from EM. See Rudolph, *Esra und Nehemia*, 147; Williamson, *Ezra, Nehemiah*, 289.

the pentateuchal law-giving accounts, E (Exod 20:18, 21) and D (Deut 4:10-14)

present the Israelites as standing (עמ"ד) when Yahveh gives the ordinances. In Neh

8:6a, Ezra blesses Yahveh as האלהים הגדול.⁶⁶ The people pledge their allegiance to

Yahveh with a response of אמן אמן and raise their hands (v. 6bα).⁶⁷ קד"ד ("bow

down") is always paired with חו"ה ("worship") (v. 6bβ) to express an act of

obedience. From the pentateuchal law-giving accounts, the only report of bowing

and worshipping is contained in Exod 34:8 [J]. Here, Moses bows and worships not in

response to any revelation of Yahveh's laws or in receiving any tablets (Exod 34:1,

4a*, b, 5aα are assigned to E) but to implore Yahveh to accompany the Israelites

through the reminder of their wilderness journey despite their shortcomings (v. 9).

Nowhere in this episode does Moses bless Yahveh. A stronger parallel is found in 1

Chr 29:20 where David exhorts the assembly to bless Yahveh and this assembly

communally responds by bowing (קד"ד) and worshipping (חו"ה) with their faces to

66. Yahveh as האלהים הגדול likely reflects a late expression (Kapelrud, *Authorship*, 82). Similar attributions of Yahveh include: האל (ה) גדול ונורא (Neh 1:5; 1QM 10:1); אל גדול הגב(ו)ר ונורא (Deut 10:17; Neh 9:32); האל הגדול הגבור (Jer 32:18); אלהא רבא (Ezra 5:8; cf. TAD C3.12:26: לנקה קדם אפתח אלהא רבא ["For libation before Ptaḥ the great god"]).

67. Batten regards the raising of hands as an act of prayer akin to Exod 17:11 (*Ezra and Nehemiah*, 355). Moses lifting his hands is not an act of prayer and the surrounding narrative of the battle against Amalek is unlike EM's proclamation of תורה.

the ground. The description of קד"ד and חו"ה in Neh 8:6 may similarly reflect the actions of a post-exilic assembly.

In MT Neh 8:7, there are 13 named persons *and* Levites (והלויים). The conjunction may be omitted and the list actually consists of 13 named Levites.⁶⁸ Even if the literal meaning of the conjunction is kept, Levites are undoubtedly present to explain תורה to the people. I contend that EM, alongside post-exilic literature, views the Levites as integral transmitters of תורה to the community (see §4.1.2). In contrast, the Levites do not perform a teaching role in the pentateuchal law-giving accounts. The Levites are completely absent in E. According to Deuteronomy and the Priestly Corpus, the Levites provide physical labour for the transport of D's ארון (Deut 10:8-9) or P's wilderness tabernacle (Numbers 1-4).⁶⁹ The investiture of the Levites in Exod 32:26-29, source-critically assigned to J, appears within the final form of the "Sinai" account but this episode does not fit well within the surrounding (Elohistic) molten calf narrative. Noting the connections with the tribal blessing of Levi in Deut 33:8-11 (especially vv. 8b-9), Baden argues that Exod

68. Williamson, *Ezra, Nehemiah*, 278; Blenkinsopp, *Ezra-Nehemiah*, 284. 1 Esd 9:48 (οἱ Λευῖται) lacks the conjunction.

69. Furthermore in Deuteronomy, the levitical priests who are present in the central cult enjoy their right to perform priestly duties but they are not engaged in writing or teaching. For a full discussion, and critique of classical views, see Weinfeld, *Deuteronomistic School*, 53-58.

32:26-29 was transposed from its original location in J after Exod 17:1b β -7.⁷⁰ As a result, the Levites do not feature in J's Sinai account. Outside of the Sinai account, there is the praise of Levites as teachers in a tribal blessing incorporated into J:

יורו משפטיך ליעקב
ותורתך לישראל

They shall instruct your judgements to Jacob
And your instruction to Israel (Deut 33:10a)

The role of the Levites in Neh 8:7 is consistent with the post-exilic teaching Levite (cf. 2 Chr 17:7-9; 35:3) but, in light of an early tradition reflected in Deut 33:10, this teaching role is not a later innovation. Although the Levites are absent in any Sinai or Horeb law giving accounts, EM could still follow an earlier tradition of the Levites as teachers of Yahveh's **משפטים** and **תורה**. The post-exilic innovation is not so much the teaching Levite; rather, Neh 8:8 and 2 Chr 35:3 recast the Levites preforming their teaching duties for the people after **תורה** is proclaimed.

An important aspect of this teaching is contained in the summary statement in Neh 8:8 which describes the communal reading of the **ספר תורה** (reconstructed in §4.2.3) with the passive participle **מפרש** (*pu.*). The precise meaning of **מפרש** (*pu.*) is debated. Among the suggestions are “paragraph by

70. Joel S. Baden, “The Violent Origins of Levites: Text and Tradition” in *Levites and Priests in Biblical History and Tradition* (ed. M. Leuchter, J. M. Hutton; SBLAIL 9; Atlanta: Society of Biblical Literature, 2011), 109-11. For Deut 33:1-29 as an originally independent poem incorporated into J, see §1.4.

paragraph,”⁷¹ “interpret,”⁷² “distinctly,”⁷³ and “explaining.”⁷⁴ Following Aram.

מפרש in Ezra 4:18, a commonly-held view is that the Levites are translating a law

written in Hebrew into a common vernacular, Aramaic.⁷⁵ Against this

interpretation, In der Smitten contends that both Nehemiah and the Chronicler

should also have written in Aramaic to reach a Jerusalem audience and that the

Aramaic portions in the book of Ezra applies to “nichtjerusalemische staatliche

Stellen.”⁷⁶ Fishbane remarks that מפרש in Neh 8:8 reflects “developed and well-

known exegetical procedures” that incorporate a similar sense of a legal decision in

71. Williamson, *Ezra, Nehemiah*, 277-79.

72. Gunneweg, *Nehemia*, 112.

73. Blenkinsopp, *Ezra-Nehemiah*, 288; Duggan, *Covenant Renewal*, 114.

74. Hindy Najman, “Torah of Moses: Pseudonymous Attribution in Second Temple Writings” in *The Interpretation of Scripture in Early Judaism and Christianity: Studies in Language and Tradition* (ed. C. A. Evans; JSPSupp 33; SSEJC 7; Sheffield: Sheffield Academic, 2000), 206; *idem*, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism* (JSJSupp 77; Leiden/Boston: Brill, 2003), 35.

75. Batten, *Ezra and Nehemiah*, 356-57; Schaeder, *Esra der Schreiber*, 53; Rudolph, *Esra und Nehemia*, 149; Galling, *Bücher*, 233-34; Mowinckel, *Studien*, 3:56; Kellermann, *Nehemia*, 29; Myers, *Ezra. Nehemiah*, 151, 154; Joachim Schaper, “Hebrew and its Study in the Persian Period” in *Hebrew Study from Ezra to Ben-Yehuda* (ed. W. Horbury; Edinburgh: T & T Clark, 1999), 15; *idem*, *Priester und Leviten*, 263-64; Otto, *Deuteronomium*, 200; Schniedewind, *How the Bible Became a Book*, 179-80; *idem*, *A Social History of Hebrew: Its Origins Through the Rabbinic Period* (AYBRL; New Haven, Conn./London: Yale University Press, 2013), 141; Ingo Kottsieper, “‘And They Did Not Care to Speak Yehudit’: On Linguistic Change in Judah during the Late Persian Era” in *Judah and the Judeans in the Fourth Century B.C.E.*, 103-4.

76. In der Smitten, *Esra*, 42.

Lev 24:12 (פר"ש [qal]); Num 15:34 (פר"ש [pu.]) with what he regards as "the more developed sense of a report read explicitly or precisely before the king" in Ezra 4:18.⁷⁷ I set aside Ezra 4:18 as a verse that postdates EM; however, Lev 24:12 [H] and Num 15:34 [H]⁷⁸ offer an intriguing background that could explain the intended use of מפרש in Neh 8:8. In the separate cases of the blasphemer (Lev 24:10-23) and the errant Sabbath wood burner (Num 15:32-36), a suspected infraction arises due to the absence of a legal precedent or prescription and an oracular intervention is required.⁷⁹ Each suspect is placed in custody until it is determined if an act of desecration has been committed against sancta (לפרש להם על-פי יהוה [Lev 24:12]) or because what should be done has not yet been decided (כי לא פרש מהייעשה [Num 15:34]). In both episodes, פר"ש expresses the act of deciding after Yahveh's judicial ruling breaks the legal standstill. Both episodes demonstrate that when such ambiguities arose, the wilderness generation had a direct channel to Yahveh. After the oracular pronouncement is announced the Israelites have the legal backing to eliminate the offender from their midst. The antiquity of the divine oracle is also

77. Fishbane, *Biblical Interpretation*, 108-09 (both quotations at p. 108).

78. Num 15:32-36 is certainly Priestly material but may be more precisely assigned to H (see Knohl, *Sanctuary of Silence*, 18; Milgrom, *Leviticus* 17-22, 1341-42).

79. For a discussion on the form and function of oracular pronouncements within the Priestly Corpus, see Simeon Chavel, "'Oracular Novellae' and Biblical Historiography: Through the Lens of Law and Narrative," *Clio* 39 (2009): 1-27, esp. 17-25.

suggested by the use of דר"ש in Gen 25:22-23 [J] as Rebekah inquires of Yahveh and a oracular response follows.⁸⁰ Within the background of Lev 24:12; Num 15:34, I regard מפרש in Neh 8:8 as alluding to *distinguished* (i.e., “complete”) ספר תורה in the sense that this ספר contains all of Yahveh’s instructions revealed to the wilderness generation.⁸¹ This view finds additional support in a recent article by Gabbay who argues that Heb. שום שכל, which immediately follows מפרש in Neh 8:8, is a semantic loan from Aram. *šîm ṭē-ēm* and Akk. *ṭēma šakānu* and is idiomatic for instructing a divine command.⁸² I submit that the proposed translation for מפרש as “decided” completes the idiom.⁸³ Fried argues that Ezra’s scroll itself becomes the oracular device and the manifestation of Yahveh that was deposited into the Second Temple.⁸⁴ Although this conclusion is based on the final form of

80. Ronald S. Hendel, *The Epic of the Patriarch: The Jacob Cycle and the Narrative Traditions of Canaan and Israel* (HSM 42; Atlanta: Scholars, 1987), 39. Cf. Ezra seeking (דר"ש) the תורה יהוה in Ezra 7:10aβ.

81. Pakkala suggests that מפרש should be emended to a plural in order to align with ויקראו (*Ezra the Scribe*, 148-49). The participle, however, refers to the ספר (Blenkinsopp, *Ezra-Nehemiah*, 288) and an emendation is unnecessary.

82. Uri Gabbay, “Hebrew *sôm šekel* (Neh. 8:8) in Light of Aramaic and Akkadian,” *JSS* 59 (2014): 47-51.

83. Contra Rothenbusch’s reading of מפרש שום שכל as “ein erläuternder ‘abschnittsweiser’ Vortrag” (*Identitäten*, 166-67).

84. Lisbeth S. Fried, “The Torah of God as God: The Exaltation of the Written Law Code in Ezra-Nehemiah” in *Divine Presence and Absence in Exilic and Post-Exilic Judaism: Studies of the Sofja Kovalevskaja Research Group on Early Jewish Monotheism. Vol. II* (ed. N. MacDonald, I. J. de Hulster; FAT.II 61; Tübingen: Mohr Siebeck, 2013),

Nehemiah 12 (she considers Neh 8:8 as part of a Levitical addition and not original),

I remain skeptical that the Second Temple cult considered the possibility that

Yahveh takes on the form of an earthly physical object. Although Haggai predicts

that Yahveh's כבוד will come down and inhabit the Second Temple, in Third Isaiah

Yahveh asks "What is this house you will build for me? What is my resting place?"

(Isa 66:1; cf. Acts 7:48). The rabbis also understand that Yahveh's כבוד did not dwell

in the Second Temple as it is included among the differences between the First and

Second Temple:

These are the five things that [distinguish] between the First Temple and the Second Temple: the ark, the ark cover, the cherubim; the fire; the *shekinnah*; the spirit of holiness; and the urim and tummim. (*b. Yoma* 21b) [my translation]

For the most part, Second Temple Yahvism did not envision Yahveh's

manifestation on earth or in the Temple. Whereas the wilderness generation awaits

the oracular decisions in Lev 24:12; Num 15:34, EM does not foresee Yahveh

handing down any new judicial decisions in Ezra's time.⁸⁵ Accordingly, Ezra's

community does not have the option to await for divine intervention but must

itself render any legal decision that eliminates any suspected cultic desecration

283-300.

85. For Moses and Mosaic Torah as the ancient and surviving authority in Ezra-Nehemiah, see Najman, "Torah of Moses," 202-16; *idem*, *Seconding Sinai*, 111-17.

based on its reading and understanding of the ספר.⁸⁶ As we shall see with the Sukkot observance and the mixed marriages episode, EM's replacement of the divine oracle with the proclaimed ספר מפרש propels the legal strategies that Ezra's community employs in order to resolve any future cultic mishaps.

4.3. Responses to the Proclaimed Scroll (Nehemiah 8:9-18)

After Ezra reads the ספר, the people react with remorse but Ezra moves swiftly and proclaims a time of eating and drinking (Neh 8:10-12). EM envisions the proper implementation of תורה within the social, cultic, and political milieu of the post-exilic Jerusalem community. This being close to the middle of the seventh month, the proper observance of a mandated festival in light of Ezra's proclaimed ספר מפרש quickly becomes a pressing exegetical concern (vv. 13-18).

86. For reasons stated above, along with my contention that EM consistently upholds תורה as completely revealed to the wilderness generation, I do not consider מפרש as a later redactional insertion influenced by Aram. מפרש in Ezra 4:18.

4.3.1. *The Initial Response*

Accompanied by the Levites, Ezra responds to the assembly's remorse upon hearing תורה with the words: "This day is holy to Yahveh your God. Do not mourn or weep" (Neh 8:9aβ).⁸⁷ Mowinckel argues that the assembly's actions resemble Canaanite influences and are expected during the New Year celebrations.⁸⁸ 2 Kgs 22:11 contains a nearly similar account in which Josiah becomes distraught after he realizes that the contents of the newly discovered ספר התורה were neglected.⁸⁹ The difference between Dtr and EM is that Josiah is the only one who expresses regret. The people are summoned afterwards and accept Josiah's covenant (23:3b).⁹⁰ Williamson points out that Neh 8:9 does not project a regular occurrence but instead describes the spontaneous remorse that the "Law" was inadequately upheld.⁹¹ I noted above (§4.2.2) that EM's involvement of the people at the proclamation of תורה resembles the wider cast of characters in E's law giving

87. I argued above (see §4.1.2) that Nehemiah was inserted into Neh 8:9 and the Levites in vv. 9-12 are original to EM.

88. Mowinckel, *Studien*, 3:47-59, 128.

89. Batten, *Ezra and Nehemiah*, 357-58; Rudolph, *Esra und Nehemia*, 149; Blenkinsopp, *Ezra-Nehemiah*, 289.

90. Likewise in Chr, Josiah expresses remorse (2 Chr 34:19) and then the people accept the covenant (v. 32b).

91. Williamson, *Ezra, Nehemiah*, 291.

account. In E, the wilderness generation is present for the proclamation of Yahveh's דברים but—horrified by the pyrotechnic display at the mountain—they stand at a distance, want nothing to do with Yahveh, and delegate Moses as the intermediary (Exod 20:18-19). Moses then offers words of reassurance to the people:

אל-תיראו כי לבעבור נסות אתכם בא האלהים ובעבור תהיה יראתו על-פניכם
לבלתי תחטאו

Do not fear for God has come in order to test you and in order for his fear to be upon you so that you do not go astray. (Exod 20:20)

After the Elohist's Moses' assurances, the laws in CC are given and the Israelites agree to Yahveh's demands by way of a covenant (Exod 24:3-8) and a feast of some sort:

ויאכלו וישתו

They ate and drank. (Exod 24:11b)⁹²

E's events at Horeb are not repeated in D. Moses recounts the Israelites' fear of Yahveh (Deut 5:5) but D lacks a communal feast at Horeb. According to P (Exod 34:29*-30), Moses is unaware of the glow from his face when he first descends from

92. The source critical assignment of Exod 24:11b is debated. Following the assignment of Exod 24:3-8 to E, it is acceptable for a feast to follow the establishment of a covenant rather than a theophany (see Baden, *Redaction*, 160 n. 153; contra vv. 9(*)-11 to E in Jenks, *Elohist*, 49-50; Graupner, *Elohist*, 133-37). For other views, see Ernest W. Nicholson, "The Interpretation of Exodus 24:9-11," VT 24 (1974): 77-97; and the revision in *idem*, "The Antiquity of the Tradition in Exodus 24:9-11," VT 26 (1976): 148-60; and as a post-exilic composition in Jean-Louis Ska, "Le repas de Ex 24,11," Bib 74 (1993): 305-27.

Sinai with the עֲדוּת in his hands. Aaron and the Israelites are afraid to approach Moses due to the radiation emanating from his face. In order to allay the people's fear, Moses puts on a veil to cover his face in his future visits with Yahveh (Exod 34:32-35). What follows next in P is nothing that resembles a feast but the execution of the instructions for the construction of the tabernacle. EM's proclamation of תּוֹרָה follows the Elohist narrative frame. In Neh 8:10 Ezra reacts to the despondent assembly by instructing them to depart, consume fat (מִשְׁמָנִים), drink sweet wine (מִמֶּתְקִים), and send portions (מִנוֹת) to those who lack any.⁹³ Ezra's instructions exhibit shades of the Deuteronomic concern for the poor;⁹⁴ however, Exod 24:11b [E] is the more direct reference to Ezra's instructions and their fulfilment.⁹⁵ EM's narrative of an assembly's initial distress after the proclaimed סֵפֶר and Ezra's reassurance to the assembly in Neh 8:9-12 recalls E's version of the law-giving at Horeb. Both EM and E share the basic narrative: a law is proclaimed, the people's immediate reaction is not of exuberance, the leadership offers words

93. Among these gifts, מִנֶּה/מִנוֹת are also mentioned in P's cultic affairs (Exod 29:26; Lev 7:33; 8:29). Paran remarks, "later literature, in contrast, often has no connection to matters of the cult, as in Esther and Nehemiah (8:10), where *mānā*^h is like a gift; it is sent from one to a companion or given as an allowance by the king" (*Priestly Style*, 284 [my translation]; see also Milgrom, *Leviticus 1-16*, 432).

94. Geissler, *Ezra's Memoirs*, 17; Myers, *Ezra. Nehemiah*, 154; Williamson, *Ezra, Nehemiah*, 292.

95. I see nothing disjunctive about EM's presentation of the laity experiencing initial fear followed by joy (see also Pakkala, *Ezra the Scribe*, 151).

of reassurance, and a special meal marks the people's acceptance of Yahveh's legal code.

4.3.2. *A New Legal Challenge:* סכות

After Ezra proclaims the ספר, the people depart homebound and leave Ezra, the “chiefs of the clans of all the people,” priests, and Levites behind to study תורה (Neh 8:13). Here, the absence of the people's participation in vv. 13-15 does not present a serious problem. The ראשי האבות act as a proxy for the people as it would be difficult for “all the people” to engage in detailed study. The leaders find “written” (כתוב) in the תורה commanded to Moses that the Israelites must dwell in booths at the festival of the seventh month (v. 14). In response, they issue a proclamation for the inhabitants of Jerusalem and the surrounding towns to go into the hill country to acquire olive trees, שמן trees, myrtles, palms, and עבת trees and construct booths “as it is written” (v. 15). The people collect the required materials and construct booths on roofs, in (private) courts, in the court of the בית האלהים, and in the squares of the Water Gate and Ephraim Gate (vv. 16-17). The festival is celebrated for seven days and followed by another gathering on the eighth day (v. 18), which I equate to the 23rd day of the seventh month.

2 Kgs 23:22//2 Chr 35:18 presents a nearly similar scene in which פסח is noted as not being observed since a former time. Neh 8:17 should not be regarded as a conscious imitation of Deuteronomistic reform.⁹⁶ EM is not concerned about the prolonged lapse of a סכות observance. Rather, the issue lies in the claim that the construction of booths at סכות has not been observed בכתוב. The requirement to construct booths for the upcoming סכות is enlightened by an authoritative source. EM mentions the דברי־התורה (v. 13), refers to a written text (v. 14: כתוב; v. 15: בכתוב), and something legally prescribed (כמשפט, v. 18). In Neh 8:14, כתוב בתורה, אשר צוה יהוה ביד־משה refers to a written תורה Yahveh commanded to Moses as the authority behind the construction of booths. ביד־משה is frequently employed throughout PC to convey the revelation of Yahveh's laws and directives through his intermediary, Moses.⁹⁷ Kaufmann argues that Neh 8:14-19 blends the סכות prescriptions in Lev 23:39-42 with Deut 16:13-15.⁹⁸ The observance of סכות over a period of seven days is mandated in Deut 16:13 [D]; Lev 23:34 [H]; and Num 29:12 [P]

96. Following Rudolph, *Esra und Nehemia*, 151 n. 2.

97. Pakkala regards אשר צוה יהוה ביד־משה as a secondary addition due to the repetition of אשר (*Ezra the Scribe*, 152). Within pentateuchal literature, Yahveh's commands established ביד משה is a common Priestly expression in legal (Exod 35:29 [P]; Lev 8:36 [P]; 10:11 [H]; Num 4:31, 45, 49 [P]; 15:23 [H]; 36:13 [P]) and narrative (Exod 9:35 [P; contra R in Friedman, *Sources Revealed*, 135; Graupner, *Elohism*, 66; Propp, *Exodus 1-18*, 318; pace Propp in Baden, *Redaction*, 279-80]; Num 9:23 [P]; 10:13 [P]; 27:23 [P]) texts.

98. Kaufmann, *tôl'dôt*, 4:328-29; Eng., 380-81.

(see below in §4.3.3). Fishbane contests the use of Deut 16:13-15 in Neh 8:14-19 and argues that the erection of booths in Jerusalem and Judah in Nehemiah 8 contradicts the Deuteronomic centralization programme.⁹⁹ In favour of Lev 23:39-42 as the source for Neh 8:14-17, Fishbane explains that the differences between these texts result from a later interpreter making “sense” of an earlier law.¹⁰⁰ Accordingly, כתוב (v. 14) and ככתוב (v. 15) are references to ancient law and the clarification of its plain sense.¹⁰¹ If כתוב (כ) strictly refers to a direct quotation then the reference must be to Lev 23:39-43 [H] which among the pentateuchal legal corpora contains the only demand for building booths at סכות.¹⁰² Milgrom regards Ezra’s innovation to build booths as derived from a custom that originated among the Babylonian exiles as represented in Lev 23:42-43.¹⁰³ In partial support of

99. Fishbane, *Biblical Interpretation*, 109-11; see also Pakkala, *Ezra the Scribe*, 163; Grabbe, “Law of Moses in the Ezra Tradition,” 95.

100. See also Michael LeFebvre, *Collections, Codes, and Torah: The Re-characterization of Israel’s Written Law* (LHBOTS 451; London/New York: T & T Clark, 2006), 108-12.

101. Knohl, “Priestly Torah Versus the Holiness School,” 97 n. 103; *idem*, *Sanctuary of Silence*, 39 n. 88; Karl William Weyde, “‘And They Found it Written in the Law’: Exegetical Procedures Reflected in Neh 8:13-18” in *Shai le-Sara Japhet: Studies in the Bible, its Exegesis and its Language* [ש״י לשרה יפת: מחקרים במקרא, [בפרשנותו ובלשונו] (ed. M. Bar-Asher et al.; Jerusalem: Mosad Bialik, 2007), 151*.

102. See, for example, Kapelrud, *Authorship*, 89.

103. Milgrom, *Leviticus 1-16*, 27-28; *idem*, *Leviticus 23-27*, 2036-38, esp. 2048-53. Weyde agrees that the erection of booths is observed in the exile but, against Milgrom, questions its exilic provenance (Karl William Weyde, *The Appointed*

Milgrom, I add that the reference in Neh 8:17 to a group referred to as כַּל־הַקֹּהֵל who construct the booths alludes to the reintroduction of an unobserved practice since, at the very latest, the exile.

There are, I believe, three major problems with upholding Lev 23:39-43 as the only influence to Neh 8:13-18. The first problem lies with the meaning of כִּכְתוּב. Williamson notes that the reference to Jerusalem in v. 15 indicates that כִּכְתוּב unlikely refers to a direct quotation from Lev 23:39-43 and supports the partial influence from Deut 16:15.¹⁰⁴ Spawn concludes that כִּכְתוּב “is comprised of a reference to the law and a contemporary interpretation.”¹⁰⁵ These observations lead to the second problem: the dissonance between Lev 23:39-43 and כְּתוּב בַּתּוֹרָה in Neh 8:14. Neither one of the constituent strands in PC refers to itself as הַתּוֹרָה. P’s תּוֹרָה does not refer to a single law code but rather (Priestly) rituals and instructions (see §2.2.4). Likewise, in Lev 26:46, תּוֹרֹת is the

Festivals of YHWH: The Festival Calendar in Leviticus 23 and the sukkôt Festival in Other Biblical Texts [FAT.II 4; Tübingen: Mohr Siebeck, 2004], 129, 133-34).

104. Williamson, *Ezra, Nehemiah*, 294-95; *idem*, “History” in *It Is Written: Scripture Citing Scripture: Essays in Honour of Barnabas Lindars* (ed. D. A. Carson, H. G. M. Williamson; Cambridge: Cambridge University Press, 1988), 29-30; repr., “Scripture Citing Scripture: The Historical Books” in *Studies in Persian Period History and Historiography*, 237-38.

105. Spawn, “As It Is Written”, 101-4 [at 103]. The same observation holds for כִּכְתוּב בַּתּוֹרָה in Neh 10:35, 37 (see §2.3).

collective term for individual Priestly תורה. D explicitly claims that its תורה—which it calls התורה—is the supreme authority over other existing legal codes (cf. Deut 1:5). EM’s deference to something called התורה in Neh 8:14 more appropriately suits D’s all-encompassing and unparalleled התורה rather than PC’s instructional תורה/תורות. For this reason, EM’s use of D’s סבות prescriptions in Deut 16:13-15; 31:9-13 cannot be dismissed. EM’s appeal to an authoritative source for the building of booths must be a fusion of—at a minimum—Priestly and Deuteronomic ideologies. The third problem is that EM does not completely follow the סבות prescription in Lev 23:39-42. EM specifies the use of trees for constructing booths but H does not make known the purpose of the trees. Additionally, EM’s five trees (Neh 8:15) are different than H’s list of produce from four trees (Lev 23:40). The tensions between Lev 23:39-43 and Neh 8:13-18 lead some critics to question the influence of the former upon the latter.¹⁰⁶ Houtman takes the discrepancy between the סבות legislation in Lev 23:39-42 and its practice in Neh 8:14-18 as one piece of evidence that the law book in Ezra-Nehemiah is not the Pentateuch.¹⁰⁷ Pakkala presents the mediating position that Neh 8:13-18* refers to an intermediate version

106. For other explanations concerning the discrepancy of the trees between Lev 23:40 and Neh 8:15, see Mowinckel, *Studien*, 3:166-70; Yahuda Feliks, *Nature and Man in the Bible: Chapters in Biblical Ecology* (London/New York: Socino, 1981), 276-77; Milgrom, *Leviticus 23-27*, 2038.

107. Houtman, “Ezra and the Law,” 104-5.

of Lev 23:39-43; as a result, the final form of Lev 23:39-43 postdates Neh 8:13-18*.¹⁰⁸

Nihan writes, “A *terminus ad quem* for the composition of H is given by the reception of Lev 23:39-43 in Neh 8 (v. 13-18). Yet the dating of Neh 8 is disputed and this text should not be taken as a reliable historical source *prima facie*.”¹⁰⁹ I draw a different conclusion and maintain that H’s סבוֹת legislation—and in turn, the final form of H—was *one* of the authoritative sources for EM.¹¹⁰ Any dissonance between EM and the texts in the Pentateuch arises because pentateuchal law, despite its best attempt to anticipate every situation, generally requires its audience to work out the minutiae of its demands within a particular ideological and legal framework. In Lev 23:39-43, the Holiness legalist might not be aware of future ecological changes but certainly does not anticipate competition from rival legal codes for a later readership’s undivided attention.

EM includes the detail that the booths were not constructed since the days of one יֵשׁוּעַ בֶּן־נֹון. Weyde argues that יֵשׁוּעַ בֶּן־נֹון refers to Joshua *ben* Nun and

108. Pakkala, *Ezra the Scribe*, 158-64; *idem*, “The Quotations and References of the Pentateuchal Laws in Ezra-Nehemiah” in *Changes in Scripture: Rewriting and Interpreting Authoritative Traditions in the Second Temple Period* (ed. H. von Weissenberg, J. Pakkala, M. Marttila; BZAW 419; Berlin: de Gruyter, 2011), 204-6.

109. Nihan, *Priestly Torah to Pentateuch*, 548 n. 602.

110. For connections between Nehemiah 8 and both Lev 23:33-36 and vv. 39-43, see Otto, *Deuteronomium*, 197-98.

suggests that the mention of this figure refers to a period when every Israelite tribe occasionally gathered to celebrate cultic events.¹¹¹ There lacks, however, an account of Joshua *ben* Nun celebrating סִכּוּת. In support of a broad reference to Joshua *ben* Nun in Neh 8:17b, Feliks observes that Joshua instructs the Israelites to go into the hill country and cut down trees in Josh 17:15, 18.¹¹² The continuation of the classical pentateuchal documents into Joshua is a contentious issue but I remark that Josh 17:15, 18 does not follow the Deuteronomic prohibition against the cutting down of trees (albeit in wartime) in Deut 20:19-20. Josh 17:14-18 is also unlikely Priestly. The source critical assignment of Josh 17:14-18 is uncertain but, following the view that Joshua is absent in J, I suspect that these verses are Elohist.¹¹³ Support for Elohist influences in Neh 8:13-18 can be found in the conclusion to EM's episode of סִכּוּת. Neh 8:18 recalls a reading from the סֵפֶר תּוֹרָה בסֵפֶר הָאֱלֹהִים (cf. Josh 24:26 [E]; see §4.2.3) over seven days followed by an assembly on the eighth day.¹¹⁴ The eighth-day עֶצְרָת is also in P (Num 29:38) and H (Lev 23:36) but

111. Weyde, "Exegetical Procedures Reflected in Neh 8:13-18," 157*-58*.

112. Feliks, *Nature and Man*, 276.

113. With reservations and/or proposed textual restorations to JE (Wellhausen, *Composition*, 131; Addis, *Documents*, 1:228-29) or J (Carpenter and Harford-Battersby, *Hexateuch*, 2:348).

114. See §4.2.2. If the assignment of Josh 17:15, 18; 24:26 to E is acceptable then the two references to a pentateuchal tradition that is neither Deuteronom(ist)ic nor Priestly in Neh 8:17-18 adds more variables for the proper

a sacrifice is commanded on this day. The absence of sacrifice at the **עצרת** in Neh 8:18 is explainable on the basis that—similar to the assembly on the first day of the seventh month—sacrifice is not a public activity.

EM envisions **סבות** as the first significant legal crux experienced by Ezra's post-exilic community after the proclamation of the **ספר**. This crux arises due to the acknowledgement of multiple legal codes that compete, with various degrees, for authority. Contained within these legal codes are **סבות** prescriptions that lack uniformity when compared to one another (see below in §4.3.3). The existence of the **סבות** prescriptions in Lev 23:33-36, esp. vv. 39-43; Num 29:12-38 that are different than other **סבות** prescriptions in Deut 16:13-15; 31:9-13 raises the hermeneutical dilemma of how to properly observe this festival without the future services of a divine oracle. The problems multiply when similar prescriptions in Exod 23:16b; 34:22b are also considered. After reading the **ספר** on the second day of the seventh month, the need to arbitrate between the different **סבות** prescriptions becomes urgent due to the impending arrival of this festival on the scheduled 15th day of the same month.¹¹⁵ For Ezra's community, the matter is life or death. The

observance of **סבות**.

115. Ulfsgard questions both the “ancient calendrical practice of associating the festival (*sukkôt*) with the New Year” in Nehemiah 8 and the presumed lapse of nearly two weeks in vv. 15-16 and suggests that **סבות** was observed on the third to tenth days of the seventh month (Håkan Ulfsgard, *The Story of Sukkot: The Setting, Shaping and Sequel of the Biblical Feast of Tabernacles* [BGBE 34; Tübingen: Mohr

improper observance of an important cultic festival—either intentional or accidental—carries the same fatal consequences that struck down the wilderness generation and destroyed the First Temple. EM mediates between its inherited סבות prescriptions (also drawing upon Josh 17:14-18) and formulates a ritualistically acceptable account of the celebration of this important festival. The concern is expressed as a proclamation: ויעבירו קול בכל-עריהם ובירושלם (Neh 8:15). In the mixed marriages episode, EM employs a nearly similar phrase, ויעבירו קול ביהודה (Ezra 10:7), to call an assembly at Jerusalem. In both occurrences, EM utilizes the mechanism of a public proclamation to attend to the concern that legal prescriptions are improperly observed and to resolve any existing legal quagmires.

4.3.3. סבות in the Pentateuchal Laws

The importance of סבות is rooted in its traditional place as the pilgrimage *par excellence*.¹¹⁶ Classically, סבות is thought to have its roots in an original

Siebeck, 1998], 131). If Ulfgard's reconstruction is acceptable then the need to forge an acceptable סבות observance from the disparate legal sources becomes more immediate.

116. Haran, *Temples*, 298; Weinfeld, *Deuteronomistic School*, 219. See also the elevation of סבות in 1 Kgs 8:2, 65; 12:32; Ezek 45:2. Whereas NRSV uses “festival” for חג, I follow the argument that “pilgrimage” is the only suitable translation for חג (see Haran, *Temples*, 289-90; Schwartz, “*Miqra' Qodesh*,” 19).

Canaanite festival (cf. Judg 9:27) that is adopted by the Israelites, developed through the institution of centralization, and becomes the designated occasion for the regular proclamation of the תורה.¹¹⁷ This linear development of סבות is no longer widely accepted without modifications. An examination of the pentateuchal legal corpora reveals evidence of revision among the סבות laws and their preservation in its respective legal corpus. Following the above argument that EM recognizes the existence of competing conceptions of סבות, what follows is a discussion on the relationship between the סבות prescriptions in CC; D/tr legal materials; and PC.¹¹⁸

CC dictates that three times a year all the Israelite males shall appear before Yahveh at designated times: מצות (Unleavened Bread), קציר (Harvest), and אס(י)ף (Ingathering) (Exod 23:14-17). The אס(י)ף is observed at the end of the year:

וחג האסף בצאת השנה באסף את־מעריך מן־השדה

...and the pilgrimage of Ingathering at the end of the year when you gather your work from the field. (Exod 23:16b)

CC's אס(י)ף is revised and expanded upon in the Deuteronomistic supplement in Exod 34:11-26 (J^{Dtr}) and in Deuteronomic law (Deut 16:13-15). Both legal materials

117. Wellhausen, *Prolegomena*, 82-117; Eng., 83-120.

118. Other descriptions of סבות in the biblical corpus are instructive (see Weyde, *Appointed Festivals*, 145-236; Ulfsgard, *Story of Sukkot*, 96-102, 146-51). Due to space I restrict this discussion to the pentateuchal סבות laws.

retain the number of annual pilgrimages and command all Israelite males to appear before Yahveh at these occasions (Exod 34:23; Deut 16:16). Both J^{Dtr} and D, however, make changes to CC's scheduled festivals. J^{Dtr} replaces CC's מצות with שבעת, incorporates the first fruits of CC's קציר into בכורי קציר חטים (Exod 34:22a; cf. 23:15-16a), and retains CC's label of חג האס(י)ף but modifies the time:

וחג האסיף תקופת השנה

...and the pilgrimage of Ingathering at the turn of the year. (Exod 34:22b)

Gesundheit observes that the omission of the agricultural aspect of CC's אס(י)ף in Exod 34:22b appeases the tension between the separate prescribed times for this pilgrimage: CC's מן-השדה באספך את-מעשיך (Exod 23:16b) and D's ומיקבד באספך מגרנד ומיקבד (Deut 16:13, see below).¹¹⁹ The change from בצאת השנה to תקופת השנה reflects a tension between an autumnal and a vernal calendar.¹²⁰ Although J^{Dtr}'s אס(י)ף is different than that of CC's, the change in the time of year is not contradictory in the sense that it is made in an entirely different document.

119. Gesundheit, *Three Times a Year*, 26.

120. This change may have been initiated by Deuteronomic legislation or P's calendar which begins in the spring (cf. Exod 12:2). See Gesundheit, "Festival Calendars," 175; *idem*, *Three Times a Year*, 26-27; Baruch A. Levine, *Numbers 21-36: A New Translation with Introduction and Commentary* (AB 4A; New York/London: Doubleday, 1964), 409-10.

The Deuteronomic revision to CC's אס(י)ף in Deut 16:13-15 reflects its rejection of CC's altar law (cf. Exod 20:24; Deut 12:13) that arises from its grand program of cult centralization.¹²¹ In renaming CC's אס(י)ף to חג הסכות, D's presentation of this pilgrimage reflects its own social and religious agenda:

חג הסכת תעשה לך שבעת ימים באספך מגרנד ומיקבד ושמחת בחגך אתה ובנך
ובתך ועבדך ואמתך והלוי והגר והיתום והאלמנה אשר בשעריך שבעת ימים תחג
ליהוה אלהיך במקום אשר יבחר יהוה אלהיך בכל תבואתך ובכל
מעשה ידיך והיית אך שמח

You shall hold the pilgrimage of Booths for seven days when you gather [produce] from your threshing floor and wine vat. You shall rejoice in your pilgrimage—you, your son, your daughter, your male servant, your female servant, the Levite, the sojourner, the fatherless, and the widow—who are in your gates. Seven days you shall hold the pilgrimage to Yahveh your God at the place Yahveh will choose; for Yahveh your God will bless you through all your crops, and all the works of your hands, and you will surely have joy. (Deut 16:13-15)

Spurred on by its socio-religious concerns, D mandates that the pilgrimage is to be observed over a period of seven days, retains its agricultural origins, expands its participation to non-kin, and locates it at the place of Yahveh's choosing (v. 15a).

After its laws are given, Deuteronomy revisits סכות with an interest in incorporating תורה into this pilgrimage:

ויצו משה אותם לאמר מקץ שבע שנים במעד שנת השמטה בחג הסכות בבוא
כל־ישראל לראות את־פני יהוה אלהיך במקום אשר יבחר תקרא את־התורה

121. For the complexities of D's centralization program that eschews the term חג for its hybrid פסח-מצות (Deut 16:1-8) and retains שבוע and סכות, see Levinson, *Legal Innovation*, 34-43, 53-97.

הזאת נגד כל־ישראל באזניהם הקהל את־העם האנשים והנשים והטף וגרך אשר
 בשעריך למען ישמעו ולמען ילמדו ויראו את־יהוה אלהיכם ושמרו לעשות
 את־כל־דברי התורה הזאת ובניהם אשר לא־ידעו ישמעו ולמדו ליראה את־יהוה
 אלהיכם כל־הימים אשר אתם חיים על־האדמה אשר אתם עברים את־הירדן
 שמה לרשתה

Moses commanded them, “At the end of seven years, in the appointed year of remission, on the pilgrimage of booths, when all Israel comes to appear before Yahveh your God at the place which he will choose, you will read this *tôrā^h* before all Israel in their hearing. Assemble the people—men, women, children, and the sojourner who is in your gates—so that they will hear, learn, and fear Yahveh your God, and they will observe to do all the words of this *tôrā^h*. Their children who do not know will hear and learn to fear Yahveh your God all the days which they live on the land that you are crossing the Jordan to possess.” (Deut 31:10-13)

In addition to the explanations for סבות stated in Deut 16:13-15, D includes the requirement for a public reading of the תורה at every seventh סבות. Its placement outside the main Deuteronomic legal section (classically, *Urdeuteronomium*) raises the suspicion that Deut 31:10-13 is a supplement to 16:13-15. However, D’s commandment to read תורה in any assembly is appropriately placed in its current location as it could only appear after the actual contents of this תורה (including סבות) are disclosed (in the form of the חקים and משפטים in 12:1-26:19) and after Moses charges the Israelites with explicit warnings to heed this תורה in the form of curses and blessings (27:1-28:69). What is contained in Deut 31:10-13 is not an actual חוק or משפט concerning סבות. It dictates when and how the תורה must be recited in the public forum. The Deuteronomic legalist envisions סבות as a

pilgrimage observed over a period of seven days at a centralized location and every seventh year accompanied by a public reading of תורה.

Entirely separate from the non-Priestly traditions is the Priestly סכות. In both P and H, offerings are presented to Yahveh throughout the festival but there is no mention of the agricultural aspect of this pilgrimage and no work is performed on the first and eighth days (with the latter called עצרת):¹²²

Num 29:12-38 [P]

Lev 23:33-36 [H]

	וידבר יהוה אל־משה לאמר דבר אל־בני ישראל לאמר
ובחמשה עשר יום לחדש השביעי	בחמשה עשר יום לחדש השביעי
	הזה חג הסכות שבעת ימים ליהוה
	ביום הראשון
מקרא־קדש יהיה לכם	מקרא־קדש
כל־מלאכת עבדה לא תעשו	כל־מלאכת עבדה לא תעשו
וחגתם חג ליהוה	
שבעת ימים	שבעת ימים
והקרבתם עלה אשה ריח ניחח ליהוה	תקריבו אשה ליהוה
<offerings for days 1-7>	
ביום השמיני	ביום השמיני
	מקרא־קדש יהיה לכם והקרבתם אשה ליהוה
עצרת תהיה לכם	עצרת הוא
כל־מלאכת עבדה לא תעשו	כל־מלאכת עבדה לא תעשו
<offerings for day 8>	

122. There are many suggestions for what exactly the Priestly עצרת constitutes. Among them: as a distinct celebratory day in Levine, *Numbers* 21-36, 391; Milgrom, *Leviticus* 23-27, 2029-32; a “closing day” in Christoph Nihan, “Israel’s Festival Calendars in Leviticus 23, Numbers 28-29 and the Formation of ‘Priestly’ Literature” in *Books of Leviticus and Numbers*, 186 n. 24; a “concluding festal assembly” in Ulfgard, *Story of Sukkot*, 101, 105; as part of a חג that is not separate from the seven days of סכות in Weyde, *Appointed Festivals*, 113-30.

	Yahveh spoke to Moses, “Speak to the Israelites:
On the 15th day of the seventh month	On the 15th day of this seventh month <u>there will be the pilgrimage of Booths</u> for seven days for Yahveh.
you will have a sacred convocation.	On the first day
You shall not do any arduous work.	is a sacred convocation.
You shall hold a pilgrimage to Yahveh for seven days.	You shall not do any arduous work.
You shall bring an ^ע ֹלָה ^h , an ^ז ִשְׁעָה ^h pleasing to Yahveh	Seven days
<offerings for days 1-7>	you shall bring an ^ז ִשְׁעָה ^h to Yahveh.
The eighth day	The eighth day
shall be an ^ע ֲשֶׁרֶת for you;	is a sacred convocation for you; you shall bring an ^ז ִשְׁעָה ^h to Yahveh.
you shall not do any arduous work.	It is an ^ע ֲשֶׁרֶת,
<offerings for day 8>	you shall not do any arduous work.”

H fundamentally agrees with the nature of P’s pilgrimage on the 15th day of the seventh month but makes three major alterations. First, H eliminates P’s description of the offerings. Second, H gives the **עֲשֶׂרֶת** on the eighth day the label of a **מִקְרָא־קֹדֶשׁ** (v. 36). Third, whereas P refers to the pilgrimage as **חַג לַיהוָה**, H calls it **חַג הַסֻּכּוֹת** (v. 34).¹²³ Despite H’s revisions to P, the resulting differences are slight, and the existence of the two Priestly prescriptions of **סֻכּוֹת** in Lev 23:33-36 and Num 29:12-38 present few interpretative difficulties. H provides additional instructions for the celebration of the **חַג הַסֻּכּוֹת**:

123. Milgrom, *Leviticus* 23-27, 2036-37.

אך בחמשה עשר יום לחדש השביעי באספכם את־תבואת הארץ תחגו
את־חג־יהוה שבעת ימים ביום הראשון שבתון וביום השמיני שבתון ולקחתם לכם
ביום הראשון פרי עץ הדר כפת תמרים וענף עץ־עבת וערבי־נחל ושמחתם לפני
יהוה אלהיכם שבעת ימים וחגתם אתו חג ליהוה שבעת ימים בשנה חקת עולם
לדרתיכם בחדש השביעי תחגו אתו בסכת תשבו שבעת ימים כל־האזרח
בישראל ישבו בסכת למען ידעו דרתיכם כי בסכות הושבתי את־בני ישראל
בהוציא אותם מארץ מצרים אני יהוה אלהיכם

Surely, on the 15th day of the seventh month when you have gathered the yield of your land you shall observe the pilgrimage of Yahveh for seven days. The first day is a *šabbātôn* and the eighth day is a *šabbātôn*. You shall take on the first day produce of *hādār* trees, branches of palm trees, boughs of *ʿābōt* trees, and willows of the brook and you shall rejoice before Yahveh your God for seven days. You shall observe a festival to Yahveh seven days a year as an eternal statute for your generations. In booths you shall dwell for seven days. All the citizens in Israel shall dwell in booths so that your generations will know that I made the Israelites dwell in booths when I brought them out from the land of Egypt. I am Yahveh your God. (Lev 23:39-43)

Most critics agree that Lev 23:39-43 is supplemental material to what immediately precedes it.¹²⁴ Here, ritual practices (on the first and eighth days) are expanded, the distinctly H term שבתון is added, and the agricultural significance of the pilgrimage is acknowledged. The major innovation, unknown in the other pentateuchal legal corpora, is the construction of booths at סכות and the association of this pilgrimage

124. Karl Elliger, *Leviticus* (HAT 4; Tübingen: Mohr, 1966), 304-6; Martin Noth, *Das dritte Buch Mose: Leviticus* (ATD 6; Göttingen: Vandenhoeck & Ruprecht, 1962), 152-53; Eng., *Leviticus: A Commentary* (trans. J. E. Anderson; OTL; London: SCM, 1965; rev., 1977), 175-76; Knohl, *Sanctuary of Silence*, 36; Nihan, *Priestly Torah to Pentateuch*, 498-99; Weyde, *Appointed Festivals*, 131-42. This division was anticipated by Geissler who concluded that Ezra refers to different strata in Leviticus 23: P_g (v. 36) and a later Holiness stratum P_h (vv. 40-42) (*Esrasmemoiren*, 30).

with the Exodus. Milgrom does not view the entire unit as an addition but identifies different hands: pre-exilic H₁ (vv. 39a [minus אָד], 40), pre-exilic H (v. 41a, בָּא), and the exilic redactor of H (H_R) (vv. 39b [plus אָד], 42-43) and concludes that the pre-exilic seven-day autumn חג ליהוה celebrated in the sanctuary becomes a חג הסוכות among the exiles that is commemorated in Babylon with booths and plants.¹²⁵ Regardless of the influences and origins of the changing Priestly understanding of this custom, even after the construction of booths is incorporated into the festival, the comprehensive סוכות prescriptions in the Priestly Corpus (Lev 23:33-36, 39-43; Num 29:12-38) result in few significant internal contradictions.

