

“Dismiss All Foreign Wives!” The Understanding of the Torah in Ezra–Nehemiah as a Step towards Exclusive Judaism

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ABSTRACT

Numerous passages in the prophets and other Old Testament (OT) texts demonstrate connections to the Torah. In many of these cases, there are discussions on the nature of these connections. The main question is whether the Mosaic Law itself was already fixed at this time. However, there is no doubt that the Torah was already in place at the time of the composition of Ezra–Nehemiah, at least in a preliminary stage. The book of Ezra–Nehemiah shows how a later Jewish community interacted with and interpreted certain Old Testament law texts of the Torah. The divorce of foreign wives is the most important topic in this regard. The Mosaic Law itself does not demand the dismissal of non-Jewish wives. The question therefore arises, how was the dismissal of foreign wives justified by Ezra and Nehemiah? What does this show about their understanding of the Mosaic Law? The article argues that the dismissal of foreign wives can be seen as a step towards the later “fence around the law.” It was a way to secure one’s own identity by clearly distinguishing between the “true Israel” and everyone outside. This eventually led to the rigid and exclusive alienation of the non-Jews, as we find in New Testament times and beyond.

KEYWORDS: Old Testament, Divorce, Ezra-Nehemiah, Mosaic Law, Judaism, Identity formation, Othering.

A INTRODUCTION

In most Bible translations, Ezra and Nehemiah are presented as two different books. Most scholars however agree that they were originally one book.¹ In the

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¹ The two books Ezra and Nehemiah are considered originally one. Compare for example Loring W. Batten, *A Critical and Exegetical Commentary on the Books of Ezra and Nehemiah* (Edinburgh: T & T Clark, [1913] 1949), 1; Raymond B. Dillard and Tremper Longman III, *An Introduction to the Old Testament* (Grand Rapids: Zondervan, 1994), 180; Otto Eissfeldt, *Einleitung in das Alte Testament: Unter Einschluß der Apokryphen und Pseudepigraphen sowie der apokryphen- und pseudepigraphenartigen Qumran-Schriften. Entstehungsgeschichte des Alten*

last few decades, Old Testament scholars have become increasingly interested in this book.²

When reading Ezra-Nehemiah, the seemingly “harsh” reaction to mixed marriages in Ezra 9–10 and Neh 13 often disturbs readers. Could it really be that a considerable number of marriages were dissolved and numerous women and their children were dismissed, causing them immense social distress – and all of this in the name of God? Then, there is the equally “harsh” answer to the offer of help to rebuild the temple made by those living in and around Jerusalem (cf. Ezra 4:1–3). Such offers are rejected outright, without any further discussion or inquiry into the truthfulness of their claims to be followers of Yahweh. These people are labelled “adversaries” (Ezra 4:1), which they indeed became right after this rejection.

It seems that Ezra-Nehemiah is all about the question of whether one is “in” or “out”; but who then is “in” and who is “out”? Who is the “true Israel,” the “holy seed” and who are the enemies?

The theory on which this article expands is that Ezra-Nehemiah presents a very strict definition of the “true Israel.” This Israel consists only of the returnees from the *Golah* (i.e. the Jewish diaspora community). As Lester L. Grabbe puts it, “It seems clear that Ezra makes the *golah* the legitimate community.”³ Those returning from exile represent a second exodus and the events in Ezra-Nehemiah are viewed as a first step towards restoring the land of Israel and reclaiming their role as God’s people on earth. This definition of “Israel” leads to clear distinctions. Everyone outside of this group of returnees is an enemy. It

Testaments (2. völlig neubearb. Aufl. Tübingen: JCB Mohr, 1956), 670; Lisbeth S. Fried, *Ezra: A Commentary* (Sheffield: Sheffield Phoenix Press 2015), 2–3; Ronald K. Harrison, *Introduction to the Old Testament: With a Comprehensive Review of Old Testament Studies and a Special Supplement on the Apocrypha* (Grand Rapids: Eerdmans, 1969), 1135; David M. Howard, *An Introduction to the Old Testament Historical Books*. (Chicago: Moody Press 1993), 275; Hugh G. Williamson, *Ezra Nehemiah* (Word Biblical Commentary 16; Waco: Word Books, 1985), 21. This seems to be the common conviction of most recent scholars and therefore is not discussed in this article.

