

# Ruth and Ezra-Nehemiah in Dialogue\*

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## 1. Introduction

Studies of the Book of Ruth frequently view it in terms of a reaction to the measures of Ezra and Nehemiah against intermarriage, but without interrogating the latter sources in terms of the precise issues involved. There are some exceptions,<sup>1</sup> most notably the recent study of Allen Jones III.<sup>2</sup> Even more so, discussions of the intermarriage measures of Ezra and Nehemiah tend to invoke Ruth only in passing, in the context of the more inclusivist approaches of other, broadly contemporary, biblical sources. And accounts of the history of the second temple period rarely mention Ruth at all.

In this paper, I seek to offer a more comprehensive account of the relationship, despite the considerable methodological difficulties involved. The historicity of much of Ezra and Nehemiah is no longer taken for granted, some recent authors taking the texts to reflect at best later (interpretative) “memories” of the events.<sup>3</sup> And even where historicity is accorded to the texts,

\* A full, heavily documented, pre-publication text is available from my academia.edu page (though not including a couple of points made here). Reactions will be welcome: [bernard.jackson@manchester.ac.uk](mailto:bernard.jackson@manchester.ac.uk).

- 1 Adele Berlin, “Legal Fiction: Levirate *cum* Land Redemption in Ruth,” *JAJ* 1 (2010): 3–18 (12–14); Tamara C. Eskenazi and Tikva Frymer-Kensky, *The JPS Bible Commentary: Ruth* (Philadelphia: Jewish Publication Society, 2011), xviii–xix; Sakkie Spangenberg, “Constructing a Historical Context for the Ruth Novelle: Dovetailing the Views of J. A. Loader and R. Albertz,” *OTE* 18 (2005): 345–55.
- 2 Edward Allen Jones III, *Reading Ruth in the Restoration Period: A Call for Inclusion* (London: Bloomsbury T&T Clark, 2016), 137–76.
- 3 Notably, H. L. Ginsberg, *The Israelian Heritage of Judaism* (New York: Jewish Theological Seminary of America, 1982), 14–15, on dramatisation of events in

there is debate regarding some major issues, such as the sequence of Ezra and Nehemiah<sup>4</sup> as well as their datings,<sup>5</sup> and indeed the sequence of events attributed to Ezra himself.<sup>6</sup> Add to this the literary problems of the texts,<sup>7</sup>

Nehemiah; 17 n. 18 rejecting the view of Ezra as altogether unhistorical; Ehud Ben Zvi, "Rejection of the Foreign Wives in Ezra-Nehemiah," in *Worlds that Could Not Be. Utopia in Chronicles, Ezra and Nehemiah*, ed. Steven J. Schweitzer and Frauke Uhlenbruch (London: Bloomsbury T&T Clark, 2016), 105–28, on history and memory in this context.

- 4 Cf. Philip R. Davies, *On the Origins of Judaism* (London and Oakville: Equinox, 2011), 17. For the view that Nehemiah precedes Ezra, see, e.g., Jacob M. Myers, *Ezra-Nehemiah*, AB (Garden City, NY: Doubleday, 1965), 85–86; Lisbeth S. Fried, "From Xeno-Philia to Xeno-Phobia – Jewish Encounters with the Other," in *A Time of Change: Judah and Its Neighbors During the Persian and Early Hellenistic Periods*, ed. Yigal Levin (London: T&T Clark, 2007), 179–204 (191–92); Armin Lange, "Your Daughters Do Not Give to Their Sons and Their Daughters Do Not Take for Your Sons (Ezra 9.1–2): Intermarriage in Ezra 9 and in the Pre-Maccabean Dead Sea Scrolls," Part I, *BN* 137 (2008): 17–39 (17–18); Part II, *BN* 139 (2008): 79–98; Jones, *Reading Ruth*, 145. For the view that Ezra precedes Nehemiah, see, e.g., Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon Press, 1985), 114; Pierre Briant, *From Cyrus to Alexander* (Winona Lake, IN: Eisenbrauns, 2002), 583.
- 5 For the dating of Ezra's activity to 458 BCE, see, e.g., Morton Smith, "Jewish Religious Life in the Persian Period," in *Cambridge History of Judaism Volume 1: Introduction: The Persian Period*, ed. W. D. Davies and Louis Finkelstein (Cambridge: Cambridge University Press, 1984), 219–78 (245); Tamara C. Eskenazi, "The Missions of Ezra and Nehemiah," in *Judah and Judeans in the Persian Period*, ed. Oded Lipschits and Manfred Oeming (Winona Lake, IN: Eisenbrauns, 2006), 509–29 (512 n. 9); *aliter*, Geo Widengren, "The Persian Period," in *Israelite and Judaean History*, ed. J. H. Hayes and J. M. Miller (London: Westminster Press, 1977), 489–538 (504–5, 535), for the view that only Nehemiah belonged to the reign of Artaxerxes I, whereas the Artaxerxes under whom Ezra lived was actually Artaxerxes II (probably in 398/7 BCE). Amongst the arguments he advances to support this: Ezra found the walls of Jerusalem already built when he arrived (9:9); Nehemiah is completely ignorant of those who returned with Ezra. Cf. Lange, "Your Daughters," 17–18, dating Ezra to 398/97.
- 6 Particularly, as regards the temporal relationship of the reading of the Law and the measures against intermarriage: see Donald P. Moffat, *Ezra's Social Drama: Identity Formation, Marriage and Social Conflict in Ezra 9 and 10* (London: Bloomsbury, 2013), 57–58.
- 7 E.g., Ginsberg, *Israelian Heritage*, 4, 8, on what is original to the "Nehemiah memoir"; Yonina Dor, "The Composition of the Episode of the Foreign Women in Ezra IX–X," *VT* 53 (2003): 26–47.

and the increasing use of social science models.<sup>8</sup> The latter, in combination with closer attention to linguistic issues, rightly prompt us to be wary of anachronism in the use of our modern terminology in relation to issues as basic to our problem as those of marriage and conversion, as well as locating them within wider issues of identity.

I offer this paper as a thought experiment. There are common points in the narratives which lend support to the view that the Book of Ruth belongs to the exilic or restoration periods: Jeremiah 40:11 records the return of a number of Jews who had taken refuge from the Babylonians in Ammon, Moab, and Edom (and this in the time of Gedaliah);<sup>9</sup> there is evidence of families being divided by the Babylonian deportations;<sup>10</sup> famine was a problem which continued to afflict Judea;<sup>11</sup> and Bethlehem is located in Judea,<sup>12</sup> as well as being the birthplace of David<sup>13</sup> (whose genealogy and also posterity retained theologico-political significance<sup>14</sup>). Assuming, then, for

- 8 John J. Ahn, *Exile as Forced Migrations: A Sociological, Literary, and Theological Approach on the Displacement and Resettlement of the Southern Kingdom of Judah* (Berlin: de Gruyter, 2010); Jones, *Reading Ruth*, ch. 5, using in particular Egon F. Kunz, "Exile and Resettlement: Refugee Theory," *International Migration Review* 15 (1981): 42–51; Peter H. W. Lau, *Identity and Ethics in the Book of Ruth: A Social Identity Approach* (Berlin: de Gruyter, 2011); Moffat, *Ezra's Social Drama*; Katherine E. Southwood, *Ethnicity and the Mixed Marriage Crisis in Ezra 9–10: An Anthropological Approach* (Oxford: Oxford University Press, 2012).
- 9 T. C. Mitchell, "The Babylonian Exile and the Restoration of the Jews in Palestine (586–c. 500 B.C.)," in *The Cambridge Ancient History Volume 3, Part 2: The Assyrian and Babylonian Empires and Other States of the Near East, from the Eighth to the Sixth Centuries BC*, ed. John Boardman et al. (Cambridge: Cambridge University Press, 1991), 410–60 (441).
- 10 Hugh G. M. Williamson, "Welcome Home," in *The Historian and the Bible: Essays in Honour of Lester L. Grabbe*, ed. Philip Davies and Diana V. Edelman (London: T&T Clark, 2010), 113–23 (117), cites 2 Kgs 25:25 (and more fully in Jer 40–41), Jer 41:10, 43:6.
- 11 Joseph Blenkinsopp, *Ezra-Nehemiah: A Commentary* (London: SCM Press, 1989), 66.
- 12 Gary Knoppers, "Intermarriage, Social Complexity and Ethnic Diversity in the Genealogy of Judah," *JBL* 120 (2001): 15–30 (30), citing Josh 15:59a LXX.
- 13 1 Sam 16:1.
- 14 For substantial further argumentation, see Jones, *Reading Ruth*, 145–51. In Ruth, mention is made both at the beginning (1:2) and end (4:11) of Ephrathah in connection with Bethlehem. In Ps 132:6 it is David's birthplace; see also its messianic association in Micah 5:1 (taken up by Matthew 2:6, but there mentioning only

the purpose of the argument, that the setting of the Book of Ruth fits with the restoration period, we may investigate what mutual illumination a more systematic comparison with Ezra-Nehemiah may produce. In this, we may profit from bringing into dialogue not only the primary texts themselves, but also (and most importantly) the modern scholarship on them. Hopefully, it will illustrate diversity and change in the development and reception of pentateuchal law, as apparent in narrative and narrativised history, and the social and ideological contexts which they reflect.

## 2. Conversion

Conversion is a controversial topic in the scholarship on both Ruth and Ezra-Nehemiah. Does Ruth actually “convert,” and if so when and how? And why does Ezra apparently exclude the possibility of conversion for the foreign women with whom he is concerned? As for Ruth, three possible answers have been advanced: (1) both she and Orpah converted either before<sup>15</sup> or by the very fact of their marriages to Mahlon and Kilyon;<sup>16</sup> (2) Ruth converted by

Bethlehem, without Ephrathah). For full discussions, see Edward F. Campbell Jr., *Ruth. A New Translation with Introduction and Commentary*, AB (New York: Doubleday, 1975), 54–55, maintaining that Ephrathah is the larger designation; *aliter*, Frederic Bush, *Word Biblical Commentary, Volume 9: Ruth/Esther* (Nashville: Thomas Nelson, 1996), 64–65, who sees it as an alternate name for Bethlehem in 4:11, but in 1:2 as the name of a clan (elsewhere Ephraimite) inhabiting a particular part of Bethlehem. He comments further on the Davidic associations in Ps 132, and notes that the language of Ruth 1:2 is strikingly similar to that of 1 Sam 17:12, which describes David as “the son of an Ephrathite from Bethlehem in Judah.” See also, more recently, Jeremy Schipper, *Ruth. A New Translation with Introduction and Commentary* (New Haven: Yale University Press, 2016), 82–84, discounting here any Ephraimite connection and discussing also the use of Ephrathah and Bethlehem (uniquely) as eponyms in 1 Chr 2:51 and 4:4.

- 15 Ibn Ezra on Ruth 1:2, 1:15, at D. G. R. Beattie, *Jewish Exegesis of the Book of Ruth* (Sheffield: JSOT, 1977), 136, 137.
- 16 Sara Japhet, “The Expulsion of the Foreign Women (Ezra 9–10): The Legal Basis, Precedents, and Consequences for the Definition of 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. Friedhelm Hartenstein and Michael Pietsch (Neukirchen-Vluyn: Neukirchener Verlag, 2007), 141–61 (154), comments (in the context of Ezra-Nehemiah): “... the very marriage [of foreign women] to Israelite men entailed in fact their conversion.” See also Bernard S. Jackson, “Ruth, the Pentateuch and the Nature of Biblical Law: In Conversation

virtue of her roadside declaration to Naomi<sup>17</sup> (though there is an argument that she merely reaffirmed her previous domestic and religious status<sup>18</sup>); (3) Ruth converted only when she married Boaz.<sup>19</sup> Whether Ruth converted at all is a matter of controversy amongst the rabbis:<sup>20</sup> clearly, none of the above three possibilities fits with the later rabbinic understanding of how conversion was effected.<sup>21</sup> But to this, the Rabbis had a response: Deuteronomy 23:4 applied only to male, not female Moabites.<sup>22</sup> David's ancestry, therefore, was not tainted by an impermissible intermarriage.

with Jean Louis Ska," in *The Post-Priestly Pentateuch. New Perspectives on Its Redactional Development and Theological Profiles* (Ska Festschrift), ed. Konrad Schmid and Federico Giuntoli (Tübingen: Mohr Siebeck, 2015), 75–111 (88).

- 17 As in the elaborate analysis of the declaration in Targum Ruth, see Bernard S. Jackson, "Ruth's Conversion: Then and Now," *Jewish Law Annual* XIX (2011): 53–61 (54 n. 4), translated at <http://targum.info/meg/ruth.htm> *ad loc.* *Contra*, André LaCocque, *Ruth, A Continental Commentary*, trans. K. C. Hanson (Minneapolis: Fortress Press, 2004), 52. An alternative interpretation of the declaration is that it is a covenantally reinforced commitment to family integration: see Mark S. Smith, "'Your People Shall Be My People': Family and Covenant in Ruth 1:16–17," *CBQ* 69 (2007): 242–58, esp. 246–47 and 255–58; see also Thalia Gur-Klein, *Sexual Hospitality in the Hebrew Bible* (Sheffield: Equinox Publishing, 2013), 298–302, who sees the declaration as a vow, supported by an oath (1:17), the components of which "reflect the imperatives of a domestic unit" (299) and in particular establish the status of Ruth as a daughter of the family.
- 18 There is no verb in the declarations "Your people shall be my people, your God, my God" (unlike in the other declarations): the text can equally be rendered "Your people [is still] my people, your God, my God": Robert D. Holmstedt, *Ruth: A Handbook on the Hebrew Text* (Waco, TX: Baylor University Press, 2010), 90; Jackson, "Ruth, the Pentateuch and the Nature of Biblical Law," 88; Schipper, *Ruth*, 100, concluding that the formulation is ambiguous.
- 19 Alexandru Mihăilă, "The Conversion of the Foreigners between Ruth and Ezra-Nehemiah," *Plērōma* XIII/2 (2011): 23–54 (47). For Neil Glover, "Your People, My People: An Exploration of Ethnicity in Ruth," *JSOT* 33 (2009): 293–313, Ruth enters the Israelite *ethnie* upon her acceptance by the Bethlehem community in ch. 4; cf. Stuart Krauss, "The Word 'Ger' in the Bible and Its Implications," *JBQ* 34 (2006): 264–70 (267).
- 20 Accepted by Ibn Ezra and Qimḥi, denied by *b. Bat.* 91b and Rashi: sources in Beattie, *Jewish Exegesis*. See Jackson, "Institutions," 53–54, including Zohar, *Ruth* 79 (II, 25b), quoted at <http://www.torah.org/learning/ruth/class15.html>.
- 21 Entailing, for a woman, immersion.
- 22 As, already, in *m. Yev.* 8:3: "The male Ammonite and Moabite are prohibited [from entering the congregation of the Lord (Deut 23:4)], and the prohibition concerning them is forever. But their women are permitted forthwith," as

Much depends upon one's definition of "conversion."<sup>23</sup> If one adopts a modern understanding, it involves some form of official institutional approval, and its effect is crucial to an individual's identity. None of the three possibilities regarding Ruth's conversion involves any institutional approval, so that those who assume its necessity understandably deny that what happened constituted a conversion.<sup>24</sup> Thus, Morton Smith asserts un-

quoted by Mihāilā, "Conversion," 32–33, from Neusner. *B. Yev.* 76b is explicit in relating this to the marriage of Ruth, and thus the ancestry of David: see Yael Ziegler, *Ruth. From Alienation to Monarchy* (Jerusalem: Maggid Books, 2015), 18–20, quoting also *Zohar Hadash*, Ruth 25b: "I would not be surprised if this Megillah were here simply to trace the genealogy of David who was born from Ruth the Moabite." For further sources and discussion, see Shaye J. D. Cohen, *The Beginnings of Jewishness* (Berkeley: University of California Press, 1999), 248–52; Jacob L. Wright and Tamara Eskenazi, "Contrasting Pictures of Intermarriage in Ruth and Nehemiah," <http://thetorah.com/contrasting-pictures-of-intermarriage-in-ruth-and-nehemiah/> (2015).

- 23 See Jackson, "Ruth," 86–87, commenting on the discussion by Mihāilā, "Conversion," 23–54, including his citation of Jacob Milgrom, *Leviticus 17–22*, AB (New Haven: Yale University Press, 2008), 1417: "Let it be emphasized that in biblical times, religious conversion was not an option. ... by casting her lot with the people of Israel, she automatically accepted the God of Israel. This 'conversion,' however, did not make her an Israelite." Shaye Cohen (*Beginnings*, 156–57) does not offer a definition of conversion but argues that it entails three elements: practice of the Jewish laws, exclusive devotion to the God of the Jews, and integration into the Jewish community. In ch. 7 he discusses *b. Yev.* 47a–b and the post-talmudic tractate *Gerim* 1:1 as "The ceremony that marks the conversion of a gentile to Judaism."
- 24 Thus, Mihāilā, "Conversion," 23: Ruth 1:16 is not a conversion, but an ordinary incorporation into the social and ethnic community through marriage (presumably referring to the earlier marriage to Maḥlon, rather than the roadside declaration). Krauss, "*Ger*," 266, argues that "there is no mention that a female need perform any ritual to join the Israelites and accept their God." Ruth also fails the criteria of Cohen, *Beginnings*, 122–23 (citing also Kaufmann, on which see n. 45 below): "She is a foreigner whose foreignness remains even after she has attempted to adopt the ways of her surroundings." As for male conversion, the circumcision requirement of Exod 12:48 (on which see further n. 112 *infra* in the context of Ezra 6:21) falls far short of constituting religious conversion. Cf. Krauss, "*Ger*," 265. As Peter H.W. Lau, "Gentile Incorporation into Israel in Ezra-Nehemiah?," *Bib* 90 (2009): 356–73 (358), writes: "Through the rite of circumcision there is a transfer of status from 'outsider' to 'insider'. Those circumcised now have the external sign of membership within the covenant community, as established in Gen 17." One may compare the slave mark of Exod 21:6, the visible protective "sign" on Cain (Gen 4:15) and indeed the protective blood-mark on the houses of the Israelites in Exod 12:7, 13 (the last two both described as an אֹת).

equivocally:<sup>25</sup> “Ruth, the ideal proselyte, is never converted; she is married; that suffices.” The implication is that a woman entering a man’s household in some form of marital (or other?) relationship adopts the domestic cult of that household.<sup>26</sup> But it is far from clear that she must adopt that cult *exclusively*, abandoning all her earlier allegiances. We may recall that when Rachel, already married to Jacob for some 20 years (though apparently in a matrilineal marriage<sup>27</sup>), left the household of Laban, she stole his *teraphim*,<sup>28</sup> without any apparent objection from Jacob when the matter came to light. Some, indeed, have asked whether Ruth’s declaration entailed abandonment of any allegiance to the Moabite Chemosh or not.<sup>29</sup> The Decalogue ban on having any “other gods” על פני (Exod 20:2; Deut 5:6) implies the prevalence of syncretistic practices.<sup>30</sup> And if the adoption of pure monotheism was not yet complete in the restoration period, we can hardly speak of “religion” as being a marker of individual identity.