The סוכות laws as preserved in the Pentateuch contain two detectable lineages. The first stems from CC's אֵס(י). In separate documents, J^{Dtr} and D rework this pilgrimage to meet their own cultic sensibilities. Each of the סוכות laws in E, J+, D—and its accompanying legal corpus—was intended to be read on its own and without any consultation with the others. The second lineage consists of P and its supplementation by H. This revision is internal (within the same document) and the resulting סוכות laws in PC are understood—without any significant contradictions between the different P and H traditions—through the lens of Priestly ideology. Individually, the סוכות prescriptions in E, J+, D, and PC represent a unique

125. Milgrom, *Leviticus* 23-27, 2037, 2048-53.

conception of the proper observance of this festival and are consistent with the rituals and ideologies of their surrounding legal corpus. When isolated from each other these prescriptions do not present significant interpretative problems for their intended audiences. Each of the legal codes in the pentateuchal documents claims authority to some degree (with at least D explicitly over the others).

Difficulties arise when the multiple סבֹּת prescriptions (and their representative legal codes) are read alongside one another and are concurrently consulted as authoritative sources for the proper, yet one-time, execution of a mandated cultic festival. With no future oracular declarations forthcoming to mediate between these different codes (see §4.2.4), EM's סבֹּת observance reflects the need to adjudicate between existing, yet competing, legal prescriptions in order to not only incorporate all of the authoritative sources but also to arrive at a ritually acceptable solution.

4.3.4. *The Absent Day of Atonement*

I have argued that EM's סבֹּת arises from the competing demands contained in the legal prescriptions that must be resolved before the scheduled observance of this pilgrimage on the 15th day of the seventh month. If, however, EM closely follows the pentateuchal laws then what about the lack of an expected יום הכפרים

(Day of Atonement) observance? I argued elsewhere (§3.6.1) that EM's omission of the *פסח* observance is informed by the different Priestly and Deuteronomic laws. I argue below that EM's omission of a *יום הכפרים* observance is dictated by another legal strategy.

In the Pentateuch, a scheduled observance on the tenth day of the seventh month is mandated as below:

Num 29:7 [P]

Lev 23:27 [H]

Lev 16:29 [H]¹²⁶

		אך	והיתה לכם לחקת עולם
ובעשור לחדש השביעי הזה	בעשור לחדש השביעי הזה	בחדש השביעי בעשור לחדש	
	יום הכפרים הוא		
מקרא־קדש יהיה לכם	מקרא־קדש יהיה לכם		
ועניתם את־נפשתיכם	ועניתם את־נפשתיכם		תענו את־נפשתיכם
כל־מלאכה לא תעשו			וכל־מלאכה לא תעשו
			האזרח והגר הגר בתוכם
	והקרבתם אשה ליהוה		

126. For Lev 16:29-34a as an addition that follows H language, see Knohl, *Sanctuary of Silence*, 27-29; Milgrom, *Leviticus 1-16*, 1064-65; Nihan, *Priestly Torah to Pentateuch*, 340-50; *idem*, "Israel's Festival Calendars," 207-9.

	Surely	This will be an eternal <i>hōq</i> for you:
On the tenth day of this seventh month	the tenth day of this seventh month is the Day of Atonement.	on the seventh month, the tenth day of the month,
you will have a sacred convocation for yourselves.	It will be a sacred convocation for yourselves.	
You will deny yourselves; you will not do any work.	You will deny yourselves	you will deny yourselves and not do any work— neither the citizen nor the alien in your midst.
	and present an ^ʿ <i>išše^h</i> to Yahveh.	

Whereas P requires a **מקרא קדש** on the tenth day of the seventh month, H identifies this sacred convocation as **יום הכפרים** (also Lev 25:9) observed after the **תרועה** (Lev 23:23-25; cf. Neh 8:2; see §4.2.1) and before **סבות** (Lev 23:33-36, 39-43; see §4.3.3). If EM follows the schedule of the seventh month then the omission of **יום הכפרים** in between the first day (Neh 8:2) and the 15th day (8:13-18) raises a question: how could EM omit this **מקרא קדש**? Surely Ezra or the leaders were not preoccupied with building booths and unintentionally forgot the prescribed observance of a sacred convocation on the tenth day of the seventh month.

Arguments that Ezra shifted this **מקרא קדש** from one calendar date to another fail to offer a sufficient explanation.¹²⁷ Another explanation is that there

127. See, for example, Wellhausen, *Prolegomena*, 106; Eng., 112.

was no fixed יום הכפרים for Ezra to observe or EM to recount. Rudolph contends

“daß der große Versöhnungstag damals noch nicht auf den 10.7. festgelegt und

deshalb mit der uns vorliegenden Tora nicht in völliger Übereinstimmung war.”¹²⁸

Gunneweg argues that יום הכפרים was not entirely fixed in the festival calendar.¹²⁹

Due to the absence of the Day of Atonement in Nehemiah 8, Smith questions the

identification of Ezra’s “Book of the Law of Moses” with the final Pentateuch or

even the complete Priestly materials.¹³⁰ Blenkinsopp argues that the incongruences

between Nehemiah 8 and pentateuchal law are an indication “that the latter had

not attained its final form.”¹³¹ Pakkala states that the author of Neh 8:13-18* (a later

Gola editor) did not have a completed Pentateuch.¹³² Ulfgard regards Nehemiah 8 as

a narrative that contains traces of an ancient calendric system that is unaware of

יום הכפרים.¹³³ These suggestions keep Ezra in the fifth-fourth century and, in

growing support for a low chronology of the final form of the Pentateuch, support

the eventual inclusion of this festival into the pentateuchal corpus to (at the latest)

128. Rudolph, *Esra und Nehemia*, 153.

129. Gunneweg, *Nehemia*, 119.

130. Smith, *Palestinian Parties*, 93.

131. Blenkinsopp, *Ezra-Nehemiah*, 291.

132. Pakkala, *Ezra the Scribe*, 162.

133. Ulfgard, *Story of Sukkot*, 131.

the third century (cf. the **כפרים** observance in 11QT 25:10-27:10; Jub 34:18-19). The suspected late evolution of **יום הכפרים** as an explanation for its omission in Nehemiah 8, however, overlooks an important aspect: the exclusive roots of this **מקרא קדש** within priestly, and not lay, practice. Kaufmann dismisses dating **יום הכפרים** after Ezra-Nehemiah and remarks that the “ancient day of atonement was, essentially, a temple holy day when the Temple was purged of ‘the uncleanness of the children of Israel’ and a time of atonement for unintentional day-to-day transgressions (שגגות יום-יום).”¹³⁴ Likewise, Milgrom writes: “[t]he observance of Yom Kippur is a problem only for the priests, who must fill the prescriptions of Lev 16 scrupulously.”¹³⁵ Williamson points out that “the Day of Atonement bears no relationship to the reading, teaching, or application of the Law. Moreover, its celebration at this time was very much a priestly affair, largely conducted within parts of the temple from which the laity were excluded.”¹³⁶ Schwartz observes that the Priestly calendar neither reflects a concern for the Israelites making regular visits to Yahveh nor does it impose a pilgrimage upon the laity on the sacred tenth day of the seventh month.¹³⁷ Mowinckel rejects any suggestion that the Day of

134. Kaufmann, *tôl' dôt*, 4:339; Eng., 390. Also 1:217-18; Eng., 210 n. 17.

135. Milgrom, *Leviticus 1-16*, 1070-71.

136. Williamson, *Ezra, Nehemiah*, 293.

137. Schwartz, “*Miqra' Qodesh*,” 19-20.

Atonement had not yet emerged and argues that the author of Nehemiah 8

purposefully omitted the observance:

Die nicht seltene kritische Folgerung aus dem Schweigen des Verfassers, dass damals der jährliche Sühnetag noch nicht aufgekommen sei, und/oder dass nichts von ihm in dem Gesetz Ezras zu lesen stände, ist grundlos...Was da stattfand, was eben nur das, was an diesem Tage immer geschah, und was das war, wussten alle seine Leser. Das war alles lauter rituelle, von den Priestern und ihren Mithelfern ausgeführte Sachen...Der Verfasser schweigt von dem Tage, weil damals nichts stattfand, was seinem Anliegen und den Zweck seines Buches anging.¹³⁸

I accept the explanation that **יום הכפרים** was originally conceived within priestly circles. The scheduled observance of a **מקרא קדש** on the tenth day of the seventh month exists only in the Priestly Corpus and its prescriptions contain few, if any, significant internal contradictions between the Priestly and Holiness strata. As a result, EM's difficulties in interpreting the laws concerning the tenth day of the seventh month should be minimal—only one pentateuchal document addresses this observance and in a fairly consistent manner. As I have discussed above with **סוכות**, challenges arise when multiple pentateuchal documents present different and contradictory instructions that must, in theory, all be applied to a single mandated event. This is not a problem with **יום הכפרים**. Although the silence of a

138. Mowinckel, *Studien*, 3:59; supported in Cross, "Restoration," 16 n. 66; repr., 171 n. 74.

cultic observance on the tenth day of the seventh month in Nehemiah 8 is somewhat troublesome, an exclusively Priestly prescription with few internal contradictions does not conflict with the other law codes and should create few interpretative problems.

To put it another way, if anyone among Ezra's community—especially Ezra, the Levites, or the leaders—consults the one document that exclusively contains prescriptions for a pilgrimage on the tenth day of the seventh month, then there would be little reason for anyone to hold out for the divine oracle—if it is even accessible—or confer with the other documents for clarification on the legal requirements for **יום הכפרים**. For this reason, **יום הכפרים** does not merit significant mention in Nehemiah 8. In EM, the first legal crisis that requires attention and clarification after the proclamation of **תורה** on the first day of the seventh month is not the proper observance of **יום הכפרים** on the tenth day but **סכות** on the 15th day of the same month.

4.4. Ezra's Seventh Month

In Neh 7:72b-8:18, EM presents Ezra's activities in the seventh month. In support of the unity of most of its contents, the events contained in Neh 7:72b-8:18

broadly follow the Priestly prescriptions for the important seventh month of the year. Several weeks after his arrival in Jerusalem, Ezra reads the ספר תורת משה, pacifies this community's anxiety over its contents, and is present for the preparation and observance of the סוכות festival. EM presents Ezra's reading of a ספר as a second proclamation of תורה based on the pentateuchal wilderness traditions. In E, J+, D, and PC, the Israelites encounter Yahveh at a mountain and it is at that place where they receive the divine legal codes. To various degrees, EM is dependent on each one of these accounts. By filling in the gaps that arise after these separate accounts are compared with each other, EM composes a supreme law-giving account that integrates elements of the auditory theophany at Horeb (in E; D) with the visual theophany at Sinai (in J; P). Out of the divergent descriptions of the Israelites' encounter with Yahveh at a mountain, EM takes a particular interest in the people gathering at the Water Gate as active participants—through their ears (Neh 8:3) and eyes (v. 5)—when תורה is proclaimed. Among the originally separate pentateuchal law giving accounts, only E's Horeb account shares the people's active participation when Yahveh gives a law code.

Although EM uses earlier sources and adapts them to continue its presentation of Ezra and the returnees as a group that exceeds Moses and the wilderness generation, discrepancies are unavoidable due to changes in social and

religious institutions. Unlike the pentateuchal wilderness accounts, EM does not contain any actual law—in Jerusalem or at the Ahava—because EM regards the legal contents of the first proclamation(s) of תורה to the wilderness generation as complete and enforceable. They are מפרש with the acknowledgment that the divine oracle is no longer available to break any future legal impasses. Left to their own devices, the existence of competing authoritative law codes creates confusion among Ezra's post-exilic community when multiple, and sometimes conflicting, prescriptions address a single cultic requirement or observance. Rather than completely suppress any of the inherited legal traditions, the hermeneutical strategy is to mediate between all of the existing traditions by retaining and supplementing the legal prescription that is judged as the most complete. EM is not the first composition to reshape and reformulate pentateuchal materials; however, EM is the first to consult all of the preserved pentateuchal materials at one time and presents Ezra's community as the first to execute the demands of all of the legal codes simultaneously. While EM's inclusion of the regular סבות recognizes the exegetical challenges that arise from competing law codes, the omission of יום הכפרים is explained on the basis that few, if any, contradictions arise within the single document that requires an observance on the tenth day of the seventh month. However, when two or more documents contain prescriptions for the same mandated event, complications ensue when one attempts to apply all of the

originally separate prescriptions to the same situation. EM's concern for the proper observance of סבֹּת in Neh 8:13-18 emerges due to the recognition of different and conflicting prescriptions contained in originally separate legal corpora. For this reason, after תורה is proclaimed on the first day of the seventh month, EM addresses the upcoming סבֹּת—and not יום הכפרים—and considers the proper observance of this pilgrimage as the first legal crisis that surfaces after Ezra reads a ספר in front of the Jerusalem community.

According to EM, Ezra's community observes סבֹּת without complications. For this reason, Ezra is somewhat quite in the implementation of the סבֹּת laws. However, several weeks after סבֹּת, Ezra will take on a more active role in the community and will be required to resolve an even more complicated legal crisis.

Chapter Five

A Legal Crisis: The Foreigners and the Mixed Marriages (Ezra 9-10)

In the previous chapter, I argued that Neh 7:72b-8:18 was originally in between Ezra 8:36 and 9:1 (see §4.1.1). Nehemiah 8 recounts Ezra's proclamation of a ספר and the legal and hermeneutical crux that surrounds the upcoming סכות pilgrimage. An acceptable solution is extrapolated from the existing pentateuchal legal corpora and the pilgrimage is properly observed. In what follows in Ezra 9-10, EM recounts another legal crisis that reaches Ezra weeks after סכות. Ezra 9-10 begins with some officials approaching Ezra with the charge that members of the community are mingling with foreigners and are married to foreign women. These officials select passages from the pentateuchal legal corpora to support their case. After hearing the initial complaint, Ezra expresses his grief over the matter and

prays to Yahveh. A crowd joins Ezra and one Shecaniah proposes that the foreign wives and the children born to them should be sent away. Before this plan is accepted, a proclamation is issued for all the returnees to assemble in Jerusalem. At this gathering, Ezra announces his verdict which is fully executed by the beginning of the new year.

Ezra 9-10 continues to attract attention from a variety of methodological interests into issues including, but not limited to: ethics; return-migration; ethnicity; gender; and social class experienced by the original composers, their intended audiences, and by subsequent readers and interpreters.¹ There is not

1. See Daniel Smith-Christopher, "The Mixed Marriage Crisis in Ezra 9-10 and Nehemiah 13: A Study of the Sociology of Post-Exilic Judaeon Community" in *Second Temple Studies II: Temple and Community in the Persian Period* (ed. T. C. Eskenazi, K. H. Richards; JSOTSup 175; Sheffield: Sheffield Academic, 1994), 243-65; Tamara C. Eskenazi and Eleanor P. Judd, "Marriage to a Stranger in Ezra 9-10" in *Second Temple Studies II*, 266-85; David Janzen, *Witch-hunts, Purity and Social Boundaries: The Expulsion of the Foreign Women in Ezra 9-10* (JSOTSup 350; Sheffield: Sheffield Academic, 2002); Yonina Dor, *Have the "Foreign Women" Really Been Expelled? Separation and Exclusion in the Restoration Period* [האומנם גורשו 'הנשים הנכרית' ? שאלת ההיבדלות בימי שיבת ציון] (Jerusalem: Magnes, 2006); Cheryl B. Anderson, "Reflections in an interethnic/racial era on interethnic-racial marriage in Ezra" in *They Were All Together in One Place: Toward Minority Biblical Criticism* (ed. R. C. Bailey, T.-S. B. Liew, F. F. Segovia; SBLSemSt 57; Atlanta: Society of Biblical Literature, 2009), 47-64; Nasili Vaka'uta, *Reading Ezra 9-10 Tu'a-Wise: Rethinking Biblical Interpretation in Oceania* (SBLIVBS 3; Atlanta: Society of Biblical Literature, 2011); Willa M. Johnson, *The Holy Seed Has Been Defiled: The Interethnic Marriage Dilemma in Ezra 9-10* (HBM 33; Sheffield: Sheffield Phoenix, 2011); Katherine E. Southwood, "The Holy Seed: The Significance of Endogamous Boundaries and Their Transgression in Ezra 9-10" in *Judah and Judeans in the Achaemenid Period: Negotiating Identity in an International Context* (ed. O. Lipschits, G. N. Knoppers, M. Oeming; Winona Lake, Ind.: Eisenbrauns, 2011),

enough space in this study to devote significant detail to all of the issues that arise from the mixed marriages in Ezra's community. In this discussion on Ezra 9-10, my focus will be on the understanding and handling of the mixed marriages as an episode that is fully integrated into EM and how this episode responds to changing notions of "biblical" jurisprudence.

5.1. The Composition of Ezra 9-10

Ezra 9:1-10:44 is usually considered to be a self-contained narrative that contains minimal supplementation. Some critics have argued that there is more reworking in these chapters than previously thought (see §5.1.1). Less certain is its provenance. As a layer that supplements Ezra 7-8 and is composed for its current place, proponents who argue for Ezra as a literary creation based on NM's Nehemiah point to the dependency of Ezra 9(-10) upon Nehemiah 1,² Nehemiah's reaction concerning Jerusalem (Neh 1:1-4),³ or Nehemiah's challenge against the

189-224; *idem*, *Ethnicity and the Mixed Marriage Crisis in Ezra 9-10: An Anthropological Approach* (OTM; Oxford: Oxford University Press, 2012); Csilla Saysell, "According to the Law": *Reading Ezra 9-10 as Christian Scripture* (JTISupp 4; Winona Lake, Ind.: Eisenbrauns, 2012), 129-224; Donald P. Moffat, *Ezra's Social Drama: Identity Formation, Marriage and Social Conflict in Ezra 9 and 10* (LHBOTS 579; New York: Bloomsbury, 2013).

2. Kratz, *Komposition*, 84-86; Eng., 77-79.

3. Wright, *Rebuilding Identity*, 253-57. Specifically, Wright argues that Ezra 9

mixed marriages (13:23-29).⁴ I agree that some of the depictions of Ezra in Ezra 7-8 presuppose NM but I attribute these depictions to the insertions by a post-EM redactor, R^{EM-NM} (see §§3.1.1-2). However, I see little of Ezra in Ezra 9-10 that is shaped by NM. Due to the place of the mixed marriages as the final episode for both Ezra and Nehemiah and similar use of pentateuchal prescriptions (specifically, Deut 7:3-4), some critics argue for a complicated literary relationship between Ezra 9-10 and Neh 13:23-29.⁵ The similarities between Neh 13:23-29 and Ezra 9-10 can be attributed to a common source of legal traditions but Nehemiah's specific issues are different than those that preoccupy Ezra.⁶ Neh 13:23-29 contains Nehemiah's own report that Yehudite males married Ashdodite, Ammonite, and Moabite women and half of these children are unable to speak Hebrew. According to Ezra 9:1, the report of the mixed marriages is brought to Ezra and in 10:3 Ezra is not the

was first composed into its place and Ezra 10 is a later composition dependent on Nehemiah 5.

4. Noth, *Überlieferungsgeschichtliche*, 147 (and n. 2); Eng., 64, 163 n. 77; Gunneweg, *Ezra*, 162-63; Christian Frevel and Benedikt J. Conczorowski, "Deepening the Water: First Steps to a Diachronic Approach on Intermarriage in the Hebrew Bible" in *Mixed Marriages*, 28-35; contra Neh 13:23-29 as dependent on a late version of Ezra 10 in Pakkala, *Ezra the Scribe*, 223-24.

5. In addition to Pakkala (see note 4), Wright, *Rebuilding Identity*, 244-53.

6. See also Dor, "Foreign Women", 94-98; Katherine E. Southwood, "'And They Could Not Understand Jewish Speech': Language, Ethnicity, and Nehemiah's Intermarriage Crisis," *JTS* n.s. 62 (2011): 1-19.

first person to include the children as part of the problem. The identification of the foreign nations in Ezra 9-10 does not result from Ezra's own personal observation but is framed within a legal strategy to repudiate the existing mixed marriages. Another important distinction between the two accounts is that Nehemiah does not resort to divorce as a solution to the problem. Nehemiah only expresses his frustration and curses everyone involved. Ezra 9-10 contains specific issues that developed independently from NM. For EM, the mixed marriages (and the foreigners) further develops an interest in the ספר and the application of its contents to Ezra's Jerusalem community.

5.1.1. *The Unity of Ezra 9-10*

One of the literary problems in Ezra 9-10 is the shift from first-person speech in Ezra 9 to third-person narrative in Ezra 10. Arguing for Chronicist authorship of Ezra-Nehemiah, Zunz regards Ezra 10:1-17 as one of the numerous segments in Ezra-Nehemiah that demonstrates a style closer to Chr and not the Ezra materials.⁷ Koch argues that the third-person report in Ezra 10 (and Nehemiah 8-10) results from the Chronicler's revisions.⁸ In support for Ezra 9-10 as a unit,

7. Zunz, *Gottesdienstlichen Vorträge*, 29.

8. Koch, "Origins," 177-78.

Noth argues that the changes in person should be attributed to the inconsistency of the Chronicler.⁹ Mowinckel attributes the changes from “I” to “he” to a natural consequence that arises from the accumulation and repeated revision of traditions.¹⁰ As I have stated above, the change from first-person to third-person should not be the sole basis for detecting separate layers. Other critics point to different literary features in support for composite authorship in Ezra 9-10. Dor detects repetitions, inconsistencies, and differences in narrative style and argues that the three original compositions now preserved in Ezra 9:6-15; 10:2-6, and, vv. 7-44 were at one time connected by a frame story in 9:1-5; 10:1.¹¹ Furthermore, Dor maintains that these originally separate narratives are independent of three other episodes in Neh 9:1-3; 10:31; and, 13:1-3, 23-30 and explains that these six separate events merely depict rituals as opposed to actual separation from “foreign women.”¹² This conclusion appeases modern sensibilities but I contend that EM, following the pentateuchal traditions, is preoccupied with removing the foreign

9. Noth, *Überlieferungsgeschichtliche*, 146-47; Eng., 63-64.

10. Mowinckel, “Ezrageschichte,” 223-24; *idem*, *Studien*, 3:90-94. This view is adopted by Rudolph (*Esra und Nehemia*, 93, 163).

11. Yonina Dor, “The Composition of the Episode of the Foreign Women in Ezra IX-X,” VT 53 (2003): 26-47; and the more detailed discussion in *idem*, “Foreign Women”, 11-93.

12. Dor, “Foreign Women”, 94-98, 127-54, 246.

element from the vicinity of sancta. Pakkala reduces the base text in Ezra 9-10 to 9:1 (וּכְבִּלּוֹת אֱלֹהִים only); 10:1b α *; 2a*, 3-4*, 10-14a*, 16b-17.¹³ The priority of Ezra 10 is also upheld by Rothenbusch who distinguishes between an older account of divorce in vv. 1, 2*, 3*, 7-9, 12*, 15, 16*, 17-18, 20-22, 25-43 from a younger Ezra Narrative.¹⁴ Wright, however, maintains that the base layer lies in Ezra 9 with Ezra 10 as supplemental material.¹⁵ In support for the integrity of (most of) Ezra 9-10, Karrer regards the episode of the mixed marriages as a *Verfahrensprotokoll* for conflict resolution that involves the intertwining of Ezra, the שְׂרִים, and the קהל played out over three scenes.¹⁶ I agree that Ezra 9-10 is a narrative that portrays multiple participants involved in a continuous discourse that reaches its climax with the resolution of a suspected problem. What drives this episode is, I believe, a cultic concern that attempts to find the best solution between the different positions of multiple legal codes.

13. Pakkala, *Ezra the Scribe*, 83-89, 103; see also the revised views concerning mixed marriages by each additional layer in *idem*, "Intermarriage and Group Identity in the Ezra Tradition [Ezra 7-10 and Neh 8]" in *Mixed Marriages*, 78-88.

14. Rothenbusch, "Question of Mixed Marriages," 67 n. 23; and the detailed discussion in *idem*, *Identitäten*, 127-42.

15. See note 3.

16. Karrer, *Verfassung*, 243-51.

Turning to other suspect sections in Ezra 9-10, Blenkinsopp remarks that Ezra keeping vigil in Ezra 10:6-8 after the issue is resolved is peculiar and suggests that these verses reflect the incorporation of parallel versions of the same account.¹⁷ Pakkala goes further, arguing that vv. 6-9 belong to a later expansion to v. 5, which is itself an earlier expansion composed in between vv. 4, 10.¹⁸ Although Pakkala suspects that דבר in v. 5 does not refer to the דבר in v. 4 but rather to vv. 10-14, it appears to me that EM consistently uses דבר to connote an affair or a matter, especially throughout Ezra 10 (vv. 4, 5, 9, 13, 14, 16). The single exception lies in Ezra 9:4 where דברי אלהי־ישראל refers not to an affair but Yahveh's דברים.¹⁹ In support of narrative continuity from Ezra 10:4 to v. 5, ויקם עזרא in v. 5 directly fulfils Shecaniah's command to Ezra in v. 4. ויקם עזרא in v. 6 is not an addition or a parallel source but continues the narrative from v. 5.

In Ezra 10, I suspect that there are two minor additions to EM. The first lies in v. 16. Setting aside the apparent difficulty with MT וַיִּבְדְּלוּ for now (see §5.5.3 for a defence of MT), men who are called the ראשי האבות לבית אבתם participate in the

17. Blenkinsopp, *Ezra-Nehemiah*, 187.

18. Pakkala, *Ezra the Scribe*, 96. Accordingly, ויקם in v. 10 directly fulfils קום in v. 4 but I uphold v. 5 as the appropriate fulfilment.

19. See §5.3.2. I regard דברי מצות־יהוה in Ezra 7:11b as part of an addition from R^{E-N} (§3.1.2).

three month long investigation. I have maintained that a redactor mildly upgrades EM by incorporating elements from a later period. EM lists the returnees by the **ראש אבותיהם** (Ezra 8:1) but **בית אב(ות)** is unattested elsewhere in EM and appears in texts that are outside of EM (Ezra 2:59; Neh 1:6; 7:61; 10:34 [ET 35; see §2.3.4.]) and in Chr.²⁰ I suspect that **לבית אבתם** in Ezra 10:16 is an addition by R^{E-N} that specifies the **ראשי האבות** as belonging to the ancestral houses.²¹ The second addition is among the list of named priests (vv. 18, 20-22), Levites (v. 23), singers (v. 24a), gatekeepers (v. 24b), and Israelites (vv. 25-43). Similar to the other lists in Ezra 7-8 and Nehemiah 8, some critics regard all or most of Ezra 10:18-43 as an addition.

20. For the continuity from pre-exilic **בית אב** to **בית אבות** as a basic structural unit of the post-exilic citizen-temple community, see Joel P. Weinberg, "Das Beit 'Abot im 6.-4. Jh. v.u.Z.," VT 23 (1973): 400-14; Eng., "The Bêt Ābôt in the Sixth to Fourth Century BCE" in *Citizen-Temple Community*, 49-61. See, however, the arguments in Bedford, *Temple Restoration*, 207-30; Charles E. Carter, *The Emergence of Yehud in the Persian Period: A Social and Demographic Study* (JSOTSupp 294; Sheffield: Sheffield Academic, 1999), 299-307. Concerning the **בית אבות** as a development from changing historical circumstances, especially the Babylonian exile, see H. G. M. Williamson, "The Family in Persian Period Judah: Some Textual Reflections" in *Symbiosis, Symbolism, and the Power of the Past: Canaan, Ancient Israel, and their Neighbors from the Late Bronze Age through Roman Palaestina. Proceedings of the Centennial Symposium, W. F. Albright Institute of Archaeological Research and American Schools of Oriental Research, Jerusalem, May 29/31, 2000* (ed. W. G. Dever, S. Gitin; Winona Lake, Ind.: Eisenbrauns, 2003), 469-85.

21. Karrer regards Ezra 8:1-14 (cf. **ראשי אבותיהם** in v. 1) as an insertion and maintains that **ראשי האבות** is unoriginal to EM (*Verfassung*, 242).

Following the temple singers and gatekeepers as a later addition elsewhere in EM (see §3.1.1), I assign the named singers and gatekeepers in Ezra 10:24 to R^{E-N}.

There is one other suspected addition in Ezra 10. The **זשם** sacrifice in v. 19 that follows the high priestly clan disrupts the list of names in vv. 18-43. None of the other groups in vv. 18-43 offer a sacrifice. Noth maintains that v. 19 is the direct continuation from v. 17 and regards vv. 18, 20-43, 44 as post-Chronistic additions.²² If v. 17 directly preceded v. 19 then there is an implausible change of subject.²³ Pakkala argues that v. 19 is another layer of expansion upon v. 18(, 20-44).²⁴ It is, however, difficult to excise either vv. 18, 20-43 or v. 19 and retain a coherent narrative. It will be argued below that both the **זשם** and the list of names (with the exception of v. 24) are integral to EM (see §5.5.3).²⁵ Finally, the syntax of Ezra 10:44 is awkward. Torrey perceives Ezra 10:44 to be an unsatisfactory ending and transposes Nehemiah 9-10 after this verse.²⁶ Rudolph recognizes that Neh 9:1-2 belongs with 7:72b-8:18 and places these verses after Ezra 10:44.²⁷ However, the

22. Noth, *Überlieferungsgeschichtliche*, 126, 146; Eng., 45, 63; also Mowinckel, *Studien*, 1:124-30; Blenkinsopp, *Ezra-Nehemiah*, 197 (but including v. 44 as original).

23. In der Smitten, *Esra*, 34; Williamson, *Ezra, Nehemiah*, 148.

24. Pakkala, *Ezra the Scribe*, 101-2.

25. Williamson, *Ezra, Nehemiah*, 148; Gunneweg, *Esra*, 185.

26. Torrey, *Ezra Studies*, 254-56; *idem*, *Chronicler's History*, 119-23, 176-82.

27. Rudolph, *Esra und Nehemia*, 155, 163.

placement of Neh 9:1-2 after Ezra 10:44 results in Ezra's command—to separate from all foreigners and divorce the foreign wives (Ezra 10:11; see §5.5.1)—being fulfilled in the reverse order. In support of Ezra 10:44 as a serviceable ending to EM, I contend that Ezra 9-10 preserves a nearly coherent narrative with minor additions in Ezra 10:16, 24. There is, however, a gap in what is retained in Ezra 9-10 as EM. This gap is filled with the transposition of Neh 9:1-5aα into these chapters.

5.1.2. *Nehemiah 9:1-5aα and EM's Chronology*

I have argued that Neh 9:1-5aα is EM material (see §§2.1.1-2) and—following Ezra's command in Ezra 10:11—the separation from all foreigners (Neh 9:2) should occur before the divorce from the foreign women (see §5.1.1). Thus, the original place of Neh 9:1-5aα must be somewhere in between Ezra 10:11 and v. 17. Some critics consider the separate lists of Levites in Neh 9:4-5aα as problematic. There is little basis to support Torrey's argument that this list originally consists of eleven Levites with Ezra as the twelfth celebrant due to Chr's fondness for the number twelve.²⁸ Recognizing that portions of Neh 9:1-5 bear a close resemblance to the *Esra-Quelle*, Ahlemann contends that the emphasis placed on the Levites in vv. 4-5 is supplemental and transposes vv. 1-3 into what he perceives as a lacuna in between

28. Torrey, *Ezra Studies*, 279-80.

Ezra 10:15 and v. 16.²⁹ Ahlemann questions v. 15 as an actual opposition to the suggestion in vv. 12b-14 and emends MT *על-זאת* to *על-צום* in anticipation of the *צום* in Neh 9:1. Critics, for the most part, reject the emendation and the transposition altogether.³⁰ Williamson disputes the proposed emendation but in support for the transposition remarks that all of the dates reasonably fit within a single calendar year.³¹ I agree that the transposition of Neh 9:1-5aα adequately addresses the existence of suspected EM-like materials outside of Ezra 7-10. After Neh 9:1-5aα is transposed to its original place, *ויעשו־כן בני־הגולה* (Ezra 10:16aα) fulfils the dual commandments *קומו וברכו* (Neh 9:5aα).³² Although I agree with Ahlemann that Ezra 10:15 does not portray an opposition (see §5.5.1), his proposed emendation is unnecessary and it should be noted that there is nothing unusual about *על-זאת* elsewhere in EM (Ezra 8:23; 9:15; 10:2).

As Williamson notes, the transposition of Neh 9:1-5aα and 7:72b-8:18 to their original places results in the dates of Ezra's mission fitting within a single calendar year.³³ In EM, major events transpire in the first, fifth, seventh, ninth, and

29. Ahlemann, "Esra-Quelle," 89.

30. Blenkinsopp, *Ezra-Nehemiah*, 294; Pakkala, *Ezra the Scribe*, 180.

31. Williamson, *Ezra, Nehemiah*, 308-10.

32. For *ויעשו־כן* as a Priestly stock phrase that fulfils a command, see Joel S. Baden, "A Narrative Pattern and its Role in Source Criticism," *HS* 49 (2008): 42.

33. Grabbe also arrives at this conclusion but without including any of Neh

tenth months and the last chronological notice is the first month of the second year. The events of Ezra's activities in Ezra 9-10 (including Neh 9:1-5aα in between Ezra 10:15 and v. 16) are as follows. Sometime after the *עצרת* on the 23rd day of the seventh month (Neh 8:18), the issue of the foreigners and mixed marriages is brought to Ezra's attention sometime in the ninth month (Ezra 9:1; cf. 10:9). Ezra reacts and is asked to take action. Before doing so, he spends a night at the place of one Jehohanan *ben* Eliashib (10:6). A proclamation that all the returnees shall assemble in Jerusalem within three days is then issued. It appears that Ezra was informed of the foreigners and mixed marriages days before the assembly convenes on the 20th day of the ninth month (Ezra 10:9). At this assembly, Ezra announces his verdict (v. 11). The congregation accedes but remarks that additional time is required (v. 14). On the 24th day of the ninth month (Neh 9:1), the Israelites reassemble and fulfil the first part of Ezra's directive by separating from the *עמי הארץ* (v. 2). There is another reading from the *ספר* and more confession (v. 3). The Levites encourage the Israelites to bless Yahveh (vv. 4-5) and

9:1-5aα (*Ezra-Nehemiah*, 33). Noth contends that the dates in Ezra 10 do not arise from a source but instead from Chr's calculations (*Überlieferungsgeschichtliche*, 147; Eng., 64). Pakkala argues that, due to variations in the order of month and date, a single editor could not be responsible for all of the dates (*Ezra the Scribe*, 171-73). Consistency in chronological notices is desirable but—as it can be demonstrated by the variable and disjointed chronological notices in Jeremiah, and less so in Numbers and Ezekiel—is the exception rather than the rule.

the returnees oblige (Ezra 10:16a). After the complete separation from the עמי הארץ, there still remains the issue of the marriages to the foreign women. On the first day of the tenth month, a commission begins to examine the matter and their work is complete by the first day of the new year (10:16b-17). The result is the sending away of foreign women and their offspring. After Ezra's directives are fulfilled, EM completes its account of Ezra's activities over a single calendar year.

When R^{E-N} relocated Neh 9:1-5aα from its original place (after Ezra 10:15), EM's chronology was preserved as much as possible but EM's frame of one calendar year gave way to other ideological and historiographical interests. The confession in Neh 9:1-5aα was originally in the ninth month of Ezra's mission but R^{E-N} moved and placed this segment immediately after the transposed account of the seventh month (Neh 7:72b-8:18). The relocation of the confession in Neh 9:1-5aα facilitates a narrative link between Ezra's and Nehemiah's oversight of the superlative seventh month (as shaped by R^{EM-NM}) and the post-EM historical recital in 9:5aβ-37. The final form of Nehemiah 9 resembles the sequence found in another post-exilic narrative in which Daniel confesses (Dan 9:1-4a) before his own penitential prayer (vv. 4b-19) (see §5.5.2).³⁴

34. Duggan, *Covenant Renewal*, 152. For lexical similarities and the acceptance of confession as a sufficient expiating agent in Daniel 9 and Ezra 10:15; Neh 9:2 [EM], see §5.4.1. For Daniel's prayer as integral to Daniel 9, see John J. Collins, *Daniel: A Commentary on the Book of Daniel* (Hermenia; Minneapolis: Fortress,

5.2. The Legal Challenge (Ezra 9:1-2)

In Ezra 9:1-2, a group of officials report to Ezra that members of the community have not separated from foreigners and have married foreign women. For some critics, the main issue in Ezra 9-10 is ethnic purity.³⁵ Arguing that Gentiles were not regarded as a source of defilement in biblical, Second Temple, or rabbinic literature, Hayes argues that Ezra focuses on genealogical impurity and—with conversion of a profane people ruled out as a suitable option—removes this impurity by sending away the foreign spouses and their impure children.³⁶ Other critics view the polemics against the foreign nations in Ezra 9-10 as reflections of an inner-Yehudite struggle over the true Yahvistic community between returnees and non-exiles, or however else they may be defined.³⁷ These arguments are

1993), 348.

35. Smith, *Palestinian Parties*, 137; Janzen, *Witch-Hunts*, 161-63; Pakkala, *Ezra the Scribe*, 109-10. Olyan initially supported this view (Saul Olyan, *Rites and Rank: Hierarchy in Biblical Representations of Cult* [Princeton: Princeton University Press, 2000], 83) but revised it to “illegitimate desacralization” (*idem*, “Purity and Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community,” *JSJ* 35 [2004]: 4 n. 7).

36. Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002), 26-34.

37. Daniel L. Smith-Christopher, “Between Ezra and Isaiah: Exclusion, Transformation and Inclusion of the ‘Foreigner’ in Post-Exilic Biblical Theology” in *Ethnicity and the Bible* (ed. M. G. Brett; BIS 19; Leiden/New York/Köln: Brill, 1996), 122-27; Grabbe, *Jews and Judaism*, 1:285-88, 313-16; Dor, “Foreign Women”, 127-54; *idem*, “Rite of Separation of the Foreign Wives in Ezra-Nehemiah” in *Judah and the Judeans in the Achaemenid Period*, 173-88; Lena-Sofia Tiemeyer, *Priestly Rites and*

attractive for their acknowledgement of identity politics and religious motivations.

I contend, however, that the plain meaning of the text cautions against interpreting the dispute as one that involves only Yehudites. Instead, the arguments, citations, and actions in Ezra 9-10 address the undesirability of foreign assimilation into the post-exilic Yahvistic cult.

5.2.1. *References to Pentateuchal Law*

After the passage of an unspecified length of time (Ezra 9:1a α), the שרים approach Ezra and inform him of a problem:

לא נבדלו העם ישראל והכהנים והלויים מעמי הארצות כתעבתיהם לכנעני החתי
הפרזי היבוסי העמני המאבי המצרי והאמרי כי־נשאו מבנותיהם להם ולבניהם
והתערבו זרע הקדש בעמי הארצות ויד השרים והסגנים היתה במעל הזה
ראשונה

The people of Israel, the priests, and the Levites have not separated themselves from the peoples of the land—with their abominations like those of the Canaanites, Hittites, Perizzites, Jebusites, Ammonites, Moabites, Egyptians, and Amorites. They have taken some of their daughters for themselves and their sons, the holy seed has mixed itself with the peoples of the lands, and the officers and the leaders have been first in this unfaithfulness. (Ezra 9:1a β -2)

Prophetic Rage (FAT.II 19; Tübingen: Mohr Siebeck, 2006), 184-89; Bob Becking, “On the Identity of the ‘Foreign’ Women in Ezra 9-10” in *Exile and Restoration Revisited: Essays on the Babylonian and Persian Periods in Memory of Peter R. Ackroyd* (ed. L. L. Grabbe, G. N. Knoppers; LSTS 73; London/New York: Continuum, 2009), 42-43; repr., in *Early Jewish Identity*, 71-73; Katherine E. Southwood, “An Ethnic Affair? Ezra’s Intermarriage Crisis Against a Context of ‘Self-Ascription’ and ‘Ascription of Others’” in *Mixed Marriages*, 46-59.

Citing evidence that local governance was absent in Achaemenid Egypt and Mesopotamia, Fried argues that Yehud was not any different and the שרים (elsewhere in 10:7-8, 14, 16) are royally appointed Persian figures.³⁸ If the Persians did indeed install their own people as officials in Yehud (which I agree is likely) then EM reduces their role to administrators of only civic and not religious law (see §3.4.3). EM's שרים are equated to neither the אחשדרפן nor the פחה (Ezra 8:36). Instead, EM envisions the שרים as high-ranking Yehudites who participate in the administration of religious law. By addressing the situation as described in Ezra 9:1aβ-2 to Ezra, EM's שרים appear to follow D's judicial system in which difficult legal cases are brought to a high committee (Deut 17:9) as opposed to a single individual in E (Exod 18:22-23) (see §3.4). In EM's judiciary, the higher court includes Ezra, and as I shall discuss below, another pious group. Whereas the problem concerning סבות was addressed with expedience due to its relative simplicity, the issues of assimilation with foreigners and marriages to foreign women undergo a judicial review through the lower ranks of the judges and magistrates (cf. Ezra 7:25) that takes several weeks after the contents of the ספר were revealed. Unable to render an effective decision, the שרים bring the cases to Ezra.

38. Fried, "You Shall Appoint Judges'," 84-89; *idem*, *Priest and the Great King*, 220-21.

The legal challenge is two-fold. First, a group identified as “the people of Israel,” priests, and Levites (cf. Ezra 10:5) continue to mingle with “the peoples of the land.” Second, these groups—along with presumably other officials (שרים) and leaders (סגנים)—have married themselves or their sons to foreign daughters.³⁹ The result is that the “holy seed” has mixed itself with “the peoples of the lands.” עמי הארצות is a late term for something foreign or non-Yahvistic.⁴⁰ By equating the עמי הארצות with the תועבות of named foreign nations from the relevant legislation, the שרים raise the charge of מעל against the suspects. Although תועבה appropriately reflects the general meaning of abomination expressed in multiple traditions,⁴¹ the specific reference to the תועבות of the pre-Israelite nations that led to their

39. For the סגנים as members of the temple administration, see Joel P. Weinberg, “Zentral- und Partiukulargewalt im achämenidischen Reich,” *Klio* 59 (1977): 38; Eng., “Central and Local Administration in the Achaemenid Empire” in *Citizen-Temple Community*, 120-21. The סגנים are leaders with a status lower than that of the שרים (see Williamson, *Ezra, Nehemiah*, 132) and adapted from an original Persian office (see Kellermann, *Nehemia*, 161; Edward Lipinski, “skn et sgn dans le sémitique occidental du nord,” *UF* 5 [1973]: 204-5).

40. Joel P. Weinberg, “Der ‘ammē hā’āreṣ des 6.-4. Jh. v.u.Z.,” *Klio* 56 (1974): 334; Eng., “The ‘Am Hā’āreṣ of the Sixth to Fourth Centuries BCE” in *Citizen-Temple Community*, 73; Ginsberg, *Israelian Heritage*, 8-9, 15-16; Sara Japhet, “People and Land in the Restoration Period” in *Das Land in biblischer Zeit* (ed. G. Strecker; GTA 25; Göttingen: Vandenhoeck & Ruprecht, 1983), 114-15; repr., *Rivers of Babylon*, 111.

41. For תועבה in J, D, H, and Ezra, see Paul Humbert, “Le substantif to^cēbā et le verbe t^cb dans l’Ancien Testament,” *ZAW* 72 (1960): 217-237. The dating of these materials is open to discussion but the diverse, and sometimes contrasting, views of the תועבה among these traditions are evident.

ultimate demise recalls H's repeated warnings against following any of the practices of the foreign nations:⁴²

אל־תטמאו בכל־אלה כי בכל־אלה נטמאו הגוים אשר־אני משלח מפניכם
ותטמא הארץ ואפקד עונה עליה ותקא הארץ את־ישיביה ושמרתם אתם
את־חקתי ואת־משפטי ולא תעשו מכל התועבת האלה האזרח והגר הגר בתוכם
כי את־כל־התועבת האל עשו אנשי־הארץ אשר לפניכם ותטמא הארץ ולא־תקיא
הארץ אתכם בטמאכם אתה כאשר קאה את־הגוי אשר לפניכם כי כל־אשר
יעשה מכל התועבות האלה ונכרתו הנפשות העשת מקרב עמם ושמרתם
את־משמרתִי לבלתי עשות מחקות התועבת אשר נעשו לפניכם ולא תטמאו בהם
אני יהוה אלהיכם

Do not defile yourselves in these [practices] because through all these [practices] the nations that I am throwing out before you have defiled themselves. The land became defiled, I punished it for its iniquity, and the land spewed out its inhabitants. You shall observe my statutes and judgements. You shall never do any of these abominations—[either] the citizen or the alien that resides among you—for the men of the land who were before you did all of these abominations and the land became defiled. Let not the land spew you out for defiling it, as it spewed out the nation that was before you. For all who do any of these abominations will be cut from the midst of their people. You will observe my prohibitions and not do the statutory abominations that were done before you. Do not defile yourselves through them. I am Yahveh your God. (Lev 18:24-30)

H's insistence that the land will spew out (קִי־א) the Israelites just as it did to the previous inhabitants magnifies the onus H places upon the laity to uphold the purity of the land. According to H, Yahveh separated (בד"ל [hi.]) the Israelites from the peoples and, in turn, the Israelites must respond by actively distinguishing the clean from the profane:

42. Fishbane, *Biblical Interpretation*, 119; Olyan, *Rites and Rank*, 84.

ולא תלכו בחקת הגוי אשר אני משלח מפניכם כי את כל אלה עשו ואקץ בם
 ואמר לכם אתם תירשו את אדמתם ואני אתננה לכם לרשת אתה ארץ זבת חלב
 ודבש אני יהוה אלהיכם אשר הבדלתי אתכם מן העמים והבדלתם בין הבהמה
 הטהרה לטמאה ובין העוף הטמא לטהר ולא תשקצו את נפשתיכם בבהמה
 ובעוף ובכל אשר תרמש האדמה אשר הבדלתי לכם לטמא והייתם לי קדשים כי
 קדוש אני יהוה ואבדל אתכם מן העמים להיות לי

You will not follow the statutes of the nation that I am driving out before you for they did all these things and I abhorred them. I say to you: You will possess their land and I will give it to you to possess, a land flowing with milk and honey. I am Yahveh your God who separated you from the peoples. You will distinguish between the clean animal and the profane and between the unclean bird from the pure. You will not bring abomination upon yourselves by animal, by bird, and by anything that creeps on the ground which I distinguished for you as profane. You will be holy to me for I, Yahveh, am holy. I have separated you from the other peoples as mine. (Lev 20:23-26)

By extending holiness to all of the people and the land of Israel, H contrasts the Israelites' practices with those of the foreign nations.⁴³ EM adapts H's language of separation (בד"ל [hi.]) from Lev 20:23-26 to present the charge that some in the community have not separated from "the peoples of the lands" and, as a result, have broken a legal requirement.⁴⁴ Accordingly, the שרים begin the charge against the guilty with לא יבדלו (Ezra 9:1aβ).

43. Knohl, *Sanctuary of Silence*, 180-81; James L. Kugel, "The Holiness of Israel and the Land in Second Temple Times" in *Texts, Temples, and Traditions*, 23.

44. Olyan, *Rites and Rank*, 90.

The Canaanites, Hittites, Perizzites, Jebusites, Ammonites, Moabites, Egyptians, and Amorites would have created little cause for concern among the inhabitants of post-exilic Yehud.⁴⁵ The שָׂרִים do not attempt to identify their contemporary “peoples of the lands” but by naming these pre-Israelite nations they invoke the situation of the wilderness generation. The named nations and the charge against intermarriage in Ezra 9:1-2, however, do not derive from H. The pentateuchal traditions agree that Canaan was once inhabited by peoples mightier than the Israelites but that they were extinguished due to their revulsions. Although the lists of peoples in Gen 15:19-21 [J]; Exod 3:8, 17 [J]; 13:5 [E]; 23:23 [E]; 33:2b [J^{Dtr}];⁴⁶ 34:11 [J^{Dtr}]; Deut 7:1; 20:17 [D] do not agree on the exact number or identification of these foreign nations, they all acknowledge that other nations inhabited Canaan before the Israelites.⁴⁷ According to J, the scouts report that they

45. These nations are original and not additions; contra Rudolph, *Ezra und Nehemia*, 86, 89; Mowinckel, *Studien*, 3:34 n. 2; Pakkala, *Ezra the Scribe*, 91.