² Tamara C. Eskenazi, “Current Perspectives on Ezra-Nehemiah and the Persian Period,” *Currents in Research – Biblical Studies* 1 (1993): 59–86, presents a thorough overview of the recent research on Ezra-Nehemiah in the last half of the 19th century. See also Fried, *Ezra*, 2–17 for more recent research. Fried’s commentary is the first full-length commentary on Ezra-Nehemiah after that of Joseph Blenkinsopp in 1988, although, as Fried, *Ezra*, 16, writes, “the literature on Ezra-Nehemiah and on the Persian period in general has skyrocketed in the last several decades.”

³ Lester L. Grabbe, “The Reality of the Return: The Biblical Picture versus Historical Reconstruction,” in *Exile and Return: The Babylonian Context* (ed. Jonathan Stöckl and Caroline Waerzeggers; Berlin: De Gruyter, 2015), 303.

also leads to certain consequences, which can be seen especially in the intermarriage discussion and the divorce of all foreign women. We shall consider first this redefinition of "Israel," then three passages in Ezra-Nehemiah where this redefinition and its consequences can be seen clearly. As a third step, the article will try to show how this reduction of true Israel and its consequences can be a step towards the later form of Judaism with its "fence around the law." This is a form of Judaism that we can see at work in the New Testament times and in the Qumran texts.⁴

One last preliminary remark: In 2018, Peter Venter – in his in-depth study on the dissolving of marriages in Ezra-Nehemiah – argued for the necessity to read this book not only synchronically but also by using diachronic methods, especially when it comes to questions of the cultural and sociological background of the text.⁵ The approach of this article is synchronic, although the cultural and sociological background is, of course, very important. Nevertheless, the author is not discussing possible pre-stages of the text itself. These pre-stages must surely have existed but they cannot be identified with any certainty. Therefore, all deductions from these pre-stages will necessarily be preliminary. The author's approach is to see if the present text of the unknown redactor of this book makes sense and what can be deduced from it.

B "ISRAEL" REDEFINED

Ezra-Nehemiah regards the return from exile in Babylon as a second exodus, where Ezra himself adopts the role of Moses. Other examples of this identification of the return to Jerusalem with the exodus from Egypt are the two feasts celebrated in Ezra-Nehemiah—the Passah and the Sukkoth, both closely connected with the events of the first exodus. There is also the presentation of the law in Neh 8 and the restoration of the covenant and the cultic Israel (with its centre at the temple in Jerusalem) as well as the resumption of the offerings.

In my view, this parallel with the first exodus is also responsible for the two lists of returnees in Ezra 2 and Neh 7. They represent the two censuses we find at the beginning and the end of Numbers. The list in Ezra 2 could be seen as the list of people leaving Babylon, while the list in Neh 7 may represent the list of people arriving in Israel. Some people seemingly did not make it to Israel,⁶

⁴ Joseph Blenkinsopp, *Ezra-Nehemiah: A Commentary* (Philadelphia: Westminster, 1988), 35, 38. Cf. also Harrison, *Introduction to the Old Testament*, 1150; Armin Lang, "Eure Töchter gebt nicht ihren Söhnen und ihre Töchter nehmt nicht für eure Söhne (Ezra 9,12)," in *Was ist der Mensch* (ed. Bernd Janowski; Neukirchen-Vluyn: Neukirchener Verlag 2008), 295–311.

⁵ Peter M. Venter, "The Dissolving of Marriages in Ezra 9–10 and Nehemiah 13 Revisited," *HTS Theologische Studien / Theological Studies* 74/4 (2018): 1–2.

⁶ They probably died on the way, decided to return to Babylon or chose to stay somewhere along the way.

while others joined the group. This accounts for many of the differences between the two lists.⁷ As was the case with the first exodus, the people in these lists represent the whole people of Israel, the “עם יהוה.”⁸ As Jones contends, “the register of repatriates in Ezra 2:1–67, precisely defines the boundaries of the community of Returnees.”⁹

It is clear that there are many Israelites (by birth and heritage) that are not part of the group of returnees. Nevertheless, only this group of returnees represents the “holy seed” (זרע הקדש, Ezra 9:2), while all the other Israelites are seen as stemming – more or less directly – from the Israel that sinned. Therefore, they cannot belong to God’s people.¹⁰ People are either “in” or “out” in the book of Ezra-Nehemiah. One either belongs to the “holy seed,” the “true Israel” (עם־יהוה) or to the “people(s) of the earth” (עם/עמי הארץ). As Gary Knoppers has shown:

... Ezra-Nehemiah focuses on the people of Judah, specifically the exiles, and identifies the *bēnē hā-gôlâ* ('children of the exile') as Israel. Unlike Jeremiah and Ezekiel, it does not pronounce an on-going hope for the restoration of both northern Israel and Judah under one

⁷ It does not seem conceivable that the redactor of Ezra-Nehemiah was unaware of these differences.