This puts both the nature of Ruth’s “Moabite” identity, and the apparent absence of any “conversion” option in Ezra–Nehemiah, into perspective. As regards Ruth, the incidence of the use of “Moabitess” in the book has attracted comment.<sup>31</sup> It occurs three times from the mouth of the narrator,<sup>32</sup>

25 Smith, “Jewish Religious Life,” 269 n. 4.

26 Cf. Jackson, “Ruth,” 88.

27 How Jacob negotiated this situation is not revealed.

28 Gen 39:19. See also the foreign gods (אלהי הנכר) which Jacob found in his household after the Dinah incident in Gen 35:4; Jackson, “Ruth,” 85.

29 For a full discussion, see Alastair Hunter, “How Many Gods had Ruth?,” *SJT* 34 (1981): 427–36, esp. 431.

30 See Brevard S. Childs, *The Book of Exodus. A Critical-Theological Commentary* (Louisville: Westminster Press, 1974), 402–3; Nechama Leibowitz, *Studies in Shemot (Exodus)*, translated and adapted from the Hebrew by Aryeh Newman, 3<sup>rd</sup> ed. (Jerusalem: World Zionist Organization, 1981), 316–18, noting that Onqelos supports “besides me,” “in addition to me,” as in Gen 32:22 and 2 Sam 15:18.

31 See especially Georg Braulik, “The Book of Ruth as Intra-Biblical Critique on the Deuteronomic Law,” *AcT* 19 (1999): 1–20 (5–7); Jean Louis Ska, “La legge come strumento di comunicazione divina e controllo istituzionale: Mosè lo scriba e il libro della legge,” in *Religione biblica e religione storica dell’antico Israele: un monopolio interpretativo nella continuità culturale*, ed. Gian Luigi Prato (Bologna: Edizioni Dehoniane, 2009), 123–144 (134–35), regarding at least some as apparently superfluous, but in fact strategically placed; Jackson, “Ruth,” 81–84.

32 Ruth 1:22, 2:2, 21. Louis B. Wolfenson, “The Purpose of the Book of Ruth,” *BSac* 69 (1912): 329–44 (338), argues that the latter two are shown to be late glosses



once from that of the servant of Boaz in charge of the reapers, in answer to the question of Boaz (2:5), “Whose maiden is this?” (למי הנערה הזאת), and twice by Boaz, once (4:5) in his negotiation with *Peloni Almoni*, here clearly designed to put the latter off the transaction, and finally (4:10) in his (possibly performative<sup>33</sup>) utterance that he has acquired Ruth לאשה. Interestingly, Ruth never uses it to describe herself, although she does use נכרייה in her first dialogue with Boaz, acknowledging the kindness which he is already offering her (2:10). When Boaz uses “Moabites” (in addition to “the wife of Mahlon”) in his marriage declaration (4:10), it may well have the force of “despite her being a Moabites.”<sup>34</sup> We may note also that when Naomi arrived back in Bethlehem, causing a great stir (1:19), she did not introduce Ruth to the women who greet her.<sup>35</sup> Commentators have remarked upon the reserve that the women of the town display towards Ruth in the final scene of the book, after the birth of Obed. Ruth’s presence is apparently ignored: all their attention is directed to Naomi (4:14–15) even though they acknowledge to her that “for your daughter-in-law who loves you, who is more to you than seven sons, has borne him” (4:15). Indeed, Naomi’s women neighbours (השכנות) take it upon themselves to give the baby a name,<sup>36</sup> saying: “There is a son born to Naomi” (4:17).<sup>37</sup> Yet in none of this is there the slightest hint that “Moabites” denotes an adherent of a foreign religion. Its significance must be sought elsewhere.

“by the ancient versions” (but no indication of this in *Biblia Hebraica Quinta*) and, at 344 n. 32, on the grounds of redundancy.

- 33 See further Bernard S. Jackson, “Law and Narrative in the Book of Ruth: A Syntagmatic Reading,” in *Judaism, Law and Literature*, ed. Michael Baris and Vivian Liska (Liverpool: Deborah Charles Publications, 2017; Jewish Law Association Studies XXVII), 100–39 (130).
- 34 Eskenazi and Frymer-Kensky, *Ruth*, xxxviii, suggest that violation of the prohibition is here justified by the levirate relationship: “Boaz repeatedly insists that he is marrying Ruth to preserve the name of the deceased (Ruth 4:5 and 10), thus providing a moral counterweight to any objections to such a union.”
- 35 One may compare Moses’ lack of greeting to Zipporah in Exodus 18, despite his effusive welcome of her father, Jethro.
- 36 On this, see below, text around notes 181–82.
- 37 The name they gave, Obed, has been regarded by some as inappropriate to the context: see Sybil Sheridan, “The Five Megilloth,” in *Creating the Old Testament. The Emergence of the Hebrew Bible*, ed. Stephen Bigger (Oxford: Basil Blackwell, 1989), 293–317, at 302–3. Perhaps it is designed to reinforce the “service” he will perform for Naomi (4:15).



In the context of Ezra-Nehemiah, commentators frequently ask why a conversion option was not provided.<sup>38</sup> Indeed, Blenkinsopp expresses astonishment at the fact that less drastic solutions than coercive dissolution of the “foreign”<sup>39</sup> marriages, such as a ritual purification or conversion, are not considered.<sup>40</sup> Fishbane also regards the absence of a purification<sup>41</sup> or conversion option as “remarkable,” though in his further discussion he appears to equate conversion with “naturalisation of foreign women... by marriage.”<sup>42</sup> Some go further: Ska interprets the reference to Deuteronomy 23:4–6 in Nehemiah 13:1–3 as a ban on conversion.<sup>43</sup> Curtis supports such a view on the grounds that “In the Deuteronomic corpus it is considered appropriate that the residents of Canaan should never be given the chance to surrender and convert to Yahwism but rather should be annihilated.” He claims that Deut 20:16–18 sets out this principle unequivocally.<sup>44</sup> But

- 38 See, e.g., Smith, “Jewish Religious Life,” 269; Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002), 19; Lisbeth S. Fried, “The Concept of ‘Impure Birth’ in 5th Century Athens and Judea,” in *In the Wake of Tikva Frymer-Kensky*, ed. Steven Holloway, JoAnn Scurlock and Richard H. Beal (Piscataway, NJ: Gorgias Press, 2009), 121–41 (125); Matthew Thiessen, “The Function of a Conjunction: Inclusivist or Exclusivist Strategies in Ezra 6.19–21 and Nehemiah 10.29–30?,” *JSOT* 34 (2009): 63–79 (67 n. 12 and 78–79).
- 39 See further below, esp. text at nn. 97–107.
- 40 Joseph Blenkinsopp, *Judaism: The First Phase. The Place of Ezra and Nehemiah in the Origins of Judaism* (Grand Rapids, MI: Eerdmans, 2009), 69.
- 41 Mihäälä, “Conversion,” 39–40, takes him to be referring to a water purification. For a thorough critique of the underlying assumption that gentiles were regarded as impure, see Christine E. Hayes, “Intermarriage and Impurity in Ancient Jewish Sources,” *HTR* 92 (1999): 3–36 (3–14) (for the Hebrew Bible); eadem, *Gentile Impurities*, ch. 2.
- 42 Fishbane, *Biblical Interpretation*, 118.
- 43 Jean Louis Ska, “La Biblica Cenerentola. Generosità e cittadinanza nel libro di Rut,” in his *Il libro sigillato e il libro aperto* (Bologna: Edizioni Dehoniane Bologna, 2005), 365–90; republished separately as *La Biblica Cenerentola* (Bologna: Edizioni Dehoniane Bologna, 2013), at 24.
- 44 John Briggs Curtis, “Second Thoughts on the Purpose of the Book of Ruth,” *Proceedings, Eastern Great Lakes and Midwest Biblical Societies* 16 (1996): 141–49 (145–46), commenting that “the book of Joshua recounts its repeated execution (e.g., 6:20–21, 24; 8:24–29; 10:28–42; 11:10–12; etc.),” though with exceptions: Rahab (Josh 2:1–21; 6:17, 23, 25) and the informant at Bethel (Judg 1:23–26). Reuven Kimelman, “The Seven Nations of Canaan,” <http://seforim.blogspot>.

while the text is certainly explicit and unequivocal in the command to leave nothing alive, it says nothing at all about any excluded alternative. In fact, the view that there was no institution of religious conversion at this period goes back to Yehezkel Kaufmann in 1937<sup>45</sup> and has been strongly argued more recently by Shaye Cohen.<sup>46</sup>

Evidence that the real issue here was religious syncretism is provided by Peter Lau in discussing the controversy in Ezra 4 regarding who may participate in the rebuilding of the temple.<sup>47</sup> Noting that the “adversaries of Judah and Benjamin” in Ezra 4:1 were, as described in 4:2, “a mixed race, descended from those imported by the Assyrians and those remaining in the northern kingdom,” he argues that:

... from the viewpoint of Ezra-Nehemiah, the fundamental problem blocking their inclusion into ‘Israel’ would be their syncretism. 2 Kings 17 provides the background to the adversaries: they may seek YHWH, but they also worship other deities (2 Kgs 17,24–41). That is, they neither know YHWH nor seek him exclusively, in the way of ‘Israel’ (esp. 2 Kgs 17,41). This understanding is reinforced in EN by the contrast between the syncretists’ reference to God (‘your God’; לאלהיכם) and

co.uk/2015/07/the-seven-nations-of-canaan.html, has demonstrated recently that “the biblical data is much more ambiguous making the most destructive comments the exception not the rule.”

45 As pointed out by H. Zlotnick-Sivan, “The Silent Women of Yehud: Notes on Ezra 9–10,” *JJS* 51 (2000): 3–18 (12 n. 36), citing Y. Kaufmann, *History of the Religion of Israel* (Hebrew), 4:296–301. Ziony Zevit kindly draws my attention to the recently-published English translation of ch. 9 of Kaufmann’s *Toledot ha-Emunah* as “The General Character of Israelite Religion,” in *Yehezkel Kaufmann and the Reinvention of Jewish Biblical Scholarship*, ed. Job Y. Jindo et al. (Göttingen: Vandenhoeck & Ruprecht, 2017), 282–317, noting that “Kaufmann’s definition of ‘monotheism’ in this chapter is interesting in that it allows for the reality of other deities and their worship (see pp. 290 ff.)” Japhet, “Expulsion,” 153–54, contests the view of Kaufmann that “the very phenomenon of ‘religious conversion’ was still unknown,” citing the נלרים of Second Isaiah and Zechariah. This again raises the question of definition (and here the distinction between a “phenomenon” and an “institution” of conversion). Nevertheless, Japhet argues that the problem for Ezra was not religion but ethnicity, accepting at 154 that the “very marriage [of foreign women] to Israelite men entailed in fact their conversion.”

46 On Shaye Cohen, see nn. 22–24 above.

47 Lau, “Gentile Incorporation,” 367–69.

the returnees' response ('YHWH, the God of Israel'), which underscores their relative lack of intimacy with the deity (Ezra 4,2–3). Within the ideological framework of EN, in which holiness and purity are paramount to reconstituted Israel, this syncretistic group would have been anathema.<sup>48</sup>

and concludes that “from the viewpoint of Ezra-Nehemiah, the fundamental problem blocking their inclusion into ‘Israel’ would be their syncretism.”

But such problems of syncretism would not have been restricted to those described in Ezra 4:2. They would apply equally to the descendants of the original Canaanite tribes,<sup>49</sup> now mingled with the “remainees” of Judea,<sup>50</sup> and the returnees from Babylon<sup>51</sup> (including descendants of those of the original returnees of questionable genealogy<sup>52</sup>) and other contemporary

48 Ibid., 368. See especially 2 Kgs 17:33: “They feared the LORD, and served their own gods, after the manner of the nations from among whom they had been carried away.” Fried, “Xeno-Philia,” 189–91, argues (following Williamson) that this passage reflects the view of a late, “second Hellenistic redactor,” contrary to the expectation that non-Judaeans could participate in the rebuilding of the temple and the evidence of Haggai and Zechariah “which know of no friction between social groups.” See also Ginsberg, *Israelian Heritage*, 12–13.

49 Kimelman, “Seven Nations,” cites and discusses the following sources: Josh 13:13; 15:63; 16:10 (“They failed to dispossess the Canaanites who dwelt in Gezer; so the Canaanites remained in the midst of Ephraim, as is still the case. But they had to perform forced labor”); Judg 1:19, 3:5–6 (including intermarriage); 1 Kgs 9:15 = 2 Chr 8:7–8; Ps 106:34–35.

50 Contemporary scholarship widely sees them as at least a major referent of עמי הארץ in E-N. See further text at nn. 100–2 below.

51 “...It is widely held that they are the (male) target of Shecaniah’s accusation in Ezra 10:2, though the women may be remainees. See, e.g., Michael L. Satlow, *Jewish Marriage in Antiquity* (Princeton: Princeton University Press, 2001), 136; J. Maxwell Miller and John H. Hayes, *A History of Ancient Israel and Judah*, 2<sup>nd</sup> ed. (London: SCM Press, 2006), 538; Ina Willi-Plein, “Problems of Intermarriage in Postexilic times,” in *Shai le-Sara Japhet; Studies in the Bible, Its Exegesis and Its Language*, ed. M. Bar-Asher et al. (Jerusalem: Bialik Institute, 2007), 177\*–92\* (185\*); Wolfgang Oswald, “Foreign Marriages and Citizenship in Persian Period Judah,” *JHebS* Volume 12, Article 6, DOI:10.5508/jhs.2012.v12.a6, at 3–4. On the evidence from al-Yahudu and the Murashu archive, see n. 97 below.

52 Fried, “Xeno-Philia,” 189, notes that the list of returnees in Ezra 2 mentions (2:59–60) some 652 men who “could not prove their fathers’ houses or their descent, whether they belonged to Israel (RSV)” ולא יכלו להגיד בית אבותם וזרעם אם) (מישראל הם). Apparently genealogy was based on oral tradition, other than for

sites of exile (including Moab).<sup>53</sup>

Both Ruth and Ezra-Nehemiah lack any institutional formal conversion, and this is supported by studies of the history of conversion itself. Using modern terminology, we might say that conversion was a matter of private rather than public law, reflecting the importance of domestic cults, and this set in a (syncretistic) context (opposed by Ezra and Nehemiah) in which any household might house more than one such cult. Normally, the primary cult was that of the senior male member of the household. This would have been the case with Ruth, in relation to both her first (Mahlon) and her second (Boaz) marriages. Ruth's roadside declarations should be regarded as interpersonal commitments, rather than involving a public change in status. The fact that she continued to be referred to as a Moabitess should be regarded simply as an ethnic marker, indicating the people of her place of origin.

### 3. Marriage and Divorce

Both Ruth and Ezra-Nehemiah present significant problems in relation to marriage, divorce, and intermarriage. At what point, and by what process, did Ruth marry Boaz? Was it on the threshing floor, and if so by intercourse or by agreement? Was it at the gate (though Ruth was not present), or was it by the subsequent consummation?<sup>54</sup> And what kind of marriage was it? Parallel questions may be posed in regard to the problematic marriages in Ezra-Nehemiah – not only the much-discussed questions of who both the male culprits<sup>55</sup> and the target women<sup>56</sup> were, and what was the nature of the objection to their relationships (with some significant differences between Ezra and Nehemiah<sup>57</sup>), but also the nature of the measures taken to combat them.<sup>58</sup>

In all this, we must adopt the same approach as indicated above in relation to conversion. In order to avoid anachronisms, we must take account

priests, for whom there was a written register (Ezra 2:62).

53 See above at n. 9.

54 See my earlier discussions in "Ruth," 97–100; "Law and Narrative," 109–13, 127–32.

55 See below, text at nn. 108–14.

56 See below, text at nn. 97–107.

57 Especially their primary motivation and language; see below, nn. 136, 206, 260.

58 See below, text at nn. 205–12.

of the history of the practices concerned, and pose questions of definition which do not presuppose modern models.<sup>59</sup> In a previous article, I argued that marriage in the Hebrew Bible was weakly institutionalised, lacking clear binding rules for the creation and termination of its various forms,<sup>60</sup> and that it developed slowly from a (negotiable) social institution to a religious institution, the latter being evident no earlier than Malachi and Ezra.<sup>61</sup> I also examined the various forms of “tripartite breeding relationships” evident in the Hebrew Bible, all of them within the context of some “inferior” forms of marriage.<sup>62</sup> This includes surrogacy, which may well be implicit in the way in which the women of the Bethlehem community react to the birth of Obed.<sup>63</sup>

The evidence for a regular (primary) marriage between Ruth and Boaz is ambiguous, as is so much (deliberately<sup>64</sup>) of the language regarding the relationship. Some take the request of Ruth to Boaz in 3:9 (“Spread therefore thy skirt over thy handmaid”), on his waking up on the threshing floor, to be an offer of marriage,<sup>65</sup> but כּוּנָה is widely used elsewhere in the context of (divine) protection.<sup>66</sup> Moreover, the context, and particularly Ruth’s reference to herself in that context as “your *amah*” (אִמָּתְךָ), speak in favour of an (at least

59 Cf. Katherine E. Southwood, “The Holy Seed: The Significance of Endogamous Boundaries and their Transgression in Ezra 9–10,” in *Judah and the Judeans in the Achaemenid Period*, ed. Oded Lipschits, Gary N. Knoppers, and Manfred Oeming (Winona Lake, IN: Eisenbrauns, 2011), 189–224 (190).

60 Bernard S. Jackson, “The ‘Institutions’ of Marriage and Divorce in the Hebrew Bible,” *JSS* 56 (2011): 221–51.

61 *Ibid.*, 249–51.

62 Bernard S. Jackson, “Gender Critical Observations on Tripartite Breeding Relationships in the Hebrew Bible,” in *A Question of Sex?: Gender and Difference in the Hebrew Bible and Beyond*, ed. Deborah W. Rooke (Sheffield: Sheffield Phoenix Press, 2007), 39–52.

63 Jackson, “Law and Narrative,” 133. Cf. Adrien J. Bledstein, “Female Companionships: If the Book of Ruth Were Written by a Woman...”, in *A Feminist Companion to Ruth*, ed. Athalya Brenner (Sheffield: Sheffield Academic Press, 1993), 116–33 (128), “Naomi is ‘built up’ through Ruth, as Rachel and Leah [invoked in the gate people’s blessing of Boaz in 4:11] are through Bilhah and Zilpah.”