46. See §3.5.4. for the source critical assignment of Exod 33:2b.

47. For the early provenance of the “six-name” lists, see Tomoo Ishida, “The Structure and Historical Implications of the Lists of Pre-Israelite Nations,” *Bib* 60 (1979): 461-90; repr., “The Lists of Pre-Israelite Nations” in *History and Historical Writing in Ancient Israel: Studies in Biblical Historiography* (SHCANE 16; Leiden/Boston: Brill, 1999), 8-36. For the argument that the labels Amorite and Hittite are anachronisms of late monarchic writers, see John Van Seters, “The Terms ‘Amorite’ and ‘Hittite’ in the Old Testament,” *VT* 22 (1972): 64-81; repr., in *Changing Perspectives I: Studies in the History, Literature, and Religion of Biblical Israel* (CIS; London: Equinox, 2011), 55-71.

have seen the descendants of Anak along with the Amalekites, Hittites, Jebusites, Amorites, and Canaanites (Num 13:28b-29). In P's version of this account—despite the absence of any pre-Israelite list of nations in the Priestly writings—the spies remark that Canaan was occupied by stronger peoples (v. 32). Ezra 9:1 does not completely match any of these pentateuchal lists. Instead, the nations are derived from separate lists in Deuteronomy: Deut 7:1-5; 23:4-7 [ET 3-6].⁴⁸ Deut 7:1-5 contains an unabashed condemnation against marriage with seven foreign nations:⁴⁹

כי יביאך יהוה אלהיך אל־הארץ אשר־אתה בא־שמה לרשתה ונשל גוים־רבים
מפניך החתי והגרְגְּשִׁי והאמרי והכנעני והפרזי והחוי והיבֹּסִי שבעה גוים רבים
ועצומים ממך ונתנם יהוה אלהיך לפניך והכיתם החרם תחרים אתם לא־תכרת
להם ברית ולא תחנם ולא תתחתן בם בתך לא־תתן לבנו ובתו לא־תקח לבנך
כִּי־יסיר את־בנך מאחרי ועבדו אלהים אחרים וחרה אף־יהוה בכם והשמידך מהר
כִּי־אסִיכה תעשו להם מזבחתיהם תתצו ומצבתם תשברו ואשירהם תגדעון
ופסיליהם תשרפון באש

For Yahveh your God will bring you into the land that you will enter to possess and he will clear many nations before you—Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites, seven nations greater and mightier than you—and Yahveh your God

48. Kaufmann, *tôl'dôt*, 4:292; Eng., 337-38; Japhet, "People and Land," 127 n. 57; repr., 112 n. 57; Ginsberg, *Israelian Heritage*, 15-16; Williamson, *Ezra, Nehemiah*, 131; Blenkinsopp, *Ezra-Nehemiah*, 175; Fishbane, *Biblical Interpretation*, 114-21; Dor, "Foreign Women in Ezra IX-X," 31; *idem*, "Foreign Women", 52-53; Gary N. Knoppers and Paul Harvey, "The Pentateuch in Ancient Mediterranean Context: The Publication of Local Lawcodes" in *Pentateuch as Torah*, 135.

49. The list of nations in Deut 7:1 presents few source- or redaction-critical difficulties. See, however, the argument that *Völkerlisten* (in Exod 23:23; 34:11; Deut 7:1) are indications of a late Deuteronomistic layer in Hans-Christoph Schmitt, "Das spätdeuteronomistische Geschichtswerk Genesis i - 2 Regum xxv und seine theologische Intention" in *Congress Volume, Cambridge 1995* (ed. J. A. Emerton; VTSupp 66; Leiden/New York: Brill, 1997), 269.

will give them to you. You will strike them and surely destroy them. You shall not make a covenant with them and never show compassion to them. You shall not marry with them. You shall not give your daughters to their sons and you must never take their daughters for your sons for that would turn your sons toward others. They will serve other gods and the anger of Yahveh will kindle against you and quickly destroy you. For this you will do against them: their altars you will break, their pillars you will smash, their sacred poles you will hew, and their idols you will burn in fire. (Deut 7:1-5)

Deut 7:1-5 prohibits marriages with five of the nations named in Ezra 9:1—

Canaanites, Hittites, Perizzites, Jebusites, and Amorites. However, Ezra 9:1 also

includes Ammonites, Moabites, and Egyptians. For these nations, EM incorporates

the list from Deut 23:4-9 [ET 3-8]—Ammonites, Moabites, Edomites, and Egyptians—

to various degrees.

According to D, the prohibitions against the Ammonites and Moabites are to be observed in perpetuity:

לֹא־יָבֹא עַמּוּנִי וּמוֹאָבִי בִּקְהַל יְהוָה גַּם דּוֹר עֲשִׁירִי לֹא־יָבֹא לָהֶם בִּקְהַל יְהוָה
עַד־עוֹלָם עַל־דְּבַר אֲשֶׁר לֹא־קִדְּמוּ אֹתְכֶם בִּלְחֶם וּבִמֵּי בִדְרֹךְ בְּצֵאתְכֶם מִמִּצְרַיִם
וְאֲשֶׁר שָׁכַר עָלֶיךָ אֶת־בִּלְעָם בֶּן־בְּעוֹר מִפְּתוֹר אֲרָם נְהַרִים לְקַלְלֶיךָ וְלֹא־אָבָה יְהוָה
אֱלֹהֶיךָ לִשְׁמֹעַ אֶל־בִּלְעָם וַיַּהֲפֹךְ יְהוָה אֱלֹהֶיךָ לְךָ אֶת־הַקְּלָלָה לְבִרְכָּה כִּי אָהַבְךָ יְהוָה
אֱלֹהֶיךָ לֹא־תִדְרֹשׁ שְׁלָמָם וְטַבְתָּם כָּל־יְמֶיךָ לְעוֹלָם

An Ammonite or Moabite shall never enter the assembly of Yahveh, even to the tenth generation. They shall never enter the assembly of Yahveh for eternity, on the account of which they did not meet you with bread and water on your journey from out of Egypt and they hired Bilaam son of Pethor of Aram-Naharaim against you to curse you. But Yahveh your God did not heed to Bilaam. Yahveh your God turned the curse into a blessing because Yahveh your God loved you.

You shall not seek their welfare or their prosperity all your days for eternity. (Deut 23:4-7 [ET 3-6])

Deut 23:5 [ET 4] justifies the rejection of Ammonites and Moabites from the קהל

יהוה because of their refusal to aid the Israelites in the wilderness.⁵⁰ What follows

next in D are two nations that may be admitted—the Edomites and the Egyptians:

לֹא־תִתֵּעַב אֲדָמִי כִּי אַחִיד אוֹה לֹא־תִתֵּעַב מִצְרִי כִּי־גֵר הָיִיתָ בְּאֶרֶצוֹ בְּנִים אֲשֶׁר־יֻלְּדוּ
לָהֶם דּוֹר שְׁלִישִׁי יָבֹא לָהֶם בְּקֶהֱל יְהוָה

You shall never abhor the Edomite, for he is your kin. You shall never abhor an Egyptian, for you were aliens in their land. Children born to them—the third generation—may enter the assembly of Yahveh. (Deut 23:8-9 [ET 7-8])

Deuteronomy has no qualms about the admissibility of an Edomite and an Egyptian

two generations removed. EM, however, omits the Edomites and includes the

Egyptians in Ezra 9:1. If EM is indeed following the list of nations in Deuteronomy,

then its interpretation of Deut 23:8-9 requires explanation. Addressing the

omission of Edomites in Ezra 9:1, some critics prefer 1 Esd 8:69—specifically, its

inclusion of Ἰδουμαίωv—over MT האַמְרִי.⁵¹ The Edomites are singled out as a

50. D, however, does not record an Israelite request for Ammonite or Moabite assistance in the wilderness. Instead, Yahveh commands the Israelites to avoid hostilities with the Moabites (Deut 2:9) and the Ammonites (v. 19) because their land is a divine gift. The Ammonites and Moabites are often unfavourably mentioned in the biblical corpus (cf. Gen 19:30-38; 2 Chr 24:26). For the influence of Ezra 9-10 upon the identification of two of Joash's assassins as an Ammonite and a Moabite in 2 Chr 24:26, see M. Patrick Graham, "A Connection Proposed Between II Chr 24, 26 and Ezra 9-10," ZAW 97 (1985): 256-58.

51. See Batten, *Ezra and Nehemiah*, 331; Rudolph, *Esra und Nehemia*, 86; Japhet, "People and Land," 124 n. 55; repr., 111 n. 55; Ginsberg, *Israelian Heritage*, 15;

detestable nation in many of the biblical traditions. In addition to the unfavourable aetiology of the Edomites in the sibling rivalry between Jacob and Esau (Gen 27:1-45 [J]), Edom is portrayed as a detestable nation in 1 Kgs 11:1-8; Ezek 32:29; Mal 1:4; 2 Chr 21:10. In E, the Israelites appeal to the Edomite king as kin in their request for safe passage through his territory but are refused with armed force (Num 20:14-21). In contrast, D revises and presents the Edomites in a more favourable light: the Israelites are forbidden by divine fiat to cross into Edomite territory (Deut 2:3-8a).⁵² EM's omission of the Edomites and inclusion of the Amorites (cf. Deut 7:1) is explainable on the basis that it consistently follows D's portrayal of both groups. As a result, האַמֹּרִי in MT Ezra 9:1 is supported.⁵³ In addition to Deut 7:1, D also depicts the Amorites as hostile to the Israelites in Deut 2:24-36. However, EM differs from Deuteronomy on its views regarding the admissibility of an Egyptian. Deuteronomy does not accuse the Egyptians of

Blenkinsopp, *Ezra-Nehemiah*, 174; Kugel, "Holiness of Israel," 24; Milgrom, *Leviticus* 1-16, 360.

52. For the dependency of Deut 2:3-8a on Num 20:14-21 [E], see Baden, *Redaction*, 130-32; *idem*, *Composition*, 137. In E, the מַלְאָךְ that leads the Israelites out of Egypt (Num 20:16) is sent by Yahveh to guide the Israelites out of Horeb (cf. Exod 23:20-22). In contrast, in J, Yahveh sends the מַלְאָךְ because otherwise, Yahveh will consume the Israelites (cf. Exod 33:1-2a, 3, 15-17; see §3.5.4).

53. See also Williamson, *Ezra, Nehemiah*, 131. Talshir observes that 1 Esdras demonstrates a preoccupation with the Edomites (elsewhere in 4:45, 50) (*I Esdras: A Text Critical Commentary* [SBLSCS 50; Atlanta: Society of Biblical Literature, 2001], 441).

committing תועבה and grants Egyptians of a third generation admission into the Israelite confederacy (vv. 8b-9).⁵⁴ EM erases any potential ambiguities and, supported by the abominations of the land of Egypt in H (cf. Lev 18:3),⁵⁵ includes all Egyptians in its list of nations.

5.2.2. *Exogamy in the Pentateuch*

According to the classical view, Deuteronomy's general prohibition against the practice of exogamy marks a transitional point between its acceptance in pre-exilic Israel and its taboo by the time of Ezra and the post-exilic period. Critics, however, struggle to account for the exceptions when discussing the general background to Ezra's actions. Rudolph explains that an Israelite in a foreign land can marry a non-Israelite in order to have offspring (cf. Gen 41:45; Exod 2:21; Num 12:1; Ruth 1:4).⁵⁶ Abraham's marriage to the Egyptian Hagar and the birth of their son Ishmael, however, take place in Canaan (Gen 16:3, 15 [P], see below). In another example from Deut 21:10-14, D allows for marriage to a woman (who is presumed to be a foreigner) taken from a conquered town. Mowinckel argues that

54. As I discuss below, PC also allows for marriage to an Egyptian under certain circumstances (§5.2.2).

55. Williamson, *Ezra, Nehemiah*, 131.

56. Rudolph, *Ezra und Nehemia*, 87.

prohibitions against mixed marriages first arise in the post-exilic period and explains the allowance in Deut 21:14 as theoretical.⁵⁷ It will be argued below that Deut 21:14 properly adheres to Deuteronomy's fundamental concern that underlies its own position on exogamy.

Upholding the division between pre-exilic and post-exilic views of mixed marriages, some critics employ this dichotomy as the sole criterion for dating pentateuchal texts. Bianchi places Gen 25:1-6 as a pre-exilic text that permits mixed marriages and regards Genesis 24; 26:1-5; 34; Exod 34:14-18; Num 12:1-2; Deut 7:1-3 as late compositions that follow the post-exilic polemical stand against such unions as made clear in Ezra 9-10; Nehemiah 10.⁵⁸ It should be noted that little, if anything, is said about Keturah's ethnicity in Gen 25:1-6 [E] and some of the other listed texts may not deal with marriage at all. Citing Ruth and Chr, Lange argues that post-exilic and Hellenistic attitudes on exogamy were not always negative and explains most of the polemics as redactional incorporations into existing authoritative texts.⁵⁹ Based on the premise that the biblical writers

57. Mowinckel, *Studien*, 3:35.

58. Francesco Bianchi, "«La semence sacrée»: la polémique sur les mariages mixtes dans les textes bibliques d'époque achéménide et hellénistique," *Transeu* 29 (2005): 83-102.

59. Armin Lange, "Your Daughters Do Not Give to Their Sons and Their Daughters Do Not Take for Your Sons (Ezra 9,12): Intermarriage in Ezra 9-10 and in

promoted endogamy and condemned exogamy, Satlow divides Genesis 34 into a base account of the rape of Dinah and a Priestly supplement that polemicizes against marriage between Jacob's sons and the Shechemites.⁶⁰ It remains difficult to date any biblical text solely on the basis of a particular ethnological stand at the expense of other ideological and literary considerations. Attempts to separate and date texts according to their attitudes on the practice of exogamy are for the most part unconvincing.

The Deuteronom(ist)ic stand on exogamy arises out of a perceived necessity. In Exod 23:23-24, CC forbids obedience to foreign gods and commands the destruction of their **מצבות**.⁶¹ The Deuteronom(ist)ic legislators regard Exod 23:23-24 as abstract and revise it with more concrete prohibitions. J^{Dtr} forbids the

the Pre-Maccabean Dead Sea Scrolls," *BN* 137 (2008): 17-39.

60. Michael L. Satlow, *Jewish Marriage in Antiquity* (Princeton, N.J.: Princeton University Press, 2001), 134-35. For Genesis 34 as a composite text (not based solely on any view on exogamy), see: a base narrative with additions in Blum, *Vätergeschichte*, 213-16; J with additions in John Van Seters, *Prologue to History: The Yahwist as Historian in Genesis* (Louisville, Ky.: Westminster John Knox, 1992), 278; J and E in Baden, *Composition*, 233-34. For the assignment of Genesis 34 to a single source [J], see Friedman, *Sources Revealed*, 88-89.

61. Exod 21:8 prohibits the sale of a daughter to a foreign people but the concern here is not the giving of a daughter for marriage but the giving of a daughter as a slave (or perhaps as a concubine) to a foreigner. See also Ephraim Neufeld, *Ancient Hebrew Marriage Laws: With Specific References to General Semitic Laws and Customs* (London: Longmans, Green, 1944), 68-75.

Israelites from entering into covenants with a list of inhabitants and prohibits taking foreign daughters for their sons (Exod 34:11-16).⁶² D emphatically warns against marriage (ולא תתחתן [Deut 7:3]) with the named foreign nations for the reason that such unions will lead the Israelites away from Yahveh. The allowance for marriage to a woman captured in battle in Deut 21:10-14 is neither an exception nor a contradiction but is consistent with D's greater concern for apostasy. Deuteronomy permits marriages to women captured from foreign nations because they are perceived as less threatening to the Israelite.⁶³ According to D, the Israelites face fewer pressures from a conquered people and its deity but are unable to singlehandedly overcome the larger and mightier nations named in Deut 7:1 (also 20:16-18). For the Deuteronomists, exogamy is acceptable only when an Israelite's fidelity to Yahveh is not threatened and the practice is only deplored with nations who are more likely to sway the Israelites away from worshipping Yahveh.

62. For CC as the influence on both Deut 7:1-5 and Exod 34:11-16, see Weinfeld, *Deuteronomistic School*, 46; *idem*, *Deuteronomy 1-11*, 379-82; Carr, "Method in Determination of Direction of Dependence," 107-140. The opposite direction of influence is argued for in Ginsberg, *Israelian Heritage*, 64; Van Seters, *Law Book for the Diaspora*, 81.

63. Smith, *Palestinian Parties*, 12-13; Weinfeld, *Deuteronomy 1-11*, 365.

Despite the numerous reconstructions, texts classically assigned to J and E do not have a clear stand on exogamy. In J, Abraham commands his servant not to select a Canaanite for Isaac but to find a wife for his son from his ancestral land. Here is a vehemently negative opinion against the practice of exogamy (Gen 24:3-4). However, elsewhere in J there is no condemnation of the practice when Judah takes his widowed Canaanite daughter-in-law into his household out of familial duty (Gen 38:2) or Moses marries a Midianite (Exod 2:21). E reflects its incorporated legal code (cf. Exod 23:23-24) and does not explicitly prohibit exogamy. Jacob's sons impose the demand upon the Shechemites to undergo circumcision before any discussion of marriage between the clans (Gen 34:14-16).⁶⁴ In Num 12:1, Miriam and Aaron speak out against Moses and his Cushite wife but this complaint is a ruse to draw out Yahveh so that they can raise their more serious charge against the deity (v. 2). Yahveh's response against Miriam and Aaron in vv. 5-9 addresses the charge against him and not the initial complaint. Finally, the relations with Moabite women and the ensuing slaughter of the Baal Peor devotees in Num 25:1-5 unlikely refers to mixed marriages but illicit sexual relations.⁶⁵

64. For the assignment of this narrative to E, see Baden, *Composition*, 233.

65. For compound (priestly) redaction in Num 25:1-5, see Young Hye Kim, "The Finalization of Num 25,1-5," *ZAW* 122 (2010): 260-64. I contend that these verses are neither Priestly nor Deuteronomic (see also Jenks, *Elohism*, 58; Levine,

Among the pentateuchal traditions, the treatment of exogamy is the most complicated in P. Some critics believe that P strictly condemns the practice.⁶⁶ Douglas presents the opposing argument that priestly editors for the most part defended the practice of exogamy and through their post-exilic redaction of Leviticus and Numbers repudiate the doctrinal views on impurity held by government officials (as represented by Ezra).⁶⁷ The absence of prohibitions against intermarriage in the list of sexual offences in Leviticus 18, 20 supports the view that P did not oppose the practice.⁶⁸ If P indeed has a position on intermarriage then it is usually informed by proper ritual practices. Esau's marriage to two Hittite women draws the ire of Isaac and Rebekah (Gen 26:34-35) who respond by instructing Jacob to go to Paddan-Aram in order to find a wife from his uncle's household (27:46-28:5). Mindful of his parents' displeasure at his Hittite wives, Esau goes to Ishmael and takes a wife from his household (vv. 6-9). In this episode, P

Numbers 21-36, 279-85; Friedman, *Sources Revealed*, 287). Despite the resonances to Exod 32:26-29 [J], J places the Israelites in the valley of Moab nearby Pisgah before crossing the Jordan (Num 21:20; Deut 34:1). In Num 25:1-5, the Israelites are in Shittim before crossing the Jordan (cf. Josh 2:1; 3:1), leaving its assignment to E as a viable option.

66. Mowinckel, *Studien*, 3:35. See above for Satlow's treatment of Genesis 34.

67. Mary Douglas, "Responding to Ezra: The Priests and the Foreign Wives," *BibInt* 10 (2002): 2-23.

68. Milgrom, *Leviticus* 17-22, 1584-85.

opposes marriage to some outsiders (Hittites) but not others (Egyptians). P similarly does not criticize Abraham for taking Hagar **המצרית** as wife in the land of Canaan (Gen 16:3).⁶⁹ Similarly, Joseph's marriage to Aseneth, the daughter of an Egyptian priest, raises no concerns (Gen 41:45). P accepts these marriages and upholds the status of children born to these Egyptian mothers as rightful heirs.⁷⁰ Both Ishmael and Isaac bury Abraham (Gen 25:9) and Joseph and Aseneth's two sons, Ephraim and Manasseh, are blessed by Jacob (48:20). Here, a question arises: why do the Priestly legalists accept marriage with Egyptians but (as evidenced by Esau's Hittite wives) not others? The answer partially lies in common ritual practice, specifically, circumcision. Jer 9:25 [ET 26] lists Egyptians, Edomites, Ammonites, Moabites, and desert dwellers as observants of circumcision. For P, circumcision marks the covenant between Yahveh and Abraham (Gen 17:9-14) and

69. For Gen 16:3 as P see Friedman, *Sources Revealed*, 55; Baden, *Composition*, 170-71. The designation of Hagar as Abraham's **אשה**, however, presents a difficulty. Does it connote "wife" or "concubine"? Some critics propose the latter (E. A. Speiser, *Genesis: Introduction, Translation, and Notes* [AB 1; Garden City, N.Y.: Doubleday, 1964], 117; Bernard Jackson, "The 'Institutions' of Marriage and Divorce in the Hebrew Bible," *JSS* 56 [2011]: 227 n. 23). The solution, I believe, is a source critical one and the documents disagree on the marital status of Hagar. In J (16:1-2, 4-14) and E (21:8-14), Hagar remains Sarah's maidservant. P, however, regards Hagar as Abraham's wife. The opposing views of Abraham's relationship to Hagar are responsible for the description of **הגֵר הַמִּצְרִית שֶׁפַחַת שָׂרָה** in the priestly genealogy of Ishmael (25:12-18). R^{Pent} inserts **שֶׁפַחַת שָׂרָה** (v. 12) to harmonize the different depictions of Hagar's status as wife in P and as concubine in J and E.

70. Olyan, *Rites and Rank*, 85.

includes Ishmael (vv. 23, 25-26). The importance of this practice explains the prohibition of an uncircumcised male from partaking in **פסח** (Exod 12:43-49 [H]; Josh 5:2-10 [P]). Outside of PC, J upholds the high regard for circumcision in the perplexing designation of Moses as **חתן דמים למולת** (Exod 4:26). In E, the absence of circumcision marks the Shechemite as a foreigner (Gen 34:14-16). According to the Priestly writers, marriage to a member of a ritually acceptable foreign nation is—as in the case of Egyptians—acceptable.⁷¹ This applies, however, only for the laity and not for the priesthood. P's Aaron is married to Elisheba *bat* Amminadab, a Judahite

71. Here, I shall remark upon two Priestly accounts that I contend do not primarily concern themselves with exogamy. First, in Lev 24:10-16, 23 [H], the offspring of an Israelite woman and an Egyptian man is found guilty of blasphemy and stoned to death. If the concern is racial purity, then the suspected blasphemer's Israelite woman and Egyptian father should have been reprimanded. The suspected infraction, however, is blasphemy against Yahveh and this snippet reinforces H's view that anyone—**גר** or **אזרח**—who blasphemes the divine name deserves death. See also Jacob Weingreen, "The Case of the Blasphemer (Leviticus XXIV 10 ff.)," *VT* 22 (1972): 120; contra Lev 24:10-16, 23 as an exilic critique of Solomon's Egyptian affiliation in Mark Leuchter, "The Ambiguous Details in the Blasphemer Narrative: Sources and Redaction in Leviticus 24:10-23," *JBL* 130 (2011): 440-42. Second, Phinehas *ben* Eleazar follows a Hebrew man and a Midianite woman into the **אהל מועד** and kills them (Num 25:6-15 [P]). Gray assigns this episode to P on the basis that "the sin is intercourse with foreign women (cp. Ezr. 10); it is punished by the priest" (*Numbers*, 380). The sin that P has in mind in Num 25:6-15, however, is unrelated to Ezra 10 and interracial relations—P even permits marriage to captured Midianite women (Num 31:18). Additionally, Phinehas is not yet a priest (Num 25:12-13); instead, that title belongs to his father, Eleazar. The concern in this episode lies in upholding the pristine condition of the **אהל מועד** and Phinehas, through his swift and decisive actions, proves to be a worthy heir to the high priesthood.

(Exod 6:23; cf. Num 1:7), and H mandates that the priest must take only a maiden (בתולה) from his own kin as אשה (Lev 21:14).

The above survey, albeit short, suggests that if there is indeed a “pentateuchal” stand against exogamy then it can be construed as a prohibition against an Israelite’s marriage to an “outsider.” The pentateuchal traditions maintain different criteria for identifying this outsider. An outsider can be identified along ethnographic lines but also according to ritual practices. As long as one poses a considerable threat to an Israelite—especially an Israelite’s fidelity to Yahveh or an Israelite’s ability to uphold their cultic obligations to Yahveh—that person will be recognized as an outsider and inadmissible into the Israelite nation. EM does not name the foreign nations that threaten Ezra’s Jerusalem community but it follows D and regards the עמי הארץ or עמי הארצות as its foreign inhabitants (among which, I conceive, include the Persians) that, due to their militaristic or economic superiority, pose the considerable threat of apostasy upon a Yehudite. The fear that an outsider will detract an Israelite away from their obligations to Yahveh is not only a perceived threat held by the pentateuchal traditions but one that is also supported by EM and reflects post-exilic Yehud’s low status and place in the Achaemenid empire.

The שרים claim that the intermingling of the holy seed with “the peoples of the lands” constitutes מעל (Ezra 9:2). This מעל attracts the attention of persons identified as כל חרד בדברי אלהי־ישראל (v. 4; see §5.4.2) and is the source of Ezra’s remorse (10:6). In separate speeches by Shecaniah (10:2) and Ezra (v. 10), מעל describes the deplorable act of marrying foreign women. From where does EM’s cast of characters obtain the idea that the mixed marriages constitute a מעל?

Milgrom argues that מעל constitutes a sin against Yahveh either through sancta trespass or covenant oath violation that must be redressed by an אשם (“reparation offering”).⁷² In P, any sacrilege against Yahveh—whether it is against sancta or the violation of a covenant oath—is distinguished as a מעל (Lev 5:15, 21 [ET 6:2]; 26:40 [H]; Num 5:6, 12, 27; 31:16; Deut 32:51 [P]). Between these two categories, Milgrom regards the trespass against sancta in Lev 5:14-16 as the legal background for Ezra’s מעל charge and the אשם sacrifice in Ezra 10:19.⁷³ In Lev 5:14-16, when one commits an unintentional מעל against something קודש יהוה the reparation is an אשם plus an additional fifth of the value of the sacrifice. P

72. Jacob Milgrom, “The Concept of Ma‘al in the Bible and the Ancient Near East,” *JAOS* 96 (1976): 236-47; Milgrom, *Leviticus 1-16*, 345-46.

73. Jacob Milgrom, *Cult and Conscience: the Asham and the Priestly Doctrine of Repentance* (SJLA 18; Leiden: Brill, 1976), 71-80; *idem*, *Leviticus 1-16*, 359-61.

continues with the provision that anyone who imagines the worst—that they themselves have somehow contaminated sancta by breaking any of the מצות־יהוה that is not to be done (לֹא תַעֲשֶׂינָהּ: a prohibitive commandment)—is also given the legal remedy to rectify the unintentional, yet still deadly, shortcoming (vv. 17-19). Japhet reckons vv. 17-18 as the influence on Ezra’s charge of a מעל.⁷⁴ The differences between Lev 5:15-16 and vv. 17-18 are the impact upon something that is קדש־יהוה, the intentional breaking of a מצות, and the additional one-fifth of the value of the required sacrifice. I contend that there is little to suggest that the Priestly legalists disallowed exogamous relationships, especially for anyone other than the priests, through any systematic legislation (§5.2.2). If P (or any other subsequent reader) has any misgivings about the potency of exogamous relationships among the non-priestly classes to defile then it would fall under suspected sancta desecration (in other words, something קדש־יהוה) and its prescribed remedy in Lev 5:15-16 and not the breaking of any of the מצות־יהוה. Saysell accepts Milgrom’s distinction of a מעל between sancta trespass and covenant oath but, challenging the applicability of sancta trespass, argues that Ezra’s מעל refers to a covenant breaking and oath violation that is rooted in the

74. Sara Japhet, “Law and ‘The Law’ in Ezra-Nehemiah” in *Proceedings of the Ninth World Congress of Jewish Studies: Panel Sessions* (ed. M. Goshen-Gottstein; Jerusalem: Magnes, 1988), 112; repr., in *Rivers of Babylon*, 148.

covenant at Moab in Deut 29:11 [ET 12].⁷⁵ D, however, lacks either the technical terminology מעל to refer to an oath violation or the אשם. The charge of מעל in Ezra 9-10 addresses a concern that reflects Priestly ideology. Additional support for foreigners as the cause of sancta desecration is found in Malachi lambasting Judah for polluting the קדש יהוה through marriage to the אל נכר (Mal 2:11) and Ezekiel prohibiting any בן-נכר from crossing the temple confines (Ezek 44:9). EM regards the מעל of the mixed marriages—and its redress through an אשם—as equal to P’s unintentional (שגגה) sacrilege against sancta.

5.2.4. “Insider” vs. “Outsider” in EM

The key, I put forward, to understanding the legal issue and solution to the mixed marriages is identifying who EM regards as responsible for the proper ritualistic upkeep of sancta and, in turn, is liable for מעל. To recap the charge brought forward by the שרים: “the people of Israel, the priests, and the Levites” have not separated from the עמי הארצות (Ezra 9:1) and the holy seed, led by the officers and the leaders, have mingled with the עמי הארצות (v. 2b). This infraction is labelled as מעל. EM implies that priests, Levites, officers, and leaders (all Yehudite) are bound by the demands of the Yahvistic cult, whether it is observing תורות, the

75. Saysell, “According to the Law”, 100-5.

proper offering of sacrifice, or adjudicating difficult cases. When the upper echelons of cult and society do not follow the prescribed legislation, their service to the cult becomes ineffective, and the cult is threatened with extinction.

What about the people of Israel or the holy seed who are also accused of committing מעל? Later in EM, the בני ישראל gather on the 24th day of the ninth month (Neh 9:1) and the זרע ישראל separate from all foreigners (v. 2) (see §5.5.1).⁷⁶ Although pentateuchal literature does not label any group as עם ישראל, זרע ישראל, or זרע הקדש (cf. Isa 6:13), Yahveh claims the בני ישראל as his exclusive possession (cf. Exod 19:3-6). The pentateuchal traditions agree that Abraham is the recipient of the divine promise that his זרע will be numerous and inherit land (Gen 12:7 [J]; 15:5, 13, 18 [E]; 17:7-8 [P]; Deut 1:8 [D]).⁷⁷ The pentateuchal traditions also agree that by virtue of their holiness (קדש), the Israelites belong to or are designated for Yahveh (cf. Exod 19:10, 14 [J]; Exod 19:6; 22:30 [E]; Lev 11:44 [H]; Deut 7:6 [D]).⁷⁸

76. Kapelrud suggests that the זרע הקודש and זרע ישראל refer to a single group (*Authorship*, 61; *pace* Duggan, *Covenant Renewal*, 151). I agree they are one and the same.

77. Baden, *Promise*, 101-25; contra Suzanne Boorer, *The Promise of the Land as Oath: A Key to the Formation of the Pentateuch* (BZAW 205; Berlin: de Gruyter, 1992), 38-99.

78. For the distinction between קדש-I (“holy”, “sacred”) and קדש-II (“clean”, “purified”), see Baruch J. Schwartz, “Israel’s Holiness: The Torah Traditions” in *Purity and Holiness: the Heritage of Leviticus* (ed. M. Poorthuis, J. Schwartz; JCP 2; Leiden: Brill, 2000), 47-59; also *idem*, *Holiness Legislation*, 250-66.

Tiemeyer suggests that the officials' repulsion of a "mixed seed" is taken from Lev 19:19.⁷⁹ ער"ב, however, is absent in Lev 19:19 and it is difficult to read intermarriage into H's prohibition against the sowing (זר"ע) of a field with two different seeds.⁸⁰ Spurred by the similarities between Deut 7:1-5 and Ezra 9:1-2, זרע הקדש (Ezra 9:2) is thought to derive from עם קדוש in Deut 7:6.⁸¹ Both עם קדוש and זרע הקדש uphold the sense of קד(ו)ש as "holy" or "sacred" but originate from different and irreconcilable claims. According to Deuteronomy, Yahveh chooses (בחר) the Israelites as a holy people out of the nations not due to any superior quality (Deut 7:6-7; cf. 14:2, 26:19) and reserves the right to cancel their holiness if the Israelites fail to observe his commandments.⁸² The notion that the people of Israel are inherently holy is emphatically quashed in P. Korah protests Moses and Aaron's leadership with his claim that the entire congregation is holy and Yahveh is also among the masses (Num 16:3). This claim is soundly rejected with the supernatural

Here, these references fall under קד"ש-I.

79. Tiemeyer, *Priestly Rites*, 187-88.

80. Milgrom, *Leviticus 17-22*, 1660-62. See also Deut 22:9.

81. See Pakkala, "Pentateuchal Laws in Ezra-Nehemiah," 208. Other critics regard זרע הקדש as a combination of different traditions: (Deuteronomy's) "holy nation" and "seed of Abraham" in Bob Becking, "Continuity and Community: The Belief System of the Book of Ezra" in *Crisis of Israelite Religion*, 270-71; P and non-P in David M. Carr, "The Rise of Torah," in *Pentateuch as Torah*, 52.

82. Weinfeld, *Deuteronomistic School*, 227-28; *idem*, *Deuteronomy 1-11*, 367-68; Schwartz, "Israel's Holiness," 52.

fiery demise of Korah and his followers (v. 35; 17:5 [ET 16:40]). P restricts holiness to the sanctuary, sancta, persons authorized to serve in the sanctuary, and anything anointed with sacred oil.⁸³ H extends the notion of holiness to the people and land of Israel for the reason that Yahveh is holy (Lev 19:2; cf. 20:7) and, due to the dynamic quality of holiness, commands Israel to be actively holy (קד"ש [pi.]). EM also rejects the notion of holiness as a static quality and upholds it as something that is achieved by the people through action. In Ezra 9-10, this action is—following H—separation. For EM, holiness is required from not only the priestly classes and social leaders but also from anyone who identifies themselves as a member of Yahveh's exclusive community. When holiness is not observed, the charge is מעל—it is sacrilege against Yahveh and sancta. In Ezra 9:4; 10:6, the מעל charge that is issued to the גולה furthers the point that an exclusive group is responsible for actively upholding holiness.

The desired separation of the Israelite or the זרע הקדש from “the people of the lands” and divorce from foreign women suggest that EM denies either the עמי or נכרי as part of the continuing “Israelite” or Yahvistic community. The status of a נכרי as one who is not Israelite is upheld by the biblical traditions.⁸⁴

83. Milgrom, *Leviticus* 17-22, 1712.

84. To designate the foreigner, H employs the term בן נכר whereas D uses נכרי (see Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17-26* [VTSupp 67; Leiden: Brill, 1996],

Malachi and Ezekiel consider the נכרי as a polluting agent that threatens the sanctity of sacred objects (see §5.2.3). Solomon's marriages to the נשים נכריות and his resulting fidelity to their deities is the reason for the eventual downfall of his kingdom (1 Kgs 11:1-13). Deuteronomy forbids the installation of a נכרי as the Israelite monarch (Deut 17:15). In Priestly texts, a foreigner (בן נכר) is explicitly prohibited from partaking in פסח (Exod 12:43 [H]). More importantly, PC does not place any obligations upon a בן נכר towards the maintenance of sancta. They are *personae non gratae* in the Priestly cult. The status of a נכרי as an undesirable is also illustrated when Leah and Rachel remark that their father sold them, consumed their purchase price, and without any entitlement to an inheritance they pass as only foreigners in his household (Gen 31:14-15 [E]).⁸⁵ The above examples arise out of a general concern that a foreigner in the land of Israel does not subscribe to the cultic laws and their presence anywhere near the cult inevitably leads to sancta

75-76). See also בן נכר as a specific Priestly term (and disputing the view that P's term refers to ethnicity and D's term refers to territory) in Paran, *Priestly Style*, 301-3.

85. The source critical division of the Jacob-Laban pericope is contentious. For the importance of Bethel in E's Jacob pericope (cf. v. 13), see Gomes, *Sanctuary of Bethel*, 66; and the assignment of Gen 31:11-16 to E in Jenks, *Elohist*, 36-37; Friedman, *Sources Revealed*, 82. In support of assigning these verses to E, Jacob tells his wives that a messenger of God (מלאך האלהים) appeared to him in a dream (vv. 11). Both tropes—the messenger and Yahveh's revelation in dreams—are particular to E.

desecration. Both Shecaniah's remark on the failure to separate from the foreign women מעמי הארץ (Ezra 10:2) and Ezra's command to separate מעמי הארץ acknowledge the ritual impurity of a "non-Israelite." This non-Israelite represents a segment of the Jerusalem community.⁸⁶ Whereas Ezra's caravan consisted of just the returnees, EM follows the view held by the pentateuchal traditions that Canaan was populated with other peoples before the Israelites first arrived and alludes to the Jerusalem community as a more diverse group that includes the returnees and others. EM's cultic reason for disassociating with everyone else (identified as עמי הארצות or עמי הארץ) or separation from the foreign wives is the fear of נכרי infiltration into the reconstructed Yahvistic cult. The worst-case scenario is that the נכרי will grow to a sizeable population and overtake the Yahvistic cult-abiding Israelite and the reconstructed house of Yahveh. The threat of an "outsider"

86. For עמי הארצות as a late term, see the discussion in §5.2.1. Here, explanations for the shift from עמי הארצות to עמי הארץ include an error (Ginsberg, *Israelian Heritage*, 16) or different stages of authorship (Pakkala, *Ezra the Scribe*, 84). I believe that EM uses both of these terms to refer to slightly different entities, both of which are non-Israelite. Weinberg distinguishes between עמי הארץ (strange, non-Yahvistic) from עם הארץ (Yahvistic community) in late texts ("ammē hā'āreṣ," 334; Eng., 72-73). However, the presentation of the עם הארץ as opponents of the עם־יהודה in Ezra 4:4 suggests that, at least in this verse, the עם הארץ is not a true Yahvistic community. Whereas עמי הארצות literally means "people of the lands," in Ezra 10:2, 11, I regard מעמי הארץ as following a flexible expression that represents "from everyone else." For this wider use of עם הארץ, see Ernest W. Nicholson, "The Meaning of the Expression עם הארץ in the Old Testament," *JSS* 10 (1965): 59-66 and upheld in John T. Thames, Jr., "A New Discussion of the Meaning of the Phrase ^cam hā'āreṣ in the Hebrew Bible," *JBL* 130 (2011): 109-25.

thriving in overwhelming numbers is also pronounced in the Egyptians' fear of an exploding Israelite population in their own land (Exod 1:9-10 [E]).

What remains to be discussed is if EM makes any further distinctions to “insider” and “outsider.” In its *עדה*, H extends the protection enjoyed by the *אזרח* to the resident alien—the *גר* (Exod 12:49; Lev 24:22; Num 15:16; cf. Ezek 47:22-23). Although a *נכרי* is prohibited from partaking in the *פסח*, a circumcised *גר* may participate (Exod 12:48 [H]). In exchange for legal protection, the *גר* is required to fulfil sacrificial obligations (Lev 17:8-9; Num 15:14, 30-31 [H]) and—alongside the *אזרח*—to observe the prohibitive commandments (ex. Lev 4:2) but not the performative commandments that are demanded from only the *אזרח* (ex. Lev 23:42).⁸⁷ D also upholds the legal rights and obligations of the *גר* (Deut 24:17; 31:12) in its own *קהל* with the rationale that the Israelites were once *גרים* in Egypt (10:19; 23:8b [ET 7b]). In later literature, the status of a *גר* is upheld (cf. Mal 3:5; Zech 7:10; 2 Chr 2:16 [ET 17]; 30:25). EM (and for that matter, Ezra-Nehemiah), however, lacks any explicit mention of a *גר*.

87. For the distinction between the prohibitive (“don’t”) and performative (“do”) commandments, see Milgrom, *Leviticus 1-16*, 229-30, 1055-57; *idem*, *Leviticus 17-22*, 1417, 1496; *idem*, *Numbers = Ba-midbar*, 399-401; *pace* Rolf Rendtorff, “The *gēr* in the Priestly Laws of the Pentateuch” in *Ethnicity in the Bible*, 83-84.

I submit that EM assumes the status of the *גֵּר* in Ezra's Jerusalem community as among the "insiders" with certain legal privileges and obligations. EM describes the gathering of a *קהל* in Neh 8:2, 17; Ezra 10:1, 8, 12, 14. All of these descriptions do not refer to the same entity. Vogt categorizes these descriptions into three groups: *קהל רב־מאד* (Ezra 10:1) as *Menge*;⁸⁸ *קהל הגולה* (v. 8) as a secular *politische Bürgervertretung*; and the rest as *Versammlung*.⁸⁹ These groups may be further defined. Ezra 10:1 undeniably refers to a large crowd that weeps bitterly upon their recognition of the existing mixed marriages. In Neh 8:2, the inclusion of men, women, and *כל מבין* in the *קהל* suggests that this *קהל* is also a large crowd that expresses their remorse upon hearing the *דברי התורה* (v. 9b). Ezra's proclamation of a *ספר* and the communal remorse over the mixed marriages occurs in front of a large crowd. EM also refers to this *קהל* as *ישראל* (Ezra 9:1; 10:2, 5, 11, 25-43) and *העם* (Ezra 10:1, 9, 13).⁹⁰ In contrast, *כל־הקהל השבים מן־השבי* in Neh 8:17 is similar to *קהל הגולה* in Ezra 10:8. The descriptions of *כל־הקהל* in vv. 12, 14 refer to the gathering of "Judah and Benjamin"⁹¹ who respond to the proclamation among the *בני הגולה* to

88. Also Rudolph, *Esra und Nehemia*, 92.

89. Herbertus C. M. Vogt, *Studie zur nachexilischen Gemeinde in Esra-Nehemia* (Werl: Kommissionsverlag Dietrich Coelde, 1966), 90-99.

90. Karrer, *Verfassung*, 240-41.

91. See "Judah and Benjamin" as a representation of: the surviving Southern kingdom (Kapelrud, *Authorship*, 75); all of Israel (Gunneweg, *Esra*, 178); a geographical reference (Myers, *Ezra. Nehemiah*, 86; Fensham, *Ezra and Nehemiah*,

arrive in Jerusalem within three days or risk confiscation and banishment from the קהל הגולה (vv. 7-9).⁹² EM's קהל refers to two different groups that can be precisely defined: a large crowd that encompasses all of the "insiders" and a smaller, more exclusive, assembly among the "insiders" made up of only the returnees. EM bestows anyone from the קהל הגולה the status equivalent to the pre-exilic אֶזְרָח and grants the full rights and obligations to uphold both the prohibitive and performative commandments. In PC, the building of the booths falls upon the אֶזְרָח with no mention of the גֵּר (Lev 23:42).⁹³ Accordingly, in EM, it is only the returnees (כל־הקהל השבים מן־השבי)—and not the larger קהל—who construct the booths (Neh 8:17). EM updates the technical terms of קהל and אֶזְרָח to suit its contemporary situation. P frequently employs עֵדָה as the technical term for the Israelite assembly but this term is gradually replaced by קהל in post-exilic literature.⁹⁴ Likewise, the Priestly term for citizen, אֶזְרָח, falls into disuse due to its obsolescence.⁹⁵ From a

138); the elevation of Levites ("Benjamin") to a status equal to the priests ("Judah") (Min, *Levitical Authorship*, 85).

92. Blenkinsopp, *Ezra-Nehemiah*, 292.

93. Also Milgrom, *Numbers*, 399.

94. Jacob Milgrom, "Priestly Terminology and the Political and Social Structure of Pre-Monarchial Israel," *JQR* 69 (1978): 68; *idem*, *Leviticus 1-16*, 242-43; Hurvitz, *Linguistic Study*, 66.

95. The etymology of אֶזְרָח is unknown and, although the term is never applied to the pre-Israelite inhabitants of Canaan, it is suggested that it refers to someone with roots in the land (cf. Ps 37:35) (Baruch A. Levine, *Leviticus = Va-yikrah*:

legal standpoint, EM's concern over the foreigners and the mixed marriages lies in the identification and the (in)ability of the respective parties to properly uphold all of the legal and covenantal obligations—both the prohibitive and performative commandments—to Yahveh.

5.3. Ezra's Initial Reaction (Ezra 9:3-10:1)

Reacting to what is described as מעיל, Ezra tears his garment (בגד) and robe (מעיל).⁹⁶ Ezra then expresses his anguish by plucking his beard (זקן) and the “hair of

The Traditional Hebrew Text with the New JPS Translation [JPSTC; Philadelphia: Jewish Publication Society, 1989], 134; contra the influence of the Priestly term אֹזֶרֶת [all in H texts and Priestly editing in Josh 8:33] to only Ezek 47:22 in Paran, *Priestly Style*, 299). If this suggestion is acceptable, then the disappearance of אֹזֶרֶת by the post-exilic period and its replacement with בְּנִי/קֹהֵל הַגּוֹלָה is well explained by the returnees' claim as the continuing and legitimate assembly of Yahveh.

96. As an item of clothing, the מעיל is included as an inner garment among P's sacred vestments for the high priest (Exod 28:4, 31-34; 29:5; 39:22-26; Lev 8:7; see Haran, *Temples*, 165-69). Exod 39:23 implies that a priest's מעיל is tightened at the opening so that it cannot be torn (לֹא יִקְרַע). Ezra tearing off (קִרְעַ) a tightly bounded מעיל could demonstrate his intense anguish over the situation but it is difficult to see P's מעיל on Ezra. The design of the Priestly מעיל serves a practical purpose. The golden bells along the hem of P's מעיל robe function as an aural signal to ascertain that Aaron is alive and not consumed by the כְּבוֹד when he ministers inside the restricted inner sanctum. It is unlikely that Ezra's temple cult would have had a need for a מעיל as exactly prescribed in P and if EM has a priestly מעיל in mind then it is not exactly like the one described in P.

my head” (משער ראשי).⁹⁷ Ezra’s actions are impulsive and not in response to any Priestly instructions (Lev 13:40), mourning rituals (21:5-6), or instructions concerning the Nazarite’s consecrated hair (Num 6:5, 18). Ezra reports that he sat desolate (משומם) until the evening sacrifice (מנחת־הערב) when he arises from his fasting (תענית).⁹⁸ Texts from the Maccabean period (Dan 9:21; Jdt 9:1) and the first century CE (Luke 1:10; Acts 3:1) bear witness to the מנחה־ערב as the appropriate time for prayer.⁹⁹

5.3.1. *The חרדים*

Ezra 9:4 refers to a group of people as כל חרד בדברי אלהי־ישראל. In Ezra 10:3, Shecaniah addresses the חרדים as a group that shares counsel with Ezra.¹⁰⁰ Critics remark that the description of “those who tremble” recalls a pious clique labelled

97. As an action that represents literal or symbolic mourning, see Susan Niditch, *‘My Brother Esau is a Hairy Man’: Hair and Identity in Ancient Israel* (New York/Oxford: Oxford University Press, 2008): 105-6.

98. For the association of the *hapax* תענית with fasting, see Kapelrud, *Authorship*, 63; Blenkinsopp, *Ezra-Nehemiah*, 178. Support is found with LBH עניָה (*hit.*) in Ezra 8:21 acquiring the technical meaning of a fast (see §3.5.3).

99. Cohen, *Maccabees to the Mishnah*, 68. There is, however, no description of what is exactly offered but following the only prescription of an evening sacrifice from PC, it could be assumed that EM takes for granted the regular תמיד offering (cf. Exod 29:41; Lev 6:13 [ET 20]; Num 28:8).

