MIXED MARRIAGES

Intermarriage and Group Identity in the Second Temple Period

Edited by

Christian Frevel
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Looking at the complexity and plurality of the mixed marriage topic in the Hebrew Bible,¹ the question occurs whether a literary development of the rejection of exogamy can be traced within biblical tradition. Already, such a development is corroborated by the observation of inner-biblical reception and creative application of tradition, a topic that will be discussed below. Furthermore, the differences between the several positions also ask for a closer look to be taken at related synchronic connections. This essay will explore aspects of systematization regarding the rejection of mixed marriages, highlighting various diachronic and synchronic features.

Our point of departure is the significant difference in the rationales rejecting intermarriage, rationales which may be systematized in three patterns roughly outlined as moral, religious and cultic.²

Some of the patriarchal narratives can be mentioned as examples for the morally based rejection of foreign brides (cf. Gen 26:35 and 27:46). In contrast, several texts labeled as “Deuteronomistic” refer to the danger of apostasy provoked by the exchange of daughters or by the religious influence of foreign women (Exod 34:15–16; Deut 7:3; Josh 23:7, 12; Judg 3:5–6; 1 Kgs 11:1–8). Different to both is the third pattern, which argues with cultic categories like holiness, purity, and so on. This rationale is present, for example, regarding the marriage rules for the high

* This essay presents insights resulting from a research project funded by the DFG (German Research Foundation): “Die Konstruktionen von Gruppenidentität durch religiös begründete Heiratsverbote. Literarhistorische, rechtshistorische und sozialgeschichtliche Aspekte der sog. ‘Mischehenfrage’ in der persischen Provinz Yehûd.”

1. For an overview on the texts in the Hebrew Bible, see the Appendix to the Introduction.

2. A brief overview of these three lines of argument is provided in the Introduction to the present volume.
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As a special case (Lev 21:14), the priests in general (Ezek 44:22) or even in context of the notion of Israel as “holy seed” (Ezra 9:2).

A brief survey gives the impression of a more or less clear-cut development, with a cultic argument replacing the fear of apostasy from “Deuteronomistic” to “Priestly” traditions. The latter seems to have prevailed in the Second Temple period. Nevertheless, the case is much more complicated. Texts like Num 25; Neh 13:23–29 and Ezra 9–10 provide both the anti-apostasy as well as the cult-related tradition. Especially Neh 13 and Num 25 display both patterns side-by-side. This observation raises the question of the texts’ relative diachrony and brings up the task of reconsidering the relationship between the particular patterns of rejection. The following investigation aims at a differentiated diachronic hypothesis regarding the change of patterns in the mentioned texts, which will also give an insight into a time of change of early Judahite self-perception. The focus on Neh 13, Ezra 9–10 and Num 25 reflects the above-mentioned problem, on the one hand, and the importance of the Ezra–Nehemiah composition in the mixed marriage debate, on the other one. We are aware of the fact that these exemplary texts are only the tip of the iceberg, and much work has still to be done.

1. Paramount Complexity—
   The Exemplary Case of Ezra–Nehemiah

In the history of research, the texts within the Ezra–Nehemiah composition are often said to be the focal point of mixed marriage tradition deriving from different sections of the Hebrew Bible. As a culmination of a wide range of traditions, it lends itself quite perfectly as a starting point for the investigation of the topic within the whole corpus of biblical and even extra-biblical texts. Consequently, the present study will give broad attention to this important composition, using it as one example for the development of the mixed-marriage discourse.

Ezra 9–10 and Neh 13:23–29, part of the theologically defined account on the (re)construction of post-exilic community, represent the most extensive and sophisticated anti-exogamy texts in biblical writings.

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3. Num 25:1–5 could even be classified as part of the Deuteronomistic pattern.
5. Other texts in Ezra–Nehemiah also deal with the topic; cf. Ezra 2:61/Neh 7:63; Neh 6:18 and 10:31. The last-mentioned text is part of a larger account on the
Ezra–Nehemiah is generally regarded as one composition and the links between Ezra’s and Nehemiah’s accounts on the topic are quite obvious with reference to motives and terminology. But, in addition, there are also a number of differences in the two accounts—such as, for example, their contexts and rationales. Below, we will touch on some aspects of these issues with observations on the internal diachrony within Ezra–Nehemiah. We do not aim at a complete theory of understanding the Ezra–Nehemiah composition in the following remarks, but rather to give some hints to a still-debatable diachronic solution for the dense network of the mixed marriages issue in the composition.

2. Two Sides of the Same Coin—Mixed Marriages in Nehemiah 13

Cases of intermarriage are reported within the Nehemiah narrative’s frequent notices on conflicts between Nehemiah and certain enemies, of whom the two opponents most prominent are Sanballat (cf. Neh 2:10, 19; 3:33; 4:1; 6:1, 2, 5, 12, 14; 13:28) and Tobiah (cf. 2:10, 19; 3:35; 4:1; 6:1, 12, 14, 17, 19; 7:62; 13:4, 7, 8). Sanballat is referred to as “the Horonite” three times (2:10, 19; 13:28), but his name may point at Samaria, where governors of this name are attested. Tobiah is called an “Ammonite” or an “Ammonite servant” (Neh 2:10, 19; 3:35) three times. It does not matter whether these designations of origin are post-exilic community committing itself to the rules of the Torah in Neh 10, explicated in a list of rules in 10:31–40. This observation underlines the importance of the prohibition of mixed marriages as one part in the larger context of what constitutes the community’s identity according to the biblical view.


9. Cf. also him addressing “his brothers” and the ה�לי שלמר in Neh 3:34, pointing at an affiliation with Samaria.

10. It is possible that those mentioned in Neh 7:62–63 represent migrants from Transjordan (cf. “Barzillai the Gileadite” in Neh 7:63), perhaps hinting at Tobiah’s geographical background, although, admittedly, the link between Tobiah here and in the Nehemiah narrative cannot be proved definitively. For an overview of the
historically correct or merely typological for the surrounding neighbors of Yehud. What is important is that both Sanballat and Tobiah are denoted as foreign, but nevertheless engaged in Yehud’s provincial politics and are also said to have close contacts with the high priest’s family (cf. Neh 13:4–9, 28–29). That observation clearly indicates that not everyone shared the exclusive definition of Judahite identity which is put forward by the author of the Nehemiah Memoir. However, from the point of view of the Nehemiah narrative their struggle for political and perhaps cultic influence is considered to be illegitimate. They are frequently referred to as outsiders, enemies of the Judean people as well as opponents of Nehemiah’s politics. In their attempts to strengthen their bonds with Jerusalem the role of marriages seems to be of great significance. This is evident in the fact that such relationships are regarded as critical by Nehemiah.

Nehemiah 6:17–19 deals with the marital ties of Tobiah. The short section follows the quite laconic note on the completion of Nehemiah’s wall building project (cf. Neh 6:15) with “our enemies” being concerned by his success. Then Neh 6:17–19 narrates the relationship between Tobiah and the nobles of Yehud. Nehemiah 6:19 concludes with a note that Tobiah had sent letters to frighten Nehemiah. In context of the aforementioned negative picture of his enemy drawn by Nehemiah, 6:17–18 depicts the communication between the nobles of Yehud and Tobiah, their oaths to him as well as the marital ties noticed in 6:18 in a quite negative light, although Nehemiah does not take action immediately. Nehemiah 6:17–19—directly after the completion of the wall—thus focuses the reader on the fact that the danger by the enemies is not neutralized simply by closing a physical boundary (i.e. the wall of the city), but that Yehud would need to defend itself from foreign resp. outsider activities within the midst of its community as well. The marriage between Tobiah and a daughter of a certain Shechaniah, son of Arach, as well as the marriage of Tobiah’s son Johanan to a daughter of Meshullam, son of Berechiah (Neh 6:18), has to be seen, implicitly, as a critical notion. The passage is affected by the biased description of Tobiah before and particularly by the negative influence he gains through marital ties (cf. Neh 6:19).


Note also that Neh 13:4–9, where Tobiah is allowed to use a room within the temple, aims at a similar direction as Neh 6:19, though Nehemiah’s reaction is more severe there. The whole of Neh 13 deals with the problem of a dangerous influence from outside, one potentially destroying Judean identity. In that context, Tobiah and an important Judean official, the high priest Eliashib, promoting his position (with regards to the cult!), are criticized harshly. Tobiah’s accoutrements are even removed from the temple, and Nehemiah orders the purification of the rooms of the sanctuary (Neh 13:9). Although it is not explicitly mentioned, the use of a chamber in the temple indicates a particular relationship to the temple. It may be noted that Eliashib and Tobiah are even said to be קרובים, a term which could denote closeness or even a relatedness (cf. Neh 13:4). This would multiply the implicit criticisms regarding Eliashib.