⁸ Raik Heckl, “The Composition of Ezra-Nehemiah as a Testimony for the Competition between the Temples in Jerusalem and on Mt. Gerizim in the Early Years of the Seleucid Rule over Judah,” in *The Bible, Qumran and the Samaritans* (ed. Magnar Kartveit and Gary Knoppers; Berlin: De Gruyter, 2018), 125.

⁹ Christopher Jones, “Seeking the Divine, Divining the Seekers: The Status of Outsiders Who Seek Yahweh in Ezra 6:21,” *JHS* 15 (2015): 12. Eskenazi, “Current Perspectives,” 645–656, understands the two lists as an integral element of the structure of the whole book. They serve as a literary inclusion, pointing to the main message of the book in between.

¹⁰ Benedict Hensel, “Ethnic Fiction and Identity-formation: A New Explanation for the Background of the Question of Inter-marriage,” in *The Bible and the Samaritans* (ed. Magnar Kartveit and Gary Knoppers; Berlin: De Gruyter, 2018), 135–137. Compare also Hyeonhoon Lee, “A Search for a New Paradigm of Holiness from the Ezra-Nehemiah Community’s Self-Definition of the ‘Holy Seed,’” n.p. [cited 1. June 2021].

Online: https://www.academia.edu/33805289/A_Search_for_a_New_Paradigm_of_Holiness_in_Ezra_Nehemiah_Community, 8; Dalit Rom-Shiloni, “From Ezekiel to Ezra-Nehemiah: Shifts of Group Identities within Babylonian Exilic Ideology,” in *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context* (ed. Oded Lipschits, Gary Knoppers and Manfred Oeming; Winona Lake: Eisenbrauns, 2011), 138; Nina Maria Skafte, “The Holy Seed of Israel: Group Identity and Cultural Memory in Ezra 9–10,” Master Thesis, University of Oxford, n.p. [cited 1. June 2021] Online: https://www.academia.edu/8567720/The_Holy_Seed_of_Israel_Group_Identity_and_Cultural_Memory_in_Ezra_9-10, 25–27.

leader. The focus is upon the *bēnê hā-gôlâ* in the Diaspora and in Judah.¹¹

This restricted understanding of "true Israel" as consisting only of the returnees is a logical result of the application of the term "holy seed" to the returnees. Interestingly, there is only one other passage in the whole OT where this term is used, namely Isa 6:13. There we find the picture of a tree, which was chopped down, leaving only a stump in the earth. This stump will eventually function as a "holy seed"; it will start to grow branches and become a tree again.

While this is a strong picture of hope for Israel in Isaiah (God will not completely destroy his people, the stump will eventually flourish again), in Ezra–Nehemiah, the same idea becomes a means of distinguishing between the "true" Israel and those who do not belong to it. Only the returnees can identify themselves as this stump, therefore, there can be nothing of the "true tree" besides them. There may be branches lying around, which once used to be branches of the old tree. However, they were cut from the tree and no longer belong to the new tree, which sprouts from the stump that was left. Everyone else, therefore, can be only a dangerous outsider, who might eventually also become an enemy. The use of the term "'holy seed' discloses a radical type of self-understanding of the 'Ezra-group,' dared to reformulate the idea of divine election into 'biological categories,'" as Lee writes.¹² Byung Ho Moon asserts: "*So zeigt der gesamte Inhalt des Esra-Nehemiabuches die konsequente Trennung von den Fremden im Prozess der Bildung des neuen Israels als wesentliches Element.*"¹³

The function of this clear distinction between "in" and "out" can be understood by means of the sociological concept of "othering." This term was first used in a philosophical sense. In recent decades, it has also become a term used to explain how identity formation of nations or people-groups works. A clear

¹¹ Gary Knoppers, "Exile, Return and Diaspora: Expatriates and Repatriates in Late Biblical Literature," in *Texts, Contexts and Readings in Postexilic Literature: Explorations into Historiography and Identity Negotiations in Hebrew Bible and Related Texts* (ed. Louis Jonker; Tübingen: Mohr Siebeck, 2011), 50.