100. See §5.4.1 on the difficulty with MT אֲדָנִי in Ezra 10:3.

as חרדים in Isa 66:2, 5.¹⁰¹ Although the references in Isa 66:2, 5 are noteworthy, I contend that there are other plausible influences to EM's description of a group who trembles at the "words of the God of Israel" (Ezra 9:4) and "at the commandment of our God" (10:3). In Exodus 19, חר"ד (*qal*) appears twice but with different subjects. In v. 18 [J], Sinai is described as trembling intensely (ויחרד מאד (כל־ההר מאד). This description belongs to J's theophany. In v. 16 [E], it is not a mountain that trembles but the Israelites:¹⁰²

ויהי ביום השלישי בהית הבקר ויהי קלת וברקים וענן כבד על־ההר וקל שפר חזק
מאד ויחדר כל־העם אשר במחנה

On the third day, in the morning, thunder and lightning and a thick cloud were on the mountain. The sound of a trumpet was extremely loud and all the people in the camp trembled. (Exod 19:16)

In E, Moses brings the Israelites to meet Yahveh but they do not ascend Horeb (v. 17). A trumpet blows louder and when Moses speaks Yahveh answers in thunder (v. 19). What immediately follows next is Yahveh's proclamation of the Decalogue, the דברים (Exod 20:1). Yahveh proclaims that he is a jealous god who punishes the third and fourth generations of those who reject him but shows חסד to the thousandth

101. Fishbane, *Biblical Interpretation*, 114 n. 27; Blenkinsopp, *Ezra and Nehemiah*, 178-79; *idem*, *A History of Prophecy in Israel* (2nd ed.; Louisville, Ky.: Westminster John Knox, 2003), 220-21; *idem*, *Judaism: The First Phase*, 199-201; Pakkala, *Ezra the Scribe*, 127-28.

102. See §4.2.2 for the source-critical assignment of other portions of Exodus 19 to E.

generation of those who dutifully keep his מצות (vv. 5b-6). EM's description of the חרדים upholding Yahveh's דברים in Ezra 9:4 and מצות in 10:3 resonates with E's account of the law-giving.

The sense of חר"ד (*hi.*) in Lev 26:6 [H]; Deut 28:26 is unlike that in Exod 19:16(, 18) and Ezra 9:4; 10:3. Compared to the other pentateuchal traditions, D recalls the gathering of the Israelites (Deut 4:10aβ) but they do not tremble when the Israelites hear Yahveh's voice (v. 12). In P, the Israelites are more subdued when Yahveh's כבוד covers the summit of Sinai (Exod 24:17) and even then it is only Moses who receives the instructions for the tabernacle (25:1). Furthermore, according to P, the Israelites are not participants when the תורות are given to Moses. The description of the people as חר"ד when Yahveh reveals the דברים is exclusive to E's account of the law giving. The verbal similarities between Ezra 9:4 [EM] and (the same narrative thread in) Exod 19:16; 20:1 [E] are strong. Both accounts describe a group who חר"ד at Yahveh's דבר. The description of דברי אלהי-ישראל in Ezra 9:4 does not refer to different passages of the "Law".¹⁰³ Instead, דברי אלהי-ישראל alludes to Yahveh's first proclamations from Exod 20:1-14 (cf. Deut 5:22).

103. Contra Kapelrud, *Authorship*, 62. It should be recalled that דברי אלהי-ישראל does not have the same meaning as EM's other uses of דבר (see §5.1.1).

From the only pentateuchal law giving account that describes the people trembling at the “words of the God of Israel,” EM identifies a pious group that accompanies Ezra. The interest that the חרדים have in the entire affair and their place alongside Ezra suggest that they also partake in any legal discourse that reaches the upper ranks of the judiciary.¹⁰⁴ In other words, EM’s חרדים are members of the highest court who deliberate alongside the chief justice, Ezra the priest-scribe.

5.3.2. *Ezra’s Prayer*

Ezra 9:6-15 has drawn interest as an example of post-exilic penitential prayer (cf. Neh 1:5-11; 9:6-37).¹⁰⁵ There appear to be scattered allusions to pentateuchal literature in these verses. The metaphorical יתד in Ezra 9:8 elicits P’s numerous descriptions of tent pegs used for the tabernacle (cf. Exod 27:15; 35:18, et al.). Near the end of the prayer, Ezra asks להפך מצותיך (Ezra 9:14). Breaking (פר"ר [hi.]) Yahveh’s covenant is a common theme (Gen 17:14 [P]; Lev 26:15, 44 [H];

104. Tiemeyer includes the חרדים among those suspected of taking foreign wives (*Priestly Rites*, 185). The absence of anyone identified as from the חרדים among the named offenders in Ezra 10:18, 20-43 suggests that none of the חרדים are implicated.

105. See Werline, *Penitential Prayer*, 46-53; Bautch, *Post-Exilic Penitential Prayers*, 65-100; Duggan, “Ezra 9:6-15,” 165-80.

Deut 31:16, 20 [E]) but the only description of breaking a *מצוה* is in Num 15:31 [H].

EM also uses a wider range of materials in Ezra's prayer. For example, the pairing of shame (*בו"ש*) and dismay (*כל"מ*) in Ezra 9:6 is a possible allusion to Ezek 36:32.¹⁰⁶

These are specific references to Ezra's situation in Ezra 9:6-15 and these verses are integral to its surrounding material.¹⁰⁷ Recognizing that the status quo has dire consequences (Ezra 9:14-15), Ezra deliberates over the *אשמה* and *עון* of his community (vv. 6, 7, 13). *אשמה* connotes "guilt" elsewhere in EM (v. 15; 10:10, 19) and in later literature (2 Chr 24:18). The Priestly Corpus refers to both a guilty act and its reparative offering as *אשם* (cf. Lev 4:3 [P]).¹⁰⁸ The possibility that both *אשמה* and *אשם* convey guilt is suggested by the unique phrase *עון אשמה* in Lev 22:16 [H].¹⁰⁹ Likewise, in Ezra 10:19, a reparation offering (*אשם*, plural) of a ram of the flock is offered for a guilty act (*אשמה*). EM updates the Priestly terminology of *אשם* with *אשמה* but only with regard to the act and not the accompanying sacrifice. In the non-Priestly traditions, an *עון* is an iniquity that leads to either Yahveh's mercy and

106. Harm W. M. van Grol, "Exegesis of the Exile—Exegesis of Scripture? Ezra 9:6-9" in *Intertextuality in Ugarit and Israel* (ed. J. C. de Moor; OtSt 40; Leiden: Brill, 1998), 38-48.

107. Williamson, *Ezra, Nehemiah*, 128.

108. Milgrom, *Cult and Conscience*, 13-21; *idem*, *Leviticus 1-16*, 231-32. Milgrom contends that *אשמה* in Lev 4:3; 5:24 [ET 6:5], 26 [ET 7] is infinitival ("to feel guilt") rather than nominal.

109. Milgrom, *Leviticus 17-22*, 1869.

forgiveness (cf. Gen 4:13-15 [J]; Exod 34:7, 9 [J]; Num 14:18-19 [J]) or Yahveh's wrath (cf. Exod 20:5 [E]; Deut 5:9 [D]). H establishes the recognition of one's own and an ancestor's iniquity as an act of מעל against Yahveh and its accompanying confession as preconditions for Yahveh restoring his covenant with the Israelites (Lev 26:39-45).

In Ezra 9:10-12, Ezra remarks that they have forsaken Yahveh's מצות:

אשר צוית ביד עבדיך הנביאים לאמר הארץ אשר אתם באים לרשתה ארץ נדה
היא בנדת עמי הארצות בתועבתיהם אשר מלאוה מפה אל־פה בטמאתם ועתה
בנותיכם אל־תתנו לבניהם ובנותיהם אל־תשאו לבניכם ולא־תדרשו שלום
וטובתם עד־עולם למען תחזקו ואכלתם את־טוב הארץ והורשתם לבניכם
עד־עולם

...which you commanded through the hand of your servants the prophets: "The land which you are going to possess—it is a land of impurity through the impurities of the peoples of the lands, through their abominations which they filled from end to end with their uncleanness. Now do not give your daughters to their sons and do not take their daughters for your sons. You shall never seek their peace or goodness so that you will be strong and you will consume the good of the land and possess it for your children forever." (Ezra 9:11-12)

The מצות that Ezra recites are almost similar to those spoken by the שרים in Ezra 9:1-2. It was observed above that Ezra 9:1-2 is a pastiche of pentateuchal laws,

mainly from D and PC (§5.2.1). Likewise, Ezra 9:11-12 does not replicate specific מצות but adapts Deut 7:1-5; 23:4-9¹¹⁰ and Lev 18:24-30 [H].¹¹¹

Ezra remarks that the מצות were commanded ביד עבדיך הנביאים. According to Deuteronomy, Moses claims that Yahveh will raise another prophet like him and the Israelites should heed such a prophet (Deut 18:15). E, however, insists that Moses is the only prophet favoured by Yahveh (Deut 34:10-12; cf. Num 12:6-8).¹¹² EM unlikely combines the conflicting depictions of prophetic succession in Deut 18:15 and Deut 34:10.¹¹³ In its recollection of the prophets, EM places Ezra within

110. In der Smitten, *Ezra*, 27-28; Fishbane, *Biblical Interpretation*, 116; Olyan, *Rites and Rank*, 88. Although the technical term מצות is absent in Deut 7:1-5, D still occasionally refers to an exhortation as מצוה (cf. Deut 8:1; 11:8). See, however, the direction of influence from Neh 13:22-27 (which itself modifies Deut 7:3) to Ezra 9:12 in Wright, *Rebuilding Identity*, 248-49. A case can also be made for the influence of deuteronomistic phraseology in Ezra 9:11: הארץ אשר אתם באים לרשתה (cf. Deut 7:1; 11:10, 29; 23:21; 30:16; see Pakkala, *Ezra the Scribe*, 110); and in v. 12: טוב הארץ (cf. Deut 6:11; see Blenkinsopp, *Ezra-Nehemiah*, 185). Unconvincing is any claim for a connection to את־טוב ארץ מצרים (Gen 45:18) in Myers, *Ezra. Nehemiah*, 79; Kapelrud, *Authorship*, 68.

111. Pakkala, *Ezra the Scribe*, 115. According to Ezra 9:11, the land becomes ארץ נדה due to the abominations of the peoples of the land. In Lev 18:24-30 the land will become טמ"א. EM's use of נדה is explained on the basis that its early technical term for menstrual discharge (Lev 12:2 [P], et al.) becomes a metaphor for moral impurity (Lev 20:21 [H]; Ezek 7:19, 20); see Milgrom, *Leviticus 1-16*, 38.

112. See §2.2.3 for the discussion on the sources in Deut 34:10-12.

113. As suggested in Rudolph, *Ezra und Nehemia*, 92; Blenkinsopp, *Ezra-Nehemiah*, 184.

the line of prophetic succession that originates from the Deuteronomic Moses.¹¹⁴

Through his penitential prayer and subsequent actions, Ezra continues to be depicted as a second Moses. Ezra's petition for his community recalls Moses' intercession after the molten calf episode in Exod 32:30-34.¹¹⁵ These verses, assigned to E's Horeb account, present Moses as a unique intercessor. After the molten calf is disposed of, and Aaron pleads his innocence, Moses charges the Israelites with a חטאה גדולה and goes to Yahveh to petition on their behalf. In Deuteronomy's recapitulation, Moses claims that he prostrated (נפ"ל [hit.]) before Yahveh (Deut 9:18, 25) and plead (פל"ל [hit.]) on behalf of the apostates (vv. 20, 26). Likewise, Ezra appeals on behalf of his community after learning of the mixed marriages and, evoking the Deuteronomic Moses, also pleads (פל"ל [hit.]) and prostrates (נפ"ל [hit.]) (Ezra 10:1).¹¹⁶ Here, the similarities end. Moses directly pleads the Israelites' case before Yahveh but Ezra spreads his hands out to Yahveh and offers a prayer at the בית אלהים. The absence of Yahveh's response after Ezra's

114. For the influence of Deut 18:9-14 in Ezra 9:11, see Pakkala, *Ezra the Scribe*, 118. EM, however, does not call Ezra a נביא for the reason that classical notions of prophecy cease by this time (see §3.2.3).

115. Blenkinsopp, *Ezra-Nehemiah*, 178.

116. Kapelrud, *Authorship*, 72; Weinfeld, *Deuteronomic School*, 301; *idem*, *Deuteronomy 1-11*, 410.

petition is consistent with EM's understanding that the divine oracle is no longer directly accessible in the earthly realm (see §4.2.4).

Ezra not only pleads and prostrates but also confesses (יד"ה [hit.]). Sometime after Ezra's personal act of confession, he instructs an assembly to undertake confession (v. 11: תודה ליהוה).¹¹⁷ The assembly complies in Neh 9:2-3. The lack of a direct object specifying the guilt in EM's descriptions of confession follows the common use of יד"ה (hit.) in post-exilic literature.¹¹⁸ In the Priestly Corpus, יד"ה (hit.) is an act of confession that specifies the guilt (Lev 5:5; 16:21; Num 5:7 [P]) or a confession with its sacrificial requirement waived (Lev 26:40 [H]).¹¹⁹

117. Kapelrud, *Authorship*, 76; Williamson, *Ezra, Nehemiah*, 155; Guy Couturier, "Sens de tōdâh en Jos 7,19 et en Esd 10,11" in *La vie de Parole: de l'Ancien au Nouveau Testament. Études d'exégèse et d'herméneutique bibliques offertes à Pierre Grelot* (Paris: Desclée, 1987), 121-27. Despite the best efforts to read "praise" (see Batten, *Ezra and Nehemiah*, 344; Blenkinsopp, *Ezra-Nehemiah*, 193), why and for what the community should give praise to Yahveh for is not apparent.

118. Paran, *Priestly Style*, 304-5.

119. Milgrom, *Leviticus* 23-27, 2330.

5.4. Continuing Deliberations (Ezra 10:2-8)

After Ezra is joined by a large crowd, one Shecaniah *ben* Jehiel arrives at the scene and proposes that the foreign wives *and* their children should be sent away. Shecaniah's solution is not immediately followed. Some within the community agree to a future course of action and Ezra retires for another night. A proclamation is then issued for the assembly of the returnees to gather in Jerusalem within three days.

5.4.1. Shecaniah's Proposal

Shecaniah joins in the legal discussion by agreeing that sacrilege has been committed (מע"ל) against Yahveh. His position appears to be more moderate than the one held by the שרים. Shecaniah optimistically declares that there remains hope, and limiting the concern to the marriages with foreign women מעמי הארץ, proposes that a covenant (ברית) be established with Yahveh that involves sending away only the foreign wives and their children. According to Shecaniah, this course of action is to be done through the counsel of Ezra¹²⁰ and the חרדים and "according

120. MT אֲדֹנָי ("my [divine] Lord") in Ezra 10:3 (בעצת אדני והחרדים) improbably refers to Ezra. Critics suggest an emendation to אֲדֹנִי ("my [human] lord"; cf. 1 Esd 8:94 [ὥς ἐκρίθη σοι]); see Batten, *Ezra and Nehemiah*, 340; Rudolph, *Esra und Nehemia*, 92; Kapelrud, *Authorship*, 73; Williamson, *Ezra, Nehemiah*, 143; Gunneweg, *Esra*, 173; Blenkinsopp, *Ezra-Nehemiah*, 187; Fensham, *Ezra and Nehemiah*, 135; Fishbane, *Biblical*

to תורה” (Ezra 10:3 [cf. 9:4]). However, יצ”א (*hi.*) is not a common word for divorce (also 10:19) and the divorce proceedings as described in Ezra 10:3 are unknown in the pentateuchal corpus.¹²¹ Jackson proposes that the legal status of the divorcée and the institution of divorce comes late in the biblical tradition. The textual evidence does not fully support these claims. Deut 24:1 allows for a man to send away (של”ח) a woman for any reason by simply executing a ספר כריתת, a bill of divorcement.¹²² Although Deut 24:1-4 does not legislate general divorce proceedings and likely has the specific situation of palimony in mind, the execution of a ספר כריתת appears to be simply part of any divorce proceeding.¹²³ A

Interpretation, 114 n. 26. An alternative, אדני (“my [human] lords; cf. Gen 19:2, 18, see GKC §135q), is inapplicable to Ezra 10:3.

121. Williamson, *Ezra, Nehemiah*, 150; Fishbane, *Biblical Interpretation*, 117; Blenkinsopp, *Ezra-Nehemiah*, 189; *idem*, “Was the Pentateuch the Civic and Religious Constitution of the Jewish Ethnos in the Persian Period?” in *Persia and Torah*, 58; Sebastian Grätz, “The Second Temple and the Legal Status of Torah: The Hermeneutics of the Torah in the Books of Ruth and Ezra” in *Pentateuch as Torah*, 274.

122. Contra the literary-critical separation of Deut 24:1 from vv. 2-4 in Arie Toeg, “Does Deuteronomy XXIV 1-4 Incorporate a General Law on Divorce?” *DIsr* 2 (1970): 7. For the ספר כתיית in Deut 24:1-4 as a late innovation see Reuven Yaron, “Divorce in Old Testament Times,” *RIDA* 4 (1957): 124-27; Alexander Rofé, *Deuteronomy: Issues and Interpretation* (OTS; London: T & T Clark, 2002), 189.

123. There is a myriad of proposals for the rationale behind Deut 24:1-4 but as an economical concern that prevents the first man from using a woman to take advantage of a second man, see Raymond Westbrook, “The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4,” *ScrH* 31 (1986): 387-405.

similar document is also described in Isa 50:1; Jer 3:8; TAD B6.4:2 (restored as דין שואה). Divorce proceedings may also be initiated with a verbal declaration (Hos 2:4; TAD B2.6:21, 27).

Among the pentateuchal legal corpora, there are few explicit laws concerning divorce. In addition to Deut 24:1-4, D refuses a man's right to divorce when he defames (Deut 22:19) or violates a virgin (v. 29). Under the presumption that divorce is a common practice in ancient Israel, these laws anticipate any potential abuses.¹²⁴ The Priestly legislators also understand divorce as a common reality in ancient Israel and account for issues that arise out of the practice. Num 30:10-13 legitimizes the vows of a divorcée (גרופה) or widow with a concern for the rights of a woman without a man who can assume responsibility for vows and obligations. H forbids the marriage of a divorcée to a priest (Lev 21:7) or the high priest (v. 14). In both situations, the Priestly legislators keep the divorcée away from the vicinity of the cult. The pentateuchal narratives contain few, if any, specific instructions for Israelite divorce proceedings.¹²⁵ Some critics detect that

124. The absence of a מהר in Deut 22:19, 29 suggests that the interest is not financial (especially for the father) but a moral concern for the wrong committed against the woman; see Weinfeld, *Deuteronomistic School*, 285.

125. From the presupposition that narrative is the basis for law, Carmichael argues that Genesis 20 is the background to Deut 24:1-4 (Calum Carmichael, *The Laws of Deuteronomy* [Ithaca, N.Y./London: Cornell University Press, 1974], 208; also *idem*, *Law and Narrative in the Bible: The Evidence of the Deuteronomistic Laws and the Decalogue* [Ithaca, N.Y./London: Cornell University Press, 1985], 254-57). This

Moses' marital status prompts Jethro's visit to Moses in Exodus 18 but if divorce is the main interest then I find it surprising that the rest of this episode does not address the issue but rather focuses on Jethro's sage advise.¹²⁶

Generally, a divorce may be initiated with a written document or an oral declaration and exceptional cases are noted. EM does not mention something akin to a ספר כריתת or a verbal declaration of divorce but adds the expulsion of children as proposed in Ezra 10:3 and executed in v. 44. Japhet suggests that what is at stake is an economic interest centred on inheritance and the expulsion of mothers and their offspring draws upon both *Laws of Hammurabi* §§170-71 (COS 2.171) and Gen 21:9-23; 25:1-6 and incorporates the post-exilic innovation of defining ethnicity through the maternal line.¹²⁷ Shecaniah's rationale may lie in economic interests

argument is soundly rejected in Gordon Wenham, "The Restoration of Marriage Reconsidered," *JJS* 30 (1979): 37.

126. Propp speculates that "[t]he Elohist, then, probably had a particular reason to ignore Zipporah" (*Exodus* 1-18, 635). This reason is unclear. For שלוחיה in Exod 18:2 as divorce (cf. של"ח in Deut 24:1; Mal 2:16) see Yair Zakovitch, "The Woman's Rights in the Biblical Law of Divorce," *JLA* 4 (1981): 38; Jackson, "Marriage and Divorce," 230. For some critics, Moses' Cushite wife in Num 12:1 [E] implies that Moses divorced Zipporah; see, however, Zipporah and the Cushite woman as one and the same in Donald J. Wiseman, *Peoples of Old Testament Times* (Oxford: Clarendon, 1973), 13.

127. Sara Japhet, "The Expulsion of the Foreign Women (Ezra 9-10): The Legal Basis, Precedents, and Consequences for the Jewish Identity" in *Sieben Augen auf einem Stein* (Sach 3,9): *Studien zur Literatur des zweiten Tempels. Festschrift für Ina Willi-Plein zum 65. Geburtstag* (ed. F. Hartenstein, M. Pietsch; Neukirchen-Vluyn: Neukirchener Verlag, 2007), 144-52. Likewise, Blenkinsopp suggests that Ezra 9:2

but—in light of EM’s use of Deut 23:4-9 in Ezra 9:1-2, 11-12—the expulsion of the children may be remotely based on the exclusion of the **ממזר**, someone born of an illicit union, from the **קהל יהוה** in Deut 23:3. Either way, the expulsion of children born to foreign women prevents an increasing **נכרי** population from being realized in Yehud.

Although Shecaniah identifies the problem and proposes a solution that is reasonably grounded in pentateuchal legislation, his proposal is not completely accepted. He addresses only the marriages and his insistence on initiating a covenant (**ברית**) with Yahveh is not followed through. Pentateuchal literature does not attest to a human initiating a covenant with Yahveh. In CC, when a human attempts to establish a covenant with a deity, it is an unacceptable covenant established with Hivites, Canaanites, Hittites, and their respective deities (Exod 23:32-33). Instead, the instigator of a true covenant with the Israelites is Yahveh. Ezra incorporates Shecaniah’s solution but, consistent with Yahveh’s increased

reflects a concern over the possible transfer of property to a non-Israelite that is permissible in Num 27:1-11 (*Ezra-Nehemiah*, 176). Janzen remarks that Num 27:1-11 concerns daughters and is unlike the concern over wives in Ezra 9:1-2 (“Scholars, Witches, Ideologues, and What the Text Said: Ezra 9-10 and Its Interpretation” in *Approaching Yehud*, 57). I suggest below that Num 27:1-11 reflects a concern (that is economically related) for an unfairly disadvantaged woman and perhaps alluded to in Ezra 10:8 (§5.4.2).

distance from the earthly sphere, and informed by notions of a proper ברית, does not exhort the community to enter into a covenant with Yahveh.

Rather than immediately accept Shecaniah's suggestion, in Ezra 10:5, Ezra makes the priests, Levites, and "all Israel" (cf. 9:1) swear to act accordingly at an anticipated future meeting.¹²⁸ He leaves the בית אלהים and goes to the room of Jehohanan.¹²⁹ Ezra neither eats nor drinks due to his continued distress over the מעל. In Ezra 8:21-23, EM shapes Ezra's proclamation of a צום after the first time Moses restrained from food and drink in his preparations for receiving the tablets (Exod 24:18b; 31:18* [E]; Deut 9:9b, 10a; see §3.5.4). In Ezra 10:6b, EM recalls the Elohist and Deuteronomist descriptions of Moses' actions after the apostasy of the molten calf:

Ezra 10:6b

Exod 34:28b [E]

Deut 9:18b

128. Blenkinsopp, *Ezra-Nehemiah*, 189.

129. The double occurrence of ילך in MT Ezra 10:6 is odd but the emendation to ילן (cf. καὶ ἀγλισθεῖς ἐκεῖ [1 Esd 9:2]) does not alter the essence of what happens: Ezra goes to Jehohanan. Who exactly is this Jehohanan—if he can be identified at all—is unknown. Identifying the priest Yōḥanan I, son of ʿElyāsīb I, as a contemporary of Ezra, Cross reconstructs the list of post-exilic high priests (through papponymy) by arguing for two pairs of yōḥanan and ʿelyāsīb, one which has been lost through haplography ("Reconstruction," 10; repr., 162-63; *pace* Geo Widengren, "The Persian Period" in *Israelite and Judean History* [ed. J. H. Hayes, J. M. Miller; OTL; Philadelphia: Westminster/London: SCM, 1977], 507-9; VanderKam, *Joshua to Caiaphas*, 85-99; Pakkala, *Ezra the Scribe*, 129-30).

<u>לחם לא־אכל ומים לא־שתה</u> כי מתאבל על־מעל הגולה	<u>לחם לא אכל ומים לא שתה</u> ויכתב על־הלחת את דברי הברית עשרת הדברים	<u>לחם לא אכלתי ומים לא</u> <u>שתיתי על כל־חטאתכם אשר</u> <u>חטאתם לעשות הרע בעיני</u> <u>יהוה להכעיסו</u>
---	--	--

<u>He did not eat bread or</u> <u>drink water</u> for he was distressed over the <i>ma^cal</i> of the returnees.	<u>He did not eat bread or</u> <u>drink water.</u> He wrote on the tablets the words of the covenant, the ten words.	<u>I did not eat bread and I</u> <u>did not drink water</u> because of all your <i>ḥaṭṭaʿt</i> that you have done, to do (this) evil before Yahveh, to anger him.
---	---	---

Unlike E, D explicitly states that Moses refrains from bread and water because of the חטאת and the evil the Israelites did before Yahveh. EM likewise claims that Ezra neither eats nor drinks due to the returnees' מעל. Unlike Moses, Ezra does not observe a period of forty days (Exod 34:28a; Deut 9:18a) because the מעל among his community must be dealt with expeditiously and before it overwhelms the cult.

5.4.2. The Proclamation

In Ezra 10:7-8, the “chiefs and elders” issue (עב־ר [hi.]) a קול throughout Judah and Jerusalem. The קול demands that all the returnees (בני הגולה) assemble in Jerusalem within three days.¹³⁰ EM’s public imprecation is similar to the קול in Lev

130. Three days would have been an adequate amount of time for travel to Jerusalem. See Rudolph, *Ezra und Nehemia*, 95; Williamson, *Ezra, Nehemiah*, 154; Blenkinsopp, *Ezra-Nehemiah*, 190.

5:1 [P]. According to Lev 5:1, a person commits a wrong (חט"א) when they do not respond to a קול and—having been a witness to, or seeing, or knowing a matter—does not testify. That person must bear their punishment which consists of confession (v. 5) and reparation (vv. 6-13). Ezra 10:7-8 contains the second occurrence of a קול in EM. In Neh 8:15, a קול was proclaimed throughout the towns and in Jerusalem to go into the hill country to gather materials for the construction of booths. In response, the returnees (כל־הקהל השבי מן־השבי) make the booths and dwell in them (v. 17). I argued above that the קהל השבי responds to a performative commandment and, following the separate legal obligations of the אזור and גר, EM presents the returnees as the continuing Yahvistic community with full responsibilities for the proper upkeep of sancta. As I discuss below (§5.5.1), the second קול is also answered by only the returnees.

According to Ezra 10:7-8, whoever fails to respond positively to the קול is subject to the counsel of leaders and elders (כעצת השרים והזקנים). The שרים and זקנים are present in consecutive E pericopes. First in E's judiciary, capable men are appointed as שרים (Exod 18:13-26; cf. Deut 1:15) to adjudicate over small cases. Immediately afterwards, Moses relays Yahveh's declaration that the Israelites are to be his treasured possession to the זקני העם (Exod 19:2b-8).¹³¹ E's judiciary lacks

131. The source-critical assignment of Exod 19:(2b,)3-8 is contested. See §4.2.2. The זקנים are also present elsewhere in E (Num 11:16-17, 24-25; 16:25).

the temple personnel alongside the שרים and זקנים which are themselves a Deuteronomic innovation (Deut 17:8-13; cf. 2 Chr 19:8).¹³² The absence of temple personnel in judicial proceedings is also supported by PC. According to the Priestly writers, the priests are strictly responsible for distinguishing between holy and common, clean and unclean, to teach חקים (Lev 10:10-11 [P]; cf. Ezek 44:23), and for the proper upkeep of the cult (Lev 21:1-22:33). Priests rarely, if ever, resolve any legal disputes. Num 27:1-11 illustrates the point that legal decisions are rendered by Moses. Although the daughters of Zelophehad take up their inheritance claims with Moses, Eleazar הכהן, leaders, and the עדה (vv. 1-4), it is only Moses who presents their case to Yahveh and relays the oracular decision to the Israelites (vv. 5-11).¹³³

In Artaxerxes' Edict, failure to follow either religious or civil law is punishable by death, banishment, confiscation of goods, or imprisonment (Ezra 7:26). EM selectively applies the threats from Artaxerxes' Edict unto the קול.¹³⁴ Imprisonment is not an attested remedy in the pentateuchal legal corpora. In the

132. Weinfeld, *Deuteronomic School*, 235; James W. Watts, "The Torah as the Rhetoric of Priesthood" in *Pentateuch as Torah*, 324.

133. For Moses occasionally superseding Aaron in P, see Milgrom, *Leviticus 1-16*, 56-57.

134. Williamson, *Ezra, Nehemiah*, 154.

Priestly legislation, capital punishment is reserved for only the severest of all offences, namely, sancta trespass. Failure to respond to a public proclamation (קול) is not by itself chargeable under the death penalty. Instead, P demands confession and an appropriate **אשם** sacrifice that correlates to the guilty party's economic abilities. According to EM, the consequences for not reporting within three days of the קול are confiscation (חר"מ [ho.]) of property and banishment (בד"ל [ni.]) (Ezra 10:8b).¹³⁵ The language of חר"מ implies an end result in which confiscated persons or objects become the property of the temple (cf. 1 Esd 9:4).¹³⁶ In PC, the failure to observe the covenantal stipulations or the breaking of the cultic purity obligations requires purification, or כר"ת for the most deviant offences (cf. Num 15:30-31 [H]). The punishment of confiscation followed by banishment, however, is unattested in pentateuchal literature. Returning to Num 27:1-12, this episode may reflect a legal concern for a surviving woman without any brothers becoming unjustly ineligible to receive the inheritance of her deceased, yet righteous, father. Levine remarks

135. For the influence of ancient Greek law upon LXX (Lucianic) Ezra 10:8 (ἀτίμια), see Gerald J. Blidstein, "Atima: A Greek Parallel to Ezra X 8 and to Post-Biblical Exclusion from the Community," VT 24 (1974): 357-60.

136. Batten, *Ezra and Nehemiah*, 342; Williamson, *Ezra, Nehemiah*, 154; Blenkinsopp, *Ezra-Nehemiah*, 190. From the pentateuchal legal corpora, חר"מ is tied to the destruction of offensive persons (Exod 22:19 [ET 20] [CC]) or abhorrent persons or items (Num 21:2, 3 [P]; Deut 3:6; 20:17, et al. [D]) and devoting persons or objects to Yahveh (Lev 27:21, 28 [P]).

that P prevents a חרם—here also defined as the transfer of property to the state or the temple.¹³⁷ I remark that the surviving woman’s impending poverty would prevent her from obtaining an acceptable sacrifice and partaking in the cult community. If this is so, P addresses an unspoken reality in the ancient world: confiscation without proper recourse leads to economic destitution and inevitable banishment (imposed by others or individually) from the cult community. EM may reflect this reality and the serious consequences for an offender who is no longer able to offer any sacrifice for the expiation of intentional or unintentional guilt against sancta.

5.5. The Resolution (Ezra 10:9-44 + Nehemiah 9:1-5αα)

The returnees gather again in Jerusalem in three days and Ezra issues a verdict. Ezra’s decision follows the legal arguments launched by both the שרים and Shecaniah and his own actions and deliberations. In essence, Ezra agrees that the inability to separate from “everyone else” and the foreign women constitute מעל.

137. Levine, *Numbers* 21-36, 356.

After Ezra announces his verdict, some time is required to implement the entire decision but the matter will be eventually resolved.

5.5.1. *Ezra's Final Verdict*

The people of “Judah and Benjamin” convene on the 20th day of the ninth month in an open space in the **בית האלהים** trembling because of the affair and the rain (Ezra 10:9).¹³⁸ Ezra renders a final verdict in front of the returnees:

אתם מעלתם ותשיבו נשים נכריות להוסיף על-אשמת ישראל ועתה תנו תודה
ליהוה אלהי-אבותיכם ועשו רצונו והבדלו מעמי הארץ ומן-הנשים הנכריות

You have trespassed (i.e., committed a sacrilege) and married foreign women and increased the guilt of Israel. Now, make confession to Yahveh, the God of your ancestors, and do his will. Separate yourselves from the peoples of the land and from the foreign women. (Ezra 10:10b-11)

Ezra affirms that the people have committed a sacrilege (**מעל**) and incurred guilt.

Ezra's solution involves confession (see §5.3.3) and separation from the **עמי הארץ** and the foreign wives. Ezra accepts the legal arguments presented by the **שרים** for

138. For this space as the same public square where Ezra proclaims the **ספר**, see Williamson, *Ezra, Nehemiah*, 155; Blenkinsopp, *Ezra-Nehemiah*, 193. The description of **ומהגשמים** is realistic for the time of year (see Smith, *Palestinian Parties*, 93; Blenkinsopp, *Ezra-Nehemiah*, 193; contra proposed emendations and additions in **על-הדבר ומהגשמים** in Gunneweg, *Esra*, 179.)

separation from all foreigners and rejects Shecaniah's more moderate position of sending away only the foreign wives and their children.

From Ezra 10:14, the acknowledgment that something has to be done עד חרון אף-אלהינו may recall E's event of the apostasy at Horeb (Exod 32:12) but is also a concern expressed elsewhere in P (Num 25:4); D (Deut 13:18 [ET 17]); Dtr (2 Kgs 23:26); Dan 9:16. The קהל accept Ezra's verdict but point out the realities of the current situation: the matter is complicated and cannot be resolved in a day or two.¹³⁹ The קהל propose that officials (שרים) should adjudicate the cases alongside elders and judges of every town. I noted above that the שר and זקן in Ezra 10:8 also feature as leaders of the wilderness community in consecutive E pericopes. Their inclusion in v. 14 suggests a continued link with E. However, E's judiciary is proposed by Jethro and imposed upon the Israelites by Moses. In D, the judiciary is initiated by only Moses and accepted by the Israelites (Deut 1:14). The people's activism in Ezra 10:14 resembles the installation of the judiciary as described by D. Furthermore, EM's שפטים (Ezra 8:14, cf. Aram. שפטין in 7:25) is unattested in E's judicial system (despite the reoccurrence of שפ"ט [Exod 18:22, 26]) but included in D's judiciary (Deut 1:16; cf. 17:8-13).

139. Min, however, argues that these verses express an immediate opposition to Ezra's "very radical and somewhat impractical request" (*Levitical Authorship*, 102).

Ezra 10:15 presents a crux. Some critics argue that this verse is an addition.¹⁴⁰ Whether original or supplemental, other critics point to אָךְ in v. 15 as marking an opposition to the proposed measures.¹⁴¹ The concern, however, is not with the demand itself but for more expediency.¹⁴² P's graduated חטאת offences address the concern that corporal culpability must be promptly dealt with before any initial traces of sancta desecration.¹⁴³ In Lev 5:1-5, after one hears a public imprecation (קול) and becomes aware of his guilt, he then confesses and repents with an אשם sacrifice. If, however, the קול is ignored and the guilt against Yahveh is unaccounted for, then the unchecked and unpunished guilt becomes detrimental to sancta. The concern among the rigourists in Ezra 10:15 is similar. If even one person does not arrive in Jerusalem to testify against an אשמה and, in effect

140. Torrey, *Ezra Studies*, 273; Rudolph, *Ezra und Nehemia*, 95, 96; Gunneweg, *Ezra*, 181; Pakkala, *Ezra the Scribe*, 99.

141. Batten, *Ezra and Nehemiah*, 346; Blenkinsopp, *Ezra-Nehemiah*, 194; Pakkala, *Ezra the Scribe*, 99. Contra Sabbethai as a supporter of Ezra in Min, *Levitical Authorship*, 74.

142. Myers, *Ezra. Nehemiah*, 86; In der Smitten, *Ezra*, 32; Williamson, *Ezra, Nehemiah*, 156-57; Karrer, *Verfassung*, 249.

143. The exception actually proves the rule. In P, when a person touches a corpse or is in transit, that person's observance of פסח may be deferred to the next month (Num 9:1-14; see §3.6.1). Failure to observe פסח, I believe, does not adversely affect the cult (it is a performative commandment). The provisions for the פסח highlight the required expediency of the חטאת and אשם to address the failure of following a prohibitive commandment and prevent impending sancta desecration.

withholds evidence of guilt, then the guilt against Yahveh remains unaccounted for among the people. Although Ezra 10:15 does not explicitly refer to any of the Priestly laws, the perceived need for expediency follows P's measures against suspected sancta desecration.

5.5.2. *The First Action*

The next gathering occurs after three days on the 24th day of the ninth month. EM does not clarify if the three days completely appeases the concern for expediency that was raised in Ezra 10:15. The בני ישראל gather with fasting, sackcloth, and earth over them (Neh 9:1; see 5.1.2). This gathering fulfils the first part of Ezra's command in Ezra 10:11:

ויבדלו זרע ישראל מכל בני נכר ויעמדו ויתודו על-חטאתיהם ועונות אבותיהם

The seed of Israel separated themselves from the foreigners. They stood and confessed over their *ḥaṭṭōt* and the ^c*vōnōt* of their ancestors. (Neh 9:2)

In Daniel 9, the efficacy of confession without sacrifice for both חטאת and עון is also acknowledged. There are points of similarity between Daniel 9 and EM. Daniel pleads to Yahveh at the time of the evening sacrifice (Dan 9:21; cf. Ezra 9:4, 5) בצום (Dan 9:3; cf. Neh 9:1b) and undertakes acts of confession (יד"ה [hit.]) for himself and the Israelites (Dan 9:4, 20; cf. Ezra 9:1; 10:11; Neh 9:2-3) with the hope that Yahveh's anger and wrath will be turned aside (Dan 9:16; cf. Ezra 10:14) despite

their חטאת and their ancestor's עוונות (Dan 9:16; Neh 9:2). Gabriel appears with

words of reassurance for the eventual restoration of the holy (vv. 22b-27):

שבעים שבועים נחתך על-עמך ועל-עיר קדשך לכלא הפשע ולחתם חטאות
ולכפר עון ולהביא צדק עלמים ולחתם חזון ונביא ולמשח קדש קדשים

Seventy weeks are decreed for your people and your holy city: to finish the transgression, to seal the *ḥaṭṭāʾt*, to expiate the *ʿāvōn*, to bring in eternal righteousness, to seal vision and prophet, and to anoint the Holy of Holies. (Dan 9:24)

Daniel understands that iniquities must undergo some sort of expiation in order for the holy to be restored. Expiation, although unspecified, involves confession and not sacrifice. The basis for both actions in Neh 9:2¹⁴⁴ and Dan 9:24¹⁴⁵ lies in the waiver of the sacrificial requirement and its replacement with confession as depicted in Lev 26:40a [H]. EM includes the obligations to confess over transgressions and ancestral iniquities. There is, however, a notable absence in the confession of the בני ישראל over their חטאת—what was exactly said? Passing over this detail, EM goes straight into a reading from the ספר for a quarter of the day and confession (יד"ה [*hit.*]) for another quarter (Neh 9:3).¹⁴⁶ Named Levites stand on a מעלה הלויים and extol the assembly to bless Yahveh (vv. 4-5aα).¹⁴⁷ After the

144. Also Duggan, *Covenant Renewal*, 152.

145. Fishbane, *Biblical Interpretation*, 488; Collins, *Daniel*, 347-48.

146. For the identification of the ספר in Neh 9:3 as the ספר תורת אלהים see §4.2.3.

147. The מעלה הלויים is a permanent structure (Williamson, *Ezra, Nehemiah*, 311; Duggan, *Covenant Renewal*, 152; contra Batten, *Ezra and Nehemiah*, 364) that is

community's succinct response (Ezra 10:16a), Ezra's first directive is swiftly completed.

In the Priestly system, specifically Lev 4:1-5:26 [ET 6:7], a חטאת infraction must be acknowledged with the guilty party bringing forward a חטאת offering in order to undergo expiation (כפ"ר). There is, however, no mention of an expiating sacrifice in EM.¹⁴⁸ I submit that EM categorizes mingling with foreigners—which Ezra identifies as an infraction that is separate from intermarriage—as an infraction that requires only confession. EM supports a view that was rejected elsewhere. After E's molten calf episode at Horeb, Moses declares that the Israelites have committed a חטאה גדלה and he will go to Yahveh and perhaps make atonement (כפ"ר) for their חטאה (Exod 32:30). Moses asks Yahveh to forgive the Israelites' sin but his pleas for absolution are rejected (vv. 31-35). E reckons that direct pleading to Yahveh does not adequately atone for one's sin and, at best, only

not the מגדל-עץ (Neh 8:4). This structure should be regarded as an "ascent of the Levites" rather than "steps of the Levites" (מעלת הלויים). The distinction between מעלה (ascent) and מעלה (step) is evident in Neh 12:37: על-מעלות עיר דויד במעלה לחומה. EM follows CC's prohibition against ascending an altar by steps (מעלה) out of a concern for exposing any nakedness (Exod 20:26). PC is silent on the issue but the priestly undergarments address any concern of exposing an officiating priest's nakedness (Exod 28:42; 39:28; Lev 6:3; 16:4; cf. Ezek 44:18). The "ascent of the Levites" in Neh 9:4a is a cultic apparatus that follows CC.

148. This same problem exists if Neh 9:1-5a is retained in its final form. The next mention of any offering is in Neh 10:33-34; 13:5, 9, 31, but these are the regular and non-expiatory grain, burnt, and wood offerings.

delays the inevitable punishment. In contrast, EM upholds the efficacy of confession for what it regards as less serious infractions.

5.5.3. *The Second Action*

The fulfilment of the second part of Ezra's directive in Ezra 10:11, separation from foreign wives, requires more time and a different legal remedy than the first. Critics remark that MT Ezra 10:16a β is difficult (ויבדלו עזרא הכהן) (אנשים ראשי האבות לבית אבתם) and, following 1 Esd 9:16 (και επελεχματο εαυτο Εσδρας), propose its emendation to ויבדל-לו.¹⁴⁹ In favour of MT, Ezra's inclusion among the committee follows E's judiciary where Moses himself serves as the head of the supreme court and also adjudicates difficult cases. Accordingly, Ezra and the ראשי האבות "sequestered themselves" (NJPS) to examine the matter.¹⁵⁰ The commission begins their work on the first day of the tenth month and their work is complete by the new year (Ezra 10:16a β -17).¹⁵¹ When the commission completes its

149. Rudolph, *Ezra und Nehemia*, 96; In der Smitten, *Ezra*, 33; Williamson, *Ezra, Nehemiah*, 143-44; Gunneweg, *Ezra*, 177; Blenkinsopp, *Ezra-Nehemiah*, 192.

150. For the preference of לדרש over MT לדריש in Ezra 10:16, see Rudolph, *Ezra und Nehemia*, 96; In der Smitten, *Ezra*, 177; Williamson, *Ezra, Nehemiah*, 144; Blenkinsopp, *Ezra-Nehemiah*, 192. Ezra 7:10 may contain a similar use of דר"ש (Kapelrud, *Authorship*, 78). There, however, the interest is in the תורת־יהוה and not an affair (§§3.4.2; 4.2.4).

151. Pakkala argues that ראשי האבות is an attempted replacement for שרים

work, the offenders are identified (Ezra 10:18-23, 25-43; §5.1.1). Kaufmann contends that the list is too insignificant to constitute a “national peril.”¹⁵² Some critics conclude that the list is incomplete.¹⁵³ Williamson argues that any reconstructed list is purely speculative and misses the point: EM’s ritualistic concern is that any number of offenders—no matter how few—possesses a threat to the community.¹⁵⁴ The potential for a single individual to threaten the welfare of the community and sancta is a concern shared by both EM and PC.

The single mention of a sacrifice in Ezra 10:19 requires discussion. Among all of the named persons, it is only the members of the high priestly clan of Jeshua who offer a sacrifice:

ויתנו ידם להוציא נשיהם ואשמים איל-צאן על-אשמתם

They set their power (literally, “gave their hand”) to cast their women and their ^ʿ*āšām*, a ram of the flock, over their ^ʿ*āšmā^h*. (Ezra 10:19)

The priestly offering of an אשם that consists of a ram of the flock to atone for the mixed marriages is not repeated verbatim from any of the pentateuchal legal corpora. It is deduced from different parts of P’s sacrificial system, specifically Lev

(Ezra 10:14) (*Ezra the Scribe*, 99-100).

152. Kaufmann, *tôl^odôt*, 4:290–91; Eng., 336–37.

153. Rudolph, *Esra und Nehemia*, 97; Myers, *Ezra. Nehemiah*, 87.

154. Williamson, *Ezra, Nehemiah*, 158.

4:1-12 (for an anointed priest) and 5:14-16 (for anyone else who commits מעל).¹⁵⁵

The seriousness of the anointed priest's errant—yet unintentional—ways adversely affects the entire people (Lev 4:3). Similarly, the discovery of a priest who erred by marrying a foreign woman would alarm Ezra and the committee.¹⁵⁶ P, however, commands the priest to offer an unblemished bull from the herd (פר בן־בקר תמים) as a חטאת offering. Under suspected sancta desecration (Lev 5:14-16), expiation through the אשם consists of an unblemished ram from the flock (v. 15; cf. vv. 18, 25 [ET 6:6]). EM's אשם of a ram of the flock follows the Priestly sacrificial system, either without blemish (Lev 5:15) or unspecified as such (Ezra 10:19; cf. Ezek 43:23, 25).

Although the mixed marriages are considered a serious threat, EM does not call for capital punishment. The אשם sacrifice in v. 19 demonstrates that exogamy was a failure by those obligated to uphold the cult but nevertheless unwittingly committed and only revealed as such after Ezra's ספר is proclaimed and even consulted a second time. Although one person's guilt is potent enough, EM considers the priestly clan to be its severest offenders yet their sacrifice adequately relinquishes the communal guilt.

155. Grabbe, *Ezra-Nehemiah*, 33.

156. See also Tiemeyer, *Priestly Rites*, 181-85.

Ezra 10:44 contains some difficulties but this verse conveys the sense that the foreign women and their children were dispatched from Ezra's Jerusalem community. 1 Esd 9:36 and Josephus (*Ant.* 11 §152) unequivocally states that the men involved put away their foreign women and children.

5.6. The Last Months of Ezra's Mission

As the continuation from the events of the seventh month in Neh 7:72 [ET 73b]-8:18, the episode of the foreigners and the mixed marriages is the final instalment of EM's account of Ezra's mission. In Ezra 9-10 (and transposed Neh 9:1-5aα), EM continues to use and reshape its source materials in order to present Ezra and the returnees as a group that is more devoted to Yahveh than the wilderness generation. Following the pentateuchal traditions, EM acknowledges that Achaemenid Jerusalem and Yehud are inhabited by other peoples. EM concedes that the returnees experienced setbacks after their arrival and settlement but, through Ezra's astute judicial skill and deliberations, eventually took proactive measures to rectify their situation through the appropriate legal channels. After a lengthy debate that involves multiple parties, Ezra declares that the returnees must separate from all foreigners and divorce any foreign wives.

The problem is magnified by the small number of returnees relative to “everyone else” in Jerusalem and Yehud. The inability of the returnees to separate from the peoples of the land did not have any readily available remedies. Several weeks after Ezra proclaims the ספר, there emerged a critical mass that made separation from the peoples of the land—either by association or through marriage—a difficult task for many of the returnees and a more difficult problem to resolve by those who know or do not know the דתִי אֱלֹהֵה. As a result, some of the שרים refer these cases to Ezra and a higher court.