Removing Tobiah’s effects is significant, and in the end aimed at Tobiah himself. To put it differently, Tobiah is forced away from the ideological center of Yehud because Nehemiah is unwilling to tolerate foreign influence in the sanctuary, neither by Tobias’s physical presence, nor by another mixed marriage—the marriage of Sanballat’s daughter to a member of the high priestly family, indirectly referred to by Neh 13:28.

At the end of Neh 13 it is Sanballat, the other enemy mentioned above, who is said to have marital ties with Judean officials (13:28): it is a grandson of the high priest Eliashib who has married his daughter. The couple is expelled by Nehemiah (אברחי מעלי) on the grounds that they “have defiled the priesthood and the covenant of the priesthood and the Levites” (עליא אברחי במירת בני יהודו, cf. 13:29). Incidentally, the high priest Eliashib is cast into a poor light once again (cf. 13:4, 7).

The expulsion of Eliashib is a harsh reaction to an illicit marital relation in the high priestly family. Who will be the legitimate successor of Eliashib and Joiada in the appointment of the high priest is not said—all we are told is that it will be one of the sons in the high priestly line, maybe the eldest Jonathan or a younger one. It can be supposed that an implicit reference to Lev 21:14, expanding its original meaning to the whole offspring of the high priest, can be found here. Because the son

12. Plural according to the Masoretic text, which provides the lectio difficilior. The Lucianic recension, the Peshitta and the Vulgate read singular (“room”) here, but this rendering can be explained best as harmonization to the aforementioned singular form.
14. Nevertheless, it is negligible whether or not the grandson is the eldest because there is always a possibility that he will become high priest if his elder
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from the high priestly family has not married a daughter from his own people he has done wrong. This is commented upon explicitly in the short prayer of Nehemiah in 13:29 (cf. also vv. 14, 22), which uses the noun נצללה. Nehemiah 13:29 refers to the priestly covenant (ברית הכהנה) of Num 25:12–13 (cf. Mal 2:4–5) and thus combines the election of the priestly class with the demand for genealogical purity. This is emphasized again in the following unit, starting with the statement in Neh 13:30: “And thus I cleansed them from everything foreign (brit hayyadim).” In the first instance the phrase, which is linked syndetically, refers back to the priests and Levites in v. 29, mentioning duties of priests and Levites (brit hayyadim לְבוֹת בָּרוּךְ בָּרוּךְ). The cleansing of v. 30 may also include the chasing of Sanballat’s son-in-law in v. 28, who had defiled the priesthood (על נצללה הכהנה וتلك ההכנה והלולת) by the already-mentioned intermingling with foreigners in Neh 13:28–29. More generally, the phrase comprises the whole chapter, providing an interesting reference to Nehemiah’s commandment to clean the rooms of the temple in context of the incident with Tobias’s presence in the sanctuary.17

In both cases, Neh 6:18 and Neh 13:28–29, the verses lack explicit references to mixed marriage tradition and do not explicate exactly why the marriages are problematic. Yet in the second case, Neh 13:29 criticizes a “defilement of the covenant of the priesthood and the Levites” following the report of the marriage. Thus, mixed marriages implicitly are understood as defiling, at least with regards to cultic personnel and its special status. Such a marriage would constitute an illegitimate foreign presence in or near to the sanctuary, which is unacceptable according to

brothers die. Thus Lev 21:14 covers all male descendents of the family of the high priest.

15. Cf. also the other references related to cultic defilement: Isa 59:3; 63:3; Zeph 3:1; Dan 1:8.


Neh 13 (like Tobias’s physical presence in the sanctuary or the presence of Tyrian traders in the holy city during the holy time of Shabbat, cf. Neh 13:15–22). The critics relate to the negative depiction of Tobiah and Sanballat as non-Judahite throughout the narrative.

Both cases show that the two enemies, who, as already mentioned, are depicted as foreigners by Nehemiah, seem to have been legitimate partners for Judean officials in several ways. They certainly were not regarded as outsiders by everyone, as is clear from the observation of the close ties between them and the family of the high priest. Furthermore, the two short notes refer to the fact that a vivid debate on marital policy and foreign influence existed in post-exilic Yehud.

Relationships to “outsiders” are a sign of dangerous foreign influence already in Neh 6:18, but the case is even more problematic in 13:28 (and in the analogous case of 13:4–9) where Nehemiah has to react immediately. The mixed marriages represent examples of influence by persons whom Nehemiah wants to exclude as non-Judahite. These relationships are neither reflected upon as such, nor are dangers like apostasy mentioned.

Although Neh 6:18 uses יִּלְכֶּה אַתְרַבָּה as a technical term to denote the marriage of Tobiah’s son, neither 6:18 nor 13:28 refer to the Deuteronomistic prohibition of mixed marriage which can be found especially in Deut 7:3–4.

In fact, Neh 6:18—in contrast to the texts in Neh 13—lacks any direct reference to anti-exogamous texts or any alternative foundation based on cult or religion provided by biblical tradition. This is a quite striking observation, bearing in mind the negative role of an Ammonite18 and the reference to the temple (Neh 6:10–14) as well as to the god of Israel (Neh 6:14, 16) in the broader context. These references could give some hints that the problems Nehemiah has with Tobiah’s marital policy are not based in personal or profane political hostility, but are instead also religiously motivated.

Both Neh 6:18 and 13:28 use the root פָּרַח combined with בִּ, which emphasizes the integrative aspect by kinship to the in-laws.19 Accordingly, integration into the community by marriage is opposed. In Neh 13 the community cannot be considered without its relation to the sanctuary. This notion seems to be absent in Neh 6:18, where the incompatibility of

19. Cf. the verb פָּרַח (H-stem, “to be son in law”) with נָרָא in Gen 34:19; 1 Kgs 3:1; with בִּ in Deut 7:3; Josh 23:12; 1 Sam 18:21, 22, 23, 26, 27; Ezra 9:14; and with בִּ in 2 Chr 18:1.
the excluded persons to the sanctuary as center of Judahite identity is not expressed in terms of purity, as is done in Neh 13:4–9 and 13:28–29. Both chapters criticize that not everyone excluded Tobiah and Sanballat as outsiders. Yet while the position of Neh 6 only implicitly refers to religious reasons, the attitude emphasized by Neh 13 explicitly cites cultic traditions.

It is possible that the text’s statement is quite circular: (1) foreigners are to be excluded from the sanctuary, thus Tobiah and Sanballat have to be excluded; (2) Tobiah and Sanballat are excluded from the sanctuary, thus they are not Judahites, but foreigners. This circle cannot be broken since it probably combines two related intentions: the depreciation of Nehemiah’s enemies and a general proposition regarding marital policy. Whatever the case may be, the focus differs from Ezra 9–10 as well as from Neh 13:23–27, where a more detailed discourse can be found. One possible solution may be seen in a diachronic development of the mixed marriage issue.

If one accepts that Neh 13, which is an addition to the whole composition, is not a literary unity, one could consider Neh 6:18 and Neh 13:28 as earlier than Neh 13:23–27 and Ezra 9–10. But this is by no means clear. This, a brief glance at 13:23–27 seems worthwhile, before the question of ch. 13 as a whole is addressed again.

On the surface, the problem in Neh 13:23–27 is Nehemiah’s concern that the offspring arising from mixed marriages are unable to speak “Judahite” properly (cf. Neh 13:23–24). Looking at the history of language, it is not clear how sharp the differences between “Ashdodite” and “Judahite” were. What is “Judahite” is established by reference to biblical tradition: Nehemiah is presented as quoting Deut 7:3 (Neh 13:25) as well as recapitulating Solomon’s sin narrated by 1 Kgs 11:1–8 (Neh 13:26). Both (Deuteronomistic) anti-exogamy traditions imply a concern regarding religious deviance in the background of the rejection of the marriages criticized in Neh 13:23: especially the reference to 1 Kgs 11:1–8 seems to be a kind of key for understanding the incident. That narrative—which is quite close to being a midrash—expands the Torah’s


21. In the scholarly discussion on Neh 13:23–24 it often is referred to as a difference between Ashdodite, on the one hand, and Ammonite, Moabite and Judahite (Yehudite, cf. Neh 13:26) as Semitic dialects, on the other hand. Ashdodite is understood as being influenced by Greek or Phoenician (cf. the location of Ashdod in the coastal region). Nevertheless, such a differentiation lacks a secure material basis for the fifth/fourth century B.C.E. On this debate, cf. Johannes Thon, “Sprache und Identitätskonstruktion. Das literarische Interesse von Neh 13,23–27 und die Funktion dieses Textes im wissenschaftlichen Diskurs,” ZAW 121 (2009): 557–76 (568–69).
commandments on mixed marriage with the frequently listed Canaanite peoples (cf. Exod 34:11; Deut 7:1; Judg 3:5 etc.) to other groups (Egyptians [by the note on Pharaoh’s daughter], Moabites, Ammonites, Edomites, Sidonians\textsuperscript{22}) and gives (or constructs) the warning against apostasy an additional “historical” setting (cf. the division of the kingdom as a consequence!).\textsuperscript{23}

The rhetorical strategy of the Nehemiah speech in Neh 13:25–27 is rather sophisticated. The issue is introduced as very serious because it has caused Nehemiah’s affective and violent reaction. The importance is underlined by the assertive שבעים באClearColor אים\textsuperscript{24} swearing the people to the commandment, which is phrased by taking up Deut 7:3. The following rhetorical question gives the example of Solomon, who is qualified as an internationally exceptional king on the one hand, but a sinner on the other hand. His sinfulness is caused by the foreign women (הנשים, הנסירות, cf. 1 Kgs 11:1, 8). While the law is double sided (giving daughters to foreigners and marrying foreign daughters), the example of Solomon is only one sided, which fits well into the context of Neh 13:23.