64 Jackson, “Law and Narrative,” 102, 110, 112, 113.

65 Ska, “Biblica Cenerentola,” 28–29 and 43 n. 12, on which see Jackson, “Ruth,” 98–99. Cf. Leon Morris in *Judges/Ruth*, ed. Arthur E. Cundall and Leon Morris (London: Inter-Varsity Press, 1968), 280–81; Bush, *Ruth/Esther*, 164–66.

66 In Deut 32:11 with the verb פָּרַשׁ in the metaphor of the eagle spreading its wings; cf., with different verbs, Isa 8:8; Ps 17:8, 36:8, 57:2, 61:5, 63:8, 91:4.

potentially implied) invitation to sexual relations. The language of Boaz in 4:10, “Moreover Ruth the Moabitess, the wife of Mahlon, have I acquired to be my wife (קניתי לי לאשה),” is more regular (though not exclusively referable to a primary wife<sup>67</sup>), but there is still ambiguity as to whether the verb refers to a past event (on the threshing floor), or, as some maintain,<sup>68</sup> is used performatively: “I hereby acquire ...”

When we turn to the language used to describe the problematic marriages in Ezra–Nehemiah, we again encounter non-standard language, as a number of commentators, and notably Tamara Eskenazi,<sup>69</sup> have observed. In her JPS Commentary (with Tikva Frymer-Kensky), she observes:<sup>70</sup>

The predominant language for marriage in the bible and ancient near Eastern sources is expressed simply as the giving or taking of a daughter or a woman. This “give” (*natan*) and “take” (*laqah*) is present in almost all texts connected with Israel’s pre-exilic period. These terms of conveyance describe the movement of the woman to her husband’s household. A different term, *nasa’*, appears in texts dating from the postexilic period, often describing marriages with non-Judean/Israelite women (as in Ruth 1:4).

While both *natan*<sup>71</sup> and *nasa’*<sup>72</sup> (the former of giving one’s daughters to foreigners, the latter of taking foreign daughters for one’s sons<sup>73</sup>) are found

67 See Bernard S. Jackson, *Wisdom-Laws: A Study of the Mishpatim of Exodus 21:1–22:16* (Oxford: Oxford University Press, 2006), 95–97, on לאשה; Jackson, “Gender Critical Observations,” 45, on וליקחת לי לאשה in Deut 21:11 and והיתה לך לאשה in Deut 21:13, and at 48 on לאשה ... ויתן in 1 Chr 2:35.

68 E.g., Robert L. Hubbard, Jr., *The Book of Ruth*, NICA (Grand Rapids, MI: Eerdmans, 1988), 256.

69 Eskenazi, “Missions,” 520–23.

70 Eskenazi and Frymer-Kensky, *Ruth*, xxx.

71 Ezra 9:12, Neh 13:25. Southwood, “Holy Seed,” 190 n. 3, explains the usage at Ezra 9:2 on the basis that “it occurs within the context of a heavily nuanced exegetical quotation” (referencing Deut 7:3–4).

72 Ezra 9:2, 12, 10:44, thus framing the Ezra account, cf. Eskenazi, “Missions,” 519, Neh 13:25.

73 Ezra 9:12, Neh 13:25, which appear to have a literary relationship, although the former is expressed as an apodictic command, while the latter is in the form of an oath which Nehemiah imposes on them.

in Ezra and Nehemiah, the verb most commonly (and overwhelmingly<sup>74</sup>) used is the hiphil<sup>75</sup> of יָשַׁב,<sup>76</sup> which commentators have noted is unique as a term for marriage.<sup>77</sup> Eskenazi notes that “the literal meaning suggests settlement or establishment of persons on the land”<sup>78</sup> and that it appears twice in Chronicles (2 Chr 8:2 and 23:20), “where it definitely pertains to *settling* or *establishing*.”<sup>79</sup> Indeed, she argues that the very fact that both Ezra and Nehemiah also use the standard verbs suggests that the unique usage of לְהוֹשִׁיב is polemical.<sup>80</sup> We shall return to her view of the significance of this terminology in relation to land rights.<sup>81</sup>

Southwood suggests a further implication of the unusual terminology:<sup>82</sup> “The author may be implying that the relationships were illegitimate unions<sup>83</sup> through using carefully selected, loaded terminology.<sup>84</sup> Moreover, the text’s use of idiosyncratic vocabulary to describe the relationships could insinuate

74 Though not in Ezra 9.

75 On the incidence of *plene* (with waw) and non-*plene* forms, see Eskenazi, “Missions,” 523 n. 26, there noting a suggestion of David Noel Freedman that the root may be *shuv*, though he does not contest the basic meaning of “settle.”

76 Ezra 10:2, 10, 14, 17, 18; Neh 13:23, 27.

77 Eskenazi, “Missions,” 520, 521. Cf. Southwood, “Holy Seed,” 190 n. 3; Moffat, *Ezra’s Social Drama*, 64, 107; and see Southwood, quoted below, text at nn. 82–84 and following.

78 Eskenazi, “Missions,” 521. At 520 she compares Gen 47:11.

79 *Ibid.*, 523 n. 26.

80 *Ibid.*, 523, and perhaps implying an understanding of marriage with a member of the community as “a step up” (*ibid.*, 523 n. 25).

81 *Ibid.*, 522, quoted, text at n. 167, below.

82 Southwood, “Holy Seed,” 190 and 190 n. 3.

83 Cf. Willi-Plein, “Problems of Inter-marriage,” 182, commenting on Mal 2:11, “Judah hath dealt treacherously, and an abomination is committed in Israel and in Jerusalem; for Judah hath profaned the holiness of the LORD which He loveth, and hath married the daughter of a strange god,” often seen as the nearest parallel to Ezra 9:2’s “Holy Seed” ideology. Hayes, *Gentile Impurities*, 28, views it as referring to “any connubial relationship in addition to a first inner-Jewish or Judaic marriage.”

84 In this she includes הַתְּחַתֵּן in Ezra 9:14: Southwood, “Holy Seed,” 190 n. 3. See also Neh 6:18, 13:28. Christian Frevel and Benedikt J. Conczorowski, “Deepening the Water: First Steps to a Diachronic Approach on Inter-marriage in the Hebrew Bible,” in *Mixed Marriages. Inter-marriage and Group Identity in the Second Temple Period*, ed. Christian Frevel (London: T&T Clark, 2011), 15–45 (21 and n. 19) (for



intercohabitation, rather than intermarriage.” This is certainly not incompatible with Eskenazi’s emphasis on land rights, as is well demonstrated by the expulsion of Ishmael: “Wherefore she (Sarah) said unto Abraham: ‘Cast out (גרש) this bondwoman (האמה) and her son; for the son of this bondwoman shall not be heir with my son, even with Isaac’” (Gen 21:10).

The terminology for divorce has also prompted discussion. Southwood sees the use of the hiphil הוציא, “cast out,” in Ezra 10:8 as an unparalleled deviation from the “conventional term” שלח, “send (away),” and is attracted to the suggestion of Yonina Dor that Ezra’s expulsion is (merely) ceremonial,<sup>85</sup> while conceding that the verb הוציא has a very wide semantic range.<sup>86</sup> In fact, there is no (normative) terminology or procedure for divorce in the Hebrew Bible. Rather, it is a social institution, based on images of conventional modes of behaviour, rather than exclusive rules.<sup>87</sup> It is very much a matter of coming and going (including desertion by the man<sup>88</sup>) and more than one verb denoting such comings and goings (emphasising the agency of the males concerned) are possible.

A different point is made by Sara Japhet, commenting on the use of גרש in the Hagar narrative (Gen 21:10).<sup>89</sup> While she accepts that it is synonymous with שלח (as shown by Abraham’s action in response: Gen 21:14), she observes:

other biblical sources), see the root הִתַּן as emphasizing the integrative aspect of kinship to the in-laws.

- 85 Yonina Dor, “The Rite of Separation of the Foreign Wives in Ezra-Nehemiah,” in *Judah and the Judeans in the Achaemenid Period*, ed. Oded Lipschits, Gary N. Knoppers, and Manfred Oeming (Winona Lake, IN: Eisenbrauns, 2011), 173–88 (186): “... They condemned the already committed errors, they performed a ceremony of separation, they publicly denounced the sin, and then they refrained from taking any steps beyond these symbolic acts.” She does not, however, apply this specifically to the terminology in Ezra 10:8.
- 86 Southwood, “Holy Seed,” 190 n. 3, noting also the LXX use here of aorist infinitives.
- 87 Jackson, “‘Institutions’ of Marriage.” Even Deuteronomy 24:1–4 uses “sends from his house” of the termination of both the first and second marriages. Even though it adds the written document, neither that written document, nor the formal declaration “You are not my wife, and I am not your husband” (inferred from Hos 2:4) is found in any of the narrative sources: see further Jackson, “‘Institutions’ of Marriage,” 231.
- 88 Jackson, “‘Institutions’ of Marriage,” 230–31.
- 89 On the usage of *gerushah*, see Jackson, “‘Institutions’ of Marriage,” 242–43.

Hagar is not Abraham's wife in the legal sense of the term, and therefore no formal divorce is required, but her "sending away" is, in practical terms, her release. Ishmael loses the prospect of receiving a share in Abraham's inheritance.<sup>90</sup> But he and his mother gain their freedom during Abraham's lifetime.<sup>91</sup>

But there is no correlation here between the relative status of the spouse and the formality/informality of the divorce.<sup>92</sup>

A final point on divorce terminology. The "separation" (ויברילו) of Neh 13:3 should not be taken, as it often is, as divorce terminology.<sup>93</sup> This, too, would be quite exceptional language,<sup>94</sup> and in fact even the biblical source taken to justify this action (Deut 23:4 cited in Neh 13:1<sup>95</sup>) uses different terminology which is even further distant from divorce.<sup>96</sup>

#### 4. Intermarriage

The sources on intermarriage in Ezra and Nehemiah present a confusing and inconsistent picture, which has greatly engaged modern scholarship. Three questions need to be addressed: (1) who were the women concerned?; (2) Who were the male culprits?; (3) What was the real basis for the concern?

90 On the use of the verb for disinheritance (also involving expulsion from the family), and the connection with the "hatred" terminology of divorce, see Bernard S. Jackson, "Marriage and Divorce: From Social Institution to Halakhic Norms," in *The Dead Sea Scrolls. Texts and Context*, ed. Charlotte Hempel (Leiden: Brill, 2010), 339–64 (348–49), on the narrative of Jephthah in Judges 11.

91 Eskenazi, "Missions," 522.

92 As is argued by Japhet, "Expulsion," 147, in commenting on the use of גרש in relation to Hagar, taking this as a precedent for Ezra-Nehemiah, where "foreign women" are equated with secondary wives (ibid., 150–53, 160 n. 63).

93 Eskenazi and Frymer-Kensky, *Ruth*, xli, are more judicious: "Because this passage does not mention spouses, we can only infer its application to intermarriage."

94 We do however find it in Ezra's instruction in 10:11 to "separate from the peoples of the land and the foreign wives" [RSV, JPS: women] (הבדלו מעמי הארץ ומן הנשים), to which his audience agrees (v. 12). But later, after the Commission had done its work, Ezra (10:16) is said to have "separated" only the offending men, meaning that they were excluded from the *qahal*.

95 See below, text at nn. 129–37.

96 See further below at nn. 124–27.

The answer to this last question may illumine the underlying issue in Ruth's "Moabite" status.

As for the women, all the following fall to be considered:

- (1) Genuinely "foreign" women, from outside the territory of Judea (like Ruth), who had intermarried with exiled Judeans,<sup>97</sup> now returning,<sup>98</sup>
- (2) "foreign" women from inside the territory of Judaea, perhaps descended from the original Canaanite inhabitants.<sup>99</sup> This raises

97 Apparently reflected in Ezek 11:15–18. See also the Al-Yahudu marriage contract involving a Judean and a non-Judean party discussed by Kathleen Abraham in comparison with other ethnically marked Neo-Babylonian marriage contracts: "Negotiating Marriage in Multicultural Babylonia: An Example from the Judean Community in Al-Yahudu," in *Exile and Return: The Babylonian Context*, ed. Jonathan Stökl and Caroline Waerzeggers (Wiesbaden: de Gruyter, 2015), 33–57 (39–42); eadem, "West Semitic and Judean Brides in Cuneiform Sources from the Sixth Century BCE: New Evidence from a Marriage Contract from Al-Yahudu," *AfO* 51 (2005–6): 198–219. However, Cornelia Wunsch, "Glimpses on the Lives of Deportees in Rural Babylonia," in *Arameans, Chaldeans, and Arabs in Babylonia and Palestine in the First Millennium B.C.*, ed. Angelika Berlejung and Michael P. Streck (Wiesbaden: de Gruyter, 2013), 247–60 (250), comments that "the name-giving patterns among this group over four generations show a strong sense of identity and cultic focus." See also Satlow, *Jewish Marriage*, 135, arguing for a reversal of the onomastic trend, from Babylonian back to Jewish names, from about 480 BCE, on the basis of the Murashu archive. On the "progressing adoption of Babylonian names among the Judean merchants in Sippar in the first half of the sixth century BCE," see however Yigal Bloch, "Judeans in Sippar and Susa during the First Century of the Babylonian Exile: Assimilation and Perseverance under Neo-Babylonian and Achaemenid Rule," *Journal of Ancient Near Eastern History* 1 (2014): 119–72, including further marriage contracts. See esp. 132 on some apparent difficulties encountered with one case of intermarriage.

98 In fact, the contracts discussed in the literature (n. 97 above) seem to suggest the predominance of Judean/West Semitic wives rather than husbands in inter-ethnic marriages.

99 See esp. Judg 3:5–6: "The Israelites settled among the Canaanites, Hittites, Amorites, Perizzites, Hivvites, and Jebusites; they took their daughters to wife and gave their own daughters to their sons, and they worshiped their gods." On the fate of the Canaanite nations, see Kimelman, "Seven Nations," especially for Exod 34:12–16; Num 33:55–56; Deut 7:3 on intermarriage (despite Deut 7:1); Josh 11:12–13, 13:13, 15:63, 16:10, 23:7, 12–13; Judg 1:27–29, 2:1–3; 1 Kgs 9:20; cf. 2 Chr 8:7–8; Ps 106:34–39. E. W. Nicholson, "The Meaning of the Expression עַם הָאֲרָצוֹת in the Old Testament," *JSS* 10 (1965): 59–66 (66), argues that the "amey ha'aratsot

the question of the meaning of “the people of the land(s),” עמי הארץ\עמי הארצות,<sup>100</sup> which some commentators regard as anachronistic,<sup>101</sup> in that the six (or seven, or perhaps even more<sup>102</sup>) groups were no longer to be found in the land.<sup>103</sup> This may well be just as ideological a claim as (and indeed the converse of) the view

of Ezra x. 2, 11 and Neh x. 31, 32 are synonymous and both clearly designate the heathen population of Palestine amongst whom the Jews who had returned from exile had to live – ‘Canaanites, Hittites, Perizzites, Jebusites, Ammonites, Moabites, Egyptians and Amorites’ (cf. Ezra ix. 1).”

- 100 Ezra 9:1, on which see also Fried, “Concept,” 124–25, and Willi-Plein, “Problems of Inter-marriage,” 186\*, conflates some but not all of the classical six (see n. 102 below) with neighbouring nations: Ammonites, Moabites, and Egyptians. On the terminology, see further Nicholson, “עם הארץ”; Rocco Bernasconi, “Meanings, Function and Linguistic Usages of the term ‘Am Ha-Aretz in the Mishnah,” *REJ* 170 (2011): 399–428 (401–4), and in particular his citations at 402 of Würtheim (1936), Gunneweg (1983) and Fried (2006) for the view that, in the pre-exilic period (at least) “*am ha-aretz* refers to the full citizens land-owners,” though Fried argues (at 130) that in Ezra 4:4 the “*am ha’arets* who wrote accusations to the kings against the Judeans were Persian satrapal officials” (a view not widely followed). Moffat, *Ezra’s Social Drama*, 65, concludes: “There was no difference between those living in neighbouring regions and those within Yehud who did not fit within the author’s definition of Israel; all were impure and foreign.” See also Williamson, “Welcome Home,” 115–16, arguing for a generalised definition such as “the Judean landed aristocracy.”
- 101 E.g., Harold C. Washington, “The Strange Woman of Proverbs 1–9 and Post-Exilic Judean Society,” in *Second Temple Studies 2: Temple and Community in the Persian Period*, ed. Tamara C. Eskenazi and Kent H. Richards (Sheffield: JSOT Press, 1994), 217–42 (238); Dor, “Composition,” 31; Southwood, “Holy Seed,” 198.
- 102 To the common list of six (Canaanite, Hittite, Amorite, Perizzite, Hivvite, and Jebusite, though not always in that order), the Girgashite is added in Deut 7:1, Josh 3:10, 24:11; and also in Gen 15:15–21, there (twice) with further additions, including the Kenites, on whom see Knoppers, “Inter-marriage,” 26.
- 103 So threatened in Exod. 34:11. Jacob Milgrom, “Religious Conversion and the Revolt Model for the Formation of Israel,” *JBL* 101 (1982): 169–76 (173), argues that “D’s law of the *herem* and its concomitant ban on inter-marriage presumes that Canaanites qua Canaanites continued to thrive at least into the eighth century,” relating this in particular to eighth-century northern Israel: “For the great urban blocks of Canaanites, to judge by the list of city-states that Israel could not conquer (Judg 1:27–35), are all located – with the exception of Jerusalem (v. 11) – in the north. It was these Canaanite enclaves assimilating at such an alarming rate – not through conversion but through inter-marriage – which gave rise to the inter-marriage–apostasy–*herem*–holy people sequence in the *herem* law of D.”

that the Babylonian deportations resulted in a land empty of Judeans;<sup>104</sup>

- (3) non-“foreign” women who had not been deported or otherwise exiled, and had in fact remained in Judea throughout the period