This temporal gap is explained on the basis that Ezra’s proclamation of the ספר (Neh 8:8) resulted in new and unanticipated legal questions that arose from the competing pentateuchal legal codes and their respective documents. Although סבות presented a time-sensitive challenge, a solution based on the separate pentateuchal סבות laws was quickly found with the construction of the booths. Not so with the mixed marriages. The שרים muster most of the language of their initial charge through a patchwork of originally separate laws: especially, Deut 7:1-5; 23:4-9; Lev 18:24-30; 20:23-26. This charge is also framed as מעל, which I argued follows the Priestly notion of sancta desecration. Each one of these laws, however, was originally composed for its own contemporary situation and despite their best attempts to cover every contingency, none of the pentateuchal law corpora

anticipates the situation as described in Ezra 9-10. For this reason, EM accounts for the inadequacy of each of the pentateuchal law corpora to address Ezra's situation on its own merits and builds a sort of supreme law by combining selected snippets from the different codes.

Scattered throughout Ezra 9-10 (+ Neh 9:1-5aα) are charges, proposals, personal actions, and penitential acts from multiple characters that link together to form a continuous dialogue that sorts through the legal complexities of the situation. As the initial charge of the שרים works its way to Ezra's final verdict, EM shifts between the originally separate and competing Elohist and Deuteronomist judicial systems. Although Exod 18:13-27 and Deut 1:9-18 prescribe the proper operation of the judiciary, there is no account in the Pentateuch (or including Joshua, the Hexateuch) that describes the execution of either the Elohist or Deuteronomist judicial system. The lack of an actual case law in E and D and the existence of these two originally separate prescriptions presents EM with the challenge of undertaking—to use the term anachronistically—a midrash in order to explain how to administer law rooted in the tenets of “biblical” jurisprudence. EM demonstrates how difficulties that arise from competing law codes are negotiated through the proper legal channels in order to arrive at a solution that upholds the sanctity of the Yahvistic cult. In comparison, the later witnesses in 4QpaleoExod^m

and SamP also acknowledge the differences between Exod 18:13-27 and Deut 1:9-18 but both witnesses conflate the two sections by inserting MT Deut 1:9-18 in between MT Exod 18:24, 25.¹⁵⁷

The episode of the mixed marriages anticipates the extreme scenario in which all of the people of Israel, especially the returnees, enter into mixed marriages and—by virtue of maternal lineage—there comes a day when all in Yehud are identified as נכרי and neither זרע הקדש nor ישראל. From a cultic point of view, the results would be disastrous. No one would be liable for observing the prohibitive, let alone performative, commandments and ensuring the upkeep of the Yahvistic cult. Similar to how Solomon married foreign women and turned to their deities, the land would be overrun by נכרים and the worship of foreign deities. Sancta contagion becomes a greater threat and the event of the deity abandoning the promised land again becomes a real possibility.

After the many deliberations and arguments, the legal recourse available to Ezra is separation from all foreigners *and* the foreign women and their children.

157. Jeffrey Tigay, "An Empirical Basis for the Documentary Hypothesis," *JBL* 94 (1975): 333-35; *idem*, "Conflation as a Redactional Technique" in *Empirical Models for Biblical Criticism* (ed. J. Tigay; Philadelphia: University of Pennsylvania Press, 1985), 53-95, esp. 61-68; Emanuel Tov, *Textual Criticism of the Hebrew Bible* (2nd. rev. ed.; Minneapolis: Fortress/Assen: Royal Van Gorcum, 2001), 86-87; 3rd. rev. exp. ed. (Minneapolis: Fortress, 2012), 81 n. 132.

Assimilation or conversion of foreigners were not pursued due to their absence in the pentateuchal narratives or laws. Circumcision occasionally arises as a possible means for a change in status (cf. Gen 34:14-16; Exod 12:48) but for the foreign women this option is not available because female circumcision is unknown to both ancient Israel and the ancient Near East.¹⁵⁸ The separation of all foreigners to eliminate the potential polluting effects of an unattended *מַעַל* supports EM's portrayal of Ezra and the returnees as a generation that supersedes their wilderness predecessors in every way possible. By separating from all foreigners and expelling the foreign wives and their offspring, Ezra purifies the present and—more importantly—future *קְהָל* community by sending away all present and future non-Yahvistic observants. With the separation from all foreigners and the completion of Ezra's mission within a single calendar year, EM presents Ezra as a more capable and effective legislator than Moses. The returnees are also presented as not only a more faithful community than the wilderness generation but also the ideal representation of the post-exilic Yahvistic cult.

158. Shaye J. D. Cohen, *Why Aren't Jewish Women Circumcised? Gender and Covenant In Judaism* (Berkeley: University of California Press, 2005), 58-59.

Chapter Six

The Place of Ezra and the Returnees in the Second Temple:

Summary and Conclusions

This study stems from the question: did Ezra promulgate and publish the Pentateuch? What was once a widely-accepted view among pre-modern and modern critics remains under examination within the renewed debates on the historicity of Ezra and the formation of both Ezra-Nehemiah and the Pentateuch. In the foregoing chapters, I have attempted to demonstrate that EM reads, interprets, and fuses its multiple literary sources in its presentation of Ezra and the returnees as a second wilderness generation. From the literary analysis of Ezra 7-10; Nehemiah 8-10, I determined that there are three identifiable layers in these chapters: an original Ezra Memoir (EM) that contains accounts of Ezra and the

returnees from their departure from Babylon to their arrival and activities in Jerusalem over the course of a single calendar year, insertions by the redactor (who I identified as R^{EM-NM}) who combined EM with the Nehemiah Memoir (NM), and a final reworking by the redactor (who I identified as R^{E-N}) who attached Ezra 1-6 to the beginning of the combined EM-NM composition. Focusing on EM, I described how EM revises its source materials by closing the gap between the First and Second Temple cults, updating lexical terminology, and recognizing the temporal geo-political distance between the First Temple sources and a post-exilic audience.

In §1, I discussed the state of scholarship concerning the historical Ezra, the notion of state-sanctioned support for the Pentateuch, and the formation of the Pentateuch. The reliability of the biblical witness continues to attract scholarly debate. I maintain that EM is based on a historical figure named Ezra who is unlikely recoverable. Even if the historical Ezra can be reduced to nothing but a literary fiction, I regard the materials in Ezra 7-10; Nehemiah 8-10 as a (near-)contemporary witness to the social, political, and religious realities of Achaemenid Yehud. EM is an ideologically charged witness that aggrandizes the place and importance of Yehud within the wider world of the Persian empire. For this reason, the so-called Artaxerxes Edict in Ezra 7:12-26 contains kernels of historical truth but is shaped by Yehudite interests and is integral to its

surrounding narrative. Furthermore, I concur with critics who argue that the Persians had little involvement with the intricate details of the Jerusalem cult and there was little, in any, state support for any of the contents of the Pentateuch or its publication. I believe that internal forces within the post-exilic Yahvistic cult shaped the compilation of the Pentateuch from its constituent parts to its final form. Also decisive is the question concerning the developmental stages of the Pentateuch itself. Within pentateuchal criticism, a major debate has emerged between the “post-documentarians” and “neo-documentarians.” Acknowledging that any results are not assured and contested from many sides, this study accepts that the four-source theory offers a viable explanation for the formation of the Pentateuch.

The textual analysis of Ezra 7-10; Nehemiah 8-10 is presented in §§2-5. Each chapter opens with a discussion on the identification of EM and its supplementary materials. I then proceed to discuss the use and adaptation of pentateuchal materials in these chapters. I begin with what is generally agreed upon: the use of the final form of the Pentateuch in Nehemiah 9-10 (§2). I regard Neh 9:1-5aα as original EM material that was transposed to its current place and consider both the historical recital in Neh 9:5aβ-37 (with a focus on vv. 6-25) and the אִמְנָה in 10:31-40 as supplemental materials that post-date EM. In its recollection of the events in

Genesis-Deuteronomy, Neh 9:6-25 employs “pentateuchal” narratives that arise only after the combination of its constituent parts and the addition of the latest layer of the Pentateuch (verses I assign to R^{Pent}). The pledges in Neh 10:31-40 arise out of the recognition by its composer and audience that temporal and ideological gaps exist between contemporary praxis and the prescriptive pentateuchal laws. In this chapter, I support the view that both the historical recital and the *אמנה* presuppose the final form of the Pentateuch but offer explanations into the various strategies used to shape these compositions.

After an examination of the materials that post-date EM, I turn to the Ezra accounts contained in Ezra 7-10; Nehemiah 8 (§§3-5). In Ezra 7-8, I discuss EM’s conception of Ezra the priest-scribe and his caravan as a second Sinai departure (§3). EM uses the Priestly Sinai account as its frame, adapts Deuteronomic ideology, and supplements its Ahava departure with the Yahvistic and Elohist descriptions of the Israelites’ encounter with Yahveh at a mountain. It is possible that EM equated Horeb with Sinai as this is ultimately the case with the use of the final form of the Pentateuch by the composer of Neh 9:5aβ-37 and Ben Sira. The motif of a second Exodus is not an entirely new innovation in EM as it can be observed elsewhere in Hos 2:17; Mic 7:14-15; Isa 11:11; 43:18-19; Jer 16:14-15; Ezek 20:34-40.¹

1. See Cross, *Canaanite Myth and Hebrew Epic*, 345; Michael A. Fishbane, *Text and Texture: Close Readings of Selected Biblical Texts* (New York: Schocken Books, 1979),

However, EM presents the second Exodus in a different manner. Whereas the other depictions of a second Exodus employ a single tradition, EM incorporates multiple pentateuchal traditions. EM also takes on a strong interest in the law by upholding the event of the law-giving on the wilderness mountain as the all-important event in which Yahveh reveals the instructions, commandments, and statutes that ensure divine protection for those who dutifully uphold them. In its interpretation and adaption of the Israelite wilderness accounts, EM opens its case for placing Ezra and the returnees as a group that supersedes Moses and the wilderness generation in every way possible. They dutifully transport the material goods obtained prior to their departure for their intended service in the house of God in Jerusalem and, unlike the first wilderness generation, survive the journey to their destination. The caravan takes only four months to cover the distance between the Ahava and Jerusalem and, with the hand of God upon them, without any incidents that would substantially hinder their journey.

I agree with critics who argue for the original place of Neh 7:72b [ET 73b]-8:18 in between Ezra 8 and ch. 9 (§4). After Ezra and the caravan arrive in Jerusalem, EM proclaims the *תורת משה*. Breaking from the wilderness traditions, the proclamation of *תורה* is absent when the caravan departs Babylon because EM

121-40; Levitt Kohn, *New Heart and a New Soul*, 107-10.

regards Jerusalem as the only acceptable place for such an event. This תורה is upheld as containing all of Yahveh's instructions and is thus a source of supreme authority. Ezra's reading of a ספר is presented as a second proclamation of law that is based on the first accounts of Yahveh giving the law to the Israelites on the wilderness mountain. EM incorporates elements from each one of the source documents by taking pieces of the different visual and auditory theophanies and law giving episodes. EM's own law giving episode is one that reflects the realities of its contemporary time and presents the returnees as a group that immediately consents to uphold "the *tôrā*^h of Moses." The contents of Ezra's scroll are not made known and it is unlikely that Ezra recites the entire Pentateuch. Whatever Ezra recites is not new law—it is something that is understood to be complete and remains enforceable ever since its past pre-exilic origins. After Ezra's proclamation of תורה, its proper implementation becomes problematic when multiple legal codes, with notable contradictory prescriptions, compete for supreme authority. For this reason, the uniformity of the prescriptions for a sacred occasion on the tenth day of the seventh month in only one of the legal codes offers an explanation for the absence of an expected יום הכפרים observance in Nehemiah 8. The inclusion of סכות in Nehemiah 8 recognizes the expediency that is required to adjudicate

between the different סבֹּת prescriptions in multiple legal codes in time for its scheduled observance days after Ezra reads from the סֵפֶר.

In support for the continuation of EM into Ezra 9-10, and the transposition of Neh 9:1-5aα in between Ezra 10:15 and v. 16, I argued that the mixed marriages episode fits well after Ezra proclaims the סֵפֶר and is—anachronistically speaking—a midrash of the judiciary systems as preserved in the pentateuchal sources (§5). Exod 18:13-27 and Deut 1:9-18 preserve competing judiciary systems but there is not a single account in the Pentateuch (or including Joshua, the Hexateuch) that describes the judiciary in action. Through the mixed marriages episode, EM constructs an actual case and explores the proper administration of “law” within the confines of biblical jurisprudence. The existence of mixed marriages in Yehud represents the extreme and dire possibility that the returnees, who are the true continuing Yahvistic community, will eventually identify not as a “holy seed” or “Israel” but—through the lineage of the foreign wives—as “foreigner.” EM foresees the possibility that an increasingly foreign population in Yehud will forego the obligations for the re-established Yahvistic cult and the foreign gods (from their respective nations, all of whom are more powerful than Yehud) will once again be worshipped in Jerusalem. The legal citations and deliberations in Ezra 9-10 reflect the adjudication of originally separate and competing law codes in order to arrive

at a legally acceptable solution, one that is primarily concerned with preventing sancta desecration and Yahveh forsaking the re-established Jerusalem cult. Acting as a supreme justice of the court, Ezra the priest-scribe ultimately renders the decision that the returnees must separate from all foreigners and those who married foreign wives must expel them along with their offspring from the community.

From the foregoing analysis, I conclude that EM is what may be labelled as a “super-narrative” that does not presuppose the final form of the Pentateuch but in its use of the individual classical pentateuchal source documents—in alphabetical order, D, E, J(+), and P(C)—anticipates their eventual collation.

6.1. The Literary Development of Ezra 7-10; Nehemiah 8-10

In response to studies that atomize the Ezra Memoir in favour of larger roles placed upon active readers or redactors, I argued that EM can be recovered from greater portions of Ezra 7-10; Nehemiah 8. I agree that ideologically-driven supplemental layers exist in these chapters but consider these insertions to be minimal yet necessary to align EM with first a combined EM-NM composition that is then followed by the development of EM-NM into the final form of E-N.

Underneath EM is perhaps a historical Ezra but this figure is difficult to extract due to the embellishment of Ezra as a second Moses. The lack of an account of what happens to Ezra after the mixed marriages episode might be an intentional omission. On one extreme, Josephus reports “[a]nd it was [Ezra’s] fate, after being honoured by the people, to die an old man and to be buried with great magnificence in Jerusalem” (*Ant.* 11 §158). Josephus reports nearly the same for Nehemiah (§183) and it is likely that his concluding accounts of Ezra and Nehemiah are free compositions.² On the other extreme, Smith suggests that Ezra’s mission ultimately becomes a failure when Ezra ends up in disgrace after he assists in the rebuilding of city fortifications without imperial authorization (cf. Ezra 4:7-23).³ There is little evidence to support this view. It is more likely that EM represents a high reverence for Ezra that praises him as the one leader who not only promulgated תורה but zealously maintained the sanctity of the Yahvistic cult and guarded it from foreign intrusions. According to EM, the resolution of the mixed marriages arises from Ezra’s skilful interpretation of Yahveh’s laws and the returnees’ unquestioned acceptance and implementation of this law.

2. For this, see Williamson, *Israel in the Books of Chronicles*, 24.

3. Smith, *Palestinian Parties*, 122-24; followed by Douglas, “Responding to Ezra,” 4-5.

After EM is identified in Ezra 7-10; Nehemiah 8-10, what remains are either redactional insertions or entirely separate compositions that post-date EM. The shape of EM changes as it is incorporated into the growing Ezra-Nehemiah corpus. Stemming from an interest in presenting Ezra and Nehemiah as contemporaries in the reconstruction period, R^{EM-NM} combines EM with the originally separate NM. The figure of Nehemiah lurks beneath R^{EM-NM} 's contributions. R^{EM-NM} inserts Nehemiah into the scene where Ezra proclaims תורה in Neh 8:9 and achieves the goal of placing these two leaders side-by-side for this important event. Recognizing that the place of Nehemiah 12 in the development of NM is contentious, עזרא הכהן in Neh 12:26 and ועזרא הסופר in v. 36 could also be insertions by this redactor. Whereas EM presents Ezra as a priest-scribe who is dependent solely on Yahveh (Ezra 8:21-23), R^{EM-NM} follows NM's claim that Nehemiah received royal support and inserts the same claim for Ezra in Ezra 7:6b, 27-28.

Dissatisfied with the events of the restoration as projected in the combined EM-NM, R^{E-N} shapes the final form of Ezra-Nehemiah by attaching an account of the rebuilding of the Jerusalem Temple in Ezra 1-6 to the beginning of EM-NM and expanding the account of the seventh month in what is currently Neh 7:72b [ET 73b]-10:40. R^{E-N} adds ואחר הדברים האלה in Ezra 7:1a α to connect the beginning of

EM-NM with Ezra 1-6.⁴ R^{E-N} also transposes the reshaped EM materials in Neh 7:72b [ET 73b]-8:18 and 9:1-5aα to its current location and attaches 9:5aβ-37 and 10:1-40 to forge a new and expanded presentation of the important seventh month. Unlike EM's use of the constituent parts of the Pentateuch, both the historical recital in Neh 9:5aβ-37 and the *אמנה* in 10:30-40 demonstrate a knowledge of the final form of the Pentateuch and should be regarded as post-EM supplementary materials. R^{E-N} updates the social institutions described in the reworked EM by inserting groups that are mentioned in Chr: singers, gatekeepers, doorkeepers, and the *בית אבות*. The influence of Chr can also be found in the modification of EM's original description of *בספר תורת יהוה אלהים* to *בספר תורת אלהים* (Neh 9:3) following Chr's *ספר תורת יהוה*. Following the arguments for separate authorship of Ezra-Nehemiah and Chronicles, I do not regard Chr and R^{E-N} as one and the same.

Before further remarks on EM, I shall briefly address issues of dating. Many arguments, some based on assigning a text to a specific historical situation, have been presented for the dating of Ezra and/or EM anywhere from the fifth to second centuries. If there is indeed a case to be made for a historical Ezra somewhere

4. Williamson observes that the resulting chronology of the 25th day of the sixth month (Elul) in Neh 6:15 followed by the first day of the seventh month in Neh 7:72b is logical but the number of days would be too few to accommodate all of the activities described in 6:16-7:71 (*Ezra, Nehemiah*, 286). The chronology appears difficult but, in preserving as much original material as possible, as long as the dates follow a logical sequence R^{E-N} retains the original dates.

beneath EM, Ezra's activities could be dated to either 458 or 398. It follows that EM was composed during or after the time of Ezra. An exact dating of both Ezra and EM is beyond the scope of this study but I am unconvinced that the late date is the only conclusion that can be drawn from the textual evidence. Instead, the foregoing analysis permits comments on the relative dating of EM with other biblical materials. The results from this study support dating EM before R^{Pent} and (restored) Neh 9:5a β -10:40, $R^{\text{EM-NM}}$ after NM, and $R^{\text{E-N}}$ after Chr.

6.2. EM and the Sources of Authority

EM subscribes to a brand of Second Temple Yahvism that places authority in the pre-exilic past. However, EM acknowledges the hermeneutical challenges of deferring to the past and its use in constructing the present. As a result, the correspondence between EM and the pentateuchal materials is imperfect and sometimes results in a wide disparity. A growing number of critics point to the absence of **יום הכפרים** in Nehemiah 8 or the incongruities between the pentateuchal marriage laws (especially in Deuteronomy) and Ezra 9-10 and contend that Ezra does not have the final form of the Pentateuch but rather a penultimate form that is still developing and awaits its final layers. I partially agree. The results of this

study demonstrate that the compositions in Neh 9:5a β -10:40 know the Pentateuch in its final form but EM does not know of such a document. To a certain degree, I grant that EM does not have access to the latest layer of the Pentateuch. Rather than placing entire pericopes or laws (argued by some critics as influenced by Ezra-Nehemiah) among the latest layers of the Pentateuch, I limit this layer to only the insertions and factual corrections made by the compiler of the Pentateuch, R^{Pent}. In support of EM presupposing all of the pentateuchal laws and narratives, EM's apparent omissions and divergences from the relevant pentateuchal materials result from the recognition of a temporal gap between the authoritative source materials and its contemporary time. The necessary adaptation of source materials is evident in EM. For example, the edict attributed to one Artaxerxes in Ezra 7:12-26 is composed with an understanding that a monarch, as the earthly benefactor of temple and cult, is essential for the proper and effective sanctioning and safekeeping of law. This projection follows the Deuteronomic law of the king in Deut 17:14-20. The Deuteronomic law not only instructs the Israelites to provide its king with a copy of the law but also includes the prohibition against placing a foreigner as king. Rather than follow Deuteronomy's demand for a native king, EM appropriately casts the monarch that supports the law of Yahveh as the Persian king Artaxerxes due to the geo-political situation of post-exilic Yehud as a vassal state under the rule of a foreign power. Turning to cultic matters, EM's omission of

many of the institutions from a prior age—among them the ark, cherubim, urim and tummim—suggests that EM agrees that instruments from the pre-exilic period were lost after the destruction of the First Temple and are absent in the Second Temple. EM also subscribes to the notion that Yahveh’s earthly manifestation is absent in the Second Temple. Whereas the pentateuchal traditions allude to Yahveh’s presence in the midst of the wilderness generation at a mountain or in the wilderness, EM does not conceive of Yahveh as present among the returnees anywhere in between Babylon and Jerusalem. Moses has direct access to the divine oracle itself but by the time of First Zechariah the phenomenon of direct divine revelation can be represented by an otherworldly מלאך who speaks and interprets through ethereal visions. According to EM, Ezra has no access to the divine oracle or messenger. Instead, he has access to relics from the past—collectively known as “the law of Yahveh.”

EM’s use and dependency on the pentateuchal source documents is grounded on the preservations of the “law of Yahveh.” By the time the pentateuchal sources are combined, each one projects the basic claim that Yahveh revealed all of his statutes, commandments, and laws through the mediation of Moses to the Israelites at a wilderness mountain. Each one contains the contents of this law and this facet contributes towards their authoritative status. The source

documents, however, do not agree on the exact laws.⁵ J does not contain any actual law as it assumes that Abraham knew this law in the distant past. The contents of the Elohist, Deuteronomic, Deuteronomistic (as presented in J+), and the Priestly law codes are shaped by their own conceptions of the proper functioning of the Yahvistic cult. The source documents also agree upon the basic narrative of Israel's origins but, similar to the legal materials, the exact details of these narratives are shaped by distinct ideologies within pre-exilic Yahvism. The representative ideologies among the source documents can be generalized as follows: J supports the visionary revelation of the deity, E has an interest in the institution of prophecy, D promotes the centralization of the cult, and PC considers the priesthood as vital to the proper functioning of the cult which ensures the Israelites' prosperity on its surrounding land. The mention of other sources that at one time were in circulation (such as the "Book of the Wars of Yahveh" in Num 21:14) remotely suggests that there existed other pre-exilic accounts of Israel's origins. If these sources existed then they were not preserved by R^{Pent} working in

5. In the foregoing discussion, I base my analysis on EM from the wilderness accounts as preserved in Exodus-Deuteronomy but I am open to the possibility that some of the source documents continue into Joshua and EM employs these materials. The book of Joshua presents literary and textual challenges that are different than Genesis-Deuteronomy and a thorough examination of the classical view that the source documents extend into Joshua is beyond the scope of this study. I believe, however, that this question deserves renewed investigation.

the Second Temple period. The destruction of the First Temple resulted in not only the loss of Israelite political autonomy but also induced reflections into the past institutions and their relevancy for a post-First Temple world. For the most part, each one of the pentateuchal sources does not anticipate the actual destruction of the First Temple and the accompanying social, political, and cultic upheaval. The cessation or disruption of many of these pre-exilic institutions, I believe, offers a partial explanation for the collation of the sources into a single document by the post-exilic compiler, R^{Pent}. The collation of these sources into the final form of the Pentateuch diffuses the fundamental differences and flattens the respective ideological slants that were shaped by a bygone past yet also preserves the occurrences and authority of the divine proclamations and oracles for its current time.

Working before this compiler, EM interprets and combines the multiple accounts of the wilderness generation as preserved in the pentateuchal source documents. In doing so, EM has a different purpose than R^{Pent}. Rather than reshape the different traditions of Israel's origins, EM's main goal is to take the accounts of the first wilderness generation and project them unto a single narrative of a later wilderness generation. Although a secure explanation for why remains elusive, I submit that the impetus for EM and R^{Pent} does not lie in external pressures (namely,

Persian influence or sponsorship) but instead were driven by interests that were informed by their respective visions of Second Temple Yahvism. Separately, the works of R^{Pent} and EM address the challenges that were experienced by post-exilic readers of harmonizing between multiple accounts of the pre-exilic past and in establishing the roots of their Second Temple Yahvistic cult in its pre-exilic foundations.

Finally, it can be noted that the Second Temple period redactors who I identify as R^{Pent}, R^{EM-NM}, and R^{E-N} operate in a nearly consistent manner. Each one of these redactors has an interest in re-orienting its received text but does not significantly alter it. These redactors retain the basic frame of the base narrative in their received source material(s), preserve its source(s) as much as possible, and make minimal but necessary intrusions into the text in order to align it with its surrounding and expanding corpus.

6.3. EM's Representation of the Yahvistic Cult

In the foregoing analysis, I have attempted to demonstrate that EM constructs its account of Ezra and the returnees through the use of motifs and imagery from the multiple accounts of the wilderness generation as preserved in

the classical pentateuchal source documents. Furthermore, EM presupposes these originally independent documents in the shape before their collation into the final form of the Pentateuch.

EM utilizes the pentateuchal materials in order to promote its agenda of elevating the returnees as the rightful continuation of the pre-exilic Yahvistic cult. Based upon the accounts of the first wilderness generation, EM constructs its idealized wilderness account—complete with a mandate, lists, a journey, and a successful arrival—by selectively using its source materials. EM occasionally uses one of the source documents as the prototype and supplements it with details from one or two of the other sources. EM's use of the pentateuchal wilderness accounts is not only a literary enterprise but also serves an ideological purpose. In its strategic adaptation and combination of the Israelite wilderness accounts, EM presents Ezra and the returnees as a second wilderness generation that supersedes its predecessors by faithfully responding to Yahveh and upholding all of the laws issued by the deity. Also integral to EM's programme is the ספר that Ezra opens in front of a public gathering on the first day of the seventh month. In whatever shape or form this ספר is conceived as, it represents all of the laws that Yahveh gave to the Israelites in the wilderness. For this reason, EM contains no actual law. The lack of any actual law also enables EM to shield the existence of multiple law

codes. The laws that EM alludes to in Ezra's ספר find their authority in the pre-exilic past and continue to remain in force. Addressing its Second Temple audience, EM values these laws because it subscribes to the thought that Yahveh is no longer in the earthly realm and—following the cessation of the divine oracle—Yahveh has already given all of the necessary laws to Moses and the Israelites in the wilderness. The failure of the Israelites in properly upholding these laws and their demise before their intended destination is the background for the events that follow Ezra's reading of the ספר. Recognizing that multiple law codes exist, the upcoming סכות pilgrimage and the mixed marriages present increasing levels of hermeneutical challenges. By forging acceptable legal solutions between the originally separate and competing legal prescriptions, Ezra and the returnees successfully deal with these challenges, eliminate any possibility of cultic desecration, and, through their ability to observe all of the deity's relevant laws, prove to be worthy devotees of Yahveh.

EM placed authority in the wilderness past yet also used and reshaped this past to promote a group's claim as the correct expression of the Yahvistic cult. Later groups that emerge in the Second Temple period would also find continuity from the authoritative past in order to support their claim as the unsurpassed community of Yahveh. EM does not presuppose the Pentateuch but anticipates the

collation of its constituent parts into the final form. Through its awareness and use of the pentateuchal source documents, EM elevates Ezra and the returnees over Moses and the wilderness generation. By surpassing the first generation in every way possible, EM presents Ezra and the returnees as a group that dutifully followed Yahveh and prove themselves as more than worthy inheritors of the pre-exilic Yahvistic cult.

Appendix: The Literary Development of EM

The following source division of Ezra 7:1-10:40; Neh 7:72b [ET 73b]-9:5aα is provided for the convenience of the examiners and not part of the thesis. The English text is from the NRSV.

EM, R^{EM-NM} , R^{E-N}

Ezra 7:1–14

7:1 After this in the reign of King Artaxerxes of Persia, Ezra son of Seraiah, son of Azariah, son of Hilkiah, 2 son of Shallum, son of Zadok, son of Ahitub, 3 son of Amariah, son of Azariah, son of Meraioth, 4 son of Zerariah, son of Uzzi, son of Bukki, 5 son of Abishua, son of Phinehas, son of Eleazar, son of the chief priest Aaron— 6 this Ezra went up from Babylonia. He was a scribe skilled in the law of Moses that the LORD the God of Israel had given; and the king granted him all that he asked, for the hand of the LORD his God was upon him.

7 Some of the people of Israel, and some of the priests and the Levites, the singers and gatekeepers, and the temple servants went up to Jerusalem in the seventh year of King Artaxerxes. 8 They came to Jerusalem in the fifth month, which was in the seventh year of the king. 9 On the first day of the first month the journey up from Babylon was begun, and on the first day of the fifth month he came to Jerusalem, for the gracious hand of his God was upon him. 10 For Ezra had set his heart to study the law of the LORD, and to do it, and to teach the statutes and ordinances in Israel.

11 This is a copy of the letter that King Artaxerxes gave to Ezra, the priest-scribe, a scholar of the text of the commandments of the LORD and his statutes for Israel: 12 “Artaxerxes, king of kings, to the priest Ezra, the scribe of the law of the God of heaven: Peace. And now 13 I decree that any of the people of Israel or their priests or Levites in my kingdom who freely offers to go to Jerusalem may go with you. 14 For you are sent by the king and his seven counsellors to make inquiries about Judah and Jerusalem according to the law of your God, which is in your hand,

עזרא ז 1 – 14

ז, א ואחר הדברים האלה במלכות ארתחשסתא
מלך-פרס עזרא בן-שריה בן-עזריה בן-חלקיה:
ב בן-שלום בן-צדוק בן-אחישוב: ג בן-אמריה
בן-עזריה בן-מריות: ד בן-זרחיה בן-עזי בן-בקי: ה
בן-אבישוע בן-פינחס בן-אלעזר בן-אהרן הכהן
הראש: ו הוא עזרא עלה מבבל והוא-ספר
מהיר בתורת משה אשר-נתן יהוה אלהי
ישראל ויתן-לו המלך כיד-יהוה אלהיו עליו כל
בקשתו:

ז וייעלו מבני-ישראל ומן-הכהנים והלוים
והמשרנים והשערים והנתינים אל-ירושלם
בשנת-שבע לארתחשסתא המלך: ח ויבא
ירושלם בחדש החמישי היא שנת השביעית למלך:
ט כי באחד לחדש הראשון הוא יסד המעלה
מבבל ובאחד לחדש החמישי בא
אל-ירושלם כיד-אלהיו הטובה עליו: י
כי עזרא הכין לבבו לדרוש את-תורת
יהוה ולעשת וללמד בישראל חק ומשפט:
יא וזה פרשגן הנשתן אשר נתן המלך
ארתחשסתא לעזרא הכהן הספר ספר דברי
מצות יהוה וחקי על-ישראל: יב ארתחשסתא
מלך מלכיא לעזרא כהנא ספר דתא
די-אלה שמיא גמיר וכענת: יג מני שים
טעם די כל-מתנדב במלכותי מן-עמא
ישראל וכחנודי ולווא למדה לירושלם
עמד יהו: יד כל-קבל די מן-קדם מלכא
ושבעת יעטהי שליח לבקרא על-יהוד
ולירושלם בדת אלהי די בידך:

Ezra 7:15–26

15 and also to convey the silver and gold that the king and his counsellors have freely offered to the God of Israel, whose dwelling is in Jerusalem, 16 with all the silver and gold that you shall find in the whole province of Babylonia, and with the freewill offerings of the people and the priests, given willingly for the house of their God in Jerusalem. 17 With this money, then, you shall with all diligence buy bulls, rams, and lambs, and their grain offerings and their drink offerings, and you shall offer them on the altar of the house of your God in Jerusalem.

18 Whatever seems good to you and your colleagues to do with the rest of the silver and gold, you may do, according to the will of your God. 19 The vessels that have been given you for the service of the house of your God, you shall deliver before the God of Jerusalem. 20 And whatever else is required for the house of your God, which you are responsible for providing, you may provide out of the king's treasury.

21 "I, King Artaxerxes, decree to all the treasurers in the province Beyond the River: Whatever the priest Ezra, the scribe of the law of the God of heaven, requires of you, let it be done with all diligence, 22 up to one hundred talents of silver, one hundred cors of wheat, one hundred baths of wine, one hundred baths of oil, and unlimited salt. 23 Whatever is commanded by the God of heaven, let it be done with zeal for the house of the God of heaven, or wrath will come upon the realm of the king and his heirs. 24 We also notify you that it shall not be lawful to impose tribute, custom, or toll on any of the priests, the Levites, the singers, the doorkeepers, the temple servants, or other servants of this house of God.

25 "And you, Ezra, according to the God-given wisdom you possess, appoint magistrates and judges who may judge all the people in the province Beyond the River who know the laws of your God; and you shall teach those who do not know them. 26 All who will not obey the law of your God and the law of the king, let judgment be strictly executed on them, whether for death or for banishment or for confiscation of their goods or for imprisonment."

עזרא ז 22 – ח 4

טו וְלִהְיִבָּלָה כֶּסֶף וְדָהָב דִּי־מִלְכָּא וְיַעֲטוּהִי
הַתְּנַדְּבוּ לְאַלְהֵי יִשְׂרָאֵל דִּי בִירוּשָׁלַם
מִשְׁכְּנָה: טז וְכָל כֶּסֶף וְדָהָב דִּי תַהֲשִׁיחַ בְּכָל
מְדִינַת בָּבֶל עִם הַתְּנַדְּבוֹת עֲמָא וְכַהֲנָיָא
מִתְנַדְּבִין לְבֵית אֱלֹהֵהֶם דִּי בִירוּשָׁלַם: יז
כָּל־קִיבֵל דְּנָה אֶסְפְּרָנָא תְּקִנָּא בְּכִסְפָּא דְּנָה
תּוֹרִין וְדָרִין אֲמִרִין וּמִנְחָתָהוֹן וְנִסְפִּיהוֹן
וְתִקְרַב הֵמוּ עַל־מִדְבָּחָה דִּי בֵית אֱלֹהֵכֶם דִּי
בִירוּשָׁלַם: יח וּמָה דִּי עָלִיד וְעַל־אַחִיד
יִיטֵב בְּשָׂאֵר כֶּסֶפָא וְדָהָבָה לְמַעַבְד כְּרַעוֹת
אֱלֹהֵכֶם תַּעֲבִדוּן: יט וּמֵאֲנִיָּא דִּי־מִתִּיהֲבִין
לָךְ לְפָלְחוֹן בֵּית אֱלֹהֵךְ הַשְׁלֵם קֳדָם אֱלֹהֵי
יְרוּשָׁלַם: כ וּשְׂאֵר חֲשֻׁחוֹת בֵּית אֱלֹהֵךְ דִּי
יִפְלִגְךָ לְמִנְתָן תִּנְתָן מִן־בֵּית גִּנְזֵי מִלְכָּא
כא וּמִנִּי אֲנָה אֲרַתְחַשְׁתָּא מִלְכָּא שִׁים טַעֲם
לְכָל גִּזְבָּרְיָא דִּי בַעֲבָר נְהִרָה דִּי כָל־דִּי
יִשְׁאֲלִנְכוּן עֲזָרָא כְּהִנָּה סִפְרָ דְּתָא דִּי־אַלְהֵי
שְׁמִיָּא אֶסְפְּרָנָא יַתְעַבְד: כב עַד־כֶּסֶף כְּבָרִין
מָאָה וְעַד־חֲנֻטִין כְּרִין מָאָה וְעַד־חֲמֵר בְּתִין
מָאָה וְעַד־בְּתִין מִשַׁח מָאָה וּמִלַּח דִּי־לָא
כָּתֹב: כג כָּל־דִּי מִן־טַעֲם אֱלֹהֵי שְׁמִיָּא יַתְעַבְד
אֲדָרְזָא לְבֵית אֱלֹהֵי שְׁמִיָּא דִּי־לְמָה לְהוֹא
קִצְף עַל־מַלְכוּת מִלְכָּא וּבְנוּהִי: כד וְלָכֶם
מְהוּדְעִין דִּי כָל־כְּהִנָּא וְלִוְיָא זְמַרְיָא תַרְעִיָּא
נְתִינָיָא וּפְלִחֵי בֵית אֱלֹהֵי דְּנָה מְנַדָּה בְּלוֹ
וְהִלָּךְ לָא שְׁלִיט לְמַרְמָא עֲלֵיהֶם:
כה וְאַנְתָּ עֲזָרָא כְּחֻמַּת אֱלֹהֵךְ דִּי־בִידְךָ מִנִּי
שְׁפָטִין וְדִינִין דִּי־לְחוֹן דְּאַנִין לְכָל־עַמָּה
דִּי בַעֲבָר נְהִרָה לְכָל־יְדַעֵי דְּתִי אֱלֹהֵךְ וְדִי
לָא יָדַע תְּהוּדְעוּן: כו וְכָל־דִּי־לָא לְהוֹא
עַבְד דְּתָא דִּי־אַלְהֵךְ וְדְּתָא דִּי מִלְכָּא
אֶסְפְּרָנָא דִּינָה לְהוֹא מַתְעַבְד מִנָּה הֵן לְמוֹת
הֵן לְשִׁרְשׁוֹ הֵן־לְעַנְשׁ נְכָסִין וְלְאַסּוּרִין:

Ezra 7:27-8:16

27 Blessed be the LORD, the God of our ancestors, who put such a thing as this into the heart of the king to glorify the house of the LORD in Jerusalem, 28 and who extended to me steadfast love before the king and his counsellors, and before all the king's mighty officers. I took courage, for the hand of the LORD my God was upon me, and I gathered leaders from Israel to go up with me.

8:1 These are their family heads, and this is the genealogy of those who went up with me from Babylonia, in the reign of King Artaxerxes: 2 Of the descendants of Phinehas, Gershom. Of Ithamar, Daniel. Of David, Hattush, 3 of the descendants of Shecaniah. Of Parosh, Zechariah, with whom were registered one hundred fifty males. 4 Of the descendants of Pahath-moab, Eliehoenai son of Zerariah, and with him two hundred males. 5 Of the descendants of Zattu, Shecaniah son of Jahaziel, and with him three hundred males. 6 Of the descendants of Adin, Ebed son of Jonathan, and with him fifty males. 7 Of the descendants of Elam, Jeshaiiah son of Athaliah, and with him seventy males. 8 Of the descendants of Shephatiah, Zebadiah son of Michael, and with him eighty males. 9 Of the descendants of Joab, Obadiah son of Jehiel, and with him two hundred eighteen males. 10 Of the descendants of Bani, Shelomith son of Josiphiah, and with him one hundred sixty males. 11 Of the descendants of Bebai, Zechariah son of Bebai, and with him twenty-eight males. 12 Of the descendants of Azgad, Johanan son of Hakkatan, and with him one hundred ten males. 13 Of the descendants of Adonikam, those who came later, their names being Eliphelet, Jeuel, and Shemaiah, and with them sixty males. 14 Of the descendants of Bigvai, Uthai and Zaccur, and with them seventy males.

15 I gathered them by the river that runs to Ahava, and there we camped three days. As I reviewed the people and the priests, I found there none of the descendants of Levi. 16 Then I sent for Eliezer, Ariel, Shemaiah, Elnathan, Jarib, Elnathan, Nathan, Zechariah, and Meshullam, who were leaders, and for Joiarib and Elnathan, who were wise,

עזרא ז 17 - ח 16

כז בָּרוּךְ יְהוָה אֱלֹהֵי אֲבוֹתֵינוּ אֲשֶׁר נָתַן כְּזֹאת בְּלִבְ הַמֶּלֶךְ לִפְאֹר אֶת־בֵּית יְהוָה אֲשֶׁר בִּירוּשָׁלַם: כח וְעָלִי הַטֶּה־חֶסֶד לִפְנֵי הַמֶּלֶךְ וְיִוְעָצִיו וְלִכְלֹל־שָׂרֵי הַמֶּלֶךְ הַגְּבֵרִים וְאֲנִי הִתְחַזְקֹתִי כִּנְד־יְהוָה אֱלֹהֵי עָלְי וְאַקְבְּצָה מִיִּשְׂרָאֵל רָאשִׁים לַעֲלוֹת עִמִּי:

ח,א וְאֶלֶּה רָאשֵׁי אֲבֹתֵיהֶם וְהִתְיַחֲשׁם הָעָלִים עִמִּי בְּמַלְכוֹת אֶרֶץ־חַשְׁמֶתָא הַמֶּלֶךְ מִבְּבַל: ב מִבְּנֵי פִינְחָס גֶּרְשֹׁם מִבְּנֵי אִיתָמָר דְּנִיָּאל מִבְּנֵי דָוִיד חֲטוּשׁ: ג מִבְּנֵי שְׁכַנְיָה מִבְּנֵי פָרְעֹשׁ זְכַרְיָה וְעַמּוֹ הִתְיַחֲשׁ לְזִכְרֵיהֶם מֵאָה וְחַמְשִׁים: ד מִבְּנֵי פַחַת מוֹאָב אֶלְיָהוּעִינִי בֶן־זְרַחְיָה וְעַמּוֹ מֵאֵתִים הַזִּכְרִים: ה מִבְּנֵי שְׁכַנְיָה בֶן־יְחִזְיָאֵל וְעַמּוֹ שְׁלֹשׁ מֵאוֹת הַזִּכְרִים: ו מִבְּנֵי עֲדִין עֶבֶד בֶּן־יֹנָתָן וְעַמּוֹ חַמְשִׁים הַזִּכְרִים: ז מִבְּנֵי עֵיִלָם יִשְׁעִיָה בֶן־עֲתָלְיָה וְעַמּוֹ שִׁבְעִים הַזִּכְרִים: ח מִבְּנֵי שְׁפָטְיָה זְבֻדְיָה בֶן־מִכְיָאֵל וְעַמּוֹ שְׁמֹנִים הַזִּכְרִים: ט מִבְּנֵי יוֹאָב עֲבַדְיָה בֶן־יְחִיָּאֵל וְעַמּוֹ מֵאֵתִים וּשְׁמֹנֶה עָשָׂר הַזִּכְרִים: י מִבְּנֵי שְׁלֹמִית בֶּן־יֹסֶפְיָה וְעַמּוֹ מֵאָה וּשְׁשִׁים הַזִּכְרִים: יא מִבְּנֵי בְכִי זְכַרְיָה בֶן־בְּכִי וְעַמּוֹ עֶשְׂרִים וּשְׁמֹנֶה הַזִּכְרִים: יב מִבְּנֵי עֲזָרָה יוֹחָנָן בֶּן־הַקָּטָן וְעַמּוֹ מֵאָה וְעֶשְׂרֵה הַזִּכְרִים: יג מִבְּנֵי אֲדִנְיָקָם אַחֲרָנִים וְאֶלֶּה שְׁמוֹתָם אֵלֶּיפָלֶט וְעִיָּאֵל וּשְׁמַעְיָה וְעַמְּהָם שְׁשִׁים הַזִּכְרִים: יד מִבְּנֵי בְגִי עֹיִתִי וְזְבוּד וְעַמּוֹ שִׁבְעִים הַזִּכְרִים:

טו וְאַקְבָּצָם אֶל־הַנָּהָר הַבָּא אֶל־אֶהֱזָא וַנַּחֲגֵה שָׁם יָמִים שְׁלֹשָׁה וְאַבְיָנָה בָּעָם וּבְכֹהֲנִים וּמִבְּנֵי לֵוִי לֹא־מָצָאתִי שָׁם: טז וְאֶשְׁלַחָה לְאַלְיָעָזָר לְאַרְיָאֵל לְשְׁמַעְיָה וּלְאֶלְנָתָן וּלְיָרִיב וּלְאֶלְנָתָן וּלְזַכְרְיָה וּלְמִשְׁלָם רָאשִׁים וּלְיֹדְיָרִיב וּלְאֶלְנָתָן מְבִינִים:

Ezra 8:17-30

17 and sent them to Iddo, the leader at the place called Casiphia, telling them what to say to Iddo and his colleagues the temple servants at Casiphia, namely, to send us ministers for the house of our God. 18 Since the gracious hand of our God was upon us, they brought us a man of discretion, of the descendants of Mahli son of Levi son of Israel, namely Sherebiah, with his sons and kin, eighteen; 19 also Hashabiah and with him Jeshaiiah of the descendants of Merari, with his kin and their sons, twenty; 20 besides two hundred twenty of the temple servants, whom David and his officials had set apart to attend the Levites. These were all mentioned by name. 21 Then I proclaimed a fast there, at the river Ahava, that we might deny ourselves before our God, to seek from him a safe journey for ourselves, our children, and all our possessions. 22 For I was ashamed to ask the king for a band of soldiers and cavalry to protect us against the enemy on our way, since we had told the king that the hand of our God is gracious to all who seek him, but his power and his wrath are against all who forsake him. 23 So we fasted and petitioned our God for this, and he listened to our entreaty. 24 Then I set apart twelve of the leading priests: Sherebiah, Hashabiah, and ten of their kin with them. 25 And I weighed out to them the silver and the gold and the vessels, the offering for the house of our God that the king, his counsellors, his lords, and all Israel there present had offered; 26 I weighed out into their hand six hundred fifty talents of silver, and one hundred silver vessels worth ... talents, and one hundred talents of gold, 27 twenty gold bowls worth a thousand darics, and two vessels of fine polished bronze as precious as gold. 28 And I said to them, "You are holy to the LORD, and the vessels are holy; and the silver and the gold are a freewill offering to the LORD, the God of your ancestors. 29 Guard them and keep them until you weigh them before the chief priests and the Levites and the heads of families in Israel at Jerusalem, within the chambers of the house of the LORD." 30 So the priests and the Levites took over the silver, the gold, and the vessels as they were weighed out, to bring them to Jerusalem, to the house of our God.

