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ROBERT L. BRAWLEY, EDITOR IN CHIEF

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LIST OF ARTICLES

- A**
Abortion
Amos
Animals
Antinomianism
Anti-Semitism
Apartheid
Authority
- B**
Bioethics
Body and Embodiment
Bribery
- C**
Capital Punishment
Capitalism
Casuistic Ethics
Catholic Epistles
Character Ethics
Cheating
Children
Christian Interpretive Traditions
Chronicles
Colonialism
Colossians and Ephesians
Communism
Community
Compensation
Corinthian Correspondence
Covenant
Creation
 Christian Perspective
 Jewish Perspective
- Crucifixion
Culture
- D**
Daniel
Dead Sea Scrolls
Death and Dying
Decalogue
Deontology
Deuteronomy
Discipleship
- E**
Ecclesiastes
Ecclesiology
Ecology
Economics
Education
Egalitarianism
Elderly
Esther
Ethics of Biblical
 Interpretation
Ethnicity and Ethnography
Exile and Restoration
Exodus
Ezekiel
Ezra and Nehemiah
- F**
Family
Feminism
Fidelity
Flesh
- Food
Forgiveness and
 Reconciliation
Formation
Free Will and Determinism
Freedom
Friendship
- G**
Galatians
Gender
Genesis
Golden Rule, The
Good and Evil
Grace and Mercy
- H**
Habakkuk
Haggai
Hebrews
History of Interpretation: New
 Testament
Holy War
Honor and Shame
Hosea
Hospitality
Household Codes
Human Being
- I**
Imitation
Imperialism
Imprisonment
Isaiah

J

Jesus
 Jesus Sirach
 Job
 Joel
 John and the Epistles of John
 Joshua and Judges
 Judgment
 Justice

K

Kidnapping
 Killing
 Kingdom of God
 Kings
 Kinship

L

Lamentations
 Land
 Law
 Hebrew Bible
 New Testament

Leviticus

Life

Luke–Acts

M

Malachi
 Mark
 Marriage and Divorce
 Matthew
 Metaethics
 Metanarrative
 Methodology
 Hebrew Bible
 New Testament

Micah

Mishnah

Monarchy

Monotheism

Morality (vs. Ethics)

N

Nahum
 Nations and Nationalism
 Natural Law
 Numbers

P

Paradigms
 Pastoral Epistles
 Paul
 Peace
 Philanthropy
 Philippians and Philemon
 Poverty
 Poverty, Voluntary
 Power
 Prejudice
 Prophets
 Proverbs
 Psalms
 Punishment
 Purity Laws

R

Rabbinic Literature
 Racism
 Rape
 Resistance, Passive
 Restitution
 Resurrection
 Retribution
 Revelation
 Righteousness
 Romans
 Ruth

S

Sabbath
 Salvation
 Salvation History
 Samuel
 Sanctification
 Sermon on the Mount

Sexuality

Sin

 Hebrew Bible/Old Testament

 New Testament

Slavery

Social Classes

Socialism

Song of Solomon

Sources and Backgrounds

Spirit

Spiritual Powers

Stealing

Strangers and Sojourners

Suffering

Suicide

T

Talmud

Taxation

Teleology

Theodicy

Theories of Ethics

Thessalonian Correspondence

Tobit

Truth and Falsehood

V

Values

Vengeance

Violence

Virtues and Vices

W

War

Wealth and Possessions

Wisdom Literature

Wisdom of Solomon

Women

Z

Zechariah

Zephaniah

EZRA AND NEHEMIAH

The signal ethical issue in Ezra and Nehemiah is the intermarriage crisis that dramatically closes both books (Ezra 9–10; Neh 13:23–29, anticipated in the covenant made in Neh 10:30 [Heb vs 31]). In the context of a larger story about the nation's resettlement in the land after the exile, the texts present disturbing scenes in which the fragile community in Yehud attempts to evict foreign wives and children from their midst. Although brief, the scenes highlight many of the core ethical themes of the books, including identity construction, sociopolitical boundary making, and the ongoing interpretation of the tradition.