104 Based on Lev 18:24, on which see Mary Douglas, *Jacob's Tears: The Priestly Work of Reconciliation* (Oxford: Oxford University Press, 2004), at 69, 2 Kgs 25:26 and 2 Chr 36:20–21, and perhaps on Gen 12:6, 13:7 (“And the Canaanite was then in the land”). But see Hans M. Barstad, *The Myth of the Empty Land* (Oslo: Scandinavian University Press, 1996); Rainer Albertz, *Israel in Exile: The History and Literature of the Sixth Century B.C.E.* (Leiden: Brill, 2004), 81–90, on the numbers actually deported, concluding in favour of about 25% of the population, and endorsing (at 83) the statement of Martin Noth, *The History of Israel*, 2<sup>nd</sup> ed. (London: Black, 1960), 296, that “... even the Babylonian group represented a mere outpost, whereas Palestine was and remained the central arena of Israel’s history. And the descendants of the old tribes who remained in the land, with the holy place in Jerusalem, constituted not only numerically the great mass but also the real nucleus of Israel.” Douglas (*Jacob's Tears*, 69) argues that Leviticus makes it possible to doubt whether there were any of the original populations left in the land after they had been destroyed directly by divine action, but Ezra drew heavily on Deuteronomy, according to which the original idolators were still around and which specifies how they should be dealt with (quoting Deut 7:1–3). Eskenazi, “Missions,” 518 n. 22, notes Avraham Faust’s archaeological analysis (“Judah in the Sixth Century B.C.E.: A Rural Perspective,” *PEQ* 135 [2003]: 37–53), supporting the view that the population in the rural areas was drastically reduced in the aftermath of the destruction of the temple. But see the rejoinder of Oded Lipschits, “The Rural Settlement in Judah in the Sixth Century B.C.E.: A Rejoinder,” *PEQ* 136 (2004): 99–107. See also Sara Japhet, “People and Land in the Restoration Period,” in *Das Land Israel in biblischer Zeit*, ed. Georg Strecker (Göttingen: Vandenhoeck & Ruprecht, 1983), 103–25 (104–105), and the extensive bibliography in Jeremiah Cataldo, “Utopia in Agony: The Role of Prejudice in Ezra-Nehemiah’s Ideal for Restoration,” in *Worlds that Could Not Be. Utopia in Chronicles, Ezra and Nehemiah*, ed. Steven J. Schweitzer and Frauke Uhlenbruch (London: Bloomsbury T&T Clark, 2016), 144–68 (163–64 n. 64). Oded Lipschits, “Achaemenid Imperial Policy, Settlement Processes in Palestine, and the Status of Jerusalem in the Middle of the Fifth Century B.C.E.,” in *Judah and the Judeans in the Persian Period*, ed. Oded Lipschits and Manfred Oeming (Winona Lake, IN: Eisenbrauns, 2006), 19–52 (24) (with references to his earlier publications), suggests that it was in the Babylonians’ interest to preserve the rural settlements in order to receive the wine, olive oil, grain, and other agricultural products as taxes. For earlier discussion, see Ginsberg, *Israelian Heritage*, 10–11, 17.

of the exile (i.e., female<sup>105</sup> “remainees”),<sup>106</sup> this being a function of the supremacist claims of the returnees (בני הגולה) that they alone now represented “Israel.”<sup>107</sup>

What is common to all these groups is the suspicion of religious syncretism: the view that even primary allegiance to the Israelite God did not exclude other (especially domestic) cultic practices — a suspicion, as noted above, to

- 105 Both Ezra (at least in 9:12) and Nehemiah (Neh 10:25) seek to ban intermarriage also with foreign men even though the problems presented to them is only marriage with foreign women (Ezra 9:2, 10:2, 14, 18, 24; Neh 13:23: women from Ashdod, Ammon, and Moab). The Rabbis later permitted marriage with Ammonite and Moabite women, interpreting the masculine formulation of the ban in Deut 23:4 restrictively (evidently, to save David from any genealogical criticism): see *m. Yev.* 8:3; Ibn Ezra on Ruth 1:2; Hayes, “Intermarriage,” 35 n. 105; Jackson, “Law and Narrative,” 107 and n. 26.
- 106 Dor, “Rite of Separation,” 173–74, sees both “peoples of the lands” and “foreign women” as referring to “the descendants of the Israelites who were not deported, whether from the Northern Kingdom by the Assyrians or, later, from Judah by the Babylonians.” Cf. Lester Grabbe, *A History of the Jews and Judaism in the Second Temple Period, Volume 1: Yehud: A History of the Persian Province of Judah* (London: T&T Clark, 2004), 286; Gary N. Knoppers, “The Construction of Judean Diasporic Identity in Ezra-Nehemiah,” *JHebS* 15, no. 3 (2015), online: <http://www.jhsonline.org>, at 3–4. For Blenkinsopp, *Judaism*, 66–67: “... [T]he womenfolk of the ‘peoples of the land,’ marriage with whom contaminated ‘the seed of Israel,’ would presumably have included indigenous Judeans and resident non-Judeans, including Ammonites, Moabites, Edomites, and women originating in Samaria and Philistia. Since many of these, including those originating outside of Judah, would have been worshippers of Yahweh, what is at issue was the theory of ritual ethnicity rather than simply what we would call religious affiliation.”
- 107 See Ehud Ben Zvi, “Inclusion in and Exclusion from Israel as Conveyed by the Use of the Term ‘Israel’ in Post-Monarchic Biblical Texts,” in *The Pitcher is Broken: Memorial Essays for Gösta W. Ahlström*, ed. Steven W. Holloway and Lowell K. Handy (Sheffield: Sheffield Academic Press, 1995), 95–149 (104–13), stressing its relationship to land claims; Southwood, “Holy Seed,” 205: “The only legitimate bearers of the name ‘Israel’ are interpreted as being the returned Gôlah remnant” (citing Christiane Karrer, *Ringens um die Verfassung Judas: Eine Studie zu den Theologisch-politischen Vorstellungen im Esra-Nehemiah-Buch* (Berlin: de Gruyter, 2001), 276; Gary N. Knoppers, “‘Married into Moab’”: The Exogamy Practiced by Judah and his Descendants in the Judahite Lineages,” in *Mixed Marriages. Intermarriage and Group Identity in the Second Temple Period*, ed. Christian Frevel (New York and London: T&T Clark, 2011), 170–91 (171–72): “Throughout Ezra, self-ascription of the titles ‘Israel,’ ‘people of Israel,’ and ‘descendants of Israel’ appear when describing the reconstituted Gôlah (Ezra 2:2, 70; 3:1; 6:16, 21; 7:7, 13; 8:25; 9:1; 10:5).”

which not even Ruth has proved immune. Ezra and Nehemiah, by contrast, may well have taken the Decalogue's ban on having any "other gods" על פני (Exod 20:2; Deut 5:6), as well as the many other sources directed at "idolatry," as directed specifically against this.

As for the male culprits, the apparent targets include (1) earlier and recent generation of returnees, whose marriage practices were less strict than those reflected in Ezra;<sup>108</sup> (2) male remainees;<sup>109</sup> (3) more restricted groups, apparently reflecting political (and ideological) struggles amongst the elite,<sup>110</sup> and particularly the priesthood<sup>111</sup> (whose contribution to the pentateuchal literature has been seen as inclusivist as regards the *ger*, the polar opposite of the deuteronomistically-influenced Ezra and Nehemiah<sup>112</sup>). Nehemiah,

- 108 Ezra 10:3, where Shecaniah invokes the support of "all those who trembled (*haredim*) at the words of the God of Israel" in support of his request for a covenant to put away the foreign wives; Ezra agrees to an oath to this effect and then mourns because of "the faithlessness of them of the captivity (*al ma'al hagolah*)" (10:6). Douglas, *Jacob's Tears*, 78, notes that Jehiel, the father of Shecaniah, and his five brothers, had all taken foreign wives (Ezra 10:26), and comments: "Shecaniah had entrapped his own father and uncles." Satlow, *Jewish Marriage*, 136, writes that "When Ezra arrived in Jerusalem, we are told, he was horrified to discover that the Jewish families that preceded him nearly 60 years before had intermarried." See also Daniel L. Smith-Christopher, *The Religion of the Landless* (Bloomington, IN: Meyer-Stone Books, 1989), 196; Willi-Plein, "Problems of Intermarriage," 185\*; Oswald, "Foreign Marriages," 3–4.
- 109 Ezra 10:9–10, "All the men of Judah and Benjamin"; 10:14: "All in our cities," though 10:7 appears to direct the call to the assembly (only?) to *benei hagolah* (so Miller and Hayes, *History of Ancient Israel*, 538). Mary Douglas, *In the Wilderness. The Doctrine of Defilement in the Book of Numbers* (Oxford: Oxford University Press, 2001), 229, argues that, "The accused are presumably the local adversaries who are holding on to the land of the returnees, and are unsound on religious doctrine. If they do not prove their loyalty now, they will be excluded from the congregation, downgraded in their civil status, and lose their land."
- 110 Ezra 9:1–2: "The people of Israel, and the priests and the Levites .... the princes and rulers (השרים והסוגנים)"; Ezra 10:23 (levites); 10:24 (singers, presumably temple singers).
- 111 Ezra 10:5: "The leading priests" (שרי הכהנים); 10:18: "And among the sons of the priests there were found that had married foreign women, namely ..."
- 112 Indeed, Mary Douglas, "Responding to Ezra: The Priests and the Foreign Wives," *BibInt* 10 (2002): 1–23, regards the book of Leviticus as a response to the strict intermarriage restrictions of Ezra and Nehemiah. See also eadem, *Jacob's Tears*, 69. See, however, Hannah K. Harrington, "The Use of Leviticus in Ezra-Nehemiah," *JHebS*, Volume 13, Article 3, DOI:10.5508/jhs.2013.v13.a3, at



too, finds himself in opposition to the “rulers” (סגניים)<sup>113</sup> and lists a son of the High Priest amongst those accused of intermarriage.<sup>114</sup>

And then there is the question of motivation for the measures, which has prompted a major debate in the modern literature, ranging over social,<sup>115</sup>

5, arguing that the impurity laws of Leviticus are not of the same type as those in Ezra-Nehemiah but reflect an earlier system: the *ger* of Leviticus performed the purity laws and even sacrifices (Lev 17:15–16), an attitude which makes more sense when the nation held political autonomy than after its occupation by foreigners. However, Douglas, *Jacob's Tears*, 70, writes: “Whereas it seems to me that Ezra had not read or learnt from Leviticus, it is certain that he drew heavily from Deuteronomy.” However, it is also suggested that there are hints of integrationism even in Ezra-Nehemiah: against this, see the powerful argument of Thiessen, “Function of a Conjunction,” rejecting the common view that Ezra 6:21 allows not only “the people of Israel who had returned from exile” but also “every one who had joined them and separated himself from the pollutions of the peoples of the land to worship the LORD, the God of Israel” to eat the Passover sacrifice, apparently even without circumcision: Exod 12:48; see also Lau, “Gentile Incorporation,” 365–66; Williamson, “Welcome Home,” 120; Ben Zvi, “Rejection,” 122–23. On the scholarly discussion of the history of the *ger*, see Rolf Rendtorff, “The *Ger* in the Priestly Laws of the Pentateuch,” in *Ethnicity and the Bible*, ed. Mark G. Brett (Leiden: Brill, 1996), 77–87; Mihăilă, “Conversion,” 43–47.

113 Neh 13:11, cf. 5:17, and see further Blenkinsopp, *Ezra-Nehemiah*, 67: “Also playing an important role at the time of Nehemiah were those who claimed descent from the hereditary nobility under the monarchy. Most, perhaps all, of these were descendants of aristocratic deportees who had survived the execution squads after the fall of Jerusalem (citing Jer 27:20; cf. 39:6).”

114 Neh 13:28; Edward Lipinski, “The Province Yehud and Jews in the Achaemenid Empire,” *SJ* 12 (2009): 369–79 (378).

115 Eskenazi, “Missions,” 512 n. 10, argues: “The pressures on new immigrants to marry up and out is well documented in ancient and modern situations. Sympathetic readings of Ezra 9–10 recognize the need to secure partners and families for the women of the new Judahite community in the face of competing possibilities. Such readings consider the opposition to foreign women not simply a misogynistic restriction but, rather, a defense of the rights of women in the community against outside competition and as a means for maintaining communal cohesiveness and continuity.” This may well be relevant to the situation of Ruth.

demographic,<sup>116</sup> religious<sup>117</sup> (intermarriage being regarded as a sin<sup>118</sup> and a source of impurity<sup>119</sup>) and economic<sup>120</sup> issues (including the residual capacity

- 116 Douglas, *Jacob's Tears*, 76, notes that "the practice of polygamy creates a scarcity of unmarried women. Depending on the scale of polygamy, that is, depending on whether a few men have several wives or hundreds, there will always be a tendency for more men to be looking for wives than women looking for husband."
- 117 Douglas, *Jacob's Tears*, 77, remarks that though idolatry was ostensibly the whole point of the exercise, there is no sign that Ezra made an investigation into the women's religious practices. Yet the closest we come to idolatry as the underlying reason is the reference in Neh 13:26 to Solomon's foreign women causing him to sin, and the mention of the "abominations" of the "peoples of the lands" in Ezra 9:1, 11, 14, which is never made explicit (despite the expression "these abominations" in 9:14). The probable explanation is that this presupposes knowledge of Deut 7:1–4, in which the ban on intermarriage in 7:3 is followed by the motivation that such marriages may lead to serving "other gods." Philip F. Esler, "Ezra-Nehemiah as a Narrative of (Re-Invented) Israelite Identity," *BibInt* 11 (2003): 413–26 (421), rightly notes that there is no suggestion that any of those who had so married had abandoned worship of Yahweh, or indeed that they were about to do so. So the issue here (as argued also for Ruth) is one of syncretism rather than religious desertion. Cf. Lau, "Gentile Incorporation," 368–69, arguing that 2 Kgs 17 provides evidence of the syncretistic background; Christian Frevel, ed., *Mixed Marriages. Intermarriage and Group Identity in the Second Temple Period* (London: T&T Clark, 2011), 6–7: "... [T]here is no distinct concept of "religion" in the background of this [Deuteronomy 7] prohibition"; rather he sees the Deuteronomic view as focusing on "monolatry and religious identity" (at 10).
- 118 Hayes, *Gentile Impurities*, 31, argues that the intermarriage of lay Israelites is described in both as Ezra and Nehemiah as a great evil, and as a desecration or sacrilege [*ma'al*]— but not a defilement, though it is so regarded for priests. Joshua Berman, "Ancient Hermeneutics and the Legal Structure of the Book of Ruth," *ZAW* 119 (2007): 22–38 (28–29), argues that the deaths of Maḥlon and Kilyon were a divine punishment for marrying Moabite women, citing also Targum Ruth to this effect (despite the mishnaic interpretation that Deut 23:4 applied only to Moabite men: see above, n. 22).
- 119 Mihāilā, "Conversion," 40.
- 120 Particularly, as regards land: see Eskenazi, "Missions," 517–19; Jones, *Reading Ruth*, 172, and the next section of this article. Zlotnick-Sivan, "Silent Women," 9–10, argues: "Instead of emphasizing the risks of idolatry and apostasy entailed in intimate sexual relations with non-Jews, as the Pentateuch does, Ezra rejects intermarriage for economic reasons. To be precise, he links the well-being of the community with a rejection of intermarriage in terms that echo the arguments employed in the Dinah tale (Genesis 34). Negotiating marriage on behalf of his son Shechem, Hamor seeks to initiate wholesale marital alliances between

to inherit property<sup>121</sup>), and increasingly focusing on questions of identity in the new Restoration Period situation.<sup>122</sup> Here too, we cannot escape methodological issues, and the danger of anachronistic application of modern concepts of ethnicity and religion.<sup>123</sup>

Particularly important, in this context, is the understanding of the ban on (i.a.) Moabites entering within the *qahal* (לֹא יבֹא ... בְּקֹהֶל) found in Deuter-

Israelites and Shechemites with a view to promoting the economic interests of both sides. Ezra insists that peace with the locals and the economic advantages of intermarriage are hindrances, rather than guarantees of the covenant between Yahweh and Israel. Ezra's marital ideology strives, then, to undermine the role of women as potential mediators of peace and prosperity. In this, he reflects a remarkable continuity with the spirit of the final redactor of Genesis 34."

- 121 Mihăilă, "Conversion," 36–37, citing earlier literature, but questioning the conclusion: "Had the community's fear of losing control of land truly been uppermost, the community would have legislated not only against marrying foreign women but also against allowing Yehudite women with inheritances to marry foreign men. [...]" But though the perceived culprits in Ezra-Nehemiah are men marrying "foreign" women, both sources seek to ban intermarriage in both directions: see above at n. 105.
- 122 E.g., Blenkinsopp, *Ezra-Nehemiah*, 176; Kenneth Hoglund, "The Achaemenid Context," in *Second Temple Studies: 1. Persian Period*, ed. Philip R. Davies (Sheffield: Sheffield Academic Press, 1991), 54–72 (66–67); Jonathan E. Dyck, "The Ideology of Identity in Chronicles," in *Ethnicity and the Bible*, ed. Mark G. Brett (Leiden: Brill, 1996), 89–116, esp. 97–103; Knoppers, "Intermarriage," 28; idem, "Married Into Moab," 190–91; Southwood, "Holy Seed," 204–5; Esler, "Ezra-Nehemiah," 414; Glover, "Your People"; Lau, "Gentile Incorporation," 365 n. 43, 369–70; Ska, "Legge"; Thiessen, "Function of a Conjunction," 66, 79; Bernasconi, "*Am Ha-Aretz*," 403–4; Dor, "Rite of Separation," 174–77; Eskenazi and Frymer-Kensky, *Ruth*, xli; Frevel, *Mixed Marriages*, 10; Lau, *Identity*; Mihăilă, "Conversion," 34–35; Moffat, *Ezra's Social Drama*, 81–83, 96–97; Southwood, "Holy Seed," 199; Cataldo, "Utopia in Agony," 151–52; Jones, *Reading Ruth*, 185–87.
- 123 On religion, see Frevel, *Mixed Marriages*, 6–7; on ethnicity, Glover, "Your People"; Knoppers, "Married Into Moab," 189–90. Dyck, "Ideology of Identity," 97–98, stresses the role of myths of common origin, which still resonate with the definition of "ethnic origins" in the 1976 Race Relations Act of contemporary UK law, as adopted by the House of Lords in *Mandla v Dowell Lee* [1983] 2 AC 548: "For a group to constitute an ethnic group in the sense of the Act of 1976, it must ... regard itself, and be regarded by others, as a distinct community by virtue of certain characteristics. ... The conditions which appear to me to be essential are these: (1) a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive ..."

onomy 23:4.<sup>124</sup> Views are divided on the original meaning of the ban, which has often been understood as including a ban on intermarriage<sup>125</sup> if only by inference.<sup>126</sup> The language would be a strange and roundabout way of referring to marriage directly (contrast Deut 7:3, using תחתון<sup>127</sup>).<sup>128</sup> Nevertheless, Neh