עזרא ח 17 – 30

י ואוצאה אותם על־אדוֹ הָרֹאשׁ בְּכַסְפִּיָּא
הַמָּקוֹם וְאֲשִׁימָהּ בְּפִיהֶם דְּבָרִים לְדַבֵּר
אֶל־אֲדוֹ אֶחָיו הַנְּתוּנִים בְּכַסְפִּיָּא הַמָּקוֹם
לְהִבְיֹאֵלָנוּ מְשָׁרְתִים לְבֵית אֱלֹהֵינוּ: יח
וַיָּבִיאוּ לָנוּ כִּיד־אֱלֹהֵינוּ הַטּוֹבָה עָלֵינוּ אִישׁ
שָׂכָל מִבְּנֵי מַחֲלֵי בֶן־לֵוִי בֶן־יִשְׂרָאֵל
וְשֶׁר־בָּהּ וּבְנָיו וְאֶחָיו שְׁמֹנֶה עָשָׂר: יט
וְאֶת־חֲשֻׁבְיָה וְאֶת־יִשְׁעִיָּה מִבְּנֵי מֵרָרִי אֶחָיו
וּבְנֵיהֶם עֶשְׂרִים: כ ומן־הַנְּתֻנִים שְׁנַתֹּי דְּנִיד
וְהַשָּׂרִים לְעִבְדַת הַלִּוִּים נְתֻנִים מֵאֵתֵים
וְעֶשְׂרִים כָּלָם נִקְּבוּ בְּשֵׁמוֹת: כא וְאֶקְרָא שֵׁם
צוּם עַל־הַנְּהַר אַחָוָא לְהַתְּעֲנוֹת לִפְנֵי
אֱלֹהֵינוּ לְבַקֵּשׁ מִמֶּנּוּ דֶּרֶךְ יִשְׁרָיָה לָנוּ
וּלְטַפָּנוּ וּלְכָל־רִכּוּשֵׁנוּ: כב כִּי בִשְׁתִּי לְשֹׁאֹל
מִן־הַמֶּלֶךְ חֵיל וּפָרָשִׁים לְעִזְרָנוּ מֵאוֹיֵב
בְּדֶרֶךְ כִּי־אֲמַרְנוּ לַמֶּלֶךְ לֵאמֹר יִד־אֱלֹהֵינוּ
עַל־כָּל־מִבְּקָשֵׁינוּ לְטוֹבָה וְעָזָו וְאִפּוֹ עַל
כָּל־עֲזָבֵינוּ: כג וּנְצַוְמָה וּנְבַקֶּשׁהּ מֵאֱלֹהֵינוּ
עַל־זֹאת וַיַּעֲתֵר לָנוּ: כד וְאֶבְדִּילָהּ מִשָּׂרֵי
הַכֹּהֲנִים שְׁנַיִם עָשָׂר לְשֶׁר־בָּהּ חֲשֻׁבְיָה וְעַמְיָה
מֵאֲחֵיהֶם עֶשְׂרֵה: כה וְאֶשְׁקוּלָהּ לָהֶם
אֶת־הַכֶּסֶף וְאֶת־הַזָּהָב וְאֶת־הַכֶּלִּים תְּרוּמַת
בֵּית־אֱלֹהֵינוּ הַהִרִימוּ הַמֶּלֶךְ וַיַּעֲצִיו וְשָׂרָיו
וְכָל־יִשְׂרָאֵל הַנִּמְצָאִים: כו וְאֶשְׁקָלָהּ
עַל־יָדָם כֶּסֶף כַּכָּרִים שְׁש־מֵאוֹת וַחֲמִשִּׁים
וְכָל־יֶכֶסֶף מֵאָה לְכַכָּרִים זָהָב מֵאָה כַּכָּר:
כז וּכְפָרִי זָהָב עֶשְׂרִים לְאֲדָרְכָנִים אֶלֶף וְכָלִי
נְחֹשֶׁת מִצָּהָב טוֹבָה שְׁנַיִם חֲמוּדֹת כְּזָהָב: כח
וְאֲמַרְהָ אֱלֹהִים אַתֶּם קֹדֶשׁ לַיהוָה וְהַכֶּלִּים
קֹדֶשׁ וְהַכֶּסֶף וְהַזָּהָב נְדָבָה לַיהוָה אֱלֹהֵי
אַבְתֵּיכֶם: כט שִׁקְדוּ וְשִׁמְרוּ עַד־תִּשְׁקָלוּ לִפְנֵי
שָׂרֵי הַכֹּהֲנִים וְהַלְוִיִּם וְשָׂרֵי־הָאֲבוֹת לְיִשְׂרָאֵל
בִּירוּשָׁלַם הַלְשָׁכוֹת בֵּית יְהוָה: ל וּקְבֹלוּ
הַכֹּהֲנִים וְהַלְוִיִּם מִשְׁקַל הַכֶּסֶף וְהַזָּהָב
וְהַכֶּלִּים לְהִבְיֹא לִירוּשָׁלַם לְבֵית אֱלֹהֵינוּ:

Ezra 8:31–36 + Neh 7:73b–8:5

31 Then we left the river Ahava on the twelfth day of the first month, to go to Jerusalem; the hand of our God was upon us, and he delivered us from the hand of the enemy and from ambushes along the way. 32 We came to Jerusalem and remained there three days. 33 On the fourth day, within the house of our God, the silver, the gold, and the vessels were weighed into the hands of the priest Meremoth son of Uriah, and with him was Eleazar son of Phinehas, and with them were the Levites, Jozabad son of Jeshua and Noadiah son of Binnui. 34 The total was counted and weighed, and the weight of everything was recorded. 35 At that time those who had come from captivity, the returned exiles, offered burnt offerings to the God of Israel, twelve bulls for all Israel, ninety-six rams, seventy-seven lambs, and as a sin offering twelve male goats; all this was a burnt offering to the LORD. 36 They also delivered the king's commissions to the king's satraps and to the governors of the province Beyond the River; and they supported the people and the house of God. Neh 7:73b When the seventh month came—the people of Israel being settled in their towns—8:1 All the people gathered together into the square before the Water Gate. They told the scribe Ezra to bring the book of the law of Moses, which the LORD had given to Israel. 2 Accordingly, the priest Ezra brought the law before the assembly, both men and women and all who could hear with understanding. This was on the first day of the seventh month. 3 He read from it facing the square before the Water Gate from early morning until midday, in the presence of the men and the women and those who could understand; and the ears of all the people were attentive to the book of the law. 4 The scribe Ezra stood on a wooden platform that had been made for the purpose; and beside him stood Mattithiah, Shema, Ananiah, Uriah, Hilkiyah, and Maaseiah on his right hand; and Pedaiah, Mishael, Malchijah, Hashum, Hash-baddanah, Zechariah, and Meshullam on his left hand. 5 And Ezra opened the book in the sight of all the people, for he was standing above all the people; and when he opened it, all the people stood up.

עזרא ח 36 – 31 + נחמיה ז 72 – ח 5
לא וְנִסְעָה מִנְּהָר אַחָוָא בְּשָׁנִים עָשָׂר לַחֹדֶשׁ
הָרִאשׁוֹן לָלֶכֶת יְרוּשָׁלַם וַיִּדְּאֲלֵהֵינוּ הַיְּתֵדָה
עָלֵינוּ וַיַּצִּילֵנוּ מִכַּף אוֹיֵב וְאוֹרֵב
עַל־הַדֶּרֶךְ: ^ב וַנִּבְּוֹא יְרוּשָׁלַם וַנִּשְׁבֹּשׁ שָׁם
יָמִים שְׁלֹשָׁה: ^ג וּבַיּוֹם הָרִבִּיעִי נִשְׁקַל הַכֶּסֶף
וְהַזָּהָב וְהַכֵּלִים בְּבֵית אֱלֹהֵינוּ עַל
יְד־מֶרְמוֹת בֶּן־אוּרִיָּה הַכֹּהֵן וְעִמּוֹ אֶלְעָזָר
בֶּן־פִּינְחָס וְעִמָּהֶם יוֹזָבָד בֶּן־יֵשׁוּעַ וְנוֹעַדְיָה
בֶּן־בְּנוֹי הַלְוִיִּם: ^ד בַּמִּסְפָּר בְּמִשְׁקַל לְכָל
וַיִּכְתֹּב כָּל־הַמִּשְׁקָל בַּעֲת הַהִיא: ^ה לֹה הַבָּאִים
מִהַשְׁבִּי בְנֵי־הַגּוֹלָה הַקָּרִיבוּ עֹלוֹת: ^ו לְאֱלֹהֵי
יִשְׂרָאֵל פָּרִים שְׁנַיִם עָשָׂר עַל־כָּל־יִשְׂרָאֵל
אִילִים: ^ז תְּשַׁעִים וְשֵׁשׁ כִּבְשִׁים שִׁבְעִים
וְשִׁבְעָה צִפִּירֵי חֲטָאֹת שְׁנַיִם עָשָׂר הַכֹּל עֹלָה
לַיהוָה: ^ח וַיִּתְּנוּ: ^ט אֶת־דִּתֵּי הַמֶּלֶךְ
לְאַחֲשֹׁדֶרֶת־פְּנִי הַמֶּלֶךְ וּפְחָוֹת עֶבֶר הַנֶּהָר
וְנִשְׂאוּ אֶת־הָעָם וְאֶת־בֵּית־הָאֱלֹהִים:
נחמ' ז, עבד ויגב' ויגב' הַחֹדֶשׁ הַשְּׁבִיעִי וּבְנֵי יִשְׂרָאֵל
בְּעָרֵיהֶם: ^א וַיֵּאָסְפוּ כָּל־הָעָם כְּאִישׁ אֶחָד
אֶל־הֶרְחֹב אֲשֶׁר לִפְנֵי שַׁעַר־הַמַּיִם וַיֹּאמְרוּ
לְעֹזְרָא הַסֹּפֵר לְהָבִיא אֶת־סֵפֶר תּוֹרַת מֹשֶׁה
אֲשֶׁר־צִוָּה יְהוָה אֶת־יִשְׂרָאֵל: ^ב וַיָּבִיא עֹזְרָא
הַכֹּהֵן אֶת־הַתּוֹרָה לִפְנֵי הַקָּהָל מֵאִישׁ
וְעַד־אִשָּׁה וְכָל מִבֵּין לִשְׁמֹעַ בַּיּוֹם אֶחָד
לַחֹדֶשׁ הַשְּׁבִיעִי: ^ג וַיִּקְרָאוּבוּ לִפְנֵי הֶרְחֹב
אֲשֶׁר: ^ד לִפְנֵי שַׁעַר־הַמַּיִם מִן־הָאוֹר
עַד־מַחְצִית הַיּוֹם נִגַּד הָאֲנָשִׁים וְהַנָּשִׁים
וְהַמְּבִינִים וְאֲזָנִי כָּל־הָעָם אֶל־סֵפֶר
הַתּוֹרָה: ^ה וַיַּעֲמֹד עֹזְרָא הַסֹּפֵר
עַל־מַגְד־לַעֲזָן אֲשֶׁר עָשָׂה לְדָבָר וַיַּעֲמֹד
אֶצְלוֹ מַתִּיתְיָה וְשִׁמְעִי וְעֲנָנְיָה וְאוּרִיָּה וְחִלְקִיָּה
וּמַעֲשִׂיָּה עַל־יְמִינוֹ וּמִשְׁמָאֵלוֹ פְּדִיָּה וּמִישָׁאֵל
וּמִלְכִּיָּה וְחַשְׁשֹׁם וְחַשְׁבַּדְנָה זְכַרְיָה מִשְׁלֵם: ^ו
וַיִּפְתַּח עֹזְרָא הַסֹּפֵר לְעֵינֵי כָּל־הָעָם
כִּי־מַעַל כָּל־הָעָם הָיָה וּכְפָתְחוּ עֲמָדוֹ
כָּל־הָעָם:

Nehemiah 8:6-16

6 Then Ezra blessed the LORD, the great God, and all the people answered, "Amen, Amen," lifting up their hands. Then they bowed their heads and worshiped the LORD with their faces to the ground. 7 Also Jeshua, Bani, Sherebiah, Jamin, Akkub, Shabbethai, Hodiah, Maaseiah, Kelita, Azariah, Jozabad, Hanan, Pelaiah, the Levites, helped the people to understand the law, while the people remained in their places. 8 So they read from the book, from the law of God, with interpretation. They gave the sense, so that the people understood the reading.

9 And Nehemiah, who was the governor, and Ezra the priest and scribe, and the Levites who taught the people said to all the people, "This day is holy to the LORD your God; do not mourn or weep." For all the people wept when they heard the words of the law. 10 Then he said to them, "Go your way, eat the fat and drink sweet wine and send portions of them to those for whom nothing is prepared, for this day is holy to our LORD; and do not be grieved, for the joy of the LORD is your strength." 11 So the Levites stilled all the people, saying, "Be quiet, for this day is holy; do not be grieved." 12 And all the people went their way to eat and drink and to send portions and to make great rejoicing, because they had understood the words that were declared to them.

13 On the second day the heads of ancestral houses of all the people, with the priests and the Levites, came together to the scribe Ezra in order to study the words of the law. 14 And they found it written in the law, which the LORD had commanded by Moses, that the people of Israel should live in booths during the festival of the seventh month, 15 and that they should publish and proclaim in all their towns and in Jerusalem as follows, "Go out to the hills and bring branches of olive, wild olive, myrtle, palm, and other leafy trees to make booths, as it is written." 16 So the people went out and brought them, and made booths for themselves, each on the roofs of their houses, and in their courts and in the courts of the house of God, and in the square at the Water Gate and in the square at the Gate of Ephraim.

נחמיה ח 16 - 6

ו ויברך עזרא את־יהוה האלהים הגדול
ויענו כל־העם אמן ו אמן במעל ידיהם
ויקדו וישתחוו ליהוה אפים ארצה: ו וישוע
ובני ושרביה ו למין עקוב שבתי ו הודיה
מעשיה קליטא עזריה יוזבד חנן פלאיה
והלולים מבינים את־העם לתורה והעם
על־עמדם: ח ויקראו בספר בתורת
האלהים מפרש ושום שכל ויבינו במקרא:
ט ויאמר נחמיה הוא התרשטא ועזרא הכהן ו
הספר והלויים המבינים את־העם
לכל־העם היום קדש־הוא ליהוה אלהיכם
אל־תתאבלו ואל־תבכו כי בוכים
כל־העם כשמעם את־דברי התורה: י
ויאמר להם לכו אכלו משמנים ושתו
ממתקים ושלחו מנות לאין נכון לו
כי־קדוש היום לאדנינו ואל־תעצבו
כי־חדות יהוה היא מעוזכם: יא והלויים
מחשים לכל־העם לאמר חסו כי היום
קדש ואל־תעצבו: יב ויילכו כל־העם לאכל
ולשתות ולשלח מנות ולעשות שמחה
גדולה כי הבינו בדברים אשר הודיעו
להם:

יג וביום השני נאספו ראשי האבות
לכל־העם הכהנים והלויים אל־עזרא
הספר ולהשקיל אל־דברי התורה: יד
וימצאו כתוב בתורה אשר צוה יהוה
ביד־משה אשר ישבו בני־ישראל בסכות
בחג בחדש השביעי: טו ואשר ישמיעו
ויעבירו קול בכל־עריהם ובירושלם
לאמר צאו וקהר וקבואו עלי־זית ועלי־עץ
שמן ועלי הדס ועלי תמרים ועלי עץ עבת
לעשות סכות ככתוב: טז ויצאו העם וקבואו
ויעשו להם סכות איש על־גגו ובחצרתייהם
ובבצרות בית האלהים וברחוב שער המים
וברחוב שער אפרים:

Nehemiah 8:17-18 + Ezra 9:1-8

17 And all the assembly of those who had returned from the captivity made booths and lived in them; for from the days of Jeshua son of Nun to that day the people of Israel had not done so. And there was very great rejoicing. 18 And day by day, from the first day to the last day, he read from the book of the law of God. They kept the festival seven days; and on the eighth day there was a solemn assembly, according to the ordinance.

Ezra 9:1 After these things had been done, the officials approached me and said, "The people of Israel, the priests, and the Levites have not separated themselves from the peoples of the lands with their abominations, from the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites. 2 For they have taken some of their daughters as wives for themselves and for their sons. Thus the holy seed has mixed itself with the peoples of the lands, and in this faithlessness the officials and leaders have led the way." 3 When I heard this, I tore my garment and my mantle, and pulled hair from my head and beard, and sat appalled. 4 Then all who trembled at the words of the God of Israel, because of the faithlessness of the returned exiles, gathered around me while I sat appalled until the evening sacrifice. 5 At the evening sacrifice I got up from my fasting, with my garments and my mantle torn, and fell on my knees, spread out my hands to the LORD my God, 6 and said, "O my God, I am too ashamed and embarrassed to lift my face to you, my God, for our iniquities have risen higher than our heads, and our guilt has mounted up to the heavens. 7 From the days of our ancestors to this day we have been deep in guilt, and for our iniquities we, our kings, and our priests have been handed over to the kings of the lands, to the sword, to captivity, to plundering, and to utter shame, as is now the case. 8 But now for a brief moment favour has been shown by the LORD our God, who has left us a remnant, and given us a stake in his holy place, in order that he may brighten our eyes and grant us a little sustenance in our slavery.

נהמיה ט 18 - 17 + עזרא ט 8 - 1

י ויַעֲשׂוּ כָל־הָקָהָל הַשְּׂבִים מִן־הַשְּׂבִי ו
סִכּוֹת וַיֵּשְׁבוּ בַסִּכּוֹת כִּי לֹא־עָשׂוּ מִיָּמֵי יֵשׁוּעַ
בֶּן־נוּן כֵּן בְּנֵי יִשְׂרָאֵל עַד הַיּוֹם הַהוּא וַתְּהִי
שִׂמְחָה גְדוֹלָה מְאֹד: יח וַיִּקְרָא בַסֶּפֶר תּוֹרַת
הָאֱלֹהִים יוֹם י בַּיּוֹם מִן־הַיּוֹם הָרִאשׁוֹן עַד
הַיּוֹם הָאַחֲרוֹן וַיַּעֲשׂוּ־חֹל שְׁבַעֲת יָמִים וּבַיּוֹם
הַשְּׁמִינִי עֲצָרַת כַּמִּשְׁפָּט:

עזרא ט,א וּכְכֻלּוֹת אֱלֹה נִגְשׁוּ אֵלַי הַשָּׂרִים
לֵאמֹר לֹא־נִבְדְּלוּ הָעָם יִשְׂרָאֵל וְהַכֹּהֲנִים
וְהַלְוִיִּם מֵעַמִּי הָאֲרָצוֹת כְּתוּעַבְתִּיהֶם
לִכְנַעֲנִי הַחֲתִי הַפְּרָזִי הַיְּבוּסִי הָעַמִּנִּי
הַמֶּאֱכִי הַמִּצְרִי וְהָאֲמֹרִי: ב כִּי־נִשְׁאַוּ
מִבְּנֵי־הָעָם לָהֶם וּלְבְנֵיהֶם וַהֲתַעַרְבוּ זָרַע
הַקֹּדֶשׁ בְּעַמִּי הָאֲרָצוֹת וַיֵּד הַשָּׂרִים וְהַסֹּגְדִים
הִיתָה בְּמַעַל הַזֶּה רֹאשׁוֹנָה: ג וּכְשִׁמְעִי
אֶת־הַדְּבָר הַזֶּה קָרַעְתִּי אֶת־בִּגְדִי וּמַעֲלִי
וְאִמְרָטָה מִשְׁעַר רֹאשִׁי וְזָקְנִי וְאִשְׁבָּח
מְשׁוּמִם: ד וְאֵלַי יֹאסְפוּ כָל חֶרֶד בְּדַבְּרִי
אֱלֹהֵי־יִשְׂרָאֵל עַל מַעַל הַגּוֹלָה וְאֲנִי יֹשֵׁב
מְשׁוּמִם עַד לְמִנְחַת הָעֶרֶב:

ה וּבְמִנְחַת הָעֶרֶב בָּמַתִּי מִתַּעֲנִיתִי וּבִקְרָעִי
בִּגְדִי וּמַעֲלִי וְאֶקְרָעָה עַל־בְּרָכִי וְאֶפְרָשָׁה
כַּפִּי אֶל־יְהוָה אֱלֹהֵי: ו וְאִמְרָה אֱלֹהִי בִשְׁתִּי
וְנִכְלַמְתִּי לְהָרִים אֱלֹהֵי פָנִי אֵלַיִךְ כִּי
עֲוֹנֵינוּ רַבּוּ לְמַעַלְהָ רֹאשׁ וְאִשְׁמַתְנוּ גְדֻלָּה
עַד לַשָּׁמַיִם: ז מִיָּמֵי אֲבֹתֵינוּ אֲנַחְנוּ בְּאִשְׁמָה
גְּדֻלָּה עַד הַיּוֹם הַזֶּה וּבְעֲוֹנֹתֵינוּ נִתְּנוּ אֲנַחְנוּ
מַלְכֵינוּ כַּהֲלִינוּ בְּיָד מַלְכֵי הָאֲרָצוֹת בַּחֲרֵב
בַּשָּׂבִי וּבַבְּזָה וּבַכְּשֶׁת פָּנִים כְּהַיּוֹם הַזֶּה: ח
וַעֲתָה כַּמַּעֲט־רֹגַעַ הִיתָה תַּחֲנוּנָה מֵאֵת יְהוָה
אֱלֹהֵינוּ לְהַשְׁאִיר לָנוּ פְּלִיטָה וְלִתְתֹּלָנוּ
יָתֵד בְּמָקוֹם קָדָשׁ לְהָאִיר עֵינֵינוּ אֱלֹהֵינוּ
וְלִתְתֵּנוּ מַחִיָּה מַעֲט בַעֲבָדְתָנוּ:

Ezra 9:9–10:4

9 For we are slaves; yet our God has not forsaken us in our slavery, but has extended to us his steadfast love before the kings of Persia, to give us new life to set up the house of our God, to repair its ruins, and to give us a wall in Judea and Jerusalem.

10 “And now, our God, what shall we say after this? For we have forsaken your commandments, 11 which you commanded by your servants the prophets, saying, ‘The land that you are entering to possess is a land unclean with the pollutions of the peoples of the lands, with their abominations. They have filled it from end to end with their uncleanness. 12 Therefore do not give your daughters to their sons, neither take their daughters for your sons, and never seek their peace or prosperity, so that you may be strong and eat the good of the land and leave it for an inheritance to your children forever.’ 13 After all that has come upon us for our evil deeds and for our great guilt, seeing that you, our God, have punished us less than our iniquities deserved and have given us such a remnant as this, 14 shall we break your commandments again and intermarry with the peoples who practice these abominations? Would you not be angry with us until you destroy us without remnant or survivor? 15 O LORD, God of Israel, you are just, but we have escaped as a remnant, as is now the case. Here we are before you in our guilt, though no one can face you because of this.”

10:1 While Ezra prayed and made confession, weeping and throwing himself down before the house of God, a very great assembly of men, women, and children gathered to him out of Israel; the people also wept bitterly. 2 Shecaniah son of Jehiel, of the descendants of Elam, addressed Ezra, saying, “We have broken faith with our God and have married foreign women from the peoples of the land, but even now there is hope for Israel in spite of this. 3 So now let us make a covenant with our God to send away all these wives and their children, according to the counsel of my lord and of those who tremble at the commandment of our God; and let it be done according to the law. 4 Take action, for it is your duty, and we are with you; be strong, and do it.”

עזרא ט 9 – י 4

ט כִּי־עֲבָדִים אָנַחְנוּ וּבַעֲבָדֵתָנוּ לֹא עָזַבְנוּ
אֱלֹהֵינוּ וַיִּטַּעֲלֵנוּ חֶסֶד לִפְנֵי מַלְכֵי פָרַס
לְתַת־לָנוּ מַחֲיָה לְרוּמָם אֶת־בַּיִת אֱלֹהֵינוּ
וּלְהַעֲמִיד אֶת־חֲרֻבָתוֹ וּלְתַת־לָנוּ גֹּדֶר
בִּיהוּדָה וּבִירוּשָׁלַם: י וַעֲתָה מִה־נֹּאמֵר
אֱלֹהֵינוּ אַחֲרֵי־זֹאת כִּי עָזַבְנוּ מִצְוֹתֶיךָ: יא
אֲשֶׁר צִוִּיתָ בְּיַד עֲבָדֶיךָ הַנְּבִיאִים לֵאמֹר
הָאָרֶץ אֲשֶׁר אַתֶּם בָּאִים לְרִשְׁתָּהּ אָרֶץ נֹדָה
הִיא בְּנִדַת עַמֵּי הָאָרָצוֹת בְּתוֹעֲבֹתֵיהֶם אֲשֶׁר
מָלְאוּהָ מִפֶּה אֱלֹפֶה בְּטִמְאַתָּם: יב וְעַתָּה
בְּנוֹתֵיכֶם אַל־תִּתְּנוּ לְבָנֵיהֶם וּבְנֹתֵיהֶם
אַל־תִּשְׁאוּ לְבָנֵיהֶם וְלֹא־תִדְרָשׁוּ שְׁלָמָם
וְטוֹבָתָם עַד־עוֹלָם לְמַעַן תִּחְזְקוּ וְאִכְלֹתֶם
אֶת־טוֹב הָאָרֶץ וְהוֹרִשְׁתֶּם לְבָנֵיכֶם
עַד־עוֹלָם: יג וְאַחֲרֵי כָל־הַבָּא עָלֵינוּ
בְּמַעֲשֵׂינוּ הָרָעִים וּבְאַשְׁמֹתָנוּ הַגְּדֹלָה כִּי
אִתָּה אֱלֹהֵינוּ חֲשַׁכְתָּ לְמִטָּה מַעֲוֹנָנוּ וְנִתְּתָה
לָנוּ פְּלִיטָה כְּזֹאת: יד הַנִּשְׁוֹב לְהַפֵּר מִצְוֹתֶיךָ
וּלְהַתְּחַתֵּן בְּעַמֵּי הַתּוֹעֲבוֹת הָאֵלֶּה הֲלֹא
תִּאֲנֹף־בָּנוּ עַד־כָּלָה לְאֵין שְׂאֲרִית וּפְלִיטָה:
טו יְהוָה אֱלֹהֵי יִשְׂרָאֵל צַדִּיק אַתָּה
כִּי־נִשְׁאָרְנוּ פְּלִיטָה בַּחַיִּים הַזֶּה הִנֵּנוּ לְפָנֶיךָ
בְּאַשְׁמֹתֵינוּ כִּי אֵין לַעֲמוּד לְפָנֶיךָ עַל־זֹאת:
יז וּכְהַתְּפַלֵּל עֲזָרָא וּכְהַתְּנַדְתּוֹ בִּכְה
וּמַתְּנַפֵּל לִפְנֵי בֵּית הָאֱלֹהִים נִקְבְּצוּ אֲלָיו
מִיִּשְׂרָאֵל קָהָל רַב־מְאֹד אָנָשִׁים וְנָשִׁים
וְיֻלְדִים כִּי־בָכוּ הָעָם הָרַבָּה־בְּכָה: יח וַיַּעַן
שְׁכַנְיָה בֶן־יְחִיאֵל מִבְּנֵי עוֹלָם [עֵילָם]
וַיֹּאמֶר לְעֲזָרָא אָנַחְנוּ מַעֲלָנוּ בְּאֱלֹהֵינוּ וּנְשִׁים
נָשִׁים נְכָרִיּוֹת מִעַמֵּי הָאָרֶץ וְעַתָּה יִשְׁמְקֶנָה
לְיִשְׂרָאֵל עַל־זֹאת: יט וְעַתָּה נִכְרַת־בְּרִית
לְאֱלֹהֵינוּ לְהוֹצִיא כָל־נָשִׁים וְהַנּוֹלָד מֵהֶם
בַּעֲצַת אֲדָנֵי וְהַחֲרָדִים בְּמִצְוַת אֱלֹהֵינוּ
וּכְתוּרָה יַעֲשֶׂה: כ קוֹם כִּי־עָלֶיךָ הַדָּבָר
וְאִנַּחְנוּ עִמָּךְ חֲזָק וַעֲשֵׂה:

Ezra 10:5-15 + Neh 9:1

5 Then Ezra stood up and made the leading priests, the Levites, and all Israel swear that they would do as had been said. So they swore.

6 Then Ezra withdrew from before the house of God, and went to the chamber of Jehohanan son of Eliashib, where he spent the night. He did not eat bread or drink water, for he was mourning over the faithlessness of the exiles. 7 They made a proclamation throughout Judah and Jerusalem to all the returned exiles that they should assemble at Jerusalem, 8 and that if any did not come within three days, by order of the officials and the elders all their property should be forfeited, and they themselves banned from the congregation of the exiles.

9 Then all the people of Judah and Benjamin assembled at Jerusalem within the three days; it was the ninth month, on the twentieth day of the month. All the people sat in the open square before the house of God, trembling because of this matter and because of the heavy rain. 10 Then Ezra the priest stood up and said to them, "You have trespassed and married foreign women, and so increased the guilt of Israel. 11 Now make confession to the LORD the God of your ancestors, and do his will; separate yourselves from the peoples of the land and from the foreign wives." 12 Then all the assembly answered with a loud voice, "It is so; we must do as you have said. 13 But the people are many, and it is a time of heavy rain; we cannot stand in the open. Nor is this a task for one day or for two, for many of us have transgressed in this matter. 14 Let our officials represent the whole assembly, and let all in our towns who have taken foreign wives come at appointed times, and with them the elders and judges of every town, until the fierce wrath of our God on this account is averted from us." 15 Only Jonathan son of Asahel and Jahzeiah son of Tikvah opposed this, and Meshullam and Shabbethai the Levites supported them.

Neh 9:1 Now on the twenty-fourth day of this month the people of Israel were assembled with fasting and in sackcloth, and with earth on their heads.

עזרא י' 5 - 15 + נחמיה ט' 1

ה וינקם עזרא וישבע את־שרי הכהנים
הלויים וכל־ישראל לעשות כדבר הזה
וישבעו:

ו וינקם עזרא מלפני בית האלהים וילך
אל־לשכת יהוחנן בן־אלישיב וילך שם
לחם לא־אכל ומים לא־שתה כי מתאבל
על־מעל הגולה: ז ויעבירו קול ביהודה
וירושלם לכל בני הגולה להקבץ
ירושלם: ח וכל אשר לא־יבוא לשלשת
הימים בעצת השרים והזקנים יחרם
כל־רכושו והוא יבדל מקהל הגולה:
ט ויקבצו כל־אנשי־יהודה ובנימן ו

ירושלם לשלשת הימים הוא החדש התשיעי
בעשרים בחדש וישבו כל־העם ברחוב
בית האלהים מרעידים על־הדבר
ומהגשמים: י וינקם עזרא הכהן ויאמר
אלהם אתם מעלתם ותשיבו נשים נכריות
להוסיף על־אשמת ישראל: יא ועתה תנו
תודה ליהוה אלהי־אבותיכם ועשו רצונו
והבדלו מעמי הארץ ומן־הנשים
הנכריות: יב ויענו כל־הקהל ויאמרו קול
גדול בן כדבריה עלינו לעשות: יג אבל
העם רב והעת גשמים ואין כח לעמוד
בחיץ והמלאכה לא־ליום אחד ולא לשנים
כי־הרבינו לפשע בדבר הזה: יד ויעמדו־נגא
שרינו לכל־הקהל וכל אשר בערינו
ההשיב נשים נכריות יבא לעתים מזמנים
ועמם זקני־עיר ועיר ושפטיה עד להשיב
חרון אר־אלהינו ממנו עד לדבר הזה: טו
אך יונתן בן־עשהאל ויחזיה בן־תקנה
עמדו על־זאת ומשלם ושבתי הלוי עזרם:
נחמ' ט, ו ביום עשרים וארבעה לחדש הזה
נאספו בני־ישראל בצום ובשקים ואדמה
עליהם:

Neh 9:2-5aα + Ezra 10:16-29

2 Then those of Israelite descent separated themselves from all foreigners, and stood and confessed their sins and the iniquities of their ancestors. 3 They stood up in their place and read from the book of the law of the LORD their God for a fourth part of the day, and for another fourth they made confession and worshiped the LORD their God. 4 Then Jeshua, Bani, Kadmiel, Shebaniah, Bunni, Sherebiah, Bani, and Chenani stood on the stairs of the Levites and cried out with a loud voice to the LORD their God. 5 Then the Levites, Jeshua, Kadmiel, Bani, Hashabneiah, Sherebiah, Hodiah, Shebaniah, and Pethahiah, said, "Stand up and bless the LORD."

Ezra 10:16 Then the returned exiles did so. Ezra the priest selected men, heads of families, according to their families, each of them designated by name. On the first day of the tenth month they sat down to examine the matter. 17 By the first day of the first month they had come to the end of all the men who had married foreign women.

18 There were found of the descendants of the priests who had married foreign women, of the descendants of Jeshua son of Jozadak and his brothers: Maaseiah, Eliezer, Jarib, and Gedaliah. 19 They pledged themselves to send away their wives, and their guilt offering was a ram of the flock for their guilt. 20 Of the descendants of Immer: Hanani and Zebadiah. 21 Of the descendants of Harim: Maaseiah, Elijah, Shemaiah, Jehiel, and Uziah. 22 Of the descendants of Pashhur: Eliezer, Maaseiah, Ishmael, Nethanel, Jozabad, and Elasa. 23 Of the Levites: Jozabad, Shimei, Kelaiah (that is, Kelita), Pethahiah, Judah, and Eliezer. 24 Of the singers: Eliashib. Of the gatekeepers: Shallum, Telem, and Uri. 25 And of Israel: of the descendants of Parosh: Ramiah, Izziah, Malchijah, Mijamin, Eleazar, Hashabiah, and Benaiah. 26 Of the descendants of Elam: Mattaniah, Zechariah, Jehiel, Abdi, Jeremoth, and Elijah. 27 Of the descendants of Zattu: Eliezer, Eliashib, Mattaniah, Jeremoth, Zabad, and Aziza. 28 Of the descendants of Bebai: Jehohanan, Hananiah, Zabbai, and Athlai. 29 Of the descendants of Bani: Meshullam, Malluch, Adaiah, Jashub, Sheal, and Jeremoth.

נחמיה ט כ5 - 2 + עזרא י 16 - 29

ב ויבדלו זרע ישראל מכל בני נכר ויעמדו ויתודו על חטאתיהם ועונות אבותיהם: ג ויקומו על עמדם ויקראו בספר תורת יהוה אלהיהם רבעית היום ורבעית מתודים ומשתחוים ליהוה אלהיהם: ד ויקם על מעלה הלויים ישוע ובני קדמיאל שבנניה בני שרניה בני כנני ויזעקו בקול גדול אל יהוה אלהיהם: ה ויאמרו הלויים ישוע וקדמיאל בני חשבניה שרניה הודיה שבניה פתחיה קומו ברכו את יהוה

עזרא י טז ויעשו כן בני הגולה ויבדלו עזרא

הבחין אנשים ראשי האבות לבית אבתם וכלם בשמות וישבו ביום אחד לחדש העשירי לדריוש הדבר: י ויכלו בכל אנשים החשיבו נשים נכריות עד יום אחד לחדש הראשון: יח וימצא מבני הכהנים אשר חשיבו נשים נכריות מבני ישוע בן יוזבד ו אחיו מעשיה ואליעזר ויריב וגדליה: יט ויתנו דם להוציא נשיהם ואשמים אילצאן על אשמתם: כ ומבני אמר חנני וזבדיה: כא ומבני חרם מעשיה ואליה ושמעיה ויחיאאל ועזיה: כב ומבני פשחור אליועיני מעשיה ישמעאל נתנאל יוזבד ואלעשה: כג ומן הלויים יוזבד ושמעיה וקליה הוא קליטא פתחיה יהודה ואליעזר: כד ומן המשוררים אלישיב

ומן השערים שלם וטלם ואורי: כה ומישראל מבני פרעש רמיה ויזיה ומלכיה ומימן ואלעזר ומלכיה ובניה: כו ומבני עילם מתניה זכריה ויחיאאל ועבדי וירמות ואליה: כז ומבני זתוא אליועיני אלישיב מתניה וירמות וזבד ועזיזא: כח ומבני בבי יהוחנן חנניה זבי עתלי: כט ומבני בני משלם מלוי ועדיה ושוב ושאל ירמות:

Ezra 10:30-44

30 Of the descendants of Pahath-moab: Adna, Chelal, Benaiah, Maaseiah, Mattaniah, Bezalel, Binnui, and Manasseh. 31 Of the descendants of Harim: Eliezer, Isshijah, Malchijah, Shemaiah, Shimeon, 32 Benjamin, Malluch, and Shemariah. 33 Of the descendants of Hashum: Mattenai, Mattattah, Zabad, Eliphelet, Jeremai, Manasseh, and Shimei. 34 Of the descendants of Bani: Maadai, Amram, Uel, 35 Benaiah, Bedeiah, Cheluhi, 36 Vaniah, Meremoth, Eliashib, 37 Mattaniah, Mattenai, and Jaasu. 38 Of the descendants of Binnui: Shimei, 39 Shelemiah, Nathan, Adaiah, 40 Machnadebai, Shashai, Sharai, 41 Azarel, Shelemiah, Shemariah, 42 Shallum, Amariah, and Joseph. 43 Of the descendants of Nebo: Jeiel, Mattithiah, Zabad, Zebina, Jaddai, Joel, and Benaiah. 44 All these had married foreign women, and they sent them away with their children.

עזרא י 44 – 30

ל ומבני פחת מואב עדנא וכלל בניה מעשיה מתניה בצלאל ובנוי ומנשה: לא ובני חרם אליעזר ישיה מלכיה שמעיה שמעון: לב בנימן מלוד שמריה: לג מבני חשם מתני מתתה זבד אליפלט ירמי מנשה שמעי: לד מבני בני מעדי עמרם ואואל: לה בניה בדיה כלחי: לו וניה מרמות אלישיב: לז מתניה מתני ויעשו: לח ובני ובנוי שמעי: לט ושלמיה ונתן ועדיה: מ מכנדבי ששי שרי: מא עזראל ושלמיהו שמריה: מב שלום אמריה יוסף: מג מבני נבו יציאל מתתיה זבד זבינא ידו ויואל בניה: מד כל-אלה נשאו נשים נכריות ויש מהם נשים וישימו בנים:

Bibliography

- Achenbach, Reinhard. *Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch*. BZABR 3. Wiesbaden: Harrassowitz Verlag, 2003.
- . “Die Erzählung von der gescheiterten Landnahme von Kadesch Barnea (Numeri 13-14) als Schlüsseltext der Redaktionsgeschichte des Pentateuchs.” *ZABR* 9 (2003): 56-123.
- Ackroyd, Peter R. *I & II Chronicles, Ezra, Nehemiah: Introduction and Commentary*. TBC. London: SCM, 1973.
- Addis, William E. *The Documents of the Hexateuch: Translated and Arranged in Chronological Order*. 2 vols. London: D. Nutt/New York: G. P. Putnam’s Sons, 1893.
- Ahlemann, Frieder. “Zur Esra-Quelle.” *ZAW* 18 (1942-43): 77-98.
- Ahlström, Gösta W. *A History of Ancient Palestine from the Palaeolithic Period to Alexander’s Conquest*. JSOTSupp 146. Sheffield: JSOT, 1993.
- Albertz, Rainer. “A Pentateuchal Redaction in the Book of Numbers? The Late Priestly Layers of Num 25-36.” *ZAW* 125 (2013): 220-33.
- . “Das Buch Numeri jenseits der Quellentheorie. Eine Redaktionsgeschichte von Num 20-24.” *ZAW* 123 (2011): 171-83, 336-47.
- . “The Canonical Alignment of the Book of Joshua.” Pages 287-303 in *Judah and the Judeans in the Fourth Century B.C.E.* Edited by Oded Lipschits, Gary N. Knoppers, Rainer Albertz. Winona Lake, Ind.: Eisenbrauns, 2007.
- Albright, William Foxwell. *The Biblical Period from Abraham to Ezra*. New York: Harper & Row, 1963.
- Anbar, Moshe. “Genesis 15: A Conflation of Two Deuteronomic Narratives.” *JBL* 101 (1982): 39-55.
- Anderson, Cheryl B. “Reflections in an Interethnic/racial Era on Interethnic-racial Marriage in Ezra.” Pages 47-64 in *They Were All Together in One Place: Toward Minority Biblical Criticism*. Edited by Randall C. Bailey, Tat-Siong Benny Liew, Fernando F. Segovia. SBLSemSt 57. Atlanta: Society of Biblical Literature, 2009.
- Avishur, Yitzhak and Michael Heltzer. “The Scribe and Priest Ezra: A Leader under Achaemenian Rule.” *Transeu* 29 (2005): 17-36.
- Baden, Joel S. *The Promise to the Patriarchs*. New York/Oxford: Oxford University Press, 2013.
- . “The Structure and Substance of Numbers 15.” *VT* 63 (2013): 351-367.
- . “The Continuity of the Non-Priestly Narrative from Genesis to Exodus.” *Bib* 93 (2012): 161-186.
- . “On Exodus 33,1-11.” *ZAW* 124 (2012): 329-340.

- . *The Composition of the Pentateuch: Renewing the Documentary Hypothesis*. AYBRL. New Haven/London: Yale University Press, 2012.
- . "The Violent Origins of Levites: Text and Tradition." Pages 103-116 in *Levites and Priests in Biblical History and Tradition*. Edited by Mark Leuchter and Jeremy M. Hutton. SBLAIL 9. Atlanta: Society of Biblical Literature, 2011.
- . "The Original Place of the Priestly Manna Story in Exodus 16." *ZAW* 122 (2010): 491-504.
- . *J, E, and the Redaction of the Pentateuch*. FAT 68. Tübingen: Mohr Siebeck, 2009.
- . "A Narrative Pattern and its Role in Source Criticism." *HS* 49 (2008): 41-54.
- Bartlett, John R. "Zadok and his Successors at Jerusalem." *JTS* n.s. 19 (1968): 1-18.
- Batten, Loring W. *A Critical and Exegetical Commentary on the Books of Ezra and Nehemiah*. ICC. Edinburgh: T & T Clark, 1913.
- Bautch, Richard. *Developments in Genre between Post-Exilic Penitential Prayers and the Psalms of Communal Lament*. SBLABS 7. Atlanta: Society of Biblical Literature, 2003.
- Becking, Bob. "Nehemiah 9 and the Problematic Concept of Context (Sitz im Leben)." Pages 253-265 in *The Changing Face of Form Criticism for the Twenty-First Century*. Edited by Marvin Sweeney, Ehud Ben Zvi. Cambridge/Grand Rapids, Mich.: Eerdmans, 2003. Repr., pages 85-96 in *Ezra, Nehemiah, and the Construction of Early Jewish Identity*. FAT 80. Tübingen: Mohr Siebeck, 2011.
- . "The Idea of Torah in Ezra 7-10: A Functional Analysis." *ZABR* 7 (2001): 273-86. Repr., "Law as an Expression of Religion (Ezra 7-10)." Pages 18-31 in *Yahwism After the Exile: Perspectives on Israelite Religion in the Persian Era. Papers Read at the First Meeting of the European Association for Biblical Studies, Utrecht, 6-9 August, 2000*. Edited by Rainer Albertz, Bob Becking. STAR 5. Assen: Royal Van Gorcum, 2003. Repr., pages 43-57 in *Ezra, Nehemiah, and the Construction of Early Jewish Identity*. FAT 80. Tübingen: Mohr Siebeck, 2011.
- . "On the Identity of the 'Foreign' Women in Ezra 9-10." Pages 31-49 in *Exile and Restoration Revisited: Essays on the Babylonian and Persian Periods in Memory of Peter R. Ackroyd*. Edited by Lester L. Grabbe, Gary N. Knoppers. LSTS 73. London/New York: Continuum, 2009. Repr., pages 58-73 in *Ezra, Nehemiah, and the Construction of Early Jewish Identity*. FAT 80. Tübingen: Mohr Siebeck, 2011.
- . "Continuity and Community: The Belief System of the Book of Ezra." Pages 256-267 in *The Crisis of Israelite Religion: Transformation of Religious Tradition in Exilic and Post-Exilic Times*. Edited by Bob Becking, Marjo C. A. Korpel. OtSt 42. Leiden: Brill, 1999.
- Bedford, Peter. *Temple Restoration in Early Achaemenid Judah*. JSJSupp 65. Leiden/Boston/Köln: Brill, 2001.
- Berquist, Jon L. *Judaism in Persia's Shadow: A Social and Historical Approach*. Minneapolis: Fortress, 1995.
- Bianchi, Francesco. "«La semence sacrée»: la polémique sur les mariages mixtes dans les textes bibliques d'époque achéménide et hellénistique." *Transeu* 29 (2005): 83-102.

- Blenkinsopp, Joseph. *Judaism: The First Phase. The Place of Ezra and Nehemiah in the Origins of Judaism*. Grand Rapids, Mich./Cambridge: Eerdmans, 2009.
- . *A History of Prophecy in Israel*. 2nd ed. Louisville, Ky.: Westminster John Knox, 2003.
- . "Was the Pentateuch the Civic and Religious Constitution of the Jewish Ethnos in the Persian Period?" Pages 41-62 in *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch*. Edited by James W. Watts. SBLSymS 17. Atlanta: Society of Biblical Literature, 2001.
- . "An Assessment of the Alleged Pre-Exilic Date of the Priestly Material in the Pentateuch." *ZAW* 108 (1996): 495-518.
- . *The Pentateuch: An Introduction to the First Five Books of the Bible*. London: SCM, 1992. Repr., AYBRL. New Haven, Conn./London: Yale University Press, 2007.
- . *Ezra-Nehemiah: A Commentary*. OTL. Philadelphia: Westminster, 1988.
- . "The Mission of Udgahorresnet and those of Ezra and Nehemiah." *JBL* 106 (1987): 409-421.
- Blidstein, Gerald J. "Atima: A Greek Parallel to Ezra X 8 and to Post-Biblical Exclusion from the Community." *VT* 24 (1974): 357-360.
- Blum, Erhard. "Die Feuersäule in Ex 13-14—eine Spur der 'Endredaktion'?" Pages 117-137 in *Interpretation of Exodus: Studies in Honour of Cornelis Houtman*. Edited by Riemer Roukema. CBET 44. Leuven: Peeters, 2006. Repr., pages 137-56 in *Textgestalt und Komposition: exegetische Beiträge zu Tora und Vordere Propheten*. Edited by Wolfgang Oswald. FAT 69. Tübingen: Mohr Siebeck, 2010.
- . "Die Literarische Verbindung von Erzvätern und Exodus: Ein Gespräch mit neueren Endredaktionshypothesen." Pages 119-56 in *Abschied vom Jahwisten: Die Komposition des Hexateuch in der jüngsten Diskussion*. Edited by Jan Christian Gertz, Konrad Schmid, Markus Witte. BZAW 315. Berlin: de Gruyter, 2002. Repr., pages 85-121 in *Textgestalt und Komposition: exegetische Beiträge zu Tora und Vordere Propheten*. Edited by Wolfgang Oswald. FAT 69. Tübingen: Mohr Siebeck, 2010.
- . "Esra, die Mosetora und die persische Politik." Pages 231-56 in *Religion und Religionskontakte im Zeitalter der Achämeniden*. Edited by Reinhard G. Kratz. VWGT 22. Gütersloh: Gütersloher Verlag, 2002. Repr. pages 177-205 in *Textgestalt und Komposition: exegetische Beiträge zu Tora und Vordere Propheten*. Edited by Wolfgang Oswald. FAT 69. Tübingen: Mohr Siebeck, 2010.
- . "Das sog. »Privilegrecht« in Exodus 34,11-26: Ein Fixpunkt der Komposition der Exodusbuches?" Pages 347-66 in *Studies in the Book of Exodus*. Edited by Marc Vervenne. BEThL 126. Leuven: Peeters, 1996. Repr. pages 157-76 in *Textgestalt und Komposition: exegetische Beiträge zu Tora und Vordere Propheten*. Edited by Wolfgang Oswald. FAT 69. Tübingen: Mohr Siebeck, 2010.
- . *Studien zur Komposition des Pentateuch*. BZAW 189. Berlin: de Gruyter, 1990.