Remarkable in their own right, these passages are currently undergoing a renewed scrutiny within the growing scholarly interest in the Persian period and the formation of communal identity in the context of empire. In addition, new questions about the amount of editorial intervention and authorial

invention within the books of Ezra and Nehemiah animate new discussions about the passages' historical reliability (Frevel, 2011; Pakkala, 2004; Southwood, 2012; Hayes, 2002).

Given the various textual and historical complexities accompanying these texts, this article will investigate the material via three questions that aim to get at the basic issues. First, what is the specific violation of which certain members of the community are guilty? Second, how do the texts represent the underlying anxieties to which the legislation responds? Finally, what are some of the possible interpretations of these texts (in both the ancient and contemporary communities) that support a morally adequate response to the issues at stake?

The Offense and Its Redress. One basic question about this material is how it formulates the crime and proposes reparation. This question relates to the interpretation and application of ancient legal traditions in the context of present concerns. What emerges in this article is a striking reworking of these traditions. The community in the text limits the law in terms of culpability (only the *men* who have taken foreign wives are guilty) while concurrently expanding it in terms of scope and penalty (additional groups are prohibited from intermarrying, and the punishments are specified).

In the representation of the offense, the texts cite earlier traditions that forbid exogamy. In his confessional prayer, Ezra mourns that the people "have forsaken [God's] commandments," specifically the one forbidding intermarriage formulated as "do not give your daughters to their sons, neither take their daughters for your sons" (Ezra 9:12). In their oath, Nehemiah and the returnees swear that they will follow "the law of God," vowing, "We will not give our daughters to the peoples of the land, or take their daughters for our sons" (Neh 10:30–31; see 13:25). An older version of this law on which it may have been based is represented by Deuteronomy 7:3, "Do not intermarry with them, giving your daughters to their sons or taking their daughters for your sons." These prohibitions contain the two-part injunction against "giving" daughters to foreign men and against "taking" foreign women as wives. Yet even as the books of

Ezra and Nehemiah present the twofold law, they also indicate that only one part is worth prosecuting. In Ezra, only the “taking” of women is cited as illegal (*ns’* in 9:2 and 10:44). In his summary statement of the infraction, Nehemiah recounts “I saw that Jews had taken home (hiphil stem of *yšb*) Ashdodite, Ammonite, and Moabite women...” (Neh 13:23, lit., cf. 13:27). Thus, the texts point to a tension between an enduring legal tradition that includes both sexes but now assess wrongdoing only to the men who “took” foreign wives. In Ezra, this point is underscored by the long list of over 100 male names that closes the book (Ezra 10:18–43). Nehemiah also emphasizes the gender of the guilty by inflicting physical violence and ostracism solely on the men: “I...beat some of them and pulled out their hair” (Neh 13:25).

This narrow construal of the tradition regarding guilt contrasts with an expansive interpretation of proscribed groups and the consequences for intermarriage. Upon his arrival in the land, Ezra hears that some “have not separated themselves from the peoples of the lands, whose detestable practices are like the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, and Egyptians, and the Amorites” (Ezra 9:1, lit.). This list is a combination of several biblical texts: the first four along with the Amorites appear in Deuteronomy 7:1–4 as nations in the promised land with whom the community is not to intermarry, Ammonites and Moabites appear in Deuteronomy 23:3 as those who are restricted from joining Israel’s assembly, and Egyptians are named along with Canaanites in Leviticus 18:3 as groups whose religious practices are not to be copied by the Israelites. Thus the accusation in Ezra involves both a patching together of several different lists and the reapplication of *all* of these lists to exogamy. In addition, rulings about earlier neighbors are applied to the “the peoples of the land” currently living in Yehud. This point is particularly significant because these “peoples of the land” probably included those Yahwists who remained in the land during the exile (Grabbe, 1998).

There is a similar expansive interpretation when Nehemiah criticizes families whose wives are from

“Ashdod, Ammon, and Moab” (Neh 13:23). The ruling against incorporating Ammonites and Moabites into the community stems from Deuteronomy 23:3–4 (cited beforehand in Neh 13:1–2), but the addition of Ashdod is an innovation.