- 124 On this and other textual differences between Deut 23:4 and Neh 13:1, see Juha Pakkala, "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. Hanne von Weissenberg, Juha Pakkala, and Marko Marttila, BZAW 419 (Berlin: de Gruyter, 2011), 193–221 (199–202), while acknowledging that Neh 13:1 contains the closest parallel between a pentateuchal text and Ezra-Nehemiah (cf. Ska, "Legge," 135). On its possible relevance to Ruth, and the incidence and significance of her designation as a Moabite (and her self-description in 2:10 as a גבריה), see Jackson, "Ruth," 81–89; idem, "Law and Narrative," 107, arguing that there is no trace of an allusion to Deut 23:4 in Ruth; for the Rabbis, however, it became relevant, given its possible implications for the ancestry of David. The possible use of Deut 23:4 in Ezra has also been raised. Fishbane, *Biblical Interpretation*, 116–17, argues that Ezra 9:1–2 is an exegetical blend of Deut 7:1–6 and 23:4–9 and also (117 n. 32) compares the language of Ezra 9:12 to Deut 23:7. But he does not establish any specific linguistic link with Deut 23:4, though his concluding remarks might appear to infer such. See also Fishbane, *Biblical Interpretation*, 128–29, for a different use of Deut 23:4 in Lam 1:10.
- 125 But no mention of dissolution of such unions, as stressed, i.a., by Zlotnick-Sivan, "Silent Women," 12. For literature on other interpretations, see Jackson, "Ruth," 89 n. 81.
- 126 E.g., Eskenazi and Frymer-Kensky, *Ruth*, xl. Japhet, "Expulsion," 144 and n. 16, maintains that the law originated not in ethnic considerations *per se*, but in some criterion of "adequacy" for a specific status inside Israel, the nature of which is not made clear by the relevant contexts. Hayes, "Intermarriage," 8–9, argues that it may refer to intermarriage or physical entry into the Temple but that the context (of Deut 22) supports intermarriage. On the other hand Moffat, *Ezra's Social Drama*, 76, sees Deut 23 as having "nothing to do with marriage"; rather, it "regulates who can be a member of the assembly." For Oswald, "Foreign Marriages," 8–9, membership in the assembly is the issue in Deut 23:2–9, but intermarriage would be covered given the exclusion in Deut 23:3 of the גמור, taken to refer to (any) "illicit offspring," which in the context of Deuteronomy would include those of foreign marriages.
- 127 See n. 84 above.
- 128 Nevertheless, some do appear to take it as a direct reference. Japhet, "Expulsion," 144, notes that Kaufmann, *History*, 4:338, takes the interpretation of marriage as the original meaning of these laws, and that rabbinic exegesis interpreted the term straightforwardly as denoting marriage, while at the same time defining "Ammonite," "Moabite," etc., as referring to proselytes of these origins (*m. Qidd.*

13:1–3 is sometimes taken as referring to intermarriage.<sup>129</sup> Similarly, the oath not to engage in intermarriage, in either direction, in the future, is expressed quite directly and explicitly with תתנו of giving your daughters and תשא of taking foreign daughters for your sons (v. 25), while the existing cases of intermarriage with foreign women uses the terminology of “settling” (v. 23, השיבו). Oswald (“Foreign Marriages,” 5), moreover notes that those to be excluded in Neh 13:3 are “all mixed people (כל ערב),” so that “the measures do not aim specifically at foreign wives but rather at male persons who are not of legitimate origin.” Others see Neh 13:3 as indicating a mark of identity, of acceptance as a member of the community (sometimes termed citizenship<sup>130</sup>), with all the rights (including participation in rebuilding the Temple and cultic rights<sup>131</sup>) that that would entail — and, most notably, the right to possess

3:1–3; *m. Yad.* 4:4, etc.). Harrington in her review of Moffat, *Ezra’s Social Drama*, claims that many Second Temple (nonbiblical) texts also read Deut 23 as referring to marriage (citing 4QFlorilegium). Lange, “Your Daughters,” 86, provides a list of the biblical sources invoked against intermarriage in the Book of the Words of Noah, The Book of Watchers, the Aramaic Levi Document, The Temple Scroll, and Tobit (the texts all discussed in his article). Deut 23:4 is completely absent from them. Shaye Cohen, *Beginnings of Jewishness*, 244–45, discusses Philo *DSL* iii.29 and Josephus *Ant.* 8.190–196, cf. 2.139–153, and concludes that: “In the first century CE Deuteronomy 7:3–4 was emerging as the central proof text for intermarriage as a violation of a Mosaic ordinance.”

- 129 E.g., Jacob Milgrom, *Cult and Conscience. The Asham and the Priestly Doctrine of Repentance* (Leiden: Brill, 1976), 72; *aliter* Myers, *Ezra-Nehemiah*, 207–8; Blenkinsopp, *Ezra-Nehemiah*, 351–52. Eskenazi and Frymer-Kensky, *Ruth*, xli, observe: “Because this passage does not mention spouses, we can only infer its application to intermarriage.”
- 130 E.g., Eskenazi, “Missions,” 509; Oswald, “Foreign Marriages,” 8–9. See also Dyck, “Ideology of Identity,” 98: “The state... should not be thought of as an extension of the nation or ethnic group. It does not lie on the same continuum because it is not defined in terms of the group perception. The state is defined in terms of the existence of institutions of government which, like the nation, claim sovereignty over a particular area. These institutions do not, however, exist in a vacuum, but rather presuppose one or more of the other forms of identity.”
- 131 Dor, “Rite of Separation,” 175: “Only the returned exiles could participate in public events such as the building of the temple (Ezra 4:1), celebrating the Passover (Ezra 6:19–21), making sacrifices (Ezra 8:35), attending public meetings (Ezra 10:7), and celebrating Succot (Neh 8:17). All these events were open only to returnees.” Blenkinsopp, *Judaism*, 70, points to Nehemiah 9:1–2 (“Now in the twenty and fourth day of this month the children of Israel were assembled with fasting, and with sackcloth, and earth upon them. And the seed of Israel

land.<sup>132</sup> But intermarriage was not the only bar to membership of the *qahal* (whether for the man or the woman<sup>133</sup>). There is a strong argument that such membership was restricted to non-intermarrying returnees<sup>134</sup> (even if also incorporating some remainees regarded as in good religious standing<sup>135</sup>),

separated themselves from all foreigners, and stood and confessed their sins, and the iniquities of their fathers”), which he takes to mean that the Golah community (“the seed of Israel”) excluded from the penitential service on the 24th of the seventh month all non-Golah members, Jewish or non-Jewish, not just women; and this pattern is repeated in Neh 13:1–3 where those of mixed descent, beginning with Ammonites and Moabites, are excluded from the public reading of the law in the assembly. Blenkinsopp, *Judaism*, 144, cites Ezekiel 44:9, stating that those of foreign descent living in Judah may not enter the temple.

- 132 The link between such membership and entitlement to land is reflected in Ezra 10:8, where Ezra’s proclamation to the *golah* community that if any one did not come to the special Jerusalem assembly within three days “all his property should be forfeited (יחרם כל רכושו), and he himself banned from the congregation of the exiles (והוא יברל מקהל הגולה).” Such a power of confiscation is included in Artaxerxes’ letter to Ezra at Ezra 7:26: לעניש נכסין. Similarly, Blenkinsopp, *Judaism*, 157, notes that in Ezekiel’s temple vision of the land of Israel “possession of the land is ... shown to be a function of cult, just as membership in Israel and title to an individual plot of land were contingent on participation in and support of the common cult.”
- 133 Ezra 8:2 explicitly includes women in the *qahal* convened to hear Ezra’s reading of the law (8:1–4). So too 10:1 where a (spontaneous?) *qahal*, here also including children, convened around the distraught Ezra as he made his confession. See also Washington, “Strange Woman,” 237.
- 134 See Dor, “Rite of Separation,” 175, on the “membership register” in Ezra 2:2–61 and Neh 7:6–63.
- 135 See Lau, “Gentile Incorporation,” 369–70: “... [N]ot all those remaining in Judah would have been accepted into ‘Israel’. By the time of the exile, the religious practices of the indigenous Jerusalemites had become inconsistent with the standards of behaviour advocated by the prophets such as Ezekiel (e.g., Ezek 8), and adopted by many members of the Restoration community. It seems most likely that those living in the territory of Judah and Benjamin were also involved. Only those who truly seek after YHWH are incorporated into ‘Israel’.”

who could thus claim to preserve the “Holy Seed,”<sup>136</sup> and thus claim identity as the “holy people.”<sup>137</sup>

## 5. Land Claims

Scholars have sometimes wondered about the connection between the marital issues in Ruth and the problem of the land,<sup>138</sup> an issue only foregrounded by the unusual use of the terminology of redemption for both. Ezra-Nehemiah presents much more material for consideration of this matter, especially when the marriage has a “foreign” element.

A prior question is what happened to the land of the deportees under the Babylonians? The Babylonian policy in such cases appears to have been to redistribute their land to the poor amongst those who remained.<sup>139</sup> The

136 Ezra 9:2 (זרע הקדוש); See also Mal 2:15 (זרע אלהים); Isa 6:13 (קדש); Esther 6:13, with Haman’s advisers describing Mordechai as מזרע היהודים. A library has been written on the significance of the term in Ezra. Since there is no hint of it in Ruth — nor any explicit invocation in Nehemiah, where זרע ישראל in 9:2 apparently denotes the *golah* community, separating themselves from “all foreigners” (כל בני נכר) — no account of the debate is needed in the present context, other than as below, n. 260. Valuable discussions are found in Ben Zvi, “Rejection,” 116–18; Cataldo, “Utopia in Agony,” 151–52; Eskenazi, “Missions,” 522 n. 64; Hayes, “Intermarriage,” 9–10; Lange, “Your Daughters,” 90; Satlow, *Jewish Marriage*, 137; Southwood, “Holy Seed”; and Harold C. Washington, “Israel’s Holy Seed and the Foreign Women of Ezra-Nehemiah: A Kristevan Reading,” *BibInt* 11 (2003): 427–37, esp. 435.

137 Deut 7:6; 14:2, 21; 26:19; 28:9. Ralf Rothenbusch, “The Question of Mixed Marriages between the Poles of Diaspora and Homeland: Observations in Ezra-Nehemiah,” in *Mixed Marriages. Intermarriage and Group Identity in the Second Temple Period*, ed. Christian Frevel (London: T&T Clark, 2011), 60–77 (70 n. 30), cites literature suggesting that “holy seed” may have developed from the notion of “holy people.” See also Milgrom, *Cult and Conscience*, 71–72. For a non-exclusivist interpretation, see Hyam Maccoby, “Holiness and Purity: The Holy People in Leviticus and Ezra-Nehemiah,” in *Reading Leviticus: A Conversation with Mary Douglas*, ed. John F. A. Sawyer (Sheffield: Sheffield Academic Press, 1996), 153–70.

138 See also Jackson, “Ruth,” 80, 90–91; idem, “Gender Critical Observations,” 102–4, 115–16.

139 Cf. Bustenay Oded, “Judah and the Exile,” in *Israelite and Judaeon History*, ed. John H. Hayes and J. Maxwell Miller (London: S. C. M. Press, 1977), 435–88 (478).



account of the capture of Jerusalem in 587–86 BCE<sup>140</sup> includes the following detail: “Nebuzaradan, the captain of the guard, left in the land of Judah some of the poor people who owned nothing, and gave (ויתן) them vineyards and fields at the same time” (Jer 39:10).<sup>141</sup> That the land was at the disposal of the Babylonians is illustrated by the offer subsequently made to Jeremiah by the same Nebuzaradan: “Now, behold, I release you today from the chains on your hands. If it seems good to you to come with me to Babylon, come, and I will look after you well; but if it seems wrong to you to come with me to Babylon, do not come. See, the whole land is before you; go wherever you think it good and right to go.”<sup>142</sup> Equally this indicates that the redistribution of land, however substantial,<sup>143</sup> was less than complete and systematic. We cannot exclude the likelihood that in small rural communities (like Bethlehem), the remainees simply occupied (with or without authorisation) the vacant land of the deportees, no doubt sometimes altruistically at other times for reasons of self-interest. Lester Grabbe writes: “Presumably they would have quietly taken over any land abandoned because the owners had been killed in fighting or deported to Babylonia.”<sup>144</sup> That, I have suggested, is the situation in Ruth, and in particular the position of Peloni Almoni.<sup>145</sup> Moreover, Gedaliah (into whose charge Nebuzaradan committed Jeremiah in fulfilment of Nebuchadrezzar’s instruction to treat him well: Jer 39:11–14) had some role in the oversight of the land distribution,<sup>146</sup> even to the extent of allowing Judean refugees from Moab to return and prosper on land vacated by the Babylonian deportees.<sup>147</sup>

140 In Jer 39:1, dated according to the Judean regnal year, the 9th of Zedekiah; in 2 Kgs 25:8, by the Babylonian regnal year: the 19th of King Nebuchadnezzar.

141 Not quite so explicit in 2 Kgs 25:12: he “left of the poorest of the land to be vinedressers and husbandmen.”

142 Jer 40:4; Ahn, *Exile*, 4.

143 Smith-Christopher, *Religion of the Landless*, 195: “The neo-Babylonian conquest thus resulted in a massive rural land redistribution.”

144 Grabbe, *History of the Jews*, 287. Washington, “Strange Woman,” 232: “After the deportations, the remaining Judaeans majority appears to have made claims to the land holdings left behind by the exiles,” citing 2 Kgs 25:12; Jer 39:10; 40:4–12.

145 Jackson, “Law and Narrative,” 113–16.

146 See further Albertz, *Israel in Exile*, 91–92.

147 Jer 40:11–12: “Likewise, when all the Jews who were in Moab and among the Ammonites and in Edom and in other lands heard that the king of Babylon had left a remnant in Judah and had appointed Gedaliah the son of Ahikam, son of

The return from exile from the period of Cyrus II was also influenced by imperial policy, though care is here needed to distinguish the policies applicable to different waves of return migration. Harold Washington makes some important points:<sup>148</sup>

The efforts of the returned exiles to regain control of the land were buttressed by Persian endorsement of their control over the Jerusalem temple (Ezra 1:1–4; 6:1–12; 7:12–26); Ezek 11.15–17 already portrays both the non-deported Judaeans and the exiles acknowledging that legal right to the land accrues to those with access to the cult (cf. Lev 25:23);<sup>149</sup> ... those who established membership in the temple community likewise secured their land rights.<sup>150</sup> Cultic membership and the attendant land rights were established genealogically, thus a technical terminology for genealogical registry (ספר היחש, התיחש, Neh 7:5) first appears in the sources of the early post- exilic period. According to

Shaphan, as governor over them, then all the Jews returned from all the places to which they had been driven and came to the land of Judah, to Gedaliah at Mizpah; and they gathered wine and summer fruits in great abundance." Albertz, *Israel in Exile*, 92, comments: "Just how extraordinary and controversial Gedaliah's redistribution of property was is shown by the bitter response it evoked among the former property owners deported to Babylon (Ezekiel 11:14–21; 33:23–29)." To what extent this entailed a client relationship to the Babylonians (Albertz, *Israel in Exile*, 94) is unclear. See Peter Ross Bedford, *Temple Restoration in Early Achaemenid Judah* (Leiden: Brill, 2001), 45 ("the Babylonians permitting those who remained in Judah to work the former royal estates and the land abandoned by the deportees") and n. 7 (taking Ezek 11:15 to refer to the 597 deportation); Smith-Christopher, *Religion of the Landless*, 195.

148 Washington, "Strange Woman," 232–33.

149 Citing Morton Smith, *Palestinian Parties and Politics That Shaped the Old Testament*, 2<sup>nd</sup> ed. (London: SCM Press, 1987), 75, 81–82; cf. Blenkinsopp, *Ezra-Nehemiah*, 60.

150 Citing Muhammad A. Dandamayev, "The Diaspora," in *The Cambridge History of Judaism*. I. *Introduction: The Persian Period*, ed. W. D. Davies and Louis Finkelstein (Cambridge: Cambridge University Press, 1984), 326–400 (330–31) (cited according to the section title: "Babylonia in the Persian Age"), for comparative evidence from Persian period Babylonia, where hereditary citizenship, cultic participation, and land tenure were linked. Cf. Oswald, "Foreign Marriages," 16–17. On the Persian policy of repatriation, reflected in the Cyrus cylinder: "... I also gathered all their former inhabitants and returned their habitations," itself reflecting the royal ideology of Mesopotamia, see Widengren, "Persian Period," 519.

the accounts of Ezra 2 and Nehemiah 7, some families were excluded because 'they could not prove their paternal estates (בית אבות) nor their descent, whether they belonged to Israel' (Ezra 2:59–60 = Neh 7:61–62).

The historical confession of the "seed of Israel" (i.e., returnees) in Neh 9 concludes with an indication of their servile status (עבדים, v. 36) in relation to the land, and states that the *yield*<sup>151</sup> of the land was handed over to the Persian king who also controlled their lives: "They also have power over our bodies and our livestock at their pleasure" (v. 37).<sup>152</sup>

There is widespread (if not universal<sup>153</sup>) agreement about the actuality of land conflicts between returnees and remainees,<sup>154</sup> strongly supported in recent times by comparative/sociological accounts of return migration.<sup>155</sup> Indeed, it has been suggested that the desire to regain their land was a

151 My emphasis. In Ruth, on the other hand, it can be argued that it is the profits from the land which the returnees are (in the first instance) claiming: Jackson, "Law and Narrative," 115, 121.

152 Moffat, *Ezra's Social Drama*, 101.

153 Williamson, "Welcome Home," 119, commenting that "Ezra 3:1–4:5 and 6:2, on which the hypothesis of an *early* [my emphasis] clash between returning exiles and those who remained in the land is based, are passages which nearly all commentators would accept was among the last to have been written" but continuing: "There is no evidence known to me that there were any necessary disputes about land," citing Ben Zvi, "Inclusion," "as in any case the numbers involved would have been small enough not to pose difficulty in this regard."

154 See further Ben Zvi, "Inclusion," 104–13, including the deployment of the returnees' theological justification that they alone now represented the true Israel (and thus the beneficiaries of the divine promise of the land); Joseph Blenkinsopp, *Isaiah 56–66* (New York: Doubleday, 2003), 156: "Once the possibility of a return to Judea could be contemplated, the appropriation of the real estate of the deportees by those who remained in the land promised to emerge as a major source of conflict." Trito-Isaiah is also seen by others as reflecting the conflict: e.g., Smith-Christopher, *Religion of the Landless*, 193; Robert Kugler and Patrick Hartin, *An Introduction to the Bible* (Grand Rapids, MI: Eerdmans, 2009), 238–39; Douglas, *Jacob's Tears*, 67, referring to "the inevitable problems of land ownership. People who come home from exile expect to return to their former habitations, but those who have in the interim been working the land for generations want to hold on to it"; Dyck, "Ideology of Identity," 101, arguing that this is hinted at in Ezra 9 where the return is likened to the conquest, with the "remainees" in the role of the Canaanites (Ezra 9:1–2); Washington, "Israel's Holy Seed," 430.