By receiving those traditions, Neh 13:23–27 argues against relationships to women of the neighboring Western province Ashdod.\textsuperscript{25} An influence from the “multicultural” coastal region would have been regarded as dangerous for the construction of identity promoted by the Nehemiah Memoir. The constructed linguistic argument against Ashdodite women constitutes a clearly defined Western border of the province, even though this cannot be assured by archaeological or textual evidence.\textsuperscript{26} It is a literary argument, probably without historical indication. Ashdod perhaps stands for internationalization, prosperity, and trading activities which may have fostered an economic orientation to the west in the so-called Persian Period II.\textsuperscript{27} Since Jezebel, the Phoenician princess married to Ahab (1 Kgs 16:31), represents Phoenician affluence and


\textsuperscript{23.} This does not imply historicity, of course.

\textsuperscript{24.} Cf. Gen 21:23; 24:3; 31:53; 1 Sam 30:15; 1 Kgs 1:17, 30; 2:23.

\textsuperscript{25.} Cf. Neh 13:23, mentioning Ashdodite women at first, and Neh 13:24, which only refers to the Ashdodite language.


\textsuperscript{27.} See especially Carter, \textit{Emergence}, as well as above-mentioned publications on post-exilic social history.
internationality, the Ashdodite women may also be understood as figurative in the same manner. The Hebrew language may also have a religious connotation, it being the language of Torah. This would explain the somewhat improper focus on language. The reluctance to adhere properly to the Torah would have been the implicit problem here—not so much the question of linguistic comprehension—since there is no evidence that the Ashdodite dialect would have been greatly different from the “Judahite.” Thus, the language argument itself has the air of being a fabricated construction, one that served to promote the idea of a distinct (and Torah-based) Judahite identity. Foreign women from a province connected to international trade routes would thus have been viewed as a danger to the development of an identity built on the Torah (cf. also Neh 13:15–22 where Tyrian traders endanger the Shabbat).

If the reference to Moabite and Ammonite women in Neh 13:23 was secondary, as many commentators suggest, it would be well in line with the religiously based construction of Judahite identity. Close to Neh 13:1–3, it would tighten the relation to Torah legislation (e.g. Deut 23:4–9). Nevertheless, the general direction of Neh 13:23–27 would not be changed by that. Ammonites and Ashdodites are already regarded as enemies in Neh 4:1, although a clear reference to Deut 23:4–9 is absent there (cf. especially the absence of Moabites!). If one regards the Moabite and Ammonite women as a later addition, the original problem would have been the western border primarily, which then was supplemented by a turn to the east and the use of Deut 23 in the context of mixed marriage legislation.


29. Cf. Thon, Sprache, 571.


Besides all that, Neh 13:23–27, with its use of 1 Kgs 11, emphasizes the danger for religious identity. The term נגוע (H-stem “to cause to sin”) denotes the violation of YHWH’s claim to be Israel’s one and only God.32 Thereby Neh 13:26 is connected with the covenant-prohibition of Exod 23:31–32, which is dependant on Exod 34:15–16 and Deut 7:3–5. The affectively articulated assertoric rejection by Nehemiah (cf. Neh 13:25, 27) shows the fragility of the connection between religious identity and the claim for endogamous marriage. The reference to the covenant paradigm is further substantiated by the relatively late phrase נמל הָלִיחָה in Neh 13:27, which connects the rebuke with Deut 7 beyond the lexical level.33 The religious demarcation is used implicitly here to construct a clear border between Yehud and its surroundings.

For the text, the necessity to shore up the boundaries is a given fact based on biblical tradition.

In sum, there is a difference between the rationales of Neh 13:28–29, where the problem is situated in the high priestly family with a focus on the election of the priests, and 13:23–27, with its aim to establish religiously based boundaries aiming at the election and covenant of Israel as people by referring to Deut 7. Both paradigms, the religious and the cultic, are set side by side. They are linked by v. 30, which comprises the purification of the people and the proper organization of the cultic sphere.

From a diachronic perspective it is probable that Neh 6:18 represents an earlier text since the marriages are cast in a clearly negative light, though without the use of biblical tradition and without any judgment which would be expected in the wake of Neh 13:23–27. It is possible that Neh 13:28–29, with its focus on the family of the high priest, already takes up a formulation coined by Neh 6:18 and uses the motif of mixed marriage for its critique of priestly misbehavior.34 While in Neh 6:18 the incident is not explicitly qualified as religious offense (but cf. the contrastive pattern in vv. 14, 16), Neh 13 shows great interest in religious
and cultic consequences of the intermarriage (cf. the incidents around temple 13:4–9, 10–14, 28, and Shabbat in 13:15–22, as well as the at least implicit fear of apostasy in 13:23–27).

Comparing Neh 13:23–27 to 13:28–29, the situation is more complex and one has to be cautious to adhere to a linear diachronic development. On the one hand, we observed different clusters of reference in Neh 13:28–29, 30a (arguing within the paradigm of priestly purity) and 13:23–27 (arguing with religious deviance and the Deuteronomistic rejection of covenantal relations). At a first glance, the difference may indicate a process of literary growth from the “Deuteronomistic” to the “Priestly” pattern. On the other hand, Neh 13:23–27 shows a proximity to a Torah discourse which has already a midrashic tendency and which may be of late provenance. Thus the difference between Neh 13:23–27 and 28–29 seems to fade in diachronic respect and several options of diachronic development are arguable. A clear decision seems impossible and is dependant on the evaluation of the literary unity of Neh 13 as a composition. In terms if content, Neh 13:23–27 and 13:28–29 aim at different aspects of one problem: analogous to the sanctuary and the priests (also cf. 13:4–9), Israel as a people has to be defended from foreign influence. That point is clarified by reference to Deuteronomistic tradition, with its theology of election (cf. Deut 7:3 in its context Deut 7:1–6). The important question of purity is already in the background here, but the more or less additive use of tradition gives the impression that an overall concept of Israel as a “holy seed” is not yet developed. This step is taken by Ezra 9–10.

3. Conceptual Differences between Nehemiah 13 and Ezra 9–10

Despite several similarities, Ezra 9–10 constructs the argument against mixed marriage differently from Neh 13. The marriages to foreign wives defile Israel as a “holy seed” (cf. Ezra 9:2). While a genealogical concept of holiness resp. purity is put forward explicitly, the differences between the rationales for the election of the priests and the lay people fade with regard to the demand for endogamy—a clear contrast to Neh 13. Thus, the Ezra narrative in the “mixed marriages crisis” in Ezra 9–10 seems to build on the Nehemiah narrative and takes its consequences in a quite organic, but also creative, way. Ezra is not the opposite of Nehemiah here, but indeed Ezra 9–10 provides the culmination of the argument.
Ezra 9:2, with its reference to the “offspring of the holiness / holy seed” (וּרְעֵי הַקָּדוֹשׁ), can be identified as the Archimedean point for understanding the mixed marriage discourse in these two chapters: with Ezra 1–6 and probably the Nehemiah Memoir in mind, the central position of the sanctuary is emphasized and expanded to the post-exilic community as a people which has to be holy to dwell in the presence of the sanctuary. By taking up Deuteronomistic tradition\(^\text{35}\) and the theological view on history of the Ezra prayer (cf. Ezra 9:6–15), Ezra 9–10 shares the idea of Israel as elected people with Neh 13:23–27. Both understand the history of Israel as a warning that this state of election is fragile and endangered by unfaithfulness (see the example of Solomon in Neh 13). Yet this notion is integrated into a general concept by the author of the Ezra narrative: the community consists of the “offspring of the holiness,” which by no means could be allowed to intermingle (עַבְרֵי) with the “peoples of the land” who are devaluated strongly by referring to their “abominations” (חֵּרְבוֹן). The peoples of the land are constructed as impure (cf. Ezra 9:11: נָדָא) in opposition to Israel. Thus, Israel has to separate itself from their impurity\(^\text{36}\)—otherwise its existence in the land would be endangered.\(^\text{37}\) Several terms and motifs link the narrative to Lev 18\(^\text{38}\) to underline the purity paradigm. The demand for purity addressed at the cultic personnel in Neh 13 is expanded to everyone belonging to the Israelite community denoted as “sons of the Golah,” The Deuteronomistic prohibition against intermarriage is thus explicated not by referring to the fear of apostasy, but by the overall conception of Israel as a holy people in the presence of “his holy place” (מַקְדָּשׁ קָדוֹשׁ). The community’s holiness is defended by the opposition against exogamy. This is a question of survival, maybe with Lev 15:31 in the background, where the separation of people in a state of impurity is commanded, because otherwise they would “die through their uncleanness by defiling my Tabernacle which is among them” (Lev 15:31b). According to Ezra 9–10, the presence of foreign women would mean such an impurity being extended to Israel as a whole, which could not be tolerated. Consequently, Ezra 10 narrates a solution of the problem