Finally, since none of the cited legal traditions mention any consequences for intermarriage, the calls to expel the women and children and to dissolve the marriages (Ezra 10:3, 11) also represent a development of the tradition. Such developments reveal the liveliness of interpretation—the texts show a community interacting with their tradition by limiting and/or expanding it to respond to contemporary anxieties.

The Underlying Threat. Given the portrayal of the crime in Ezra and Nehemiah, what are the perceived dangers that need to be addressed? On the whole, the texts present the issue as religious offenses that compel divine punishment—the intermarriages either break God’s law or increase the potential for religious trespass. The texts in Ezra refer to the marriages as an act of “faithlessness” (*ma’al*; 9:2, 4; 10:2, 6), employing a strategic term that in postexilic texts summarizes the offenses that stirred up the divine wrath and brought about the exile (H. Ringgren, “*Ma’al*,” *Theological Dictionary of the Old Testament* 8:460–464). Ezra later tells the assembly that they have “trespassed...thus aggravating the guilt of Israel” (10:10). Similarly, Nehemiah also characterizes the offense as *ma’al* (13:27). But this characterization of the threat does not fully explain all the evidence. Why, for example, are the women never actually convicted of inciting apostasy? And why are they not given the opportunity to ask forgiveness or convert?

It may be that Ezra reproduces an additional underlying anxiety about the impurity of foreign women. According to the leaders “the holy seed has mixed itself with the peoples of the lands...” (Ezra 9:2), and Ezra responds with a prayer that recounts the earlier warning to justify the marriage ban: “The land that you are about to enter to possess is a land polluted (*ndh*) with the pollutions of (*bndt*) the peoples of the land.... Therefore do not give your daughters to their sons...” (9:11–12, lit.). As in the preceding section, this represents a development in the tradition in that the

term that Ezra uses for “pollution” is usually reserved for menstruating women (Lev 12:5; 15:19; 18:19), a state that can also pollute men (Lev 15:24). Thus Ezra projects a distinctively feminine profile onto the pollution of the land and its people. It follows that the women (and not the men) have to leave even though they have committed no particular crime—they are sources of impurity that must be purged so that the community can survive (Janzen, 2007).

This is not apparent in Nehemiah; rather, the threat of divine punishment mixes with the possibility that Hebrew will become extinct. When Nehemiah discovers instances of intermarriage, he exclaims “half of their children spoke the language of Ashdod, and they could not speak the language of Judah, but spoke the language of various peoples” (Neh 13:24). Although they identify different causes (either impurity or the extinction of a critical ethnic marker), both Ezra and Nehemiah attribute to foreign women a threat to the integrity and identity of the community.

Alongside these various threats, both books may also reflect concerns with the requirements for communal membership. That is, the narratives may betray an anxiety that land ownership, participation in worship, etc. will expand to those outside the biological heirs of ancient Israel. This is seen in new rules instituted in fifth-century Athens where citizenship becomes dependent on the ethnic identity of both parents and may be the reason for the peculiar use of *yšb* in the hiphil stem (literally, “to cause to settle”) in the narratives (Eskenazi, 2011). The charge that the people have “trespassed and *tošibû* foreign women . . .” (Ezra 10:10, see also 10:2, 14, 17, 18; Neh 13:23, 27) may point to a concern with the establishment of foreigners on the land divinely intended for Israel and membership in the community.

In Ezra and Nehemiah, then, intermarriage threatens the disintegration of the community—either through divine punishment or pollution or the gradual loss of land and language. The communal boundaries proposed in the books attempt to address these dangers.

Assessment. Given the presentation of the crime and the underlying threats, how might current read-

ers adequately evaluate and respond to these narratives that threaten foreign women, convicted of nothing, with banishment? Perhaps the clearest approach is to consider the texts in their larger historical and canonical contexts. Knowing that the community in Yehud was very small and very poor puts their concern with communal boundaries into some perspective (Lipschits, 2003). And knowing that other biblical texts such as Ruth and Chronicles preserve a positive attitude to intermarriage reminds the interpreter that Ezra and Nehemiah do not necessarily represent the entire biblical tradition.