155 Jones, *Reading Ruth*, 168–69, and literature cited above in n. 8.

significant material motivation for the return, particularly among the sons of former landowners,<sup>156</sup> a view reinforced by Blenkinsopp by reference to the emphasis on family records and the listing of Judaeon places of origin in the census list (Ezra 2:20–29 = Nehemiah 7:25–38).<sup>157</sup>

As to how such claims by the returnees were pursued, we have little direct evidence. Albertz observes that the returnees were taking a risk: "... [I]t was clearly an open question whether ancient claims to property ownership would be recognized, given the redistribution of property by the Babylonians and Gedaliah. Legal proceedings involving a difficult body of evidence were in prospect (Zechariah 5:1–4)."<sup>158</sup> Sakkie Spangenberg follows Albertz in seeing Zechariah 5:1–4 as evidence that such claims "had to be pursued through the courts."<sup>159</sup> But even if Zechariah's vision of a "flying roll" (מגילה עפה) is taken as a legal summons, the passage itself then categorises it as a curse (אלה). Mary Douglas remarks that though the book of Ezra says that the Persian government had given Ezra plenipotentiary powers, including the right to expropriate land as a punishment for disobedience (Ezra 7:25), we never hear that he can use this power to redistribute land to reward loyal returnees; it is safer to assume that there were unresolved tensions about land rights between the returnees and the local inhabitants.<sup>160</sup> Indeed, she writes: "On the most favourable scenario, their old family lands would still be worked by their local kinsfolk. Consequently they need to make very close links with their relatives. Marriage is the obvious way for the new arrivals to insert themselves into the farming economy."<sup>161</sup> That, I have argued, is precisely the situation of the returnees in Ruth, where, again, there is no judicial determination of the issues, but rather an impromptu negotiation at the city gate, where the ten elders convened by Boaz function only as witnesses.<sup>162</sup> This negotiation involves Peloni Almoni, who, I have suggested, is himself the one who has taken possession of the land — no doubt hoping that Elimelech and his family would never return, but, if they did so, that

156 Smith-Christopher, *Religion of the Landless*, 196.

157 Blenkinsopp, *Judaism*, 157–58.

158 *Exile in Israel*, 127.

159 Spangenberg, "Historical Context," 346.

160 Douglas, *Jacob's Tears*, 67.

161 *Ibid.*, 75–76.

162 Jackson, "Ruth," 78; *idem*, "Law and Narrative," 131–32.

he would be able to claim merely to have been looking after the property in their interest.<sup>163</sup>

The link between intermarriage and landholding is made explicit in Ezra 9:12: (MM): “Therefore give not your daughters to their sons, nei ther take their daughters for your sons, and never seek their peace or prosperity, that you may be strong, and eat the good of the land, and leave it for an inheritance to your children for ever,” where this last clause represents a consequence of avoidance of intermarriage. Several commentators have seen the issue of intermarriage as strongly connected with landholding.<sup>164</sup> As noted above, Eskenazi sees this as explaining the unusual use of the hiphil of *yashav* (יָשַׁב)<sup>165</sup> in relation to such unions: “...[T]he literal meaning suggests settlement or establishment of persons on the land.”<sup>166</sup> She is clear about the likely significance of this usage:

It may mean that marriage already implied ownership of the land by women. Or it could mean that some people, the ones EN opposes, allotted property to such women, perhaps as a part of a marriage contract. In either case, such unions may also [have] entailed legal membership in the social structure of Judah. If metaphorical, then the verb is used to equate marriage itself with the de facto settling of “Canaanites” on the land instead of dispossessing them. Either way, the use of this verb explicitly specifies that an important reason for the opposition to foreign women is concern with settling foreigners on what God intended as land for Israel.<sup>167</sup>

Fishbane observes that Ezra does not even hint at the possibility, as did Ezekiel (47:22), a near-contemporary priest-prophet, that sometime in the future (of the New Temple and Restoration) non-natives who had undertaken the

163 Jackson, “Law and Narrative,” 113–16.

164 Ben Zvi, “Rejection,” 106, on Hoglund, “Achaemenid Context,” 66–68; Cataldo, “Utopia in Agony,” 156; Douglas, *In the Wilderness*, 225–30; Eskenazi, “Missions,” 517–20, also citing further authors; Rothenbusch, “Mixed Marriages,” 67–68. See also Washington, “Strange Woman,” 239, on Prov 2:21.

165 Ezra 10:2, 10, 14, 17, 18; Neh 13:23, 27.

166 Eskenazi, “Missions,” 521, also citing 2 Chr 8:2 and 23:20, “where it definitely pertains to *settling* or *establishing*” (ibid., 523 n. 26). At 520 she compares Gen 47:11. Cf. Willi-Plein, “Problems of Intermarriage,” 184\*, on Ezra 10:2.

167 Eskenazi, “Missions,” 522.

burden of the law, and their children, would be permitted to inherit land like native Israelites.<sup>168</sup> This, we may note, appears to have been an issue also in Ruth, if we accept<sup>169</sup> the traditional text of 4:5: *ומאת רות המואביה אשת המת*, “and from the Moabite Ruth, wife of the dead [Maḥlon].” Ruth, moreover, in her roadside declaration to Naomi, undertakes to be buried alongside Naomi; in this context, Ska sees possession of a tomb as an indicant of the right to reside in a particular territory.<sup>170</sup> But even the (generally more inclusivist) pentateuchal priestly sources appear not to accept that the *ger* may own land<sup>171</sup> — though the term *ger* appears in neither Ruth nor Ezra-Nehemiah.<sup>172</sup>

The problem of the inheritance rights of women has been addressed by students of Ezra-Nehemiah as well as those of Ruth.<sup>173</sup> The two pericopes regarding the daughters of Zelophehad (Num 27:1–11 and 36:1–12)<sup>174</sup> may

168 Fishbane, *Biblical Interpretation*, 119. On this issue in Ruth, see Jackson, “Law and Narrative,” 137–38.

169 With, e.g., Murray D. Gow, “Ruth Quoque – A Coquette? (Ruth 4,5),” *TynBul* 41 (1990): 302–11 (303–4, 307–9); Holmstedt, *Ruth*, 190–91. On discussion of widows’ inheritance rights, prompted by the positions of both Naomi (Ruth 4:3: *מכרה נעמי*) and Ruth, see further Jackson, “Ruth,” 100–4, discussing also the story of the Shunamite woman (2 Kgs 8:1–6) and an apparently 8th c. BCE ostrakon (at 103), invoked also by Eskenazi and Frymer-Kensky, *Ruth*, xxix, on the authenticity of which see now Jackson, “Law and Narrative,” 120 n. 106.

170 Ska, “*Biblica Cenerentola*,” 21 and 43 n. 7, comparing Abraham’s purchase in Gen 23. Cf. Bernard Perrin, “Trois textes bibliques sur les techniques d’acquisition, Genesis 23; Ruth 4; Jeremiah 32:8–15,” *Revue Historique du Droit Française et Etranger* 41 (1963): 5–19, 177–95, 387–417, at 8; Raymond Westbrook, “Purchase of the Cave of Machpelah,” *Israel Law Review* 6 (1971): 29–38, reprinted in his *Property and the Family in Biblical Law* (Sheffield: Sheffield Academic Press, 1991), 24–35 (28–29), commenting that “many societies show a reluctance to allow a foreigner to acquire land, short of actually forbidding is outright” and citing an edict from Ugarit and the Roman Twelve Tables: *adversus hostem aeterna auctoritas*.

171 Rendtorff, “*Ger*,” 85–86, noting however that Ezekiel’s eschatological vision (47:22) would reverse this; Fried, “Xeno-Philia,” 183–84. Cf. Perrin, “Trois textes bibliques,” 8, noting also that Abraham too is not described as a *ger*, though the same disability is implied in his negotiations for the cave of Machpelah.

172 For Ezra-Nehemiah, cf. Rendtorff, “*Ger*,” 86, noting that the treatment of foreign marriages here “is incompatible with the role of the *ger* in the priestly laws.” Perhaps this is the reason why the term *ger* is avoided throughout Ezra-Nehemiah.

173 See n. 169, above; and literature cited in Jackson, “Ruth,” 101 n. 143.

174 On the literary significance of the separation of the two pericopes, and the placement of the second, on the inter-tribal problem, at the end of the book, see

well date from this period<sup>175</sup> and indicate both the residual capacity of women to inherit (in the absence of males of the same degree), and the problem that any land they inherit in this way may pass to another tribe, should they<sup>176</sup> “intermarry” into it.<sup>177</sup> So too, in the cases of intermarriage to “foreigners” in the Ezra-Nehemiah sense,<sup>178</sup> there was a fear that if she died as a widow, her land might pass to other “foreign” members of her family, and even to

Douglas, *In the Wilderness*, 235–47.

- 175 Washington, “Strange Woman,” 235–36. However, this appears to be based on earlier tradition: the implementation of the grant to the daughters is recorded in Josh 17:3–4, in very similar language to that of Num 27, including the use (twice) of *betokh*, indicating, as I have argued previously (most recently, Jackson, “Ruth,” 103–4, that the daughters did not supplant their uncles but rather took shares alongside them, as is confirmed by the overall total of ten portions allotted by lot in Josh 17:5 — Abiezer, Helek, Asriel, Shechem, Shemida [v. 2] and the five daughters of Zelophehad [v. 3]).
- 176 This is rather different from the property rights of Jewish women in Egypt, as found in the Elephantine papyri, discussed in this context by Tamara C. Eskenazi, “Out from the Shadows: Biblical Women in the Postexilic Era,” *JSOT* 54 (1992): 25–43 (27–31), which involve rights given *inter vivos*, often by contract. See also Washington, “Strange Woman,” 236, noting that women married to Jewish men of the Persian period might at least partially disinherit the families of their husbands as a result of divorce. See also the reservations of Moffat, *Ezra’s Social Drama*, 180–81, regarding this aspect of Eskenazi’s argument.
- 177 Cf. Washington, “Strange Woman,” 235–36. See also Blenkinsopp, *Ezra-Nehemiah*, 176, and idem, *Judaism*, 67, the latter commenting also on Prov 2:22, which warns that sexual relations with “the outsider woman” (אשה זרה: 2:16) can lead to being cut off from the land (and further in Joseph Blenkinsopp, “The Social Context of the ‘Outsider Woman’ in Proverbs 1–9,” *Bib* 74 [1991]: 457–83 [468–72]; Eskenazi, “Missions,” 519; Eskenazi and Frymer-Kensky, *Ruth*, xxix, noting also Josh 15:18–19 and Judg 1:14–15, where daughters are made beneficiaries of family property during their lifetime, and citing S. Joy Osgood, “Women and the Inheritance of Land in Early Israel,” in *Women in the Biblical Tradition*, ed. George J. Brooke [Lewiston, NY: Edwin Mellen, 1992], 29–52 [45–47]; Daniel L. Smith-Christopher, “The Mixed Marriage Crisis in Ezra 9–10 and Nehemiah 13: A Study of the Sociology of the Post Exilic Community,” in *Second Temple Studies 2: Temple and Community in the Persian Period*, ed. Tamara C. Eskenazi and Kent H. Richards [Sheffield: JSOT Press, 1994], 243–65 [260]; Jackson, “Law and Narrative,” 139 and n. 220, noting the element of compromise as regards the daughters of Zelophehad themselves [בתוך their uncles: Num 27:7]).
- 178 See text at nn. 97–107, above.



her “foreign” sons, if she had any.<sup>179</sup> Conversely, I have argued, the rules in Num 27:8–11 omit, but do not exclude, inheritance by a father, and thus also by a mother where the father is also deceased.<sup>180</sup> This may well explain why it is that the women of the community name Obed and hand him over to Naomi (Ruth 4:14–17),<sup>181</sup> thus establishing Naomi as his mother for inheritance purposes (just as Rachel names the children of Bilhah and Leah those of Zilpah, thus entitling Dan, Naftali, Gad, and Asher to father four of the tribes of Israel, along with the natural children of Leah and Rachel).<sup>182</sup> Should Boaz and Obed both die before Ruth, their entitlement to the land would revert to Ruth, a Moabitess. Functionally, therefore, the precedence given to Naomi over Ruth is the equivalent of the endogamous rule that the daughters of Zelophehad must marry within the tribe to which Zelophehad belonged.

The fear that land might devolve to the “foreign” descendants of “foreign women” is reinforced by the measures at least contemplated against their children. In Ezra 10:3, Shecaniah proposes: “Therefore let us make a covenant with our God to put away (להוציא) 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.” The children are not mentioned in the rest of the chapter, until we reach the final verse (10:44): “All these [listed in vv.20–43] had married foreign women (נשים נכרייות), and then ויש מהם נשים וישמו בנים, this last clause variously translated as “and they put them away with their children” (RSV, amending the MT in the light of 1 Esdr 9:36) or “some of them had wives by which they had children” (JPS). We need not enter into the linguistic detail:<sup>183</sup> even the

179 Some, however, have expressed reservations on this as a motivation against intermarriage. See Mihăilă, “Conversion,” 36–37, citing David Janzen, “Scholars, Witches, Ideologies, and What the Text Said: Ezra 9–10 and Its Interpretation,” in *Approaching Yehud: New Approaches to the Study of the Persian Period*, ed. Jon L. Berquist (Atlanta: SBL, 2007), 49–69 (56); Southwood, *Ethnicity*, 78–79.

180 Jackson, “Ruth,” 101–2.

181 On Ruth as a “proxy” (adopted) daughter, see Gur-Klein, *Sexual Hospitality*, 298–302.

182 Not, however, without some hints of inferiority in the pecking order: see Jackson, “Gender Critical Observations,” 48 and n. 39 on Deut 27:12–13, Gen 35:23–26, and Gen 46:8–24. In Gen 16:11 an angel of the Lord instructs Hagar to name her future son Ishmael, but in the event it is Abram who does so (v. 15).

183 See further Japhet, “Expulsion,” 141; Mihăilă, “Conversion,” 37; Ben Zvi, “Rejection,” 122. I assume that Ginsberg’s reference to Ezra 10:14b (*Israelian Heritage*,

latter version almost certainly implies that the children were expelled along with the mothers (rather than merely evoking sympathy for children now deprived of their mothers). Some have expressed surprise at this apparent adoption of a matrilineal principle of descent.<sup>184</sup> Whether the issue would have been thought of in terms of “identity”<sup>185</sup> or “status” following father or mother may be doubtful. Better simply to conclude that Ezra sought to restrict membership of the *qahal*,<sup>186</sup> and thus the capacity to own portions of the “holy land”<sup>187</sup> to those born to parents both of whom qualified for such membership.<sup>188</sup> The fact that Nehemiah (10:25), like Ezra (9:12), also seeks to prohibit intermarriage in both directions supports this view, although the emphasis in Nehemiah appears rather to be cultural.<sup>189</sup>

15 n. 17) is a typo for 10:44b: he maintains that even the unemended text implies the version at 1 Esdr 9:36.

184 Willi-Plein, “Problems of Intermarriage,” 183\*: “Perhaps a first step ... towards a definition of valid Jewish origin through the status of the mother.” See also Ben Zvi, “Rejection,” 108–9.

185 Eskenazi and Frymer-Kensky, *Ruth*, xxix; Zlotnick-Sivan, “Silent Women,” 16.

186 Cf. Oswald, “Foreign Marriages,” 4.

187 See nn. 132, 150 above.

188 Cf. Saul Olyan, *Rites and Rank: Hierarchy in Biblical Representations of Cult* (Princeton: Princeton University Press, 2000), 89: “Alien ancestry from any source results in a child’s classification as alien and, therefore, exclusion from the community,” quoted by Hayes, *Gentile Impurities*, 32. Fried, “Concept,” 125, writes: “In contrast to Torah literature, in Ezra-Nehemiah the foreign wife conveys foreignness to her offspring. The child of an Israelite and his foreign wife is also foreign. Thus, uniquely in these texts, access to Israelite identity is conditioned on having two Israelite parents. These texts illustrate how categories like “alien” and “native” are social constructs and malleable.”

189 Wright and Eskenazi, “Contrasting Pictures,” 4: “What enrages Nehemiah is that the non-Judahite women are not undergoing transformations similar to Ruth’s. Nehemiah’s main concern is not the women *per se*, but their children, specifically that they are estranged from their culture ... Nehemiah emphasizes that the offspring from these mixed unions ‘could not speak Judahite’ [citing Neh 13:24]. “The term ‘Judahite’ is probably more than just a *language*; it is arguably akin to what we would call *culture* ... If the women were integrated fully into Judahite society, this would not have been a problem.” Cf. Zlotnick-Sivan, “Silent Women,” 16. See also Ginsberg, *Israeli Heritage*, 7 n. 9a, on “Ashdodite.”

## 6. Law

In all the topics addressed thus far, the emphasis has been upon practice. Very little, with the exception of Deuteronomy 23:4, has involved consideration of formal legal sources. Moreover, the approach here adopted, which problematizes our understanding of basic concepts such as marriage, conversion, and intermarriage, not to mention religion, ethnicity, and even identity, needs equally to be applied to the notion of “formal legal sources,” if we are to avoid the perils of anachronism. In previous work on Ruth,<sup>190</sup> I argued that the rural setting of the story of Ruth, with barely a hint of the presence of legal institutions,<sup>191</sup> was one in which local practices could flourish, without the constraints of what we might expect from a unified, modern legal system. In particular, I stressed the distinction between the oral transmission of “legal” norms as contrasted with the use of written sources,<sup>192</sup> and would add here the observation that the text referring to the (earlier) sandal rite in Ruth 4:7, the one text seen by some explicitly to refer (inaccurately, on this account) to a written source, is traditionally but misleadingly translated “This was the custom,” despite the fact that there is no noun in the Hebrew text which could be translated “custom”: we merely have “And this was ...” (וְזֶה).<sup>193</sup> At the same time, the language of Ruth does occasionally echo that of Deuteronomy, notably as regards Boaz’s stated motivation for the marriage of Ruth, “to perpetuate the name of the dead in his inheritance” (לְהַקִּים שֵׁם) על נחלתו, Ruth 4:10).<sup>194</sup>

There is, of course, no reference in Ruth to a source as “(as) written (in the torah),” (כְּכָתוּב (בַּתּוֹרָה)).<sup>195</sup> But recent scholarship has sounded a note

190 Esp. Jackson, “Ruth,” 76–77, following Ska, and 110–11.

191 On the purely evidentiary role of the 10 elders in Ruth 4:2, 9,10, see Fried, “Xeno-Philia,” 140 n. 21; Jackson, “Ruth,” 78; idem, “Law and Narrative,” 116.

192 Jackson, “Ruth,” 77–79, on the nature of oral transmission and 79–81 on some particular suggestions of intertextualities. A different approach is adopted by LaCocque, *Ruth*, 24–28, who sees the attitude to law in Ruth as prefiguring both Jesus and the rabbinic principle of *לפנים משורת הדין*.

193 On the relationship of Ruth 4:7 to the use of the *נעל* (shoe, sandal) in Deut 25:9, see Jackson, “‘Institutions’ of Marriage,” 55–58.