- . *Die Komposition der Vätergeschichte*. WMANT 57. Neukirchen-Vluyn: Neukirchen Verlag, 1984.
- Boda, Mark J. "Redaction in the Book of Nehemiah: A Fresh Proposal." Pages 25-54 in *Unity and Disunity in Ezra-Nehemiah: Redaction, Rhetoric, and Reader*. Edited by Mark J. Boda, Paul L. Redditt. HBM 17. Sheffield: Sheffield Phoenix, 2008.
- . *Praying the Tradition: The Origin and Use of Tradition in Nehemiah 9*. BZAW 277. Berlin: de Gruyter, 1999.
- Böhler, Dieter. "On the Relationship between Textual and Literary Criticism: The Two Recensions of the Book of Ezra; Ezra-Neh (MT) and 1 Esdras (LXX)." Pages 35-50 in *The Earliest Text of the Hebrew Bible: The Relationship between the Masoretic Text and the Hebrew Base of the Septuagint Reconsidered*. Edited by Adrian Schenker. SBLSCS 52. Atlanta: Society of Biblical Literature, 2003.
- . *Die heilige Stadt in Esdras α und Esra-Nehemia: Zwei Konzeption der Wiederherstellung Israels*. OBO 158. Freiburg: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht, 1997.
- Boorer, Suzanne. "The Place of Numbers 13-14* and Numbers 20:2-12* in the Priestly Narrative (Pg)." *JBL* 131 (2012): 45-63.
- . *The Promise of the Land as Oath: A Key to the Formation of the Pentateuch*. BZAW 205. Berlin: de Gruyter, 1992.
- Briant, Pierre. *Histoire de l'Empire perse: de Cyrus à Alexandre*. Paris: Fayard, 1996. Eng., *From Cyrus to Alexander: A History of the Persian Empire*. Translated by Peter T. Daniels. Winona Lake, Ind.: Eisenbrauns, 2002.
- Bright, John. *A History of Ancient Israel*. 3rd ed. Philadelphia, Westminster, 1981.
- Carmichael, Calum M. *Law and Narrative in the Bible: The Evidence of the Deuteronomic Laws and the Decalogue*. Ithaca, N.Y./London: Cornell University Press, 1985.
- . *The Laws of Deuteronomy*. Ithaca, N.Y./London: Cornell University Press, 1974.
- Carpenter, J. Estlin and George Harford-Battersby. *The Hexateuch According to the Revised Version*. 2 vols. London: Longmans, Green, and Co., 1900.
- Carr, David M. *The Formation of the Hebrew Bible: A New Reconstruction*. New York/Oxford: Oxford University Press, 2011.
- . "The Rise of Torah." Pages 39-56 in *The Pentateuch as Torah: New Models for Understanding its Promulgation and Acceptance*. Edited by Gary N. Knoppers, Bernard M. Levinson. Winona Lake, Ind.: Eisenbrauns, 2007.
- . "Method in Determination of Direction of Dependence: An Empirical Test of Criteria Applied to Exodus 34, 11-26 and its Parallels." Pages 107-140 in *Gottes Volk am Sinai: Untersuchungen zu Ex 32-34 und Dtn 9-10*. Edited by Matthias Köckert and Erhard Blum. VWGT 18. Gütersloh: Kaiser, Gütersloher Verlagshaus, 2001.
- . *Reading the Fractures of Genesis: Historical and Literary Approaches*. Louisville, Ky.: Westminster John Knox, 1996.

- Carter, Charles E. *The Emergence of Yehud in the Persian Period: A Social and Demographic Study*. JSOTSupp 294. Sheffield: Sheffield Academic, 1999.
- Cazelles, Henri. "La Mission d'Esdras." VT 4 (1954): 113-40.
- Charlesworth, James H., ed. *Old Testament Pseudepigrapha*. 2 vols. New York: Doubleday, 1983-1985.
- Chavel, Simeon. "'Oracular Novellae' and Biblical Historiography: Through the Lens of Law and Narrative." *Clio* 39 (2009): 1-27.
- . "The Second Passover, Pilgrimage, and the Centralized Cult." *HTR* 102 (2009): 1-24.
- Childs, Brevard. *Introduction to the Old Testament as Scripture*. Philadelphia: Fortress/London: SCM, 1979.
- Chrostowski, Waldemar. "An Examination of Conscience by God's People as Exemplified in Neh 9,6-37." *BZ* 34 (1990): 253-61.
- Clines, David J. A. *Ezra, Nehemiah, Esther: Based on the Revised Standard Version*. NCBC. Grand Rapids, Mich.: Eerdmans/London: Marshall, Morgan & Scott, 1984.
- . "Nehemiah 10 as an Example of Early Jewish Exegesis." *JSOT* 21 (1981): 111-17.
- Coats, George W. "Despoiling the Egyptians." VT 18 (1968): 450-457.
- Cohen, Shaye J. D. *From the Maccabees to the Mishnah*. LEC 7. Philadelphia: Westminster, 1987. 2nd ed., Louisville, Ky./London: Westminster John Knox, 2006.
- . *Why Aren't Jewish Women Circumcised? Gender and Covenant In Judaism*. Berkeley: University of California Press, 2005.
- Collins, John J. "The Transformation of the Torah in Second Temple Judaism." *JSJ* 43 (2012): 455-74.
- . *Daniel: A Commentary on the Book of Daniel*. Hermenia. Minneapolis: Fortress, 1993.
- Couturier, Guy. "Sens de tôdâh en Jos 7,19 et en Esd 10,11." Pages 121-27 in *La vie de Parole: de l'Ancien au Nouveau Testament. Études d'exégèse et d'herméneutique bibliques offertes à Pierre Grelot*. Paris: Desclée, 1987.
- Cowley, Arthur. *Aramaic Papyri of the Fifth Century B.C.* Oxford: Clarendon, 1932.
- Cross, Frank Moore. *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel*. Cambridge, Mass.: Harvard University Press, 1973. Repr., 1997.
- . "A Reconstruction of the Judean Restoration." *JBL* 94 (1973): 4-18. Rev., pages 151-72 in *From Epic to Canon: History and Literature in Ancient Israel*. Baltimore: Johns Hopkins University Press, 1988.
- Crüsemann, Frank. *Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gesetzes*. München: Chr. Kaiser, 1992. Eng., *The Torah: Theology and Social History of Old Testament Law*. Translated by Allan W. Mahnke. Minneapolis: Fortress, 1996.
- . "Die Eigenständigkeit der Urgeschichte: Ein Beitrag zur Diskussion um den 'Jahwisten.'" Pages 11-29 in *Die Botschaft und die Boten: Festschrift für Hans Walter Wolff zum 70.*

- Geburtstag*. Edited by Jörg Jeremias, Lothar Perlitt. Neukirchen-Vluyn: Neukirchener Verlag, 1981.
- Daniels, Dwight R. "The Composition of the Ezra-Nehemiah Narrative." Pages 311-28 in *Ernten, was man sät. Festschrift für Klaus Koch zu seinem 65. Geburtstag*. Edited by Dwight R. Daniels, Uwe Glessmer, Martin Rösel. Neukirchen-Vluyn: Neukirchener Verlag, 1991.
- Davies, Graham I. "The Transition from Genesis to Exodus." Pages 59-78 in *Genesis, Isaiah, and Psalms: A Festschrift to Honour Professor John Emerton for His Eightieth Birthday*. Edited by Katherine Dell, Graham I. Davies, Yee Von Koh. VTSupp 135. Leiden: Brill, 2010.
- Day, John. "The Flood and the Ten Antediluvian Figures in Berossus and in the Priestly Source in Genesis." Pages 211-23 in *On Stone and Scroll: Essays in Honour of Graham Ivor Davies*. Edited by James K. Aitken, Katharine J. Dell, Brian A. Mastin. BZAW 420. Berlin: de Gruyter, 2011.
- Demsky, Aaron. "The Three-Day Period of Purification Before Entering the Temple." Pages 2:775-85 in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Post-Biblical Judaism: Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday*. 2 vols. Edited by Chaim Cohen, Victor A. Hurowitz, Avi Hurvitz, Yochanan Muffs, Baruch J. Schwartz, Jeffrey H. Tigay. Winona Lake, Ind.: Eisenbrauns, 2008.
- Dor, Yonina. "Rite of Separation of the Foreign Wives in Ezra-Nehemiah." Pages 173-88 in *Judah and Judeans in the Achaemenid Period: Negotiating Identity in an International Context*. Edited by Oded Lipschits, Gary N. Knoppers, and Manfred Oeming. Winona Lake, Ind.: Eisenbrauns, 2011.
- . *Have the "Foreign Women" Really Been Expelled? Separation and Exclusion in the Restoration Period* [האומנם גורשו 'הנשים הנכרית'?' שאלת ההיבדלות בימי שיבת ציון]. Jerusalem: Magnes, 2006.
- . "The Composition of the Episode of the Foreign Women in Ezra IX-X." VT 53 (2003): 26-47.
- Douglas, Mary. "Responding to Ezra: The Priests and the Foreign Wives." *BibInt* 10 (2002): 2-23.
- Dozeman, Thomas B. and Konrad Schmid, eds., *A Farewell to the Yahwist? The Composition of the Pentateuch in Recent European Interpretation*. SBLSymS 34. Atlanta: Society of Biblical Literature, 2006.
- Driver, S. R. *A Critical and Exegetical Commentary on Deuteronomy*. ICC. Edinburgh: T & T Clark, 1895. 3rd ed., 1902.
- Duggan, Michael W. "Ezra 9:6-15: A Penitential Prayer within its Literary Setting." Pages 165-80 in *Seeking the Favor of God. Volume 1, The Origins of Penitential Prayer in Second Temple Judaism*. Edited by Mark J. Boda, Daniel K. Falk, Rodney A. Werline. SBLEJL 21. Atlanta: Society of Biblical Literature, 2006.

- . *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*. SBLDS 164. Atlanta: Society of Biblical Literature, 2001.
- Elliger, Karl. *Leviticus*. HAT 4. Tübingen: Mohr, 1966.
- Emerton, John A. "Did Ezra Go to Jerusalem in 428 B.C.?" *JTS* n.s. 17 (1986): 1-19.
- Eskenazi, Tamara Cohn. *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*. SBLMS 36. Atlanta: Scholars, 1988.
- . "The Structure of Ezra-Nehemiah and the Integrity of the Book." *JBL* 107 (1988): 641-56.
- Eskenazi, Tamara Cohn and Eleanor P. Judd, "Marriage to a Stranger in Ezra 9-10." Pages 266-85 in *Second Temple Studies II: Temple and Community in the Persian Period*. Edited by Tamara Cohn Eskenazi, Kent H. Richards. JSOTSupp 175. Sheffield: Sheffield Academic, 1994.
- Fantalkin, Alexander and Oren Tal. "The Canonization of the Pentateuch: When and Why?" *ZAW* 124 (2012): 1-18, 201-12.
- . "Judah and its Neighbors in the Fourth Century BCE." Pages 134-97 in *Judah to Judea: Socio-economic Structures and Processes in the Persian Period*. Edited by Johannes Unsok Ro. HBM 43. Sheffield: Sheffield Phoenix, 2012.
- Feliks, Yahuda. *Nature and Man in the Bible: Chapters in Biblical Ecology*. London/New York: Socino, 1981.
- Fensham, F. Charles. *The Books of Ezra and Nehemiah*. NICOT. Grand Rapids, Mich.: Eerdmans, 1982.
- . "Neh. 9 and Pss. 105, 106, 135 and 136. Post-exilic Historical Traditions in Poetic Form." *JNSL* 9 (1981): 35-51.
- Finkelstein, Israel and Neil Asher Silberman. *The Bible Unearthed: Archaeology's New Vision of Ancient Israel and the Origin of its Sacred Texts*. New York: Simon and Schuster, 2001.
- Fishbane, Michael A. *Biblical Interpretation in Ancient Israel*. Oxford: Clarendon, 1985. Repr., with addendum, 1989.
- . *Text and Texture: Close Readings of Selected Biblical Texts*. New York: Schocken Books, 1979.
- Fitzpatrick-McKinley, Anne. "What Did Nehemiah do for Judaism?" Pages 93-119 in *A Wandering Galilean: Essays in Honour of Seán Freyne*. Edited by Zuleika Rodgers, Margaret Daly-Denton, Anne Fitzpatrick-McKinley. JSJSupp 132. Leiden/Boston: Brill, 2009.
- Frei, Peter. "Die persische Reichsautorisation. Ein Überblick." *ZABR* 1 (1995): 1-35. Eng., "Persian Imperial Authorization: A Summary." Pages 5-40 in *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch*. Translated and edited by James W. Watts. SBLSymS 17. Atlanta: Society of Biblical Literature, 2001.
- . "Zentralgewalt und Lokalautonomie im Achämenidenreich." Pages 8-43 in *Reichsidee und Reichsorganisation im Perserreich*. Edited by Peter Frei and Klaus Koch. OBO 55. Göttingen: Vandenhoeck & Ruprecht, 1984. 2nd rev. ed., pages 8-131 (1996).

- Frevel, Christian. "The Book of Numbers—Formation, Composition, and Interpretation of a Late Part of the Torah: Some Introductory Remarks." Pages 1-37 in *Torah and the Book of Numbers*. Edited by Christian Frevel, Thomas Pola, Aaron Schar. FAT.II 62. Tübingen: Mohr Siebeck, 2013.
- . *Mit Blick auf das Land die Schöpfung erinnern. Zum Ende der Priestergrundschrift*. HBS 23. Freiburg: Herder, 2000.
- Frevel, Christian and Benedikt J. Conczorowski. "Deepening the Water: First Steps to a Diachronic Approach on Inter-marriage in the Hebrew Bible." Pages 15-45 in *Mixed Marriages: Inter-marriage and Group Identity in the Second Temple Period*. Edited by Christian Frevel. LHBOTS 547. New York/London: T & T Clark, 2011.
- Fried, Lisbeth S. "The Torah of God as God: The Exaltation of the Written Law Code in Ezra-Nehemiah." Pages 283-300 in *Divine Presence and Absence in Exilic and Post-Exilic Judaism: Studies of the Sofja Kovalevskaja Research Group on Early Jewish Monotheism*. Vol. II. Edited by Nathan MacDonald, Izaak J. de Hulster. FAT.II 61. Tübingen: Mohr Siebeck, 2013.
- . *The Priest and the Great King: Temple-Palace Relations in the Persian Empire*. BAJs 10. Winona Lake, Ind.: Eisenbrauns, 2004.
- . "'You Shall Appoint Judges': Ezra's Mission and the Rescript of Artaxerxes." Pages 63-89 in *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch*. Edited by James W. Watts. SBLSymS 17. Atlanta: Society of Biblical Literature, 2001.
- Fried, Lisbeth S., ed. *Was 1 Esdras First? An Investigation into the Priority and Nature of 1 Esdras*. SBLAIL 8. Atlanta: Society of Biblical Literature, 2011.
- Friedman, Richard Elliott. "Three Major Redactors of the Torah." Pages 1:31-44 in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Post-Biblical Judaism: Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday*. 2 vols. Edited by Chaim Cohen, Victor A. Hurowitz, Avi Hurvitz, Yochanan Muffs, Baruch J. Schwartz, Jeffrey H. Tigay. Winona Lake, Ind.: Eisenbrauns, 2008.
- . *The Bible with Sources Revealed: A New View into the Five Books of Moses*. San Francisco: HarperSanFrancisco, 2003.
- . *The Hidden Book of the Bible*. San Francisco: HarperSanFrancisco, 1998.
- . *Who Wrote the Bible?* New York: Summit, 1987.
- Gabbay, Uri. "Hebrew *sôm šekel* (Neh. 8:8) in Light of Aramaic and Akkadian." *JSS* 59 (2014): 47-51.
- Galling, Kurt. *Die Bücher der Chronik, Esra, Nehemia*. ATD 12. Göttingen: Vandenhoeck & Ruprecht, 1954.
- Garbini, Giovanni. *History and Ideology in Ancient Israel*. Eng. of *Storia e ideologia nell'Israele antico*. BSSTB 3. Brescia: Paideia, 1986. Translated by John S. Bowden. London: SCM, 1988.

- Geissler, Johannes. *Die litterarischen Beziehungen der Esramemoiren insbesondere zur Chronik und den hexateuchischen Quellenschriften*. Chemnitz: J. C. F. Pickenhahn & Sohn, 1899.
- Gertz, Jan Christian. *Tradition und Redaktion in der Exoduserzählung: Untersuchungen zur Endredaktion des Pentateuch*. FRLANT 186. Göttingen: Vandenhoeck & Ruprecht, 2000.
- Gertz, Jan Christian, Konrad Schmid, and Marcus Witte, eds. *Abschied vom Jahwisten: Die Komposition des Hexateuch in der jüngsten Diskussion*. BZAW 315. Berlin: de Gruyter, 2002.
- Gesenius, Wilhelm. *Gesenius' Hebrew Grammar*. Edited by Emil F. Kautzsch. Translated by Arthur E. Cowley. 2nd rev. ed. Oxford: Clarendon, 1910.
- Gesundheit (Ba-ron), Shimon. *Three Times a Year: Studies on Festival Legislation in the Pentateuch*. FAT 82. Tübingen: Mohr Siebeck, 2012.
- . "The Festival Calendars in Exodus XXIII 14-19 and XXXIV 18-26." *VT* 48 (1998): 161-195.
- Gilbert, Maurice. "La place de la Loi dans la prière de Néhémie 9." Pages 307-16 in *De la Tôrah au Messie: Études d'exégèse et d'herméneutique bibliques offertes à Henri Cazelles pour ses 25 années d'enseignement à l'Institut Catholique de Paris (Octobre 1979)*. Paris: Desclée, 1981.
- Ginsberg, H. Louis. *Israelian Heritage of Judaism*. TSJ TSA 24. New York: Jewish Theological Seminary of America, 1982.
- Glatt-Gilad, David A. "Reflections on the Structure and Significance of the ַamānā^h (Neh 10,29-40)." *ZAW* 112 (2000): 386-95.
- Gmirkin, Russell. *Berosus and Genesis, Manetho and Exodus: Hellenistic Histories and the Date of the Pentateuch*. LHBOTS 433. CIS 15. London/New York: T & T Clark, 2006.
- Gomes, Jules F. *The Sanctuary of Bethel and the Configuration of Israelite Identity*. BZAW 368. Berlin/New York: de Gruyter, 2006.
- Grabbe, Lester L. *A History of Jews and Judaism in the Second Temple Period*. 2 vols. LSTS 47, 68. London/New York: T & T Clark, 2004-2011.
- . "The 'Persian Documents' in the Book of Ezra: Are They Authentic?" Pages 531-70 in *Judah and Judeans in the Persian Period*. Edited by Oded Lipschits, M. Oeming. Winona Lake, Ind.: Eisenbrauns, 2006.
- . "The Law of Moses in the Ezra Tradition: More Virtual than Real?" Pages 91-113 in *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch*. Edited by James W. Watts. SBLSymS 17. Atlanta: Society of Biblical Literature, 2001.
- . *Ezra-Nehemiah*. OTR. London/New York: Routledge, 1998.
- . "What Was Ezra's Mission?" Pages 286-99 in *Second Temple Studies II: Temple and Community in the Persian Period*. Edited by Tamara Cohn Eskenazi, Kent H. Richards. JSOTSupp 175. Sheffield: JSOT, 1994.
- . *Judaism from Cyrus to Hadrian*. 2 vols. Minneapolis: Fortress, 1992.

- . “Reconstructing History from the Book of Ezra.” Pages 98-106 in *Second Temple Studies I: Persian Period*. Edited by Philip R. Davies. JSOTSupp 117. Sheffield: JSOT, 1991.
- Grätz, Sebastian. “The Second Temple and the Legal Status of Torah: The Hermeneutics of the Torah in the Books of Ruth and Ezra.” Pages 273-87 in *The Pentateuch as Torah: New Models for Understanding its Promulgation and Acceptance*. Edited by Gary N. Knoppers and Bernard M. Levinson. Winona Lake, Ind.: Eisenbrauns, 2007.
- . *Das Edikt des Artaxerxes: eine Untersuchung zum religionspolitischen und historischen Umfeld von Esra 7,12-26*. BZAW 337. Berlin/New York: de Gruyter, 2004.
- Graham, M. Patrick. “A Connection Proposed Between II Chr 24, 16 and Ezra 9-10.” ZAW 97 (1985): 256-58.
- Graupner, Axel. *Der Elohist: Gegenwart und Wirksamkeit des transzendenten Gottes in der Geschichte*. WMANT 97. Neukirchen-Vluyn: Neukirchener Verlag, 2002.
- Gray, George Buchanan. *A Critical and Exegetical Commentary on Numbers*. ICC. Edinburgh: T & T Clark, 1903.
- Grol, Harm W. M. van. “Exegesis of the Exile—Exegesis of Scripture? Ezra 9:6-9.” Pages 31-61 in *Intertextuality in Ugarit and Israel*. OtSt 40. Leiden: Brill, 1998.
- Gross, Walter. “Die Wolkensäule und die Feuersäule in Ex 13 + 14. Literarkritische, redaktionsgeschichtliche und quellenkritische Erwägungen.” Pages 142-65 in *Biblische Theologie und gesellschaftlicher Wandel: für Norbert Lohfink SJ*. Edited by Georg Braulik, Walter Gross, Sean McEvenue. Freiburg: Herder, 1993.
- Guilliaume, Philippe. *Land and Calendar: The Priestly Document from Genesis 1 to Joshua 18*. LHBOTS 391. London: T & T Clark, 2009.
- Gunneweg, Antonius H. J. *Nehemia*. KAT 19.2. Gütersloh: Gütersloher Verlagshaus Mohn, 1987.
- . *Esra*. KAT 19.1. Gütersloh: Gütersloher Verlagshaus Mohn, 1985.
- . “Zur Interpretation der Bücher Esra-Nehemia: Zugleich ein Beitrag zur Methode der Exegese.” Pages 146-61 in *Congress Volume: Vienna, 1980*. Edited by John A. Emerton. VTSupp 32. Leiden: Brill, 1981.
- Hagedorn, Anselm C. “Local Law in an Imperial Context: The Role of Torah in the (Imagined) Persian Period.” Pages 57-76 in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance*. Edited by Gary N. Knoppers and Bernard M. Levinson. Winona Lake, Ind.: Eisenbrauns, 2007.
- Halbe, Jörn. *Das Privilegrecht Jahwes: Ex 34,10-26. Gestalt und Wesen, Herkunft und Wirken in vordeuteronomischer Zeit*. FRLANT 114. Göttingen: Vandenhoeck & Ruprecht, 1975.
- Hallo, William W., ed. *The Context of Scripture*. 3 vols. Leiden: Brill, 1997-2002.
- Haran, Menahem. *The Biblical Collection: Its Consolidation to the End of the Second Temple Times and Changes of Form to the End of the Middle Ages* [תהליכי הגיבוש עד האסופה המקראית].

- [סוף ימי בית שני ושינויי הצורה עד מוצאי ימי הביניים]. 3 vols. Jerusalem: Mosad Bialik and Magnes, 2003-2008.
- . "Ezekiel, P, and the Priestly School." *VT* 58 (2008): 211-218.
- . "Book-Size and the Device of Catch-Lines in the Biblical Canon." *JJS* 36 (1985): 1-11.
- . "Behind the Scenes of History: Determining the Date of the Priestly Source." *JBL* 100 (1981): 321-33.
- . *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School*. Oxford: Clarendon, 1978. Repr., Winona Lake, Ind.: Eisenbrauns, 1985.
- . *Ages and Institutions in the Bible* [עיונים היסטוריים: תקופות ומוסדות במקרא]. Tel Aviv: Am Oved, 1972.
- . "The Nature of the 'Ohel Mo'edh' in Pentateuchal Sources." *JSS* 5 (1960): 50-65.
- Harrington, Hannah K. "The Use of Leviticus in Ezra-Nehemiah." *JHS* 13 (2013): 1-20.
- Hayes, Christine E. *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud*. Oxford: Oxford University Press, 2002.
- Heltzer, Michael. "The Right of Ezra to Demand Obedience to 'The Laws of the King' from Gentiles of the V Satrapy." *ZABR* 4 (1998): 192-96.
- Heltzer, Michael and Yitzhak Avishur. "The Term *sōfēr mähîr* as Designating a Courtier in the Old Testament and the Aḥiqar Story." *UF* 34 (2002): 217-221.
- Hendel, Ronald S. "A Hasmonean Edition of MT Genesis?: The Implications of the Editions of the Chronology in Genesis 5." *HeBAI* 1 (2012): 448-64.
- . "Is the 'J' Primeval Narrative an Independent Composition? A Critique of Crüsemann's 'Die Eigenständigkeit der Urgeschichte.'" Pages 181-205 in *The Pentateuch: International Perspectives on Current Research*. Edited by Thomas B. Dozeman, Konrad Schmid, Baruch J. Schwartz. *FAT* 78. Tübingen: Mohr Siebeck, 2011.
- . *The Epic of the Patriarch: The Jacob Cycle and the Narrative Traditions of Canaan and Israel*. *HSM* 42. Atlanta: Scholars, 1987.
- Hölscher, Gustav. "Die Bücher Esra und Nehemia." Pages 2:491-562 in *Die Heilige Schrift des Alten Testaments*. 2 vols. Edited by Emil Kautzsch and A. Bertholet. 4th ed. Tübingen: Mohr, 1922-1923.
- Hoglund, Kenneth G. *Achaemenid Imperial Administration in Syria-Palestine and the Missions of Ezra and Nehemiah*. *SBLDS* 125. Atlanta: Scholars, 1992.
- Holmgren, Fredrick C. "Faithful Abraham and the 'amānâ Covenant: Nehemiah 9,6-10,1." *ZAW* 104 (1992): 249-54.
- Hoonacker, Albin van. "La succession chronologique Néhémie-Esdras." *RB* 32 (1923): 481-94.

- . “Néhémie et Esdras: Nouvelle hypothèse sur la chronologie de l’époque de la restauration.” *Muséon* 9 (1890): 151-84, 317-51, 389-401.
- Houtman, Cornelis. “Ezra and the Law: Observations on the Supposed Relation between Ezra and the Pentateuch.” Pages 91-115 in *Remembering all the Way: A Collection of Old Testament Studies Published on the Occasion of the Fortieth Anniversary of the Oudtestamentisch Werkgezelschap in Nederland*. Edited by Bertil Albrektson. OtSt 21. Leiden: Brill, 1981.
- Humbert, Paul. “Le substantif *to^cēbā* et le verbe *t^cb* dans l’Ancien Testament.” *ZAW* 72 (1960): 217-237.
- . *La «terou^ca»: analyse d'un rite biblique*. UNRTPFL 23. Neuchatel: Secrétariat de l'Université, 1946.
- Hurvitz, Avi. “Once Again: The Linguistic Profile of the Priestly Material in the Pentateuch and Its Historical Age. A Response to J. Blenkinsopp.” *ZAW* 112 (2000): 180-91.
- . “Dating the Priestly Source in Light of the History Study of Biblical Hebrew a Century after Wellhausen.” *ZAW* 100 Supplement (1988): 88-100.
- . *A Linguistic Study of the Relationship Between the Priestly Source and the Book of Ezekiel: A New Approach to an Old Problem*. CRB 20. Paris: J. Gabalda, 1982.
- . “The Evidence of Language in Dating the Priestly Code: A Linguistic Study in Technical Idioms and Terminology.” *RB* 81 (1974): 24-56.
- . *Transition Period in Biblical Hebrew: A Study in Post-exilic Hebrew and its Implications for the Dating of Psalms* [בין לשון ללשון: לתולדות לשון בימי בית שני]. Jerusalem: Mosad Bialik, 1972.
- . “The Chronological Significance of ‘Aramaisms’ in Biblical Hebrew.” *IEJ* 18 (1962): 234-40.
- In der Smitten, Wilhelm T. *Esra: Quellen, Überlieferung und Geschichte*. SSN 15. Assen: Van Gorcum, 1973.
- Ishida, Tomoo. “The Structure and Historical Implications of the Lists of Pre-Israelite Nations.” *Bib* 60 (1979): 461-90. Repr., “The Lists of Pre-Israelite Nations.” Pages 8-36 in *History and Historical Writing in Ancient Israel: Studies in Biblical Historiography*. SHCANE 16. Leiden/Boston: Brill, 1999.
- Jackson, Bernard. “The ‘Institutions’ of Marriage and Divorce in the Hebrew Bible.” *JSS* 56 (2011): 231-51.
- Janzen, David. “Scholars, Witches, Ideologues, and What the Text Said: Ezra 9-10 and Its Interpretation.” Pages 49-70 in *Approaching Yehud: New Approaches to the Study of the Persian Period*. SBLSemSt 50. Atlanta: Society of Biblical Studies, 2007.
- . *Witch-Hunts, Purity and Social Boundaries: the Expulsion of the Foreign Women in Ezra 9-10*. JSOTSupp 350. Sheffield: Sheffield Academic, 2002.

- . “The ‘Mission’ of Ezra and the Persian Period Temple Community.” *JBL* 119 (2000): 619-43.
- Japhet, Sara. “The Expulsion of the Foreign Women (Ezra 9-10): The Legal Basis, Precedents, and Consequences for the Jewish Identity.” Pages 141-61 in *Sieben Augen auf einem Stein (Sach 3,9): Studien zur Literatur des zweiten Tempels. Festschrift für Ina Willi-Plein zum 65. Geburtstag*. Edited by Friedhelm Hartenstein and Michael Pietsch. Neukirchen-Vluyn: Neukirchener Verlag, 2007.
- . *I and II Chronicles: A Commentary*. OTL. London: SCM, 1993.
- . “The Relationship between Chronicles and Ezra-Nehemiah.” Pages 293-313 in *Congress Volume: Leuven, 1989*. Edited by John A. Emerton. VTSupp 43. Leiden: Brill, 1991. Repr. pages 169-82 in *From the Rivers of Babylon to the Highlands of Judah: Collected Studies on the Restoration Period*. Winona Lake, Ind.: Eisenbrauns, 2006.
- . “Law and ‘The Law’ in Ezra-Nehemiah.” Pages 99-115 in *Proceedings of the Ninth World Congress of Jewish Studies: Panel Sessions*. Edited by Moshe Goshen-Gottstein. Jerusalem: Magnes, 1988. Repr. pages 137-51 in *From the Rivers of Babylon to the Highlands of Judah: Collected Studies on the Restoration Period*. Winona Lake, Ind.: Eisenbrauns, 2006.
- . “People and Land in the Restoration Period.” Pages 103-25 in *Das Land in biblischer Zeit: Jerusalem-Symposium 1981 der Hebräischen Universität und der Georg-August-Universität*. Edited by Georg Strecker. GTA 25. Göttingen: Vandenhoeck & Ruprecht, 1983. Repr. pages 96-116 in *From the Rivers of Babylon to the Highlands of Judah: Collected Studies on the Restoration Period*. Winona Lake, Ind.: Eisenbrauns, 2006.
- . “The Supposed Common Authorship of Chronicles and Ezra-Nehemiah Investigated Anew.” *VT* 18 (1968): 330-371. Repr. pages 1-37 in *From the Rivers of Babylon to the Highlands of Judah: Collected Studies on the Restoration Period*. Winona Lake, Ind.: Eisenbrauns, 2006.
- Jaroš, Karl. *Die Stellung des Elohisten zur kanaanäischen Religion*. 2nd rev. ed. OBO 4. Freiburg: Universitätsverlag, 1982.
- Jenks, Alan W. *The Elohist and North Israelite Traditions*. SBLMS 22. Missoula, Mont.: Scholars, 1977.
- Jeon, Jaeyoung. *The Call of Moses and the Exodus Story: A Redactional-Critical Study in Exodus 3-4 and 5-13*. FAT.II 60. Tübingen: Mohr Siebeck, 2013.
- Jepsen, Alfred. “Nehemiah 10.” *ZAW* 66 (1954): 87-106.
- Jindo, Job Y. “Recontextualizing Kaufmann: His Empirical Conception of the Bible and its Significance in Jewish Intellectual History.” *JJTP* 19 (2011): 95-129.
- Johnson, Willa M. *The Holy Seed Has Been Defiled: The Interethnic Marriage Dilemma in Ezra 9-10*. HBM 33. Sheffield: Sheffield Phoenix, 2011.
- Joosten, Jan. *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17-26*. VTSupp 67. Leiden: Brill, 1996.

- Josephus. *The Jewish Antiquities: Books 1-20*. Translated by Henry St. John Thackeray et al. LCL. Cambridge, Mass.: Harvard University Press, 1930-1965.
- . *The Life. Against Apion*. Translated by Henry St. John Thackeray et al. LCL. Cambridge, Mass.: Harvard University Press, 1926.
- Kapelrud, Arvid S. *The Question of Authorship in the Ezra Narrative: A Lexical Investigation*. Oslo: Jacob Dybwad, 1944.
- Karrer, Christiane. *Ringeln um die Verfassung Judas. Eine Studie zu den theologisch-politischen Vorstellungen im Esra-Nehemia-Buch*. BZAW 308. Berlin/New York: de Gruyter, 2001.
- Kaufmann, Yehezkel. *tôl^p dôt hā³ emûnā^h hayisrā³ ēlīt: miy³ mē qedem ^cad sôp bêt šēnî* [תולדות האמונה הישראלית: מימי קדם עד סוף בית שני]. 8 parts in 4 vols. Tel Aviv: Mosad Byalik, 1937-1956. Eng. vol. 1-3, *The Religion of Israel: From its Beginnings to the Babylonian Exile*. Translated and abridged by Moshe Greenberg. Chicago: University of Chicago Press, 1960. Eng. vol. 4, *History of the Religion of Israel: From the Babylonian Captivity to the End of Prophecy*. Translated by Clarence Efroymson. New York: Ktav, 1977.
- Kellermann, Ulrich. "Erwägungen zum Esragesetz," ZAW 80 (1968): 373-85.
- . "Erwägungen zum Problem der Esradatierung," ZAW 80 (1968): 55-87.
- . *Nehemia. Quellen, Überlieferung und Geschichte*. BZAW 102. Berlin: Töpelmann, 1967.
- Kim, Young Hye. "The Finalization of Num 25,1-5." ZAW 122 (2010): 260-64.
- Klostermann, August. *Beiträge zu seinem Verständnis und seiner Entstehungsgeschichte*. Leipzig: G. Böhme, 1893.
- Knohl, Israel. *The Sanctuary of Silence: The Priestly Torah and the Holiness School*. Minneapolis: Fortress, 1995. Repr., Winona Lake, Ind.: Eisenbrauns, 2007.
- . "The Priestly Torah Versus the Holiness School." HUCA 58 (1987): 65-111.
- Knoppers, Gary N. *Jews and Samaritans: The Origins and History of their Early Relations*. New York/Oxford: Oxford University Press, 2013.
- . "Ethnicity, Genealogy, Geography, and Change: The Judean Communities of Babylon and Jerusalem in the Story of Ezra." Pages 147-71 in *Community Identity in Judean Historiography: Biblical and Comparative Perspectives*. Edited by Gary N. Knoppers, Kenneth A. Ristau. Winona Lake, Ind.: Eisenbrauns, 2009.
- . "An Achaemenid Imperial Authorization of Torah in Yehud?" Pages 115-34 in *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch*. Edited by James W. Watts. SBLSymS 17. Atlanta: Society of Biblical Literature, 2001.
- Knoppers, Gary N. and Paul Harvey. "The Pentateuch in Ancient Mediterranean Context: The Publication of Local Lawcodes." Pages 105-41 in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance*. Edited by Gary N. Knoppers and Bernard M. Levinson. Winona Lake, Ind.: Eisenbrauns, 2007.

- Knowles, Melody D. "Pilgrimage to Jerusalem in the Persian Period." Pages 7-24 in *Approaching Yehud: New Approaches to the Study of the Persian Period*. Edited by Jon L. Berquist. SBLSemSt 50. Atlanta: Society of Biblical Literature, 2007.
- . *Centrality Practiced: Jerusalem in the Religious Practice of Yehud and the Diaspora during the Persian Period*. SBLABS 16. Atlanta: Society of Biblical Literature, 2006.
- . "Pilgrimage Imagery in the Returns in Ezra." *JBL* 123 (2004): 57-74.
- Koch, Klaus. "Ezra and Meremoth: Remarks on the History of the High Priesthood." Pages 105-110 in *Sha'arei Talmon: Studies in the Bible, Qumran, and the Ancient Near East*. Edited by Michael Fishbane and Emanuel Tov. Winona Lake, Ind.: Eisenbrauns, 1992.
- . "P—kein Redaktor! Erinnerung an zwei Eckdaten der Qullenscheidung." *VT* 37 (1987): 446-67.
- . "Ezra and the Origins of Judaism." *JSS* 19 (1974): 173-197.
- Koopmans, William T. *Joshua 24 as Poetic Narrative*. JSOTSupp 93. Sheffield: JSOT, 1990.
- Kottsieper, Ingo. "'And They Did Not Care to Speak Yehudit': On Linguistic Change in Judah during the Late Persian Era." Pages 95-124 in *Judah and the Judeans in the Fourth Century B.C.E.* Edited by Oded Lipschits, Gary N. Knoppers, Rainer Albertz. Winona Lake, Ind.: Eisenbrauns, 2007.
- Kraemer, David. "On the Relationship of the Books of Ezra and Nehemiah." *JSOT* 59 (1993): 73-92.
- Krapf, Thomas M. *Die Priesterschrift und die vorexilische Zeit: Yehezkel Kaufmanns vernachlässigter Beitrag zur Geschichte der biblischen Religion*. OBO 119. Freiburg: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht, 1992.
- Kratz, Reinhard G. "Temple and Torah: Reflections on the Legal Status of the Pentateuch between Elephantine and Qumran." Pages 77-103 in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance*. Edited by Gary N. Knoppers and Bernard M. Levinson. Winona Lake, Ind.: Eisenbrauns, 2007.
- . *Die Komposition der erzählenden Bücher des Alten Testaments: Grundwissen der Bibelkritik*. UTB 2157. Göttingen: Vandenhoeck & Ruprecht, 2000. Eng., *The Composition of the Narrative Books of the Old Testament*. Translated by John Bowden. New York: T & T Clark, 2005.
- . *Translatio imperii: Untersuchungen zu den aramäischen Danielerzählungen und ihrem theologiegeschichtlichen Umfeld*. WMANT 63. Neukirchen-Vluyn: Neukirchener Verlag, 1991.
- Kugel, James L. "The Holiness of Israel and the Land in Second Temple Times." Pages 21-32 in *Texts, Temples, and Traditions: A Tribute to Menahem Haran*. Edited by Michael V. Fox, Victor A. Hurowitz, Avi Hurvitz, Michael L. Klein, Baruch J. Schwartz, Nili Shupak. Winona Lake, Ind.: Eisenbrauns, 1996.

- Kuhrt, Amélie. "The Cyrus Cylinder and Achaemenid Imperial Policy." *JSOT* 25 (1983): 83-97.
- Lambert, David. "Fasting as a Penitential Rite: A Biblical Phenomenon?" *HTR* 93 (2003): 477-512.
- Lange, Armin. "Your Daughters Do Not Give to Their Sons and Their Daughters Do Not Take for Your Sons (Ezra 9,12)." *BN* 137 (2008): 17-39.
- . "Authoritative Literature in the Chronistic Corpus." Pages 29-52 in *"The Words of a Wise Man's Mouth are Gracious" (Qoh 10,12)*. Edited by Mauro Perani. SJ 32. Berlin: de Gruyter, 2005.
- Lebram, Jurgen C. H. "Die Traditionsgeschichte der Esragestalt und die Frage nach dem historischen Esra." Pages 103-138 in *Sources, Structures, Synthesis: Proceedings of the Groningen 1983 Achaemenid History Workshop*. Edited by Heleen Sancisi-Weerdenburg. AchH 1. Leiden: Nederlands Instituut voor het Nabije Oosten, 1987.
- Lee, Kyong-Jin. *The Authority and Authorization of Torah in the Persian Period*. CBET 64. Leuven: Peeters, 2011.
- LeFebvre, Michael. *Collections, Codes, and Torah: The Re-characterization of Israel's Written Law*. LHBOTS 451. London/New York: T & T Clark, 2006.
- Leuchter, Mark. "The Ambiguous Details in the Blasphemer Narrative: Sources and Redaction in Leviticus 24:10-23." *JBL* 130 (2011): 431-50.
- . "Ezra's Mission and the Levites of Casiphia." Pages 173-95 in *Community Identity and Judean Historiography: Biblical and Comparative Perspectives*. Edited by Gary N. Knoppers, Kenneth A. Ristau. Winona Lake, Ind.: Eisenbrauns, 2009.
- Levine, Baruch A. *Leviticus = Va-yikrah: The Traditional Hebrew Text with the New JPS Translation*. JPSTC. Philadelphia: Jewish Publication Society, 1989.
- . "Late Language in the Priestly Source: Some Literary and Historical Observations." Pages 69-82 in *Proceedings of the Eighth World Congress of Jewish Studies: Panel Sessions—Bible Studies and Hebrew Language*. Edited by David Krone. Jerusalem: World Union of Jewish Studies, 1983.
- . *Numbers 21-36: A New Translation with Introduction and Commentary*. AB 4A. New York/London: Doubleday, 1964.
- . *Numbers 1-20: A New Translation with Introduction and Commentary*. AB 4. New York/London: Doubleday, 1964.
- Levinson, Bernard M. "Is the Covenant Code an Exilic Composition? In Response to John Van Seters." Pages 272-325 in *In Search of Pre-Exilic Israel*. Edited by John Day. JSOTSupp 406. London: T & T Clark, 2004. Repr., pages 276-330 in *"The Right Chorale": Studies in Biblical Law and Interpretation*. FAT 54. Tübingen: Mohr Siebeck, 2008.
- . *Deuteronomy and the Hermeneutics of Legal Innovation*. Oxford/New York: Oxford University Press, 1988.

- Levinson, Bernard M. and Jeffrey Stackert. "Between the Covenant Code and Esarhaddon's Succession Treaty: Deuteronomy 13 and the Composition of Deuteronomy." *JAJ* 3 (2012): 123–140.
- Levitt Kohn, Risa. *A New Heart and a New Soul: Ezekiel, the Exile, and the Torah*. JSOTSupp 358. London: Sheffield Academic, 2002.
- . "A Prophet Like Moses? Rethinking Ezekiel's Relationship to the Torah." *ZAW* 114 (2002): 236–54.
- Lewis, Theodore J. "Divine Fire in Deuteronomy 32." *JBL* 132 (2013): 791–803.
- Liebreich, Leon J. "The Impact of Nehemiah 9:5–37 on the Liturgy of the Synagogue." *HUCA* 32 (1961): 227–37.
- Lim, Timothy H. *The Formation of the Jewish Canon*. AYBRL. New Haven, Conn./London: Yale University Press, 2013.
- Lipinski, Edward. "skn et sgn dans le sémitique occidental du nord." *UF* 5 (1973): 191–207.
- Liver, Jacob. "The Half-Shekel Offering in Biblical and Post-Biblical Literature." *HTR* 46 (1963): 181–85.
- Lohfink, Norbert. "Deuteronomy 6:24: לְחַיֵּנוּ 'to Maintain Us.'" Pages 111–19 in *"Sha'arei Talmon": Studies in the Bible, Qumran, and the Ancient Near East Presented to Shemaryahu Talmon*. Edited by Michael Fishbane and Emanuel Tov. Winona Lake, Ind.: Eisenbrauns, 1992.
- Lyons, Michael A. *From Law to Prophecy: Ezekiel's Use of the Holiness Code*. LHBOTS 507. London/New York: T & T Clark, 2009.
- MacDonald, Nathan. "Issues in the Dating of Deuteronomy: A Response to Juha Pakkala." *ZAW* 122 (2010): 431–35.
- Mathys, Hans-Peter. *Dichter und Beter: Theologen aus spätalttestamentlicher Zeit*. OBO 132. Freiburg: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht, 1994.
- McCarthy, Dennis J. "Covenant and Law in Chronicles-Nehemiah." *CBQ* 44 (1982): 25–44.
- . *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament*. Rev. ed. AnBib 21A. Rome: Biblical Institute, 1981.
- McCollough, W. Stewart. *The History and Literature of the Palestinian Jews from Cyrus to Herod: 550 BC to 4 BC*. Toronto/Buffalo: University of Toronto Press, 1975.
- McConville, J. Gordon. "Ezra-Nehemiah and the Fulfilment of Prophecy." *VT* 36 (1986): 205–24.
- Meiggs, Russell and David M. Lewis. *A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C.* Oxford: Clarendon, 1969.
- Meyers, Carol L. and Eric M. Meyers. *Haggai, Zechariah 1–8: A New Translation with Introduction and Commentary*. AB 25B. Garden City, N. Y.: Doubleday, 1987.

- Milgrom, Jacob. *Leviticus 23-27: A New Translation with Introduction and Commentary*. AB 3B. New York/London: Doubleday, 2001. Repr., New Haven/London: Yale University Press, 2008.
- . "The Case for the Pre-Exilic and Exilic Provenance of the Books of Exodus, Leviticus and Numbers." Pages 48-56 in *Reading the Law: Studies in Honour of Gordon J. Wenham*. Edited by J. Gordon McConville, Karl Möller. LHBOTS 461. New York/London: T & T Clark, 2007.
- . "H_R in Leviticus and Elsewhere in the Torah." Pages 24-40 in *The Book of Leviticus: Composition and Reception*. Edited by Rolf Rendtorff and Robert A. Kugler. VTSupp 93. Leiden/Boston: Brill, 2003.
- . *Leviticus 17-22: A New Translation with Introduction and Commentary*. AB 3A. New York/London: Doubleday, 2000. Repr., New Haven/London: Yale University Press, 2008.
- . *Leviticus 1-16: A New Translation with Introduction and Commentary*. AB 3. New York/London: Doubleday, 1991. Repr., New Haven/London: Yale University Press, 2008.
- . "The Antiquity of the Priestly Source: A Reply to Joseph Blenkinsopp." ZAW 111 (1999): 10-22.
- . *Numbers = Ba-midbar: The Traditional Hebrew Text with the New JPS Translation*. JPSTC. Philadelphia: Jewish Publication Society, 1990.
- . "Priestly Terminology and the Political and Social Structure of Pre-Monarchial Israel." JQR 69 (1978): 65-81.
- . "Two Kinds of ḥaṭṭā' t." VT 26 (1976): 333-37.
- . "The Concept of Ma'al in the Bible and the Ancient Near East." JAOS 96 (1976): 236-47.
- . *Cult and Conscience: the Asham and the Priestly Doctrine of Repentance*. SJLA 18. Leiden: Brill, 1976.
- . *Studies in Levitical Terminology*. UCPNES 14. Berkeley: University of California Press, 1970.
- Min, Kyung-Jin. *The Levitical Authorship of Ezra-Nehemiah*. JSOTSupp 409. London/New York: T & T Clark, 2004.
- Moffat, Donald P. *Ezra's Social Drama: Identity Formation, Marriage and Social Conflict in Ezra 9 and 10*. LHBOTS 579. London/New York: Bloomsbury, 2013.
- Morgenstern, Julian. "The Chanukkah Festival and the Calendar of Ancient Israel." HUCA 20 (1947): 1-136; 21 (1948): 365-496.
- Mowinckel, Sigmund. *Studien zu dem Buche Ezra-Nehemia*. 3 vols. SNVAO.II n.s. 3, 5, 7. Oslo: Universitetsforlaget, 1964-1965.
- . "'Ich' und 'Er' in der Ezrageschichte." Pages 211-33 in *Verbannung und Heimkehr. Beiträge zur Geschichte und Theologie Israels im 6. und 5. Jahrhundert v. Chr.: Wilhelm Rudolph zum 70. Geburtstag*. Edited by Arnulf Kuschke. Tübingen: Mohr, 1961.
- Mullen, E. Theodore. *Ethnic Myths and Pentateuchal Foundations: A New Approach to the Formation of the Pentateuch*. SBLSemSt 35. Atlanta: Scholars, 1997.