But a close reading of the texts themselves reveals no small amount of resources as well. The close analysis of the interpretation of the law outlined above presents a community negotiating their own legal tradition. Recognizing such negotiation provides contemporary interpreters a window into the choices of earlier communities as well as resources for different perspectives on this tradition. The texts also reveal internal ethical contention. For instance, no matter how one dates the tenure of the two leaders (with Ezra returning to the land first or, contrariwise, Nehemiah), the issue is not decisively determined. Before Ezra’s arrival, members of the community were intermarrying long enough to produce children but then came to view the marriages as improper. But Nehemiah’s violent exchange in chapter 13 indicates reoccurrence. If either Ezra or Nehemiah were able to dissuade the community from practicing exogamy, the subsequent leader would not have to revisit the issue.

Even more tellingly, the texts do not explicitly represent the actual expulsion of the wives and children. In Ezra, the priests who sinned “gave their word” to expel their wives and sacrificed a ram to expiate their guilt (10:19), but the sending away is not narrated in the text. As for the laity, the final verse in Ezra (10:44) reads, literally, “All these [men] had married foreign women, and some of the women had set children.” The Hebrew root *s̄m* (“to set, place, put;” masc. pl.) may be related to an Arabic term “to bear” (Williamson, 1985, pp. 144–145) or to the “settling” of the children of intermarriage on land intended for Israel (Eskenazi). The Greek of 1 Esdras 9:36

smoothes out the line to read “and they sent them away (reconstructing the Hebrew root as *šlh!*) with their children.” But as the *lectio difficilior*, the Masoretic Text of 10:44 is preferable, and this reading reveals the same reluctance to depict the expulsion as observed above. Likewise, in Nehemiah the foreign women are not explicitly sent away. According to the text, Nehemiah beat the offenders, “drove away” a priest who married a daughter of Sanballet the Horonite, and “purged” the priesthood “of every foreign element” (Neh 13:28, 30), but the actual expulsion of the wives is only implied.

The community’s lack of a sustained position on exogamy is even more evident in the various recent proposals for the text’s compositional history. For example, Pakkala (pp. 82–111) has argued that Ezra 10:3a (Shecaniah’s call for expulsion) was later intensified with Ezra’s prayer in chapter 9 by editors growing apprehensive of the Yahwists who remained in the land during the exile. On the other hand, Dor (2003, pp. 26–47) points out that Ezra’s prayer confesses the infraction but does not call for expulsion and suggests that it may have been added in an effort to moderate Shecaniah’s harsh demand. Although there is not yet a consensus on the original production of the texts, the emerging proposals all highlight the developing assessment of intermarriage in the ancient community.

Seeing some amount of contention and development in the narratives that end both books highlights the subtle strategies for inclusion that appear throughout. Texts such as Ezra 6:19–21 (where outsiders join in the Passover) and the lists in Ezra 2 and Nehemiah 7 (where listing returnees by place-names points to their integration with those who remained in the land) manifest fairly broad communal boundaries and mesh with the literary conclusions.

Although there are textual resources for recognizing tensions within the narratives, downplaying the disturbing aspects of the exclusivist stance comes with its own ethical risks. Reading from the social location of present-day Tongans in a context of colonial domination, Nasili Vakauta (2009, pp. 40–62) points to the dangers of obscuring texts that view native populations as sources of pollution necessitating

displacement. In a related manner, Cheryl Anderson (2009, pp. 47–64) points to the use of the intermarriage ban in Ezra to support segregation in America. In this view, “defending” texts like Ezra risks perpetuating ongoing injustices in contemporary communities.

In the end, interpreting the various ethical stances in play in the books of Ezra and Nehemiah is a study in negotiation. Far from straightforward, studying the treatment of the foreign wives involves a detailed examination of the text’s presentation of the rule and its underlying rationale, along with what is left unsaid. It also involves an awareness of possible modification throughout time as well—the careful interpreter will be open to recognizing disagreements and changes of heart. Both the author’s presentation and editor’s preservation/manipulation should inform the present-day community, and negotiating this textual diversity can provide a generous model for ethical formation.

[See also Ethnicity and Ethnography; Exile and Restoration; Imperialism; and Marriage and Divorce.]

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