194 Cf. Deut 25:6–7; Jackson, “Ruth,” 92.

195 Neh 8:14–15, 10:35, 37, discussed in this context by Ska, “Legge,” 138–39, with further sources, in both Ezra-Nehemiah and elsewhere, cited in 138 n. 49; Jackson, “Ruth,” 77.

of caution regarding the nature of such references to written sources in Ezra-Nehemiah. In his 2011 article systematically examining all such apparent quotations, Juha Pakkala has concluded that those in Ezra-Nehemiah quoting the Pentateuch “were not very concerned about the exact wording of the pentateuchal texts, or at least they did not transmit them very faithfully ... in no single case does the quotation or purported quotation correspond exactly to a known pentateuchal text” and further observes: “That a text was regarded as authoritative, even Yahweh’s word, apparently did not mean that an editor could not change it, at least not in the quotation, but probably not even in the actual transmission of the text.”<sup>196</sup> Nor does the invocation of “thy servants the prophets”<sup>197</sup> in Ezra 9:11 fare any better.<sup>198</sup> It would seem, therefore, that the differences between Ruth and Ezra-Nehemiah should be regarded as (significant) differences in degree, rather than as a stark binary opposition.

We need also to take account of the differences in the legal contexts between Ruth and Ezra-Nehemiah. The former is concerned with one particular case study;<sup>199</sup> the latter with the production and enforcement of a new general norm. As for the latter, none of the pentateuchal sources restricting or forbidding intermarriage provide a legal sanction, whether of

196 Pakkala, “Quotations,” 214, 215, 217.

197 We should note, however, that lawgiving was regarded as a function of prophecy: see Bernard S. Jackson, “The Prophet and the Law in Early Judaism and the New Testament,” in *The Paris Conference Volume*, ed. S. M. Passamaneck and M. Finley (Atlanta: Scholars Press, 1994; Jewish Law Association Studies, VII), 67–112 (68–74), reprinted in my *Essays on Halakhah in the New Testament* (Leiden: Brill, 2008), 14–19. So the reference here may not necessarily be to “the prophets” in the literary sense.

198 On the sources of Ezra 9:11–12, see Myers, *Ezra-Nehemiah*, 79: a “patchwork of Mosaic and prophetic ideas brought together by the writer”; Satlow, *Jewish Marriage*, 137–38; Lange, “Your Daughters,” 88–89, describing it as a “blend ... put under the collective authority of the prophets.”

199 I do not agree with Curtis, “Second Thoughts,” 145, when he writes: “The differences between D’s law of the levirate marriage and the practices described in Ruth suggest that the author of Ruth is seeking to refute the Deuteronomic conception of the practice.” That presupposes, amongst other things, a modern statutory approach to the Deuteronomic text, in which “If X” is to be understood as “If and only if X”: see further Jackson, “Ruth,” 77, 79, 96; idem, “Law and Narrative,” 100 n. 2, 105–6.

divorce or anything else.<sup>200</sup> Of course, there is no hint of annulment of these marriages by any state agency. Such an idea was, quite literally, unheard of<sup>201</sup> (and remains exceptional and controversial in Jewish law to this very day). Nor does Ezra seek to use, in this context,<sup>202</sup> the very extensive coercive powers given to him by Artaxerxes, which extended to the death penalty.<sup>203</sup> The use of coercion to persuade an otherwise reluctant husband to divorce his wife is known from early in the rabbinic tradition,<sup>204</sup> but no biblical legal sources address this question.

The lack of any record of actual divorces in the wake of the campaigns of both Ezra<sup>205</sup> and Nehemiah,<sup>206</sup> and Ezra's sudden disappearance from the narrative, has led many to infer that Ezra's efforts failed,<sup>207</sup> and perhaps even that he was recalled by the Persians in the light of the opposition

200 Blenkinsopp, *Judaism*, 67; Zlotnick-Sivan, "Silent Women," 13.

201 But not by all modern scholars: Smith-Christopher, "Mixed Marriage Crisis," 257–58, observes: "As many commentators have noted, Artaxerxes' letter did *not* give Ezra the explicit power to dissolve marriages." But, quite apart from anything else, Artaxerxes' letter makes no specific mention of marriage issues at all.

202 He does use the power of expropriation of property as a sanction against those who did not obey the summons to attend the Jerusalem assembly (Ezra 10:8).

203 Ezra 7:26.

204 *M. Ketub.* 7:9. The issue is extensively discussed in Bernard S. Jackson, *Agunah. The Manchester Analysis* (Liverpool: Deborah Charles Publications, 2011), ch. 4, esp. (for the tannaitic and talmudic sources) at 150–59.

205 Despite the oath in Ezra 10:5, the further promise in v. 12 and the giving of their hands by the priests in v. 19 (commonly taken as a pledge). Douglas, *Jacob's Tears*, 68–69, appears to infer from this that the wives and children were indeed "put away." Similarly, Mihăilă, "Conversion," 37, in relation (only) to the priests.

206 The position of Nehemiah appears to have been similar to that of Ezra, unless one takes Neh 13:1–3 to be referring to intermarriage (a view rejected above: text at nn. 129–37). The later passage which clearly does refer to intermarriage (Neh 13:23–27) is equivocal: Nehemiah procures an oath not to allow one's children (of either gender) to intermarry, but nothing is said to have been done in relation to existing intermarriages, other than some physical sanctions (see Ginsberg, *Israeli Heritage*, 7 n. 10, on the textual problem in Neh 13:25), as in the expulsion of the son of Eliashib the high priest, who had married the daughter of Sanballat the Horonite (Neh 13:28).

207 Blenkinsopp, *Ezra-Nehemiah*, 179; Douglas, *Jacob's Tears*, 68–69, citing Morton Smith, *Palestinian Parties and Politics*, 131.

which his campaign was prompting.<sup>208</sup> Another reading, however, was that Ezra (unlike Nehemiah) never intended coercion. Mantel writes that Ezra “behaved always as a teacher, never as an official; and depended entirely on the power of persuasion, never on compulsion.”<sup>209</sup> If, indeed, Ezra was perceived as such, the sequence of events in Ezra 10 becomes rather more meaningful (and not merely evocative of modern politics): in response to the approach of Shecaniah (10:1–4), he extracts an oath of loyalty from the priests, levites and, “all Israel” (10:5); he then goes into a penitential retreat (10:6), following which “they” (undefined, but not Ezra alone) summon an assembly in Jerusalem of “all the children of the captivity,” backed up by a threat of property confiscation<sup>210</sup> and exclusion from the *qahal* (10:7–8). The assembly takes place in front of the temple and in the rain (10:9); Ezra makes his demand to separate from the foreign women (10:10–11), but the assembly prevaricates (despite an initial, formal, acceptance: 10:12): the assembly is too large; it’s the rainy season; the work would take too long; rather, let’s appoint a Commission of *sarim*, to interview the men concerned, accompanied by the elders and judges of their respective cities (10:13–14). This proposal is accepted with only one dissent (10:15). The immediate result (10:16), however, is unclear. There follows, however, lists of the sons of the priests (10:18–22), levites (10:23), singers (10:24), and “Israel” (10:25–43) who were found (presumably by this Commission) to have married foreign women. This is

208 Smith, “Jewish Religious Life,” 245.

209 Hugo Mantel, “The Dichotomy of Judaism during the Second Temple,” *HUCA* 44 (1973): 55–87 (61).

210 Høglund, “Achaemenid Context,” 66, takes this as referring only to moveable property. Although this is the most common referent of the term, the text here indicates *כל רכוש*. Thiel, *TDOT* XIII (2004), 492, writes that *רכוש* “is obviously a comprehensive term for all of a person’s possessions (esp. those of a king), including real property.” We may cite in support the conclusion of the list of David’s property stewards (*סרי הרכוש*, 1 Chr 27:33), with the preceding list including vineyards, trees and olive cellars.

rightly viewed as a shaming mechanism.<sup>211</sup> The conclusion of the chapter (and the book: 10:44), is unclear as to what, if anything, then happened.<sup>212</sup>

## 7. Ruth and Ezra-Nehemiah: Mutual Illumination

In the course of this article we have touched upon several important areas in which constructing a dialogue between the scholarship on Ruth and that on Ezra-Nehemiah results in mutual illumination. Scholars have sometimes wondered about the combination in Ruth of the themes of redemption of land on the one hand, marriage (and intermarriage) on the other. Given the (albeit limited) possibility of female inheritance of land, the answer is not difficult to find. But then another issue arises: which woman, Naomi or Ruth? The text hints at both possibilities.<sup>213</sup> But there is a problem: whatever the precise nature of Ruth's religious commitments,<sup>214</sup> she remains a Moabite, and thus not qualified to succeed to a parcel of the promised land.<sup>215</sup> The

- 211 Dor, "Rite of Separation," 176–77, noting that some of the listed persons continued to take other active roles among the returnees, thus showing that they were not actually boycotted. Krauss, "Ger," 269, speculates that "this situation inspired a law permitting conversions for females, and that the foreign women were never expelled."
- 212 Eskenazi, "Missions," 515 and n. 14, notes that only the priests of Jeshua's family explicitly promise to divorce their wives and bring a guilt offering (Ezra 10:18–19) and that in its present form the MT leaves open the possibility that, while all the relevant cases had been identified, some husbands took no action. She concludes that the point of the process was to establish communal norms and future practice, with less interest in their immediate implementation, except in the case of these priests. This would be consistent with our reading of Neh 13:23–27 in n. 206 above. For the view that Ezra succeeded in dissolving mixed marriages (citing Ezra 10), see Widengren, "Persian Period," 536.
- 213 Ruth 4:3 (Naomi); 4:5 (Ruth). On the MT reading of *וּמֵאָה*, see above, text at nn. 168–70.
- 214 The Ezra-Nehemiah materials strongly suggest the possibility of syncretism: see above text at nn. 47–53 and n. 117. See also Thomas L. Thompson, "The Intellectual Matrix of Early Biblical Narrative. Inclusive Monotheism in Persian Period Palestine," in *The Triumph of Elohim*, ed. Diana Vikander Edelman (Grand Rapids, MI: Eerdmans, 1996), 107–124 (123).
- 215 Despite Trito-Isaiah, following the interpretation of *יֵד וְשֵׁם* in Isa 56:5 by Sara Japhet, "יֵד וְשֵׁם (Isa 56:5) – A Different Proposal," *Maarav* 8 (1992): 69–80, and her view that it is "directly related to Deut 23:1" (at 79). She argues for the meaning of *יֵד* here as "place," and observes that in the semantic field of land possession,

conclusion of the story strongly suggests, in the reaction of the community women to the birth of Obed, that the land will indeed ultimately revert to the family of Elimelekh, through his widow, Naomi.<sup>216</sup>

Ruth's behaviour prompts no religious criticism within the narrative, yet the possibility of her, or her children, obtaining land rights is ultimately avoided by the *ex post facto* surrogacy fiction. Similarly, commentators on Ezra have remarked on the fact that no religious criticism is actually directed to the "foreign women" with whom he is concerned.<sup>217</sup> Moreover, the Ruth narrative casts light on the attempted expulsion of children along with the wives. It also supports the answer already given by some<sup>218</sup> to the question why conversion is not contemplated as a possible solution to the problem of intermarriage. "Conversion" was still a matter of private affiliation rather than public law, and did not determine status (as, indeed, would be very difficult in a syncretistic religious environment).<sup>219</sup>

There is, however, one major difference between Ruth and Ezra-Nehe-miah: there is not a trace in Ruth of the "Holy Seed" theology we find in

שם figures prominently, as in both the levirate context (*lehaqim shem hamet al nahalato*, Ruth 4:1) and inheritance of daughters (the plea of the daughters of Zelophehad: "Why should the name of our father be done away from among his family, because he had no son? Give unto us a possession among the brethren of our father," Num 27:4). She notes that the link of שם and נחלה occurs also in Numbers 26:53 (on the division of the promised land, in which context the dilemma of the daughters of Zelophehad is first mentioned: v. 33), and sees חלק and זכרון in Neh 2:20 as synonyms of יד and שם in Isaiah 56:5, concluding that "Nehemiah denies any [land?] right his opponents may claim to have in Jerusalem, by either law or tradition."

216 Some commentators have pointed to tensions in the relationship between Naomi and Ruth (e.g., Danna Nolan Fewell and David Miller Gunn, *Compromising Redemption. Relating Characters in the Book of Ruth* [Louisville, KY: Westminster John Knox Press, 1990], 74–82), and viewed Naomi as the real subject of the narrative, in that it commences with her loss and ends with that loss being redressed.

217 See further Jackson, "Law and Narrative," 107. In Nehemiah, however, there is a trace of the traditional argument against such exogamy, the risk that the family will be seduced into idolatry, in that Solomon's foreign wives are said to have led him to sin (Neh 13:26).

218 See above nn. 23–25.

219 See above nn. 47–53 and n. 117.



Ezra,<sup>220</sup> — unless we were to regard the mention of Judah and Tamar<sup>221</sup> and the Davidic genealogies<sup>222</sup> as a response to it or to some earlier version of it, whether literary or popular.

## 8. Judah, Moab and David, and the Historical Setting of Ruth

While Naomi, Ruth, and Boaz<sup>223</sup> are fictional characters, the story is set in the context of historical place names and the names of prominent biblical characters: Moab, Judah, and David. Moab (a neighbouring still-existing state) is the place of the family's exile, and the birthplace (presumably) of Ruth,<sup>224</sup> which is taken to define her ethnicity.<sup>225</sup> There is only one reference in Ruth (4:12) to Judah (as the father of Perets), but Judah also appears 3 times in ch. 1 (1:1, 2, 7) as a toponym, the territory of Judah, now (on our initial assumptions) Yehud. And David appears twice, in Ruth 4:17b, thought by many to be the original end of the book, and the full genealogy, from Perets to David, in vv. 18–22.<sup>226</sup> The focus on Perets (Ruth 4:12, 18) rather than Judah has attracted questioning. Sakenfeld concludes that Perets is chosen rather than Judah because of the negative associations of the latter's behaviour (possibly prompting questions also about that of Boaz), whereas Perets evokes the positive associations of the narrative of his mother Tamar (another non-Israelite heroine in the genealogy of David).<sup>227</sup>

220 Commentators have noted a different emphasis in Nehemiah, stressing the perils of cultural (through linguistic) assimilation: Neh 13:24 "... they could not speak the language of Judah." See Zlotnick-Sivan, "Silent Women," 16; Rothenbusch, "Mixed Marriages," 62; Katherine E. Southwood, "'And They Could Not Understand Jewish Speech': Language, Ethnicity, and Nehemiah's Inter-marriage Crisis," *JTS* 62 (2011): 1–19.

221 Ruth 4:12 (including מן הוריע).

222 Ruth 4:17b, 18–22: see text at nn. 234–38 below.

223 So too Elimelech: surprisingly, the name occurs nowhere else in the Hebrew Bible.

224 As well as David: 1 Sam 16:1.

225 See further above, text at nn. 31–37.

226 On which see further below, text at nn. 238–44.

227 Katharine Doob Sakenfeld, "Why Perez? Reflections on David's Genealogy in Biblical Tradition," in *David and Zion: Biblical Studies in Honor of J. J. M. Roberts*, ed. B. F. Batto and K. L. Roberts (Winona Lake, IN: Eisenbrauns, 2004), 405–16.

In Ezra-Nehemiah, Judah appears frequently, referring to both the territory of Yehud and its inhabitants, and also in more specific contexts.<sup>228</sup> While the intermarriage issue is clearly thought to have affected the inhabitants of Judah (including some returnees from exile<sup>229</sup>), there is no hint in Ezra-Nehemiah of the *historic* involvement of the tribe of Judah in intermarriage, which Chronicles attests, apparently without disapproval.<sup>230</sup> This may reflect one of what Albertz has described as the “many signs that the leadership of the

228 Ezra 1:5 mentions the “heads of fathers’ houses (ראשי האבות) of Judah and Benjamin,” whom Albertz, *Israel in Exile*, 132, identifies as the lay and priestly leaders, who now had a measure of self-determination that they could never have attained under the Davidic monarchy; in Ezra 3:9 the בני יהודה are involved in the supervision of the rebuilding of the temple; in Ezra 4:1 we read of the “adversaries of Judah and Benjamin” (צרי יהודה ובנימין), apparently opponents of “the children of the captivity” (בני הגולה) in relation to the rebuilding of the temple, but then the latter are described as “the people of Judah” in 4:4 and “the inhabitants of Judah and Jerusalem” in 4:6. According to Neh 11:4 in Jerusalem there dwelt “certain of the children of Judah, and of the children of Benjamin”; in Neh 12:31, 32 we hear of סרי יהודה and in Neh 13:17 of “nobles of Judah (חרי יהודה)”; in Neh 4:4, 10 Judah appears as a political entity; Shecaniah in Neh 6:18 is a prominent member of it.

229 See further above, text at n. 108.

230 Knoppers, in an important study, comments (“Intermarriage,” 30; cf. also his “Married Into Moab,” 189): “If in Ezra (9:10–15) the people’s fragile existence in the land is threatened by the phenomenon of mixed marriages, in Chronicles the phenomenon of mixed marriages is one means by which Judah expands and develops within the land. The settlements associated with Judah’s clans overlap with a number of the sites listed in the Judahite tribal inheritance (Josh 15:20–63), in particular, those mentioned in the Negeb (Josh 15:21–32), the Shephelah (Josh 15:33–47), the hill country (Josh 15:48–60), and the so-called Bethlehem district (Josh 15:59a LXX).” Amongst the 6 instances of Judahite intermarriage which Knoppers discusses are those of the first three of Judah’s sons, Er, Onan, and Shelah (1 Chr 2:3), together with some descendants of Shelah (1 Chr 4:21–22), who “married into Moab” (בעלי למואב), defending this interpretation in “Marrying Into Moab,” 180–81; and the marriage of King David himself (1 Chr 3:1–2) to Maacah the daughter of Talmi king of Geshur, from whom Absalom is born. On p. 189, he notes that the foreign marriages mentioned in Chronicles do not lead to Judahite idolatry, as is asserted by the writers of Exodus (34:11–16) and the deuteronomistic history (e.g., Josh 23:5–12; Judg 3:5–6). Nor do they lead to the defection of the children of those spousal relationships to the ancestral lands of the alien parents. Moreover: “Of the progeny resulting from these marital unions, at least a few have Yahwistic names. In any case, all are incorporated, as are the progeny of strictly inner-Judahite marital unions, in the larger tribe.”