\(^{35}\) Cf., e.g., Ezra 9:2, 12, which take up the prohibition of Deut 7:3, and Ezra 9:1, which takes up Deut 18:9 by means of the list of Gentiles and the phrase “according to their abominations.”

\(^{36}\) Note the frequent use of the priestly term חֲדוֹל, a classical verb used in the context of the division between pure and impure; cf. Lev 10:10.

\(^{37}\) Cf. Ezra’s previously mentioned theological view on Israel’s history, emphasized during his prayer in Ezra 9:6–15.

\(^{38}\) Cf. חֶרֶב and הַמַּעֲשֶׂה as well as the occurrence of Egyptians and Canaanites in Ezra 9:2, and the relation between peoples and the land, cf. Ezra 9:10–12.
which leads to the divorce of the foreign women (cf. 10:17–44). As we saw, Nehemiah reacts in a similar way only with regards to the case of intermarriage in the high priestly family, where the couple is banned. Other intermarriages only are criticized by him.

In Ezra 9–10 the “Deuteronomistic” and the “Priestly” patterns rejecting intermarriage are not only cited side-by-side, but put together under the paramount idea of an extended holiness. This development depends on a changed self-perception of the Israelite community.

4. Chicken or Egg? The Relation between Nehemiah 13 and Ezra 9–10

The discussion on the relationship between Ezra 9–10 and Neh 13:23–29 has not yet reached a consensus. A conclusion depends on the evaluation of the position and function of Neh 13 in the composition as a whole. One has to note first that there are obvious differences between Neh 13 and the wall-building account in Neh 1–6 regarding terminology and motifs, which would make an integration of ch. 13 into a Nehemiah memoir highly unlikely, but would rather hint at a later dating. But nevertheless, the unity of Neh 13 is disputed in scholarly research.39 We cannot discuss the chapter here in great detail, and will concentrate on especially some observations on Neh 13:1–3, which is a sort of test case for the chapter’s unity. Nehemiah 13:1–3 also shows striking similarity to formulations in Ezra 9–10.40 Thus, a unity of the whole chapter with Neh 13:1–3 and the mixed marriage narrative in Neh 13:23–29 could be regarded as evidence for one unified perspective on mixed marriages in Neh 13 and Ezra 9–10. However, if Neh 13:1–3 has to be regarded as a later addition to Neh 13, the similarities between Ezra 9–10 and Neh 13 would be editorial, and the conceptual parallelism should be assigned either to the authors of Ezra 9–10 or a later hand.

On the one hand, there are obvious differences between Neh 13:1–3 and Neh 13:4–31. Nehemiah 13:1–3 portrays an action accomplished by the community (note the Niphal form in 13:1 and the third person plural in 13:3; Neh 13:4–31 turns back to the first person narrative with Nehemiah as narrator), while during the rest of the chapter Nehemiah is the actor in a very pronounced way (cf. 13:14, 22, 30–31). Verse 3 reports the separation from all foreign descent (יהודו כל ערות) due to the reading of the Torah. The relatedness to Nehemiah’s action in vv. 4–31,

39. Cf., for example, the recent analysis by Wright, Identity, 189–212 and 221–69, as well as Steins, Chronik, 198–206.
and especially v. 30, is by no means clear. Nehemiah does not refer explicitly to Neh 13:1–3 resp. to Deut 23 during the following reforms. Additionally, it is quite surprising that even Neh 13:8–9 does not have recourse to Neh 13:3 when reporting the objections against Tobiah, “the Ammonite” (cf. 2:10; 3:35). The notion of the community as קהילת יושבibernא_0 in v. 3, otherwise attested in Ezra 2:64/Neh 7:66; Ezra 10:1, 8, 12, 14; Neh 5:13; 8:2, 17, differs from the notion of the community found in the rest of ch. 13 where it is regarded as Judah/Judean (cf. Neh 13:12, 15, 16, 17, 23, 24). These arguments seem to corroborate the view that Neh 13:1–3 is to be considered as a late addition to an older text of Neh 13 beginning in v. 4, which may have been part of the Nehemiah memoir.

On the other hand, there are strong indications against this assumption. While the temporal introduction בימי יהודה in 13:1 is in line with 12:43 and 12:44, the striking phrase לפני יהודה in v. 4 is difficult to integrate into the context. It ranges the Tobiah account chronologically before Neh 13:1–3 or even relates it to Neh 12:44. But Neh 12:44 is a verse which is dependent on the late priestly traditions of rights and duties of priests and Levites, which may hardly be part of the oldest Nehemiah Memoir. Nehemiah 12:43 does not provide a reference point for Neh 13:4. Thus, if Neh 13:1–3 is regarded as addition, Neh 13:4 would lack a reasonable reference. Nehemiah 13:4 cannot be taken as a fitting continuation of the foregoing text. Finally, there are several ties between Neh 13:4–31 and Neh 12:44–47 regarding the Levites, the tithe and the purity conception. Both Neh 13:1–3 and Neh 13:4–31 refer extensively to the Torah, although in a slightly different manner. These arguments may corroborate the fact that Neh 13 was composed as a unity.

Be that as it may, Neh 13:1–3, in the chapter’s final form, provides a key for Neh 13 showing all the reforms in light of the separation from the “mixed people”; in this respect it is similar to Ezra 9–10. Steins’ assumption that Neh 13:1–3 functions as Kopfstück introducing the following reforms at least fits the final text well. Nehemiah 13:4–31 thus could be a “midrash-like” text, explicating Neh 13:1–3, with its idea of a Torah-based, separated community by narrating several single reforms by Nehemiah, which are also Torah-based.

Thus, despite some contentual tensions and fragmentary additions (e.g. in v. 24), Neh 13 may be considered as a unity which has to be dated to the late Persian period, a time when the Torah is already regarded as the centre of Judahite identity.

41. On this discussion cf. Steins, Chronik, 198–208.
42. Cf. ibid., 201–4.
43. Note that without Neh 13:1–3 the chapter would lack a beginning.
The striking fact is that this relatively late text, which relates itself to the Torah in several respects, does not mingle the two rationales of mixed marriages. In contrast, the intermarriage issue of the people is related to the “Deuteronomistic” religious and covenantal line of thought and the issue of the priestly marital relations are connected with the purity and holiness paradigm. Both stand side-by-side in a supplementary or additive way, comprising the whole issue of intermarriage in the society of the Second Temple.

Nevertheless, the question arises whether Neh 13 was added at a particular literary stage before the development of Ezra 9–10 or afterwards. A totally independent formation, for example, with an Ezra report on the one hand and Neh 13 as part of a more or less authentic Nehemiah memoir on the other one, seems to be impossible in the wake of the literary connections between both chapters. There are several similarities between Neh 13:23–29 and Ezra 9–10 which have to be noted first:

1. The use of נישא (Hiphil) to denote (mixed) marriage (Ezra 10:2, 10, 14, 17, 18; Neh 13:23, 27).
2. Ezra and Nehemiah react with a certain violence (Ezra against himself: Ezra 9:3; Nehemiah against others: Neh 13:25).
3. In both cases, the people have to swear (שבעת, cf. Ezra 10:5 and Neh 13:25).
4. Both denote the mixed marriages as משל (Ezra 9:2, 4, 6; 10:2, 6, 10; Neh 13:27).
5. Both seem to rely on Deut 7:3, with the same shift between the term ליוות נשה and the idea, that the audience had taken foreign wives for themselves (Ezra 9:12; Neh 13:25).
6. Both use the phrase נ צריכת נשים (Ezra 10:2, 10, 14, 17, 18, 44; Neh 13:27).
8. In both narratives priests are criticized for engaging in mixed marriages (Ezra 9:1; 10:18–22; Neh 13:28–29).