- Myers, Jacob. *Ezra. Nehemiah*. AB 14. Garden City, N.Y.: Doubleday, 1965.
- Najman, Hindy. *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*. JSJSupp 77. Leiden/Boston: Brill, 2003.
- . “Torah of Moses: Pseudonymous Attribution in Second Temple Writings.” Pages 202-16 in *The Interpretation of Scripture in Early Judaism and Christianity: Studies in Language and Tradition*. Edited by Craig A. Evans. JSPSupp 33. SSEJC 7. Sheffield: Sheffield Academic, 2000.
- Neufeld, Ephraim. *Ancient Hebrew Marriage Laws: With Specific References to General Semitic Laws and Customs*. London: Longmans, Green, 1944.
- Newman, Judith H. *Praying by the Book: The Scripturalization of Prayer in Second Temple Judaism*. SBLEJL 14. Atlanta: Scholars, 1999.
- . “Nehemiah 9 and the Scripturalization of Prayer in the Second Temple Period.” Pages 112-23 in *The Function of Scripture in Early Jewish and Christian Tradition*. Edited by Craig A. Evans, James A. Sanders. JSNTSupp 154. Sheffield: Sheffield Academic, 1998.
- Nicholson, Ernest W. *Deuteronomy and the Judaeon Diaspora*. Oxford: Oxford University Press, 2014.
- . “Reconsidering the Provenance of Deuteronomy.” ZAW 124 (2012): 528-40.
- . “Deuteronomy and the Babylonian Diaspora.” Pages 269-85 in *On Stone and Scroll: Essays in Honour of Graham Ivor Davies*. Edited by James K. Aitken, Katharine J. Dell, Brian A. Mastin. BZAW 420. Berlin: de Gruyter, 2011.
- . *The Pentateuch in the Twentieth Century: The Legacy of Julius Wellhausen*. Oxford: Oxford University Press, 1998.
- . “The Antiquity of the Tradition in Exodus 24:9-11.” VT 26 (1976): 148-60.
- . “The Interpretation of Exodus 24:9-11.” VT 24 (1974): 77-97.
- . “The Meaning of the Expression עַם הָאָרֶץ in the Old Testament.” JSS 10 (1965): 59-66.
- Niditch, Susan. *‘My Brother Esau is a Hairy Man’: Hair and Identity in Ancient Israel*. New York/Oxford: Oxford University Press, 2008.
- Nihan, Christoph. “Israel’s Festival Calendars in Leviticus 23, Numbers 28-29 and the Formation of ‘Priestly’ Literature.” Pages 177-231 in *The Books of Leviticus and Numbers*. Edited by Thomas Römer. BETHL 215. Leuven: Peeters, 2008.
- . *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*. FAT.II 25. Tübingen: Mohr Siebeck, 2007.
- . “The Torah between Samaria and Judah: Shechem and Gerizim in Deuteronomy and Joshua.” Pages 187-223 in *The Pentateuch and Torah: New Models for Understanding its Promulgation and Acceptance*. Edited by Gary N. Knoppers and Bernard M. Levinson. Winona Lake, Ind.: Eisenbrauns, 2007.

- Noort, Ed. "Bis zur Grenze des Landes? Num 27,12-13 und das Ende der Priesterschrift." Pages 99-119 in *The Books of Leviticus and Numbers*. Edited by Thomas Römer. BETHL 215. Leuven: Peeters, 2008.
- Noth, Martin. *Das vierte Buch Mose: Numeri*. ATD 7. Göttingen: Vandenhoeck & Ruprecht, 1966. English, *Numbers: A Commentary*. Translated by James D. Martin. OTL. London: SCM, 1968.
- . *Das dritte Buch Mose: Leviticus*. ATD 6. Göttingen: Vandenhoeck & Ruprecht, 1962. English, *Leviticus: A Commentary*. Translated by J. E. Anderson. OTL. London: SCM, 1965. Revised translation, 1977.
- . *Das zweite Buch Mose: Exodus*. ATD 5. Göttingen: Vandenhoeck & Ruprecht, 1959. English, *Exodus: A Commentary*. Translated by John S. Bowden. OTL. London: SCM, 1962.
- . *Überlieferungsgeschichte des Pentateuch*. Stuttgart: Kohlhammer, 1948. English, *A History of Pentateuchal Traditions*. Translated by Bernhard W. Anderson. Englewood Cliffs, N.J.: Prentice-Hall, 1972.
- . *Überlieferungsgeschichtliche Studien: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament*. Tübingen: Max Niemeyer, 1957. Reprint of *Überlieferungsgeschichtliche Studien I: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament*. Schriften der Köingsberger Gelehrten Gesellschaft. Geisteswissenschaftliche Klasse 18:2. Halle: Max Niemeyer, 1943. Eng. of Part 1, *The Deuteronomistic History*. Translated by Jane Duoll et al. JSOTSupp 15. Sheffield: Journal for the Study of Old Testament, 1981. Eng. of Part 2, *The Chronicler's History*. Translated by H. G. M. Williamson. JSOTSupp 50. Sheffield: Journal for the Study of Old Testament, 1987.
- Oeming, Manfred. "'See We Are Serving Today' (Nehemiah 9:36): Nehemiah 9 as a Theological Interpretation." Pages 571-88 in *Judah and the Judeans in the Persian Period*. Edited by Oded Lipschits and Manfred Oeming. Winona Lake, Ind.: Eisenbrauns, 2006.
- Olyan, Saul M. "Exodus 31:12-17: The Sabbath According to H, or the Sabbath According to P and H?" *JBL* 124 (2005): 201-9.
- . "Purity and Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community." *JSJ* 35 (2004): 1-16.
- . *Rites and Rank: Hierarchy in Biblical Representations of Cult*. Princeton: Princeton University Press, 2000.
- Otto, Eckart. "Scribal Scholarship in the Formation of Torah and Prophets: A Postexilic Scribal Debate between Priestly Scholarship and Literary Prophecy—The Example of the Book of Jeremiah and Its Relation to the Pentateuch." Pages 171-84 in *The Pentateuch as Torah: New Methods for Understanding Its Promulgation and Acceptance*. Edited by Gary N. Knoppers and Bernard M. Levinson. Winona Lake, Ind.: Eisenbrauns, 2007.

- . *Das Deuteronomium im Pentateuch und Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens*. FAT 30. Tübingen: Mohr Siebeck, 2000.
- . “Das Deuteronomium als archimedischer Punkt der Pentateuchkritik: Auf dem Wege zu einer Neubegründung der de Wette’schen Hypothese.” Pages 321-39 in *Deuteronomy and Deuteronomistic Literature: Festschrift C. H. W. Berkelmas*. Edited by Marc Vervenne, Johan Lust. BEThL 133. Leuven: Peeters, 1997.
- . “Forschungen zur Priesterschrift.” *TRu* 62 (1997): 1-50.
- Pakkala, Juha. “The Dating of Deuteronomy: A Response to Nathan MacDonald.” *ZAW* 123 (2011): 431-36.
- . “The Quotations and References of the Pentateuchal Laws in Ezra-Nehemiah.” Pages 193-221 in *Changes in Scripture: Rewriting and Interpreting Authoritative Traditions in the Second Temple Period*. Edited by Hanne von Weissenberg, Juha Pakkala, and Marko Marttila. BZAW 419. Berlin: de Gruyter, 2011.
- . “Intermarriage and Group Identity in the Ezra Tradition [Ezra 7-10 and Neh 8].” Pages 78-88 in *Mixed Marriages: Intermarriage and Group Identity in the Second Temple Period*. Edited by Christian Frevel. LHBOTS 547. New York: T & T Clark, 2011.
- . “Why 1 Esdras is Probably Not an Early Version of the Ezra-Nehemiah Tradition.” Pages 93-107 in *Was 1 Esdras First? An Investigation into the Priority and Nature of 1 Esdras*. Edited by Lisbeth S. Fried. SBLAIL 8. Atlanta: Society of Biblical Literature, 2011.
- . “The Date of the Oldest Edition of Deuteronomy.” *ZAW* 121 (2009): 388-401.
- . “The Disunity of Ezra-Nehemiah.” Pages 200-15 in *Unity and Disunity in Ezra-Nehemiah: Redaction, Rhetoric, and Reader*. Edited by Mark J. Boda, Paul L. Redditt. HBM 18. Sheffield: Sheffield Phoenix, 2008.
- . *Ezra the Scribe: The Development of Ezra 7-10 and Nehemia 8*. BZAW 347. Berlin: de Gruyter, 2004.
- Paran, Meir. *Forms of the Priestly Style in the Pentateuch: Patterns, Linguistic Usages, Syntactic Structures* [דרכי הסגנון הכוהני בתורה: דגמים, שימושי לשון, מבנים]. Introduction by Menahem Haran. Jerusalem: Magnes, 1989.
- Perlitt, Lothar. “Priesterschrift im Deuteronomium?” *ZAW* 100 Supplement (1988): 65-88. Repr., pages 123-43 in *Deuteronomium-Studien*. FAT 8. Tübingen: Mohr, 1994.
- . “Mose als Prophet.” *EvTh* 31 (1971): 588-608. Repr., pages 1-19 in *Deuteronomium-Studien*. FAT 8. Tübingen: Mohr, 1994.
- Pohlmann, Karl-Friedrich. “Zur Frage von Korrespondenzen und Divergenzen zwischen den Chronikbüchern und dem Esra/Nehemia-buch.” Pages 314-30 in *Congress Volume: Leuven, 1989*. Edited by John A. Emerton. VTSupp 43. Leiden: Brill, 1991.
- . *Studien zum dritten Esra: Ein Beitrag zur Frage nach dem ursprünglichen Schluß des chronistischen Geschichtswerkes*. FRLANT 104. Göttingen: Vandenhoeck & Ruprecht, 1970.

- Pola, Thomas. *Die ursprüngliche Priesterschrift: Beobachtungen zur Literarkritik und Traditionsgeschichte von P^g*. WMANT 70. Neukirchen-Vluyn: Neukirchener Verlag, 1995.
- Polzin, Robert. *Late Biblical Hebrew: Toward an Historical Typology of Biblical Hebrew Prose*. HSM 12. Missoula, Mont.: Scholars, 1976.
- Porten, Bezalel and Ada Yardeni, eds. *Textbook of Aramaic Documents from Ancient Egypt*. 4 vols. Jerusalem: Hebrew University, 1986-1999.
- Prichard, James B., ed. *Ancient Near Eastern Texts Relating to the Old Testament*. 3rd ed. Princeton: Princeton University Press, 1969.
- Pröbstl, Volker. *Nehemia 9, Psalm 106 und Psalm 136 und die Rezeption des Pentateuchs*. Göttingen: Cuvillier Verlag, 1997.
- Propp, William H. C. *Exodus 19-40: A New Translation with Introduction and Commentary*. AB 2A. New York/London: Doubleday, 2006.
- . *Exodus 1-18: A New Translation with Introduction and Commentary*. AB 2. New York/London: Doubleday, 1999.
- Pury, Albert de. "P^g as the Absolute Beginning." Pages 99-128 in *Les Dernières Rédactions du Pentateuque, de l'Hexateuque et de l'Ennéateuque*. Edited by Thomas Römer, Konrad Schmid. BETHL 203. Leuven: Peeters, 2007.
- Rad, Gerhard von. *Das formgeschichtliche Problem des Hexateuch*. BWANT 4. Stuttgart: Kohlhammer, 1938. Repr., "Das formgeschichtliche Problem des Hexateuch." Pages 9-86 in *Gesammelte Studien zum Alten Testament*. TB 8. Munich: Kaiser, 1958. Eng., "The Form-Critical Problem of the Hexateuch." Pages 1-78 in *The Problem of the Hexateuch and Other Essays*. Translated by E. W. Trueman Dicken. Edinburgh/London: Oliver & Boyd, 1966.
- . *Das Geschichtsbild des chronistischen Werkes*. BWANT 4/3. Stuttgart: Kohlhammer, 1930.
- Redditt, Paul L. "The Dependence of Ezra-Nehemiah on 1 and 2 Chronicles." Pages 216-40 in *Unity and Disunity in Ezra-Nehemiah: Redaction, Rhetoric, and Reader*. Edited by Mark J. Boda, Paul L. Redditt. HBM 18. Sheffield: Sheffield Phoenix, 2008.
- Rehm, Martin. "Nehemia 9." *BZ* 1 (1957): 59-69.
- Reinmuth, Titus. *Der Bericht Nehemias: Zur literarischen Eigenart, traditionsgeschichtlichen Prägung und innerbiblischen Rezeption des Ich-Berichts Nehemias*. OBO 183. Freiburg: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht, 2002.
- . "Reform und Tora bei Nehemia. Neh 10,31-40 und die Autorisierung der Tora in der Perserzeit." *ZABR* 7 (2001): 287-317.
- Rendsburg, Gary A. "Some False Leads in the Identification of Late Biblical Hebrew Texts: The Cases of Genesis 24 and 1 Samuel 2:27-36." *JBL* 121 (2002): 23-46.
- . "The Northern Origin of Nehemiah 9." *Bib* 72 (1991): 348-66.
- . "Late Biblical Hebrew and the Date of P." *JANESCU* 12 (1980): 65-80.

- Rendtorff, Rolf. "Noch einmal: Esra und das »Gesetz«." ZAW 111 (1999): 89-91.
- . "Nehemiah 9: An Important Witness of Theological Reflection." Pages 111-17 in *Tehillah le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg*. Edited by Mordechai Cogan, Barry L. Eichler, and Jeffrey H. Tigay. Winona Lake, Ind.: Eisenbrauns, 1997. Repr., pages 265-71 in *Der Text in seiner Endgestalt: Schritte auf dem Weg zu einer Theologie des Alten Testaments*. Neukirchen-Vluyn: Neukirchen Verlag, 2001.
- . "The *gēr* in the Priestly Laws of the Pentateuch." Pages 77-87 in *Ethnicity and the Bible*. Edited by Mark G. Brett. BIS 19. Leiden/New York/Köln: Brill, 1996.
- . *Die "Bundesformel": Eine exegetisch-theologische Untersuchung*. StB 160. Stuttgart: Verlag Katholisches Bibelwerk, 1995. Eng., *The Covenant Formula: An Exegetical and Theological Investigation*. Translated by Margaret Kohl. OTS. Edinburgh: T & T Clark, 1998.
- . "Esra und das »Gesetz«." ZAW 96 (1984): 165-184.
- . *Das Überlieferungsgeschichtliche Problem des Pentateuch*. BZAW 147. Berlin: de Gruyter, 1977. Eng., *The Problem of the Process of Transmission in the Pentateuch*. Translated by John J. Scullion. JSOTSupp 89. Sheffield: JSOT, 1990.
- Römer, Thomas. "Zwischen Urkunden, Fragmenten und Ergänzungen: Zum Stand der Pentateuchforschung." ZAW 125 (2013): 2-24.
- . "Israel's Sojourn in the Wilderness and the Construction of the Book of Numbers." Pages 419-45 in *Reflection and Refraction: Studies in Biblical Historiography in Honour of A. Graeme Auld*. Edited by Robert Rezetko, Timothy H. Lim, W. Brian Aucker. VTSupp 113. Leiden/Boston: Brill, 2007.
- . "Das Buch Numeri und das Ende des Jahwisten: Anfragen zur »Quellenscheidung« im vierten Buch des Pentateuch." Pages 215-31 in *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion*. Edited by Jan Christian Gertz, Konrad Schmid, Markus Witte. BZAW 315. Berlin/New York: de Gruyter, 2002.
- . "Résumer l'histoire en l'inventant. Formes et fonctions des «sommaries historiques» de l'Ancien Testament." RTP 125 (1993): 21-39.
- . "Le Deutéronome à la quête des origines." Pages 65-98 in *Le Pentateuque: Débats et recherches*. Edited by Pierre Haudebert. LD 151. Paris: Éditions du Cerf, 1992. Eng., "Deuteronomy in Search of Origins." Pages 112-38 in *Reconsidering Israel and Judah: Recent Studies on the Deuteronomistic History*. Translated by Peter T. Daniels. Edited by Gary N. Knoppers, J. Gordon McConville. SBTS 8. Winona Lake, Ind.: Eisenbrauns, 2000.
- . *Israels Väter. Untersuchungen zur Väterthematik im Deutoronomium und in der deuteronomistischen Tradition*. OBO 99. Freiburg: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht, 1990.
- Römer, Thomas and Marc Z. Brettler. "Deuteronomy 34 and the Case for a Persian Hexateuch." JBL 119 (2000): 401-19.

- Rofé, Alexander. *Deuteronomy: Issues and Interpretation*. OTS. London: T & T Clark, 2002.
- Rooke, Deborah W. *Zadok's Heirs: The Role and Development of the High Priesthood in Ancient Israel*. OTM. Oxford/New York: Oxford University Press, 2000.
- Rothenbusch, Ralf. "...abgesondert zur Tora Gottes hin": *ethnisch-religiöse Identitäten im Esra/Nehemiabuch*. HBS 70. Freiburg: Koch Neff & Volckmar, 2012.
- . "The Question of Mixed Marriages between the Poles of Diaspora and Homeland: Observations in Ezra/Nehemiah." Pages 60-77 in *Mixed Marriages: Intermarriage and Group Identity in the Second Temple Period*. Edited by Christian Frevel. LHBOTS 547. New York: T & T Clark, 2011.
- Rowley, H. H. "The Chronological Order of Ezra and Nehemiah." Pages 137-68 in *The Servant of the Lord*. 2nd ed., Oxford: Blackwell, 1965.
- Rudolph, Wilhelm. *Esra und Nehemia samt 3. Esra*. HAT 20. Tübingen: Mohr Siebeck, 1949.
- . *Der "Elohist" von Exodus bis Josua*. BZAW 68. Berlin: A. Töppelmann, 1938.
- Sacchi, Paolo. *The History of the Second Temple Period*. Translation of *Storia del Secondo Tempio: Israele tra VI secolo a.C e I secolo d.C.* (Turin: Società Editrice Internazionale, 1994) by Thomas Kirk. JSOTSupp 285. Sheffield: Sheffield Academic, 2000. Repr., London: T & T Clark, 2004.
- Satlow, Michael L. *Jewish Marriage in Antiquity*. Princeton, N.J.: Princeton University Press, 2001.
- Saysell, Csilla. "According to the Law": *Reading Ezra 9-10 as Christian Scripture*. JTISupp 4. Winona Lake, Ind.: Eisenbrauns, 2012.
- Schaeder, Hans Heinrich. *Esra der Schreiber*. BZT 5. Tübingen: Mohr Siebeck, 1930. Repr., Nendeln: Kraus Reprint, 1966.
- Schaper, Joachim. *Priester und Leviten im achämenidischen Juda: Studien zur Kult- und Sozialgeschichte Israels in persischer Zeit*. FAT 31. Tübingen: Mohr Siebeck, 2000.
- . "Hebrew and its Study in the Persian Period." Pages 15-26 in *Hebrew Study from Ezra to Ben-Yehuda*. Edited by William Horbury. Edinburgh: T & T Clark, 1999.
- . "The Temple Treasury Committee in the Times of Nehemiah and Ezra." VT 47 (1997): 200-6.
- . "The Jerusalem Temple as an Instrument of the Achaemenid Fiscal Administration." VT 45 (1995): 528-539.
- Schiffman, Lawrence H. "The Case of the Day of Atonement Ritual." Pages 181-88 in *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls. Proceedings of the First International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 12-14 May 1996*. Edited by Michael E. Stone and Esther G. Chazon. Leiden/Boston: Brill, 1998.
- Schmid, Konrad. "The Canon and the Cult: The Emergence of Book Religion in Ancient Israel and the Gradual Sublimation of the Temple Cult." JBL 131 (2012): 289-305.

- . “Genesis and Exodus as Two Formerly Independent Traditions of Origins for Ancient Israel.” *Bib* 93 (2012): 187-208.
- . “Has European Scholarship Abandoned the Documentary Hypothesis? Some Reminders on Its History and Remarks on Its Current Status.” Pages 17-30 in *The Pentateuch: International Perspectives on Current Research*. Edited by Thomas B. Dozeman, Konrad Schmid, Baruch J. Schwartz. FAT 78. Tübingen: Mohr Siebeck, 2011.
- . *Literaturgeschichte des Alten Testaments: eine Einführung*. Darmstadt: Wissenschaftliche Buchgesellschaft, 2008. Eng., *The Old Testament: A Literary History*. Translated by Linda M. Maloney. Minneapolis: Fortress, 2012.
- . “The Late Persian Formation of the Torah: Observations on Deuteronomy 34.” Pages 237-50 in *Judah and the Judeans in the Fourth Century B.C.E.* Edited by Oded Lipschits, Gary N. Knoppers, Rainer Albertz. Winona Lake, Ind.: Eisenbrauns, 2007.
- . “The Persian Imperial Authorization as a Historical Problem and as a Biblical Construct: A Plea for Distinctions in the Current Debate.” Pages 23-38 in *The Pentateuch as Torah: New Models for Understanding its Promulgation and Acceptance*. Edited by Gary N. Knoppers and Bernard M. Levinson. Winona Lake, Ind.: Eisenbrauns, 2007.
- . *Erzväter und Exodus: Untersuchungen zur doppelten Begründung der Ursprünge Israels innerhalb der Geschichtsbücher des Alten Testaments*. WMANT 81. Neukirchen-Vluyn: Neukirchener Verlag, 1999. Eng., *Genesis and the Moses Story: Israel's Dual Origins in the Hebrew Bible*. Translated by James D. Nogalski. Siphrut 3. Winona Lake, Ind.: Eisenbrauns, 2010.
- Schmidt, Ludwig. “Die vorpriesterliche Verbindung von Erzvätern und Exodus durch die Josefsgeschichte (Gen 37; 39-50*) und Exodus 1.” *ZAW* 124 (2012): 19-37.
- . “Die Priesterschrift—kein Ende am Sinai!” *ZAW* 120 (2008): 481-500.
- . “Die Priesterschrift in Exodus 16.” *ZAW* 119 (2007): 483-98.
- Schmitt, Hans-Christoph. “Das sogenannte jahwistische Privilegrecht in Ex 34,10-28 als Komposition der spätdeuteronomistischen Endredaktion des Pentateuch.” Pages 157-71 in *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion*. Edited by Jan Christian Gertz, Konrad Schmid, Markus Witte. BZAW 315. Berlin/New York: de Gruyter, 2002.
- . “Das spätdeuteronomistische Geschichtswerk Genesis i - 2 Regum xxv und seine theologische Intention.” Pages 261-79 in *Congress Volume, Cambridge 1995*. Edited by John A. Emerton. VTSupp 66. Leiden/New York: Brill, 1997.
- Schniedewind, William M. *A Social History of Hebrew: Its Origins Through the Rabbinic Period*. AYBRL. New Haven, Conn./London: Yale University Press, 2013.
- . *How the Bible Became a Book: The Textualization of Ancient Israel*. Cambridge/New York: Cambridge University Press, 2004.
- Schwartz, Baruch J. “Miqrā' Qodesh and the Structure of Leviticus 23.” Pages 11-24 in *Purity and Holiness in Ancient Israel, Judaism, and Christianity: Essays in Memory of Susan Haber*.

- Edited by Carl S. Ehrlich, Anders Runesson, Eileen Schuller. WUNT 305. Tübingen: Mohr Siebeck, 2013.
- . “How the Compiler of the Pentateuch Worked: The Composition of Genesis 37.” Pages 263-78 in *The Book of Genesis: Composition, Reception, and Interpretation*. Edited by Craig A. Evans, Joel N. Lohr, David L. Petersen. VTSupp 152. Leiden: Brill, 2012.
 - . “Does Recent Scholarship’s Critique of the Documentary Hypothesis Constitute Grounds for Its Rejection?” Pages 3-16 in *The Pentateuch: International Perspectives on Current Research*. Edited by Thomas B. Dozeman, Konrad Schmid, Baruch J. Schwartz. FAT 78. Tübingen: Mohr Siebeck, 2011.
 - . “The Torah—Its Five Books and Four Documents” [התורה: חמשת חומשיה וארבע תעודותיה]. Pages 1:161-225 in *The Literature of the Hebrew Bible: Introductions and Studies* [ספרות המקרא: מבואות ומחקרים]. 2 vols. Edited by Zipora Talshir. Jerusalem: Yad Ben-Zvi, 2011.
 - . “Introduction: The Strata of the Priestly Writings and the Revised Relative Dating of P and H.” Pages 1-12 in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*. Edited by Sarah Shectman, Joel S. Baden. AThANT 95. Zürich: Theologischer Verlag Zürich, 2009.
 - . “Reexamining the Fate of the ‘Canaanites’ in the Torah Traditions.” Pages 151-70 in *Sefer Moshe: The Moshe Weinfeld Jubilee Volume. Studies in the Bible and the Ancient Near East, Qumran, and Post-Biblical Judaism*. Edited by Chaim Cohen, Avi Hurvitz, Shalom M. Paul. Winona Lake, Ind.: Eisenbrauns, 2004.
 - . “Israel’s Holiness: The Torah Traditions.” Pages 47-59 in *Purity and Holiness: the Heritage of Leviticus*. Edited by Marcel Poorthuis and Joshua Schwartz. JCP 2. Leiden: Brill, 2000.
 - . *The Holiness Legislation: Studies in the Priestly Code* [תורת הקדושה: עיונים בחוקה הכהנית]. Jerusalem: Magnes, 1999.
 - . “The Priestly Account of the Theophany and Lawgiving at Sinai.” Pages 112-132 in *Texts, Temples, and Traditions: A Tribute to Menahem Haran*. Edited by Michael V. Fox, Victor A. Hurowitz, Avi Hurvitz, Michael L. Klein, Baruch J. Schwartz, Nili Shupak. Winona Lake, Ind.: Eisenbrauns, 1996.
- Schwiderski, Dirk. *Handbuch des nordwestsemitischen Briefformulars: ein Beitrag zur Echtheitsfrage der aramäischen Briefe des Esrabuches*. BZAW 295. Berlin/New York: de Gruyter, 2000.
- Shectman, Sarah. *Women in the Pentateuch: A Feminist and Source-Critical Analysis*. HBM 23. Sheffield: Sheffield Academic, 2009.
- Ska, Jean-Louis. “From History Writing to Library Binding: The End of History and the Birth of the Book.” Pages 145-69 in *The Pentateuch as Torah: New Models for Understanding its Promulgation and Acceptance*. Edited by Gary N. Knoppers and Bernard M. Levinson. Winona Lake, Ind.: Eisenbrauns, 2007.

- . “The Yahwist, a Hero with a Thousand Faces. A Chapter in the History of Modern Exegesis.” Pages 1-23 in *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion*. Edited by Jan Christian Gertz, Konrad Schmid, Markus Witte. BZAW 315. Berlin/New York: de Gruyter, 2002.
- . “‘Persian Imperial Authorization’: Some Question Marks.” Pages 161-182 in *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch*. Edited by James W. Watts. SBLSymS 17. Atlanta: Society of Biblical Literature, 2001.
- . “Le repas de Ex 24,11.” *Bib* 74 (1993): 305-27.
- Skehan, Patrick W. and Alexander A. Di Lella. *The Wisdom of Ben Sira: A New Translation with Notes*. AB 39. New York: Doubleday, 1987.
- Skinner, John. *A Critical and Exegetical Commentary on Genesis*. ICC. Edinburgh: T & T Clark, 1910.
- Smith, Morton. *Palestinian Parties and Politics that Shaped the Old Testament*. New York: Columbia University Press, 1971. Repr., London: SCM, 1987.
- Smith-Christopher, Daniel. “Between Ezra and Isaiah: Exclusion, Transformation and Inclusion of the ‘Foreigner’ in Post-Exilic Biblical Theology.” Pages 117-42 in *Ethnicity and the Bible*. Edited by Mark G. Brett. BIS 19. Leiden/New York/Köln: Brill, 1996.
- . “The Mixed Marriage Crisis in Ezra 9-10 and Nehemiah 13: A Study of the Sociology of Post-Exilic Judaeon Community.” Pages 243-65 in *Second Temple Studies II: Temple and Community in the Persian Period*. Edited by Tamara Cohn Eskenazi, Kent H. Richards. JSOTSupp 175. Sheffield: Sheffield Academic, 1994.
- Snaith, Norman. “A Note on Ezra viii. 35.” *JTS* n.s. 22 (1971): 150-52.
- Sommer, Benjamin D. “Dating Pentateuchal Texts and the Perils of Pseudo-Historicism.” Pages 85-108 in *The Pentateuch: International Perspectives on Current Research*. Edited by Thomas B. Dozeman, Konrad Schmid, Baruch J. Schwartz. FAT 78. Tübingen: Mohr Siebeck, 2011.
- . *The Bodies of God and the World of Ancient Israel*. Cambridge/New York: Cambridge University Press, 2009.
- . “Reflecting on Moses: The Redaction of Numbers 11.” *JBL* 118 (1999): 601-24.
- . “Did Prophecy Cease? Evaluating a Reevaluation.” *JBL* 115 (1995): 31-47.
- Southwood, Katherine E. *Ethnicity and the Mixed Marriage Crisis in Ezra 9-10: An Anthropological Approach*. OTM. Oxford: Oxford University Press, 2012.
- . “The Holy Seed: The Significance of Endogamous Boundaries and Their Transgression in Ezra 9-10.” Pages 189-224 in *Judah and Judeans in the Achaemenid Period: Negotiating Identity in an International Context*. Edited by Oded Lipschits, Gary N. Knoppers, and Manfred Oeming. Winona Lake, Ind.: Eisenbrauns, 2011.
- . “An Ethnic Affair? Ezra’s Intermarriage Crisis Against a Context of ‘Self-Ascription’ and ‘Ascription of Others.’” Pages 46-59 in *Mixed Marriages: Intermarriage and Group*

- Identity in the Second Temple Period*. Edited by Christian Frevel. LHBOTS 547. New York: T & T Clark, 2011.
- . “‘And They Could Not Understand Jewish Speech’: Language, Ethnicity, and Nehemiah’s Intermarriage Crisis.” *JTS* n.s. 62 (2011): 1-19.
- Spawn, Kevin L. “As It Is Written” and Other Citation Formulae in the Old Testament: Their Use, Development, Syntax, and Significance. BZAW 311. Berlin: de Gruyter, 2002.
- Speiser, E. A. *Genesis: Introduction, Translation, and Notes*. AB 1. Garden City, NY: Doubleday, 1964.
- Spinoza, Baruch. *Theologico-Political Treatise*. Translated by M. Silverthorne and J. Israel. CTHP. Cambridge: Cambridge University Press, 2007.
- Stackert, Jeffrey. “Distinguishing Innerbiblical Exegesis from Pentateuchal Redaction: Leviticus 26 as a Test Case.” Pages 369-86 in *The Pentateuch: International Perspectives on Current Research*. Edited by Thomas B. Dozeman, Konrad Schmid, Baruch J. Schwartz. FAT 78. Tübingen: Mohr Siebeck, 2011.
- . “The Holiness Legislation and its Pentateuchal Sources: Revision, Supplementation, and Replacement.” Pages 188-204 in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*. Edited by Sarah Shectman, Joel S. Baden. AThANT 95. Zürich: Theologischer Verlag Zürich, 2009.
- . *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*. FAT 52. Tübingen: Mohr Siebeck, 2009.
- Steiner, Richard C. “The MBQR at Qumran, the Episkopos in the Athenian Empire, and the Meaning of LBQR³ in Ezra 7:14: On the Relation of Ezra’s Mission to the Persian Legal Project.” *JBL* 120 (2001): 623-46.
- . “תָּבַח and פָּדָה: Two Verbs Masquerading as Nouns in Moses’ Blessing (Deuteronomy 33:2, 28).” *JBL* 115 (1996): 693-698.
- Steiner, Richard C. and Sid Z. Leiman. “The Lost Meaning of Deuteronomy 32 as Preserved in the Palestinian Targum to the Decalogue.” Pages 157-66 in *Mishneh Todah: Studies in Deuteronomy and Its Cultural Environment in Honor of Jeffrey H. Tigay*. Edited by Nilli S. Fox, David A. Glatt-Gilad, and Michael J. Williams. Winona Lake, Ind.: Eisenbrauns, 2009.
- Sternberg, Meir. *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading*. IndStBL. Bloomington, Ind.: Indiana University Press, 1985.
- Talshir, David. “A Reinvestigation of the Linguistic Relationship between Chronicles and Ezra-Nehemiah.” *VT* 38 (1988): 165-93.
- Talshir, Zipora. *I Esdras: A Text-Critical Commentary*. SBLSCS 50. Atlanta: Society of Biblical Literature, 2001.
- . *I Esdras: From Origin to Translation*. SBLSCS 47. Atlanta: Society of Biblical Literature, 1999.
- . “Ezra-Nehemiah and First Esdras.” *Bib* 81 (2000): 566-73.

- Thames, John T., Jr. "A New Discussion of the Meaning of the Phrase ^ʿam hā^ʾāreṣ in the Hebrew Bible." *JBL* 130 (2011): 109-25.
- Throntveit, Mark. "Linguistic Analysis and the Question of Authorship in Chronicles, Ezra and Nehemiah." *VT* 32 (1982): 201-16.
- Tiemeyer, Lena-Sofia. *Priestly Rites and Prophetic Rage*. FAT.II 19. Tübingen: Mohr Siebeck, 2006.
- Tigay, Jeffrey. "Conflation as a Redactional Technique." Pages 53-95 in *Empirical Models for Biblical Criticism*. Edited by Jeffrey Tigay. Philadelphia: University of Pennsylvania Press, 1985.
- . "An Empirical Basis for the Documentary Hypothesis." *JBL* 94 (1975): 329-42.
- Toeg, Arie. "Does Deuteronomy XXIV 1-4 Incorporate a General Law on Divorce?" *Disr* 2 (1970): 5-24.
- Toorn, Karel van der. *Scribal Culture and the Making of the Hebrew Bible*. Cambridge, Mass.: Harvard University Press, 2007.
- Torrey, C. C. *The Chronicler's History of Israel: Chronicles-Ezra-Nehemiah Restored to its Original Form*. New Haven, Conn.: Yale University Press, 1954.
- . *Ezra Studies*. Chicago: University of Chicago Press, 1910. Repr., LBS. New York: Ktav, 1970.
- . *The Composition and Historical Value of Ezra-Nehemiah*. BZAW 2. Giessen: J. Ricker, 1896.
- Tov, Emanuel. *Textual Criticism of the Hebrew Bible*. 2nd. rev. ed. Minneapolis: Fortress/Assen: Royal Van Gorcum, 2001. 3rd. rev. exp. ed. Minneapolis: Fortress, 2012.
- . "4QReworked Pentateuch: A Synopsis of its Contents." *RevQ* 16 (1995): 647-53. Repr., pages 20-26 in *Hebrew Bible, Greek Bible, and Qumran*. TSAJ 121. Tübingen: Mohr Siebeck, 2008.
- Ulfsgard, Håkan. *The Story of Sukkot: The Setting, Shaping and Sequel of the Biblical Fest of Tabernacles*. BGBE 34. Tübingen: Mohr Siebeck, 1998.
- Vaka'uta, Nasili. *Reading Ezra 9-10 Tu'a-Wise: Rethinking Biblical Interpretation in Oceania*. SBLIVBS 3. Atlanta: Society of Biblical Literature, 2011.
- Van Seters, John. *The Edited Bible: The Curious History of the "Editor" in Biblical Criticism*. Winona Lake, Ind.: Eisenbrauns, 2006.
- . "The Patriarchs and the Exodus: Bridging the Gap between Two Origin Traditions." Pages 1-15 in *The Interpretation of Exodus: Studies in Honour of Cornelis Houtman*. Edited by Riemer Roukema. CBET 44. Leuven: Peeters, 2006.
- . *A Law Book for the Diaspora: Revision in the Study of the Covenant Code*. New York/Oxford: Oxford University Press, 2003.
- . "In the Babylonian Exile with J: Between Judgment in Ezekiel and Salvation in Second Isaiah." Pages 71-89 in *The Crisis of Israelite Religion: Transformation of Religions*

- Tradition in Exilic and Post-Exilic Times*. Edited by Bob Becking and Marjo C. A. Korpel. OtSt 42. Leiden/Boston/Köln: Brill, 1999.
- . “The Theology of the Yahwist: A Preliminary Sketch.” Pages 219-28 in “*Wer ist wie du, HERR, unter den Göttern?*”: *Studien zur Theologie und Religionsgeschichte Israels; für Otto Kaiser zum 70. Geburtstag*. Edited by Ingo Kottsieper, Jürgen van Oorschot, Diethard Römheld, Harald Martin Wahl. Göttingen: Vandenhoeck & Ruprecht, 1994.
- . *Prologue to History: The Yahwist as Historian in Genesis*. Louisville, Ky.: Westminster John Knox, 1992.
- . “The Religion of the Patriarchs in Genesis.” *Bib* 61 (1980): 220-33.
- . *Abraham in History and Tradition*. New Haven, Conn.: Yale University Press, 1975.
- . “The Terms ‘Amorite’ and ‘Hittite’ in the Old Testament.” *VT* 22 (1972): 64-81. Repr., pages 55-71 in *Changing Perspectives I: Studies in the History, Literature, and Religion of Biblical Israel*. CIS. London: Equinox, 2011.
- VanderKam, James C. *From Joshua to Caiaphas: High Priests After the Exile*. Minneapolis: Fortress/Assen: Van Gorcum, 2004.
- . “Ezra-Nehemiah or Ezra and Nehemiah?” Pages 55-75 in *Priests, Prophets and Scribes: Essays on the Formation and Heritage of Second Temple Judaism in Honour of Joseph Blenkinsopp*. Edited by Eugene Ulrich, John W. Wright, Robert P. Carroll, Philip R. Davies. JSOTSupp 149. Sheffield: JSOT, 1992.
- Vermeulen, Jacques. “Les deux «pentateuques» d’Esdras.” *VT* 62 (2012): 248-75.
- . “The Gracious God, Sinners and Foreigners: How Nehemiah 9 Interprets the History of Israel.” Pages 77-114 in *History and Identity: How Israel’s Later Authors Viewed Its Earlier History*. Edited by Núria Calduch-Benages and Jan Liesen. DCLY 2006. Berlin/New York: de Gruyter, 2006.
- Vogt, Herbertus C. M. *Studie zur nachexilischen Gemeinde in Esra-Nehemia*. Werl: Kommissionsverlag Dietrich Coelde, 1966.
- Volz, Paul and Wilhelm Rudolph. *Der Elohist als Erzähler: Ein Irrweg der Pentateuchkritik?* BZAW 63. Giessen: A. Töppelmann, 1933.
- Watts, James W. “Using Ezra’s Time as a Methodological Pivot for Understanding the Rhetoric and Functions of the Pentateuch.” Pages 489-506 in *The Pentateuch: International Perspectives on Current Research*. Edited by Thomas B. Dozeman, Konrad Schmid, Baruch J. Schwartz. FAT 78. Tübingen: Mohr Siebeck, 2011.
- . “The Torah as the Rhetoric of Priesthood.” Pages 319-31 in *The Pentateuch as Torah: New Models for Understanding its Promulgation and Acceptance*. Edited by Gary N. Knoppers and Bernard M. Levinson. Winona Lake, Ind.: Eisenbrauns, 2007.
- . “The Legal Characterization of Moses in the Rhetoric of the Pentateuch.” *JBL* 117 (1998): 415-26.

- Weimar, Peter. *Die Berufung des Mose: literaturwissenschaftliche Analyse von Exodus 2,23-5,5*. OBO 32. Freiburg: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht, 1980.
- Weinberg, Joel P. "Zentral- und Partiukulargewalt im achämenidischen Reich." *Klio* 59 (1977): 25-43. Eng., "Central and Local Administration in the Achaemenid Empire." Pages 105-26 in *Citizen-Temple Community*. Translated by Daniel L. Smith-Christopher. JSOTSupp 151. Sheffield: JSOT, 1992.
- . "Netînîm und 'Söhne der Sklaven Salomos' in 6.-4. Jh. v.u.Z." *ZAW* 87 (1975): 355-71. Eng., "Netînîm and 'Sons of the Slaves of Solomon' in the Sixth to Fourth Century BCE." Pages 75-91 in *The Citizen-Temple Community*. Translated by Daniel L. Smith-Christopher. JSOTSupp 151. Sheffield: JSOT, 1992.
- . "Der 'ammē hā'āreš des 6.-4. Jh. v.u.Z." *Klio* 56 (1974): 325-35. Eng., "The 'Am Hā'āreš of the Sixth to Fourth Centuries BCE." Pages 62-74 in *The Citizen-Temple Community*. Translated by Daniel L. Smith-Christopher. JSOTSupp 151. Sheffield: JSOT, 1992.
- . "Das Beit 'Abot im 6.-4. Jh. v.u.Z." *VT* 23 (1973): 400-14. Eng., "The Bêt Abôt in the Sixth to Fourth Century BCE." Pages 49-61 in *The Citizen-Temple Community*. Translated by Daniel L. Smith-Christopher. JSOTSupp 151. Sheffield: JSOT, 1992.
- Weinfeld, Moshe. *The Place of the Law in the Religion of Ancient Israel*. VTSupp 100. Leiden/Boston: Brill, 2004.
- . *Deuteronomy 1-11: A New Translation with Introduction and Commentary*. AB 5. New York/London: Doubleday, 1991.
- . *Deuteronomy and the Deuteronomistic School*. Oxford: Clarendon, 1972. Repr., Winona Lake, Ind.: Eisenbrauns, 1992.
- Weingreen, Jacob. "The Case of the Blasphemer (Leviticus XXIV 10 ff.)." *VT* 22 (1972): 118-23.
- Welch, A. C. "The Source of Nehemiah IX." *ZAW* 47 (1929): 130-37.
- Wellhausen, Julius. *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments*. Berlin: G. Reimer, 1889. 4th repr., Berlin: de Gruyter, 1963.
- . *Prolegomena zur Geschichte Israels*. 2nd ed. Berlin: G. Reimer, 1883. Eng., *Prolegomena to the History of Israel*. Translated by J. Sutherland Black and Allan Enzies with preface by W. Robertson Smith. Edinburgh: Adam & Charles Black, 1885. Repr., *Prolegomena to the History of Ancient Israel*. New York: Meridian Books, 1957.
- Wenham, Gordon. "The Restoration of Marriage Reconsidered." *JJS* 30 (1979): 36-40.
- Werline, Rodney A. *Penitential Prayer in Second Temple Judaism: The Development of a Religious Institution*. SBLEJL 13. Atlanta: Scholars, 1998.
- Westbrook, Raymond. "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4." *ScrH* 31 (1986): 387-405.
- Wette, Wilhelm M. L. de. "Dissertatio critico-exegetica, qua Deuteronomium a prioribus Pentateuchi libris diversum, alius cuiusdam recentioris auctoris opus esse

- monstratur." Ph.D. diss. Jena, 1805. Repr., pages 149-68 in *Opuscula theologica*. Berlin: Apud G. Reimerum, 1833.
- Weyde, Karl William. *The Appointed Festivals of YHWH: The Festival Calendar in Leviticus 23 and the sukkôt Festival in Other Biblical Texts*. FAT.II 4. Tübingen: Mohr Siebeck, 2004.
- . "'And They Found it Written in the Law': Exegetical Procedures Reflected in Neh 8:13-18." Pages 143*-163* in *Shai le-Sara Japhet: Studies in the Bible, its Exegesis and its Language* [ש"י לשרה יפת: מחקרים במקרא, בקרשנותו ובלשונו]. Edited by Mosheh Bar-Asher, Dalit Rom-Shiloni, Emanuel Tov, Nili Wazana. Jerusalem: Mosad Bialik, 2007.
- White Crawford, Sidnie and Christopher A. Hoffmann. "A Note on 4Q365, Frg. 23 and Nehemiah 10:33-36." *RevQ* 23 (2008): 429-30.
- Widengren, Geo. "The Persian Period." Pages 489-538 in *Israelite and Judean History*. Edited by John H. Hayes and J. Maxwell Miller. OTL. Philadelphia: Westminster/London: SCM, 1977.
- Willi, Thomas. *Juda-Jehud-Israel: Studien zum Selbstverständnis des Judentums in persischer Zeit*. FAT 12. Tübingen: Mohr Siebeck, 1995.
- Williamson, H. G. M. "The Aramaic Documents in Ezra Revisited." *JTS* n.s. 59 (2008): 41-62.
- . "The Torah and History in Presentations of Restoration in Ezra-Nehemiah." Pages 156-70 in *Reading the Law: Studies in Honour of Gordon J. Wenham*. Edited by J. Gordon McConville, Karl Möller. LHBOTS 461. New York/London: T & T Clark, 2007.
- . "The Family in Persian Period Judah: Some Textual Reflections." Pages 469-85 in *Symbiosis, Symbolism, and the Power of the Past: Canaan, Ancient Israel, and their Neighbors from the Late Bronze Age through Roman Palaestina. Proceedings of the Centennial Symposium, W. F. Albright Institute of Archaeological Research and American Schools of Oriental Research, Jerusalem, May 29/31, 2000*. Edited by William G. Dever, Seymour Gitin. Winona Lake, Ind.: Eisenbrauns, 2003.
- . "Structure and Historiography in Nehemiah 9." Pages 117-31 in *Proceedings of the Ninth World Congress of Jewish Studies. Panel Sessions: Bible Studies and Ancient Near East*. Edited by Moshe Goshen-Gottstein. Jerusalem: World Union of Jewish Studies, 1988. Repr., pages 282-93 in *Studies in Persian Period History and Historiography*. FAT 38. Tübingen: Mohr Siebeck, 2004.
- . "History." Pages 25-38 in *It Is Written: Scripture Citing Scripture. Essays in Honour of Barnabas Lindars*. Edited by D. A. Carson and H. G. M. Williamson. Cambridge: Cambridge University Press, 1988. Repr., "Scripture Citing Scripture: The Historical Books." Pages 232-43 in *Studies in Persian Period History and Historiography*. FAT 38. Tübingen: Mohr Siebeck, 2004.
- . "Judah and the Jews." Pages 145-63 in *Studies in Persian History: Essays in Memory of David M. Lewis*. Edited by Maria Brosius, Amélie Kuhrt. AchH 11. Leiden: Nederlands Instituut voor het Nabije Oosten, 1998. Repr., pages 25-45 in *Persian Period History and Historiography*. FAT 38. Tübingen: Mohr Siebeck, 2004.

- . “Isaiah 63,7-64,11. Exilic Lament or Post-Exilic Protest?” *ZAW* 102 (1990): 48-58.
- . *Ezra, Nehemiah*. WBC 16. Waco, Tx.: Word Books, 1985.
- . “The Composition of Ezra i-vi.” *JTS* n.s. 34 (1983): 1-30. Repr. pages 244-70 in *Studies in Persian Period History and Historiography*. FAT 38. Tübingen: Mohr Siebeck, 2004.
- . *Israel in the Books of Chronicles*. Cambridge: Cambridge University Press, 1977.
- Wilson, Robert W. *Prophecy and Society in Ancient Israel*. Philadelphia: Fortress, 1980.
- Winnett, Frederick V. *The Mosaic Tradition*. NMES 1. Toronto: University of Toronto Press, 1949.
- Wiseman, Donald J. *Peoples of Old Testament Times*. Oxford: Clarendon, 1973.
- Wright, David. *Inventing God’s Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi*. New York/Oxford: Oxford University Press, 2009.
- Wright, Jacob L. *Rebuilding Identity: the Nehemiah Memoir and its Earliest Readers*. BZAW 348. Berlin/New York: de Gruyter, 2004.
- Yadin, Yigael. *The Temple Scroll*. 3 vols. Jerusalem: Israel Exploration Society, 1977-1983.
- Yaron, Reuven. “Divorce in Old Testament Times.” *RIDA* 4 (1957): 117-28.
- Yoo, Philip Y. “The Absence of Wisdom in the Wilderness Traditions.” In *Wisdom: Proceedings of the Oxford Old Testament Seminar*. Edited by John Jarick. LHBOTS. London: T & T Clark, forthcoming.
- . “Why Does Joseph Wash His Face?” *JSOT* 38 (2013): 3-14.
- . “The Four Moses Death Accounts.” *JBL* 131 (2012): 423-41.
- Yoreh, Tzemah. *The First Book of God*. BZAW 402. New York/Berlin: de Gruyter, 2010.
- Zakovitch, Yair. “The Woman’s Rights in the Biblical Law of Divorce.” *JLA* 4 (1981): 28-46.
- Zevit, Ziony. “Converging Lines of Evidence Bearing on the Date of P.” *ZAW* 94 (1982): 481-511.
- Ziemer, Benjamin. *Abram-Abraham: Kompositionsgeschichtliche Untersuchungen zu Genesis 14, 15 und 17*. BZAW 350. Berlin/New York: de Gruyter, 2005.
- Zunz, Leopold. *Die Gottesdienstlichen Vorträge der Juden, historisch entwickelt. Ein Beitrag zur Alterthumskunde und biblischen Kritik, zur Literatur- und Religionsgeschichte*. Berlin: A. Asher, 1832.