Babylonian golah was seeking the maximum feasible political reinstatement of Judah and especially restoration of the Davidic monarchy."<sup>231</sup>

Moab is mentioned three times in Ezra-Nehemiah: (1) where Nehemiah (13:23) laments: "In those days also saw I the Jews that had married women of Ashdod, of Ammon, and of Moab"; (2) the initial accusation of the princes (Ezra 9:1) about non-separation from the "peoples of the lands," where Egyptians and Moabites are added to the traditional list of Canaanite peoples;<sup>232</sup> (3) and in the reference to Deut 23:4 in Neh 13:1. In addition, the name Pahath-Moab occurs frequently.<sup>233</sup> David's own involvement, and that of some of his Judahite ancestors, in intermarriage<sup>234</sup> finds no echoes in Ezra-Nehemiah, where David is mentioned primarily in the context of the temple rebuilding and temple music.<sup>235</sup> The view has been taken that any aspirations to a Davidic political restoration are here downplayed because

231 Alibert, *Israel in Exile*, 126.

232 Very likely reflecting the reality of returns from these lands in the early period after the destruction of the Temple. For the Moabites, see Jer 40:11–12; for the Egyptians, see the promised return of some of those who fled there with Jeremiah in Jer 44:28. Ginsberg, *Israelian Heritage*, 8–9, 15–16, takes "the peoples of the land" (Neh 10, 31, 32) to refer to the peoples of the promised land, including "the peoples in Palestine outside Judah, whom the covenanters covenant not to intermarry with and not to buy supplies from on sabbath and holy days," while "the peoples of the lands" (Neh 10, 29) are the peoples of "Babylonia and adjoining regions which a section of the covenanters had avowedly themselves belonged to originally but had forsaken in order to embrace the teaching (*Torah*) of God." But he has to amend the plural formulation in Ezra 9:1, 2 back to the singular (on text-critical grounds) in order to interpret the list of 8 peoples in 9:1 in terms of the two distinct groups included in his "peoples of the land."

233 Ezra 2:6, 8:4, 10:30; Neh 3:11, 7:11, 10:15.

234 See n. 230 above on 1 Chr 3:1–2.

235 Ezra 3:10, 8:20, Neh 12:24 and 12:36 (musical instruments); 12:45, 46 (singers); also Ezra 8:2: "Of the sons of David, Hattush" (amongst those who "went up with me from Babylon, in the reign of Artaxerxes the king": 8:1); Neh 3:15: "City of David"; 3:16: "Sepulchres of David"; 12:37 "City of David" and "House of David," but nothing about his genealogy or posterity.

of dependence on Persian support.<sup>236</sup> Nor is there mention of David's own ambiguous political relationship with Moab.<sup>237</sup>

What, then, of the invocation of David in the two genealogies in Ruth? Biblical genealogies, as Knoppers remarks, "were composed, shaped, and adjusted in accord with the present perceptions and interests of the authors, who wrote them."<sup>238</sup> So was the story of Ruth composed in order to make a point (whether positive or negative<sup>239</sup>) about the political agenda of a restoration of a Davidic kingdom<sup>240</sup> (or, at least, support for a political programme flying under David's flag), or even, more specifically, that those in power in the

236 Dor, "Rite of Separation," 175f.: "Due to their dependence on the Persian king, the returnees thanked both God and him (Ezra 7:27, 9:9). Their loyalty to him even led them to reject any Israelite national or political aspirations. Thus, for example, the book does not refer to any hope for the renewal of the independence of Israel or the kingdom of the house of David. Yet, at the same time, Haggai expressed hopes for political independence (2:21–23)."

237 On the one hand, David's slaughter of two-thirds of the population of Moab (2 Sam 8:2); on the other his seeking and obtaining asylum for his parents with the king of Moab during his outlaw days (1 Sam 22:3–4), on which see Carmel McCarthy, "The Davidic Genealogy in the Book of Ruth," *PIBA* 9 (1985): 53–62 (58–59). See also Morris, *Judges/Ruth*, 237–38, 316, on David's genealogy and relations with Moabites.

238 Knoppers, "Marrying Into Moab," 188, comparing at 191 Ruth 4:18 with 1 Chron 2:9 and Ruth 4:19b–22 with 1 Chr 2:10–17. In fact, 1 Chr 2:3–15 gives a complete Judahite genealogy including David (v. 15), and mentioning Tamar (v. 4), Boaz (vv. 11–12), and Oved (v. 12), but none of Elimelech, Mahlon, Kilyon, or Ruth.

239 See further Tikva Frymer-Kensky, *Reading the Women of the Bible* (New York: Schocken Books, 2002), 257–63, on the range of Moabite biblical references, especially the story of Lot's daughters: Gen 19:30–39.

240 Berlin, "Legal Fiction," 13, writes: "But I do not think the main concern of the story is to glorify the *past history* of David's line; rather, in the context of the return, it is more likely that the *restoration of the Davidic monarchy*, either as an actual political program or as a messianic hope, is the subtext." Cf. Jones, *Reading Ruth*, 186: "Though anticipation of a Davidic renewal in Ruth is muted when compared to various prophetic voices, the very fact that David validates Ruth's character demonstrates that our author maintains his hope for the Davidic house. Otherwise, if he believed that David's line was spent, his recollection of David would only have been a sad reminder of the failure of Ruth's involvement in Israel's history. It might even serve as grounds for the prevention of other Moabites from joining the community in the future."

postexilic community who traced their ancestry to David (e.g., Zerubbabel<sup>241</sup>) should know that the supreme example of political authority in the line of Judah, David, himself had Moabite blood flowing in his veins?<sup>242</sup> Or is it the other way around: the reputation of David, despite his Moabite connection, is invoked in support of the land claims of returnees, despite their Moabite connection? A different approach is suggested by Jones: the fact that David is the eventual product of marriage with a Moabitess is directed against the desired expulsion of the children of such intermarriages in Ezra<sup>243</sup> and the full genealogy in Ruth 4:18–22 is the counterpoint of the list in Ezra 10:18–44, which lists those who had married foreign women, and concludes with a reference to their children.<sup>244</sup>

A necessary, if not sufficient, step towards answering this question must involve an attempt to date Ruth and locate the historical setting of its composition. Academic debate on this, focusing particularly on linguistic

241 1 Chr 3:19. Adrian Curtis kindly points out, in private correspondence, the alternative Davidic genealogy, via Shealtiel rather than Pedaiah, in Ezra 3:2 and Hag 1:1. Albertz, *Israel in Exile*, 120, observes that the Davidic lineage of Zerubbabel is frequently and emphatically mentioned.

242 As argued in Jackson, “Law and Narrative,” 137. For reviews of the then literature on the date and purpose of the book, see Donald A. Leggett, *The Levirate and Goel Institutions in the Old Testament, with Special Attention to the Book of Ruth* (Cherry Hill, NJ: Mack Publishing Company, 1974), 143–72; Hubbard, *Ruth*, 23–48; Murray D. Gow, *The Book of Ruth, Its Structure, Theme and Purpose* (Leicester: Apollos, 1992), 115–39; Kirsten Nielsen, *Ruth* (Louisville: Westminster John Knox Press, 1997), 23–29, all at least tending to the view that the book is pre-exilic, with some assigning its origins to the Davidic period itself. Gow (132) argues explicitly against viewing it as an anti-Ezra-Nehemiah polemic since this “might in fact be prejudicial to such a purpose” (in part because he views the intermarriage in Ruth as “justified by the levirate custom”).

243 Cf. Jones, *Reading Ruth*, 145, cf. 152: “Advocates of an early date argue that Ruth’s portrayal as an exemplary Moabite was intended to undercut any claim that David or a Davidic scion was less than worthy to reign. However, it is just as likely that a positive portrayal of Ruth could undercut generalizations about Moabites, and even foreigners broadly considered (*per* Neh 13:1–2), as a distinct and abominable category of people. In this reading, Ruth does not validate David, but instead she cracks the door for Moabites/foreigners who do not fit an exclusivist mold.” Jones devotes a full chapter of his book to the issue of dating, arguing at 141–51 for a Restoration period setting. Some details of his argument will be addressed elsewhere.

244 Jones, *Reading Ruth*, 151. On the problems of Ezra 10:44, see text around n. 183, above.

issues, has a long ancestry,<sup>245</sup> much of it simply opposing pre-exilic and post-exilic datings. An exception is Judy Fentress-Williams, who concludes that the “assignment of an earlier date (the Davidic monarchy) does not exclude the possibility that Ruth was retold as a response to Ezra-Nehemiah.”<sup>246</sup> But some are more precise. Campbell opposes the linguistic arguments for a late (postexilic) dating, and voices his “suspicion” that its (oral) origins lie in the Solomonic period and that it was fixed in writing in the 9<sup>th</sup> century, “with embellishment of its strong interest in right judgment and care for the unfortunate” in the context of the Jehoshaphat reform.<sup>247</sup> On the other hand, Martin David argued for a specifically exilic date,<sup>248</sup> while Myers attributed it to “an exile or early post-exilic writer who set down in prose form an old poem translated orally for several centuries.”<sup>249</sup> Bush concludes in favour of the *beginning* of the post-exilic period.<sup>250</sup> Similarly, Zevit opts for a late

245 Passionate advocacy of an early date is found already in the work of Louis B. Wolfenson, “The Character, Contents, and Date of Ruth,” *A/SL* 27 (1911): 285–300.

246 Judy Fentress-Williams, *Ruth* (Nashville: Abingdon Press, 2012), 21–23.

247 Campbell, *Ruth*, 23–28. See also Morris, *Judges/Ruth*, 218–28.

248 Martin David, “The Date of the Book of Ruth,” *OtSt* 1 (1941): 55–63, primarily on legal grounds: a widow’s gleaning rights are not attested in pre-exilic Israel before Deut 24:19, Exod 22:21 being taken as purely moral; Naomi’s inheritance rights (Ruth 4:3) may be explicable in terms of the influence of Babylonian-Assyrian laws and/or the economic situation of the exiles in Babylon; Naomi’s desire to send Ruth and Orpah home and her argument about her own incapacity to mother further children in time for Ruth and Orpah to marry them go directly against the levirate regulations and reflect a time when levirate marriage was no longer the custom, i.e., the exilic or post-exilic periods; the (supposed) inaccuracy of Ruth 4:7; and the (supposed) linguistic dependence of Ruth 4:5,10 on Deut 25:7. He concludes in favour of the exilic as against the post-exilic period on the grounds that Ruth contains no trace of polemic against the marriage legislation of Ezra-Nehemiah (cf. Moshe Weinfeld, “Ruth, Book of,” *Encyclopedia Judaica* [Jerusalem: Keter, 1972], XIV.518–22 at 519–20), and that in the post-exilic period some reference to the Passover and Pentecost festivals might have been expected, given the setting of the events at the time of the wheat harvest.

249 Jacob M. Myers, *The Linguistic and Literary Form of the Book of Ruth* (Leiden: Brill, 1955), 64, and see ch. 2 for the detailed argument, that “The book of Ruth ... has many linguistic and literary affinities with the oldest surviving Hebrew prose.” Supported by George S. Glanzman, “The Origin and Date of the Book of Ruth,” *CBQ* 21 (1959): 201–7 (202).

250 Bush, *Ruth/Esther*, 18–30, his linguistic arguments including the late dating of *shalaf* for taking off a sandal (at 28, following Hurwitz). But see Schipper, *Ruth*, 20–21, noting the reservations of Holmstedt, *Ruth*, 17–39, and others, though

6<sup>th</sup> century dating (525–500) in the light of a combination of linguistic and legal evidence.<sup>251</sup> And Edward Lipinski writes (in private correspondence) that Ruth's "language is classical and I do not believe that the date of the Book can be lowered to Ezra's time or to the mid-4<sup>th</sup> century. The period of the first 'returnees,' at the time of Sheshbassar or Zerubbabel, in the late 6<sup>th</sup> century could instead be possible."<sup>252</sup>

I must confess to having toyed with an earlier date, that of the immediate aftermath of the Babylonian destruction of the temple, and the short rule of the Babylonian-appointed Gedaliah, who facilitated the return of a number of Jews who had taken refuge from the Babylonians in Ammon, Moab, and Edom (Jer 40:11–12),<sup>253</sup> and indeed is said to have been granted by the Babylonians power to redistribute land of the deportees to the poor of those remaining in Judah.<sup>254</sup> Though regarded as a Babylonian stooge,

he concludes at 22 by tentatively endorsing the early Persian period (as does Holmstedt).

- 251 Ziony Zevit, "Dating Ruth: Legal, Linguistic, and Historical Observations," *ZAW* 117 (2006): 574–600 (592–94), the legal argument being the time by which it had become commonplace for a widow to inherit.
- 252 Cf. Katharine Doob Sakenfeld, *Ruth* (Louisville: Westminster John Knox Press, 1999), 5, concluding her discussion with the observation that the inclusivist message of Ruth does not require the context of Ezra-Nehemiah, but also "could have been read as a challenge to community purity perspectives of the late pre-exilic Deuteronomistic History ...Or ... the tensions arising already early in the post-exilic era between Jewish returnees from Babylon and those who had remained in the land after the fall of Jerusalem." *Aliter*, Robert Gordis, "Love, Marriage, and Business in the Book of Ruth," in *A Light unto My Path. Festschrift J. M. Myers*, ed. Harold N. Bream, Ralph D. Heim, and Carey A. Moore (Philadelphia: Temple University Press, 1974), 241–64 (244), who dates it to "the period from the middle of the fifth to the early fourth century B.C.E." partly on linguistic grounds (244–45), partly substantive, including the fact that "Moab is no longer an actual enemy on the borders of Israel, as was the case during most of the pre-Exilic period, including the age of the Judges" (245).
- 253 See also Oded, "Judah and the Exile," 476, on sources suggestive of the remainees themselves abandoning their land and then being resettled in some cities of Benjamin and Judah by Gedaliah; Albertz, *Israel in Exile*, 92, on Jer 40:10 (though the text does not mention "deserted villages") and the opposition to the redistribution when news reached the deportees.
- 254 According to Jer 39:10, Nebuzaradan, the Babylonian captain of the guard, "left in the land of Judah some of the poor people who owned nothing, and gave them vineyards and fields at the same time." It was this same Nebuzaradan who initially held Jeremiah captive and later offered him the choice of joining the other exiles in Babylon or staying in Judah with (and presumably under the

and quickly murdered by a member of the royalist opposition (Jer 41:1–2), Gedaliah himself had strong connections to the pre-exilic Davidic court, being the grandson of Shaphan (Jer 41:2), who read to Josiah the law book found in the temple (2 Kgs 22:10). So an attribution of Ruth to this period would be compatible with either of the principal possible motivations for the genealogies in Ruth: support of the land claims of the returnees (despite the intermarriage), and endorsement of a Davidic restoration.

But also compatible is the period of Zerubbabel,<sup>255</sup> another colonial governor who in all probability had powers of land redistribution in the light of the return migration.<sup>256</sup> Zerubbabel had a Davidic genealogy,<sup>257</sup> and was suspected of royalist restorationist sympathies in connection with the rebuilding of the temple, prompting the Babylonians to send in Tattenai, a neighbouring satrap, to intervene and remove him (Ezra 5:3–17). This is now a substantial period after the original deportations, and two generations after Gedaliah.<sup>258</sup>

The conclusion of our thought experiment, then, may be that while the related issues of exogamy and landholding<sup>259</sup> are not new in the periods of Ezra-Nehemiah, the ideological justification in terms of a “holy seed” is new.<sup>260</sup> The link of exogamy and landholding is strongly reflected in Ruth;

supervision of) “Gedaliah the son of Ahīqam, son of Shaphan, whom the king of Babylon appointed governor of the cities of Judah” (40:4–5).

255 On either dating, the difference between attitudes to exogamy in Ruth and Ezra-Nehemiah may be explained in part by the sociological insight that “immigrant communities are initially willing to accept exogamy but that those who arrive later on, once the community is established, reject it”: Dyck, “Ideology of Identity,” 103.

256 Parallel to the powers given to Gedaliah before and the confiscation power seemingly given later to Ezra in Ezra 10:8, on which see n. 202, above.

257 Ezra 3:2; 1 Chr 3:17; see further Eskenazi, “Out From the Shadows,” 38–39. And see n. 241, above.

258 On the historical problems of the extent of the return in these early days of Persian rule, see Miller and Hayes, *History of Ancient Israel*, 511–12.

259 Unlike, apparently, some other aspects of genealogical difference. On the dating of the account of the conflict over participation in the temple rebuilding under Zerubbabel in Ezra 4:1–3, see Fried in n. 48, above.

260 The term “holy seed” is not used in Nehemiah, but even leaving aside the possibilities of common authorship or editorship (“Ezra-Nehemiah”), there are traces there of a similar terminology. Thus, Neh 9:2 speaks of the separation of *כל בני נכר* from *זרע ישראל*; in Neh 9:8, the land is said to have been promised to the *זרע* of Abraham (this supporting the argument that the practical issue



Ezra's ideological justification is not. On this and linguistic grounds, Ruth may reflect an earlier period in the history of the issue of landholding than Ezra-Nehemiah. But this prompts a final issue which requires further consideration: was it the memory of the fall of the Northern Kingdom and the subsequent population changes there<sup>261</sup> which prompted a particular concern in the Persian period, even before Ezra and Nehemiah, to ensure the continuing possession of what was left of the promised land to those who were of the זרע of Abraham, to whom the original promise had been made — this also motivating renewed emphasis on the levirate laws and the inclusion of women heirs in the absence of males?

underlying the intermarriage controversy was landholding capacity); and in Neh 13:30, Nehemiah proclaims that he has “purified them from everything foreign” (וטהרתים מכל נכר). See also Hayes, *Gentile Impurities*, 27, applying here her distinction between profanation (removal of the status of holiness) and defilement (making impure): “A terminological shift occurs in Ezra-Nehemiah. Whereas the Torah describes the high priest’s exogamy as a profanation of his holy seed (Lev 21:15: “And he shall not profane his seed (זרעו) among his people; for I am the LORD who sanctify (מקדשו) him”), Ezra-Nehemiah describes it as a *defilement*. Indeed, the exogamy of any priest is held to defile holy seed ..., as may be seen in Neh 13:28–30.” Fried, “Xeno-Philia,” 194, writes of Neh 13:30, נכר וטהרתים מכל נכר: “Nehemiah commends himself to God because he ‘purified them from everything foreign.’ This passage is genuine to Nehemiah’s memoir, it is the earliest indication in the book of Ezra-Nehemiah, and indeed in the biblical corpus, of an antipathy to all that is foreign.” Rainer Albertz, “Purity Strategies and Political Interests in the Policy of Nehemiah,” in *Confronting the Past: Archaeological and Historical Essays on Ancient Israel in Honor of William G. Dever*, ed. Seymour Gitin, J. Edward Wright, and J. P. Dessel (Winona Lake, IN: Eisenbrauns, 2006), 199–206, observes at 204: “Nehemiah does not call the Jews ‘the holy seed,’ as the later editor does (Ezra 9:2), but he nevertheless touches on the sphere of holiness.” Cf. Eskenazi, “Missions,” 522 n. 24: “The same idea with a different vocabulary recurs in Nehemiah’s objection to foreign wives”; Southwood, “Holy Seed,” 199): “The collective title זרע הקדש, ‘holy seed,’ at once aligns numerous boundaries (Ezra 9:2; see Neh 9:2, 8; Isa 6:13; Mal 2:15).” On the other hand, Nehemiah is quite explicit in his “cultural” objection to intermarriage: see n. 220 above.

261 See 2 Kgs 17 and Ezra 4:2, at nn. 47–48 above.