This brief survey shows that a literary dependence is evident. The question is one of determining in which direction the influence occurred. As J. Pakkala notes, the use of נכירות נשים in Neh 13:27 could be dependent on the literary tradition, 1 Kgs 11:1–8, used here. Since Ezra 9–10 lacks

44. Several scholars argue for Neh 13:1–3 as a secondary addition; see Williamson, Ezra–Nehemiah, 380–81; Gunneweg, Esra, 163–64; Blenkinsopp, Ezra–Nehemiah, 350–52; Grabbe, Ezra–Nehemiah, 94; Wright, Identity, 492–95.
this context, one might argue that it is probable that Ezra 9–10 took the phrase from Neh 13:23–29. That the use of the phrase in context of a mixed-marriage discourse is not so extraordinary, as Pakkala notes, is true enough. But, in fact, besides 1 Kgs 11:1–8, only Neh 13 and Ezra 9–10 use it in an explicit mixed-marriage context. While Neh 13:26, 27 relates the נשים זכרית to Solomon, the use in Ezra 10:2, 10, 11, 14, 18, 44 lacks this reference. The significance of this difference may corroborate a postponement of Ezra 10.

The integral role of swearing in Neh 13:23–29 is often used as an argument for the opposite direction since Ezra 10:5 is not of the same centrality for the narrative. Yet both occurrences differ significantly (e.g. regarding the verb form as well as the content of the pledge). Thus, this argument is not convincing.

More secure ground is provided by an evaluation of the term מעלת, which is used in a much more elaborate way in the Ezra narrative.46

In Neh 13:27 one has to assume only that it means unfaithfulness against God according to Deuteronomistic ideology. The term is not at the centre of the argument. Ezra 9–10, on the other hand, explains at great length why mixed marriage is an “unfaithful act”: the “holy seed” is mixed up with foreigners (cf. Ezra 9:2). Thus, mixed marriages are an unfaithful act against Israel’s God. The “holy seed” rationale, which is combined with Deuteronomistic theology in Ezra 9–10, is a difference to Neh 13:23–29. Ezra 9–10 generally deals with the danger mixed marriages generate for the relation between Israel and its God in a much more differentiated way.

Another point is the absence of purity terminology explicitly applied to the marriages of the people in Neh 13, as was noted above. Whereas Neh 13:23–29 seems to differentiate between priestly and lay mixed marriages, in Ezra 9–10 such marriages are always portrayed as an offense against the “holy seed.” Furthermore, Nehemiah does not offer a solution for intermarriage in “lay Israel.” According to Ezra’s prayer (cf. Ezra 9:6–15), such a position would endanger Israel’s existence in the land. Criticism regarding those marriages would not be enough there. In Neh 13:28–29 the priestly marriage is reported as a singularity, while Ezra 9–10 narrates it in a more detailed way, too (cf. the sacrifice in Ezra 10:18!). Besides all these observations, Ezra is drawn not only as leader of the Judahite community, but also as priest, which is an interesting idea in contrast to the critics aiming at the priesthood in Neh 13.47

46. Of course, the same holds true for the term בדלי, which is discussed below.
47. The reference to “the chamber of Jehohanan son of Eliashib” in Ezra 10:6 possibly hints in the same direction by figuring Ezra as priest, or at least insinuating
All those observations speak in favor of a literary dependence of Ezra 9–10 from Neh 13:23–29. The similarities between Ezra 9–10 and Neh 13:1–3 (cf. the use of קהל, בדלי, concept of Torah) form the background of Ezra 9:1–2 (cf. the inclusion of Ammonites and Moabites into the list which otherwise consists of Canaanite peoples + Egyptians). Ezra 9–10 would then include motives found in Neh 13:1–3 into its introductory scene and applying the terms קהל and בדלי to its treatment of the mixed marriage crisis. Ezra 9–10 would have taken up the mixed marriage texts on the final stage of Neh 13 relating Neh 13:1–3 and Neh 13:23–30 and developing it into a unified anti-exogamous position. The rejection of being mixed up with foreigners, explicated by several reforms in Neh 13, is generalized by the lengthy discourse of Ezra 9–10. The purity paradigm is brought into the fore. However, the covenantal rationale which is focused on religious practice does not really take a back seat, but is integrated and kept present. While Neh 13 combines the two lines in a supplementary way, in Ezra 9–10 aspects of religious deviance, covenant, monotheism, genealogy and purity are brought together in a complementary manner. The authors of Ezra 9–10 have created an integrative concept to reject intermarriage which is taken up in post-biblical tradition frequently.

The highly sophisticated combination of biblical tradition in Ezra 9–10 establishes a borderline between post-exilic community and everyone else, which simply cannot be crossed. Ezra 9–10 focuses on genealogy (cf. Ezra 9:2; 10:3, 18–44), as well as on a concept of golah-Israel as chosen people, developing the rationale found in Neh 13:1–3, 23–29 regarding the priestly caste, combining it with reference to the Deuteronomistic idea of election (cf., e.g., the links between Ezra 9:1–2 and 9:12 and Deut 7:1–6 or 18:9) and the argument of Lev 18. The tensions in Neh 13 listed above (cf. the concepts in 13:1–3, 23–27, 28–29) are resolved here. Perhaps one can understand the narrative as consequence, clarification and intensification of Neh 13, where the question of purity is addressed only with regards to the priests. Ezra 9–10 may thus fit well a closeness of Ezra to the Jerusalemite priesthood. Eliashib is an important person in Neh 13, but not in Ezra 9–10. Ezra 10:6 could be explained as a link between both narratives, drawing Ezra as a faithful priest against the backdrop of Eliashib, who does not play a role elsewhere in the Ezra narrative.

49. The diachrony of Ezra 9–10 is not treated here at length due to restrictions of space, though the background thesis is, namely: Ezra 9 already represents the core of the narrative with an original solution of the crisis in Ezra 10, which later was developed by some minor additions.
into a slightly developing concept of the composition Ezra–Nehemiah. Ezra 9–10 contemplates the positive characterization of post-exilic community on the negative background of the surrounding peoples, which are not concrete entities anymore, but an outside group. This group is stylized in a way comparable to the “Canaanites” of biblical tradition. The mixed marriage topic is totally integrated into a discourse on purity of the Jerusalem-centered post-exilic community, since this is closely identified with the sanctuary. In consequence, the demands regarding external boundaries have to be increased, what sharpens the difference between inside and outside community. But that differentiation goes right through the community, as Ezra 9–10 argues for a concept of identity which is focused on the returnees from the Babylonian golah (cf. the frequent occurrence of the golah in the book of Ezra and especially its role in Ezra 9–10). In this context one also can observe the importance of genealogy within the narrative (cf. Ezra 9:2’s reference to “holy seed” and Ezra 10:18–44’s reference to a genealogical list), but that seems to be a kind of meta-history constructing identity rather than hard-fact historiography (cf. the structuring role of lists for the whole composition in Ezra 2 and Neh 7). The whole narrative is coined by the topic of exogamy outside the golah-defined community which takes up and develops tradition creatively. The Babylonian golah here represents the “avant-garde,” the true Israel.

Since the critiques in the core of Neh 13:23–29 concerning marriages with Ashdodite women have been seen in context of the economic rise in Persian Period II and in the wake of a significant role of Torah as document of identity, the mixed-marriage text in Neh 13 should be dated not earlier than to the first half of the fourth century B.C.E., as Sanballat could represent a certain Anti-Samaritan polemic. The reference to the priestly covenant of Num 25:13 in Neh 13:29, and the presumption of the priestly and Levitical order of Num 3–4; 8; 19 in Neh 13:30 form an obstacle for a date that is too early. The Torah, Jerusalem, the sanctuary and its personnel are now central points of reference for Judahite identity.

50. In Neh 13:23–29 the genealogical argument is addressed regarding the high priestly family.


52. Regarding the other mixed marriage texts in Ezra–Nehemiah, I would suggest that Neh 6:18 could have predated Neh 13, while Neh 10:31 certainly belongs to the very end of the history of composition, with an idealized view on a community entirely devoted to the Torah by free will.
under Persian administration (cf. Nehemiah’s role as a Persian official). Ezra 9–10 has to be dated later than Neh 13, maybe to the very end of the Persian Period when new challenges to Judahite identity emerged by the decline of the Achaemenid Empire. Yet the picture of Ezra as priest and the absence of a governor (ןוֹסֵן) throughout the narrative, nearly substituted by Ezra’s authority, most likely points at early Hellenistic times, when the position of the priesthood endured but the governor lost his position. The question of separation by a prohibition of exogamy seems to have been virulent at this time—the community had to redefine its identity since it was now part of another domain. This is also indicated by the observation that it is especially Nehemiah’s mixed marriage reform combined with the separation text in Neh 13:1–3 which is taken up and expanded by Ezra 9–10. Out of all the reformative actions it is those related to the shoring up of communal boundaries and the provision of continuity that are of interest here.

The position of Ezra 9–10 is exclusivist entirely, which can be observed elsewhere only in extra-biblical tradition (cf. Jubilees, the Aramaic Levi Document). The closeness of Ezra 9–10 to Jubilees, the Levi literature and even 4QMMT seems also to argue in favor of a late dating. At any rate, Ezra 9–10 is unique in its golah-centered position. Israeliite identity is ensured by a common cultural memory of having been an elected remnant that has to be faithful—the polemic against mixed marriage is no longer in the context of an emerging Judahite ethnic identity, but turns inwards, demanding a common group identity for those who came from the Babylonian golah. Thus we can observe the emergence of a kind of religious orthodoxy in contrast to the construction of an ethnic identity which had been more important in earlier texts.

In sum: As has been shown above, already within the composition of Ezra–Nehemiah one may find the topic of mixed marriage serving different functions and in different contexts. The mixed marriage texts in the composition of Ezra–Nehemiah cover a period of time from the late

54. Cf. the authority Ezra has got according to the Artaxerxes rescript in Ezra 7:12–26 and the proposal of a Hellenistic dating by Sebastian Grätz, Das Edikt des Artaxerxes. Eine Untersuchung zum religionspolitischen und historischen Umfeld von Esra 7,12–26 (BZAW 337; Berlin: de Gruyter, 2004).
55. Cf. the essays by Armin Lange, Hannah Harrington and Christian Frevel in the present volume.
56. That a genealogical background from the golah was still traceable in that period is doubtful. Thus, Ezra 9–10 projects such a genealogical purity back to an earlier phase of the history of the Judahite community.
Persian Period until early Hellenistic times and thus give an insight into the problems and discussions that arise during this time of change. The diachronic approach on texts which may seemingly represent a similar attitude regarding mixed marriages even shows significant differences in their concept. This observation may encourage looking at further texts diachronically as well. As has been demonstrated, Ezra–Nehemiah already relies on earlier biblical tradition. Thus, the question of the earlier development of this tradition has also to be raised. Within the discourse on intermarriage it is not all the same, but rather certain developments are recognizable. The whole “story” awaits further research, but a brief look at another text may suggest a direction.

5. Bridging the Gap between People and Priests Zealously—The Phinehas Story as a Second Test Case

Looking at the issue of mixed marriage in Num 25, the Phinehas episode strengthens the view that mixed marriages are related to the sanctuary and afflicting the people as a whole.

At the first glance, the covenantal relation is addressed only in the covenant of Levi in Num 25:12–13. It is a frequently made observation that Num 25:1–5 and Num 25:6–18 are strikingly different. While Num 25:1–5 focuses on apostasy with the Moabites, Num 25:6–18 take the intermarriage with a Midianite women as the paramount example. Both traditions are usually divided diachronically and attributed to non-priestly and priestly circles. The connection between both is often neglected and Num 25:6 considered as textual and conceptual paragraph (Neueinsatz). However, both passages are related in several respects. Both passages refer to sexual affairs in an implicit manner, Num 25:1 by חָנַן and Num 25:8 by the obscure קַבָּה. They both make use of the covenantal pattern, although in a different way. Numbers 25:1–2 relates to Exod 34:15–16 while Num 25:12–13 relates to Num 18:19 or rather create a new covenant which is paradigmatic for the whole congregation. Both passages include the concept of the “wrath of God.” Both argue with the related concept of zeal; Num 25:11 explicitly and Num 25:3 more indirectly by taking up Exod 34:14. Already this rough comparison indicates that Num 25:6–18 is strongly related to Num 25:1–5. In light

57. On the ideological roots supporting the mixed marriage texts in Ezra–Nehemiah, cf. recently Blenkinsopp, Judaism, 142–45. Of special interest is his reference to Ezek 44:9, which can be related to what has been said above regarding foreign presence in Neh 13:4–9, 28–29.
58. This is noticeable already in the Codex Petropolitanus (cf. BHS).
of the argumentation on different rationales rejecting mixed marriages, which were elaborated above, this becomes strikingly significant. While Num 25:1–5 seems to resort to the “Deuteronomistic” pattern of religious imperilment, Num 25:6–18 is aligned with the “Priestly” paradigm of defilement by mixed marriages. Both texts are diachronically disunified and have a complicated literary development. Num 25:16–18 is linked to Num 31 and probably a later addition. Numbers 25:13 is a repetition or variation of v. 12, and the genealogical note on Cozbi and Simri may be disputed as secondary also.59 Some aspects of the disunity of Num 25:1–5 will be mentioned below. But this aspect shall not be at the centre of interest in the following argument. Furthermore, the question has to be raised: How does the composition of Numbers 25:1–18 relate to the concepts of Neh 13 and Ezra 9–10? In contrast to Neh 13, the defilement afflicts not only the sanctuary or the priestly caste, but rather the whole community. On the other hand Neh 13:29 obviously refers to Num 25:13.60 We cannot discuss the complexity of Num 25 here at length, but the diachronic development before the elaborated concept of Ezra–Nehemiah can be illuminated briefly here.

With respect to the cultic charging of the issue of mixed marriage which was gradually put forward in Nehemiah–Ezra, it is first of all striking that role and function of the priests is connected with inter-marriage affairs within the people of Israel. Like Ezra, Phinehas is priest. But while the priesthood of Ezra is not at the centre of interest, in contrast to his competence regarding the Torah, the priesthood of Phinehas is of paramount importance. He is member of the Aaronide lineage acting as legitimate successor of Eleazar.

Thus, we may consider Num 25 as a second example for the above-identified development towards a more and more significant role of the cult, priests and priestly terminology for the mixed marriage discourse. Numbers 25 functions as foundation myth of priestly authority regarding the topic.

The narrative in Num 25 is the only one within the Pentateuch and outside the patriarchal narratives rejecting exogamous relationships. The story is often alluded to and, behind Gen 34, is a central text in extrabiblical reception in early Hellenistic times.

With regard to diachrony, the important question arises whether a pre-priestly rejection of mixed marriages can be found in the narrative. The

Phinehas episode in Num 25:6–18 doubtlessly is a “priestly” text arguing with the paradigm of purity. Nevertheless, however, the aspect of religious apostasy is implicitly invoked in the zeal motif.

Both with regards to argumentation as well as theology and geography, the sanctuary is at the center of attention here. Zimri, first anonymized as אֱלֹהֵי יִשְׂרָאֵל (v. 6), brings Cozbi, likewise much less anonymized as “the Midianite” (אָ֥רְדָּהמְדִינִית), among the community while the people of Israel is weeping at the entrance of the Tent of Meeting (subsequent to the first part of the narrative as noted above). Although it is not said explicitly that the event took place in the sanctuary (the term הקֶבֶר is not specified further), the reaction of Phinehas, son of Eleazar, colors the situation with a cultic tint. One gets the impression that the sanctuary and the camp are not separated strictly, a fact which resembles the Ezra composition conceptually. Anything affecting the community has consequences for the sanctuary and the other way round. This observation is quite neatly in line with the implicit direction of Neh 13:23–29 as well as the explicit argument of Ezra 9–10, although it is explicated there in a much more elaborate way. From the point of view of Num 25:6–18, the sanctuary is defiled by exogamous relationships. Phinehas represents the substitutional activity of priestly circles in this debate. He acts for the demand of genealogical purity in a violent way exaggerating the necessity to avoid any mixture. The narrative builds on Lev 21, expanding the danger of mixed marriages on the community of Israel as a whole. The society’s welfare thus depends on ethnic-genealogical purity. The priestly episode has cultic connotations, but does not give an explicit reason for its position regarding the participation of the Midianite woman in the cultic community. Thus, Num 25:6–18 gives an ambivalent impression by comparing it with Neh 13 and Ezra 9–10. On the one hand, the genealogical aspect, the strong relatedness to the sanctuary and the expansion of the purity demand on the whole congregation argues in favor of closeness to Ezra 9–10. On the other hand, the dependence of Neh 13:29 to Num 25:18 strongly hints at a priority of Num 25 to Neh 13. Like Neh 13, Num 25 argues with exemplary cases which do not comprise the engagement of the whole community but which afflict the covenantal relationship of the whole congregation. But Neh 13 has a midrash-like character which may also point at a later formation.

61. See the essay by Jan Clauss in the present volume.
62. Note that Neh 13:28–29 only expands Lev 21 with regards to the priests.
63. Neh 13, in contrast, provides reasons for the subsequent rejection of foreign presence, as does Ezra 9–10.
The reasoning of the priestly authority regarding mixed marriages is in line with both compositions. Ezra acts as a priest explicitly, but Nehemiah argues against the priestly class, which, in his view, has failed not only by permitting mixed marriages, but all the more by engaging in intermarriage relationships. In sum, it remains quite difficult to integrate the composition of Num 25 conceptually, but it seems probable that Num 25 formulates an ideal of the priestly role in the Israelite community which is in the background of Nehemiah’s critics. Ezra’s priestly role differs in that he combines the authority of a priest and a scribe. The ideal of the Ezra narrative is that of the priest who implements and interprets the Torah. The priest almost acts as a Torah exegete here. This picture, again, is more elaborate than the spontaneous zeal of Phinehas. In Ezra 9–10 a priest fulfills what Nehemiah had wanted Eliashib to do by reference to the Phinean ideal. The priest Ezra does not rely on a layman like Nehemiah who fights for the fulfillment of the Torah, but does it on his own as the accepted authority within the community. Thus, Phinehas can be seen at the beginning of the debate on the priestly role in context of the rejection of intermarriage.

Regarding the patterns of rejection, it is significant that the Phinehas account is attached to the Moabite episode in Num 25:1–5, based on a fragmentary Yehowistic text in Num 25:1a*, 3, 5, which had focused only on the violation of monolatry and had not yet mentioned the question of mixed marriage explicitly. In late exilic or rather early post-exilic times a rejection oriented at Exod 34:15–16 (rather than Deut 7:3–4) is attached in vv. 1b, 2, 4 in a quite Deuteronomistic manner. Exogamous marriages with Moabite women are rejected here by the Deuteronomistic paradigm of religious deviance, a feature which can also be found in the Phinehas story.

64. Ezra 7:10 praises Ezra’s Torah competence, and generally, as Ezra 7 and Neh 8 narrate, he is the one (re-)establishing the Torah in Yehud. Although acting in a priestly role in Ezra 9–10 (cf. Ezra 10:10, 16, where he is called “priest,” as well as his closeness to the temple), the problem that the mixed marriages were a violation of the Torah is at the centre of attention. This is corroborated by the complex discourse based on the combination of Pentateuchal tradition. In contrast, there is no direct reference to Ezra’s authority as a priest as a legitimization for his actions against the marriages. Although of Aaronide descent (cf. 7:1–5), Ezra is at no point said to be a high priest. He reacts in an emotional way, but by no means “zealously” like Phinehas and he is also a lone figure, but is the leader to whom the community appeals (Ezra 9:1), the figure whom the Israelites follow deliberately (Ezra 10:16–17). Thus, the pictures of Phinehas and Ezra are clearly distinct.

65. For a justification of this view, see Ludwig Schmidt, Das 4. Buch Mose: Numeri 10,11–36,13 (ATD 7/2; Göttingen: Vandenhoeck & Ruprecht, 2004), 146–49.
1 Kgs 11:1–8 and 16:31–32. Marriages with Moabites are said to be “interreligious,” endangering the orthodoxy of worshipping YHWH alone. By taking up the sexualized language (נש) from Exod 34:15–16, the relationship with foreigners is abhorred with regard to a certain ethos. Ideas of sexual-cultic customs are not in the background. Instead, there is a xenophobic pattern of rejection which constructs the foreign as sexually deviant and potentially dangerous. Supposing the unity of ethos and religious practice, a relationship with Moabite women is a “synchronistic” danger which has to be eliminated violently. The Phinehas narrative is added to that radical solution. Here a mixed marriage is seen as defilement of the sanctuary (cf. Lev 20:1–5). By that the episode of Num 25:1–5 is clearly interpreted as related to intermarriages. From the final text one cannot escape this interpretation. Thus, it is obvious that a purity-based pattern was added to the Deuteronomistic “religious” pattern. Both patterns are not combined and integrated into one concept as in Ezra 9–10, but juxtaposed as in Neh 13. But while the juxtaposition in Neh 13 was regarded as integral to the composition, it is editorial in Num 25. Thus we can consider different strategies in handling the distinct patterns of rejection in both texts.

In sum: the Redaktionsgeschichte of Num 25 shows a paradigmatic development regarding the rejection of mixed marriage culminating in a concept quite similar to Neh 13, where the role of the sanctuary is further emphasized and included into a complex framework of biblical references. Similar to the composition of Ezra–Nehemiah, a direction towards a more and more explicit and elaborated rejection was also observed in Num 25.

In the beginning of the development of Num 25 there is an implicit rejection of mixed marriages, here under the paradigm of apostasy which has parallels in other texts, for example, in the so-called Deuteronomistic History. The development goes further regarding those relationships as a danger for the community, combining the question of purity and the role of the priests with the topic. Mixed marriages turn into a crucial danger when the society’s core is constituted by the sanctuary. This idea is in the background of Neh 13:28–29 also. The significance of the defense of community combined with the defense of the sanctuary’s purity is made explicit in Ezra 9–10, a text dating from a later stage where a changed self-perception of Israel has to be observed.

66. This idea will be developed further in receptive texts like Jub. 30, as is shown in the contribution of Christian Frevel to the present volume.
The literary debate on mixed marriages becomes very dense in the Persian period and also later in the Hellenistic period, with several different voices being heard from an expanding resource of texts. The religious threat is first complemented, then integrated and, finally, beyond Ezra–Nehemiah, replaced by the purity paradigm. The more serious the issue becomes in the texts, the more it is directed inwards as a pillar of understanding Early Judaism, related to its common cultural memory.

6. Formatting “Early Judaism” by Marriage Policy?
A Suggestion on Some General Lines of Literary Development in the Biblical Mixed Marriage Texts

The different texts in Ezra–Nehemiah and the diverse layers of Num 25 are two examples of the diversity of mixed marriage texts throughout biblical tradition. One can observe a tendency not only to supplement the topic with a cultic note, but to regroup mixed marriage tradition around the sanctuary as the center of identity, beginning in the late Persian period and coming to its full extension in Hellenistic times. Additionally, the debate seems to turn inwards in later times, perhaps leading into the segregation of sectarian groups, which is suggested by the mixed marriage texts found in Qumran literature (cf. especially 4QMMT), for example. When the relation between people and sanctuary becomes crucial, it cannot be without any impact on the perception of marital policy. Apostasy is no longer the main focus anymore since it is not considered important for the question of culture or language. The danger of religious deviance seems to have been an issue at the beginning of the mixed marriage tradition, but seems to have fallen away in later times. It is the fear of making impossible the relationship between God and his people by impurity which becomes significant. Judahite identity cannot be conceptualized without temple and cult anymore. Ezra–Nehemiah as well as the final text of Num 25 seem to represent the turning points in this respect. This turning point has to be defined as a step-by-step development rather than a sudden change since, as we noted, slight alterations between the texts can be observed. As has been demonstrated above, Num 25 and Neh 13 set both rationales against exogamy side-by-side, tending slightly towards the purity paradigm. Ezra 9–10 also refers to Deuteronomistic tradition, but there it is not one argument besides another, but one totally integrated into the paradigm of the holy seed. The priestly authority is emphasized by all three texts. From a socio-historical point of view, priestly control is expanded: the priests are described as watchers and defenders of the right marital policy by the idealization of Phinehas’ role in Neh 25:6–19, which takes up and reinterprets an older
text rejecting mixed marriage. Nehemiah’s description of the importance to adjust priestly misbehavior or the, at least partly, priestly function and authority ascribed to Ezra clearly also hint at that direction. Thus, the priests shall defend Israel’s identity. The decision about who is to be included in, and who is to be excluded from, the post-exilic community has to be made by the priestly authorities according to that view (cf. Ezra 2:63; Neh 2:65 or the frequent use of the priestly term לֹּדוֹ in Ezra 9–10). Nehemiah (and also, implicitly, Ezra) criticizes their failure in this respect. Nevertheless, in Ezra 9–10 the discourse does not focus on the priestly role regarding the prevention of exogamy, their responsibilities and mistakes, but on Ezra as a priest and scribe, as one idealized person who takes the lead of a communal action.

What is the position of the analyzed examples within the intermarriage discourse in general? A problem emerges when systematizing mixed marriage texts in the Hebrew Bible, namely, the development of criteria by which to recognize which texts are relevant, as not every text is as explicit as Ezra 9–10. Within several texts there is an intensive proto-halakhic discussion of the subject with very different lines of impact: advocative, vindicative, permissive, conditional, restrictive or antagonistic. There are several patterns of substantiation that can be used in the rejection of mixed couples: religious jeopardy, ethic deficiencies, economic reasons (by inheriting land), impurity of outsiders, and so on. This very multi-faceted discussion—beginning in exilic texts and increasing markedly in post-exilic literature—is followed up by such extra-biblical pre-Hellenistic texts as Jubilees, the Enochic literature, the Aramaic Levi Document, the Temple Scroll and others. In these texts the issue of mixed marriages is strongly linked to the purity discourse, too, and the restrictive priestly attitude from legal texts is applied to all Israel—a trend already beginning in late biblical texts, as has been shown above. The prohibition of marriages with foreigners becomes an important part of constructing identity of Israel building on the paradigm of withdrawal and separation from the nations. The generation of the dichotomy of “self” and “alien” resp. the “other” is based fundamentally on marriage practice here. Social boundaries are constructed by marriage rules. Thus the topic is becoming important in the formation of “Judaism” already in pre-Hellenistic times.

Roughly summing up biblical texts related to our topic, some of which have been cited above as precedents of Num 25 and as tradition functionalized and developed in Ezra–Nehemiah, an initial division between a priestly and a non-priestly rationale for the rejection of mixed marriage can be made:
The priestly texts are represented by the patriarchal narratives of the Priestly Code (cf., e.g., Gen 26:34–35; 27:46–28:9 and, later but in line, Gen 24), which prefer family endogamy within Abrahamitic descent, as well as by texts from the Holiness Code (cf. Lev 21:7, 14), which are focused on the marital policy with regards to priests.67 These priestly texts lack any reference to the danger of religious deviance.

Within the non-priestly texts, a “Deuteronomistic line” represented by several narratives in the history books has its legal foundation also in the Pentateuch (cf. Deut 7:3; Exod 34:15–16). That “Deuteronomistic line” can similarly be identified within the historical books (cf. Josh 23:7, 12; Judg 3:5–6; 1 Kgs 11:1–8; 16:31 and maybe even Isa 2:6). On three occasions, at important points of Israel’s theological view on its history, the violation of the prohibition of mixed marriages is criticized. This cluster of texts is connected by terminology as well as literary motives and linked with the commandments in Exod 34:15–16/Deut 7:3. The starting point of the Deuteronomistic position may be found in 1 Kgs 11:1–8* and 1 Kgs 16:31 with the rejection of foreign empresses. The basic texts regarding Solomon’s foreign wives, as well as the critical view on Ahab’s marriage with Jezebel, contain an implicit rejection of marriages with foreign women by combining notices of exogamous relationships of kings with apostasy. In 1 Kgs 11:1–8 that implicit statement is expanded by reference to an explicit warning against foreign women which can also be found in Josh 23:12 and probably includes the ideology of Exod 34:15–16. Deuteronomy 7:3 seems to combine these three texts, establishing a legal foundation, while Judg 3:5–6 clearly refers to its formulation.68

Thus a diachronic development can also be observed within the Deuteronomistic line of rejection of mixed marriage, one deriving from a religiously motivated aversion against the foreign empress, moving on to a warning against mixing with foreign people and, further still, to a prohibition which understands mixed marriages as dangerous for the theologically defined (a “holy people,” cf. Deut 7:6!) entity “Israel” as a whole. This motif slowly develops into a kind of framework for the history of Israel, which sees the application of this concept to 1 Kgs 11, the juridical foundation in Deut 7, the presence in Josh 23, and its integration into the introduction of the narratives on the judges.69

67. Lev 21:14 provides marriage restrictions only for the high priest which are expanded to all the priests in Ezek 44:22.
68. Regarding these texts, cf. Knoppers, Sex, Religion, and Politics.
69. On the other hand, Judg 14–16, with the exogamous marriages of Samson, is an example for the Hebrew Bible’s polyphony, since those relationships are not
The priestly position is diachronically later than the early rationale based on apostasy, but probably earlier than the completely developed Deuteronomistic framework in the history books. Its preference for endogamy within a family-structured community is motivated by a mix of ethics and culture and does not seem to represent a sharp opposition between Israel and all the other people (cf. the non-critical notion of some branches of the Abrahamic family as “Aramean,” as well as Esau’s third marriage to an Ishmaelite woman; cf. Gen 28:6–9). Numbers 25:1–5 is quite close to the Deuteronomistic notion: the Moabite women lead Israel into apostasy! This position is combined with the priestly text on Phineas. Thus, the third line of argument against mixed marriage takes up the Deuteronomistic position, as can also be observed in Neh 13:23–27, but adds a priestly focus. One step further, both perspectives are brought into one concept. Deuteronomy 7:6 already denotes Israel as a holy people. This idea is upgraded by the centrality of the temple for the post-exilic community, a notion which is put forward by the composition of Ezra–Nehemiah. The whole community is holy and strongly related to the sanctuary (Ezra 9:2: “holy seed!”). As in the case of the priests, this holiness has to be protected. The presence of foreign wives is denoted as a source of impurity and thus Israel as a holy entity has to separate itself. In sum, priestly categories are applied to a Deuteronomistic ideology of election, while the fear of apostasy loses its importance. Concurrently, the reference to a common Abrahamic descent is superimposed by the self-definition as “sons of the golah.” As can be observed in Neh 13 and Ezra 9–10, the described change is a gradual process.

Nevertheless, the chorus of biblical positions remains polyphonic. The Pentateuch even includes positive examples of pious foreign women, such as Asenath and Zipporah, as well as the apparent divine sanctioning of Moses’ taking a Cushite wife. Numbers 12:1 at least seems to represent a reference to a mixed marriage discourse. Other texts, including evaluated according to the aforementioned framework. There is simply no reference to support the view that the Philistines serve a paradigmatic role for coastal internationality, as we saw in Neh 13, for example.

70. Cf. the essay by Benedikt Conczorowski in the present volume.

71. Cf. Reinhard Achenbach, Die Vollendung der Tora. Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch (BZABR 3; Wiesbaden: Harrassowitz, 2003), 289–90. It is possible that an older tradition on the Midianite woman Zipporah raised questions on the background of a prohibition such as that found in Deut 7:3, questions that are responded to in Num 12:1. The story on Joseph and Asenath (Gen 41:45–52) lacks direct references to criticisms of mixed marriage, but at least Gen 48, with Jacob blessing the offspring of that
Mal 2, feature in the debate in later Persian and in Hellenistic times, using patriarchal traditions of Gen 34 as well as priestly motifs known from Num 25 for its polemics against intermarriage. Further texts for and against exogamy, such as Ruth, 1 Chr 2 and Proverbs, would have to be integrated within a diachronic framework to provide as complete a picture as possible on the topic.

A certain degree of creativity in putting forward the debate also can be observed in such extra-biblical texts as Tobit, Jubilees and the Aramaic Levi Document, and even in several texts from Qumran (4QMMT, the Temple Scroll, the Genesis Apocryphon). These texts follow the advancement described with regard to Ezra–Nehemiah in several ways.

As the analysis provided here has tried to demonstrate by means of significant examples, the development of the prohibition of intermarriage was a process making use of complex intertextual relations. It was not an abrupt change of paradigms. Nehemiah 13 and Ezra 9–10 are the culmination of the biblical anti-exogamy argument. These texts, at a glance, provide a concise snapshot of the development.

The topic of mixed marriage is of importance not only at a certain stage of literary development, but in fact represents a development in itself: It has its significance in several layers and times. These different layers first develop independently, with their own aims and rationales, but in later texts often are combined, inheriting a new meaning. They even serve as tools allowing the community to clarify its boundaries (and by that its identity), as well as to promote certain power structures in Judahite society (cf. the role of the priests). As we observed above, one of the landmarks of development is the intensifying shift from merely endogamous aspects to the religious aspect of monolatric exclusivism to genealogical, cultic and “ethnical” aspects. This shift was amplified with recourse to the purity paradigm and with a “democratization” of requirements of the priestly caste to the people of “all Israel.” While the earliest anti-exogamy texts focus on certain narrative tradition or on the commitment to YHWH as the one and only God for Israel, in later times the role of Torah exegesis as well as of the sanctuary is at the centre of attention also emphasizing priestly authority. Probably this was the answer to questions emerging during the Hellenistic period, with its political and religious challenges.

relationship, thereby integrating them into his family (and thus Israel!), seems to reflect on the question of how to cope with children born into mixed marriages (cf. Ezra 10:3, 44; Isa 2:6).

72. Mal 2 seems to be close to the third line of argument presented by Ezra–Nehemiah; cf. esp. Mal 2:11 with the idea of the defilement of the sanctuary.
The shift described here is in agreement with the development of early Judaism, as has been shown in the scholarly debate on the purity texts.

The positions concerning mixed marriage in biblical and extra-biblical literature represent a debate and development which provides interesting insights into the process of the formation of Judaism (and maybe “Judaisms”) during Second Temple period, covering a wide range of texts and times. Tracing down this development as well as the differences in the positions of the discourse in detail will still be an issue for future research, one which certainly will be fruitful for the understanding of early Judaism.