¹² Hyeonhoon Lee, "A Search for a New Paradigm of Holiness," 1. As Venter, "The Dissolving of Marriages," 11, puts it, "Ezra... understands every person who is not part of the returnees to be profane. Both marriage partners should be from the returning exiles. In this way, Ezra creates a binary opposition between the holy community and the profane outsiders." Compare also Mary J. W. Leith, "The 'Return' and Persian Period Yehud in New Assessments," n.p. [cited 1. June 2021]. Online: https://www.academia.edu/31570046/The_Return_and_Persian_Period_Yehud_in_New_Assessments, 8.

¹³ Byung Ho Moon, *Die Ausgrenzung von Fremden im Esra-Nehemiabuch* (Exegese in unserer Zeit, Bd. 24; Berlin: LIT, 2019), 14.

distinction from the "others" helps to strengthen one's own identity.¹⁴ Rom-Shiloni writes that the "outsiders" in Ezra-Nehemiah are never known as Judean Yahwists or Yahwistic Israelites but "are constantly delegitimized and categorized as foreigners, Gentiles, 'the people of the land'."¹⁵ Therefore, Skafté states that, "*Othering* is an effectual way to create and maintain group identity, since the stronger the boundaries are without, the stronger the coherence is within the group."¹⁶

Moon points out that this clear distinction from the "people of the land" especially refers to the people who already lived in the area, whereas Ezra 3:7 speaks about people from Tyre and Sidon, who helped in building the temple:

Hier kommt eine ambivalente Haltung der Heimkehrer zu den Fremden zum Vorschein. Nicht nur die Arbeiter aus Sidon und Tyrus, sondern auch der Perserkönig selbst ist ein Fremder. Doch sie sind eher Helfer und Unterstützer als Widersacher der Heimkehrer. Daraus kann man schließen, dass 'Fremder' für die Heimkehrer aus 'Israel' nicht einfach ein ethnischer Begriff ist.¹⁷

C ANALYSIS OF THREE PASSAGES

Let us now briefly consider three passages where these "adversaries" are defined and the consequences of these passages, especially regarding the intermarriage question. The first passage is found in Ezra 4:1–3:¹⁸

1 When the adversaries of Judah and Benjamin heard that the returned exiles were building a temple to the LORD, the God of Israel, 2 they approached Zerubbabel and the heads of families and said to them, "Let us build with you, for we worship your God as you do, and we have been sacrificing to him¹⁹ ever since the days of King Esar-haddon of Assyria who brought us here." 3 But Zerubbabel, Jeshua, and the rest of the heads of families in Israel said to them, "You shall have no part with us in building a house to our God; but we alone will build

¹⁴ Cf. also Moon, *Die Ausgrenzung von Fremden*, 156–167 who writes: "Der Titel b^cnē haggōlā, בני הגולה (Kinder der Exulanten) betont die Erfahrung des Exils und unterscheidet die zurückgekehrten Exulanten von den im Land Zurückgebliebenen. So scheint die heimgekehrte Gefangenengruppe, die gōlā, sich von der lokalen Bevölkerung abgesondert und immer in einem scharfen Gegensatz zu ihr gestanden zu haben." (47).

¹⁵ Rom-Shiloni, "From Ezekiel to Ezra-Nehemiah," 134.

¹⁶ Skafté, "The Holy Seed of Israel," 65.

¹⁷ Moon, *Die Ausgrenzung von Fremden*, 58.

¹⁸ All biblical texts are cited according to the New Revised Standard Version (NRSV).

¹⁹ It is not clear if the original text says, "we have been sacrificing to him" or "we have not been sacrificing," but for the present discussion, the textual decision is not crucial.

to the LORD, the God of Israel, as King Cyrus of Persia has commanded us."

From the beginning, it is clear that the people coming to Zerubbabel are "hostile." They are labelled as "adversaries of Judah and Benjamin" (צרייהודה (ובנימן)). In the same instance, Judah and Benjamin are defined as "the returned exiles." In verse 3, the leaders of these returned exiles are further specified as "the rest²⁰ of the heads of families in Israel." Thus, Judah and Benjamin, as well as Israel, are solely represented by the returnees from the *Golah*, the exile.

Who are these "adversaries"? Since the 19th century, theologians have defined them as the Samaritans, a population living in the part of the former northern kingdom, mainly in Samaria.²¹ They consisted of a mixture of Israelites and those from other nations, who were resettled there by the Assyrians after the exile of the northern kingdom of Israel in 722 BC. This is what they say about themselves— they were brought up there by Esar-Haddon, the king of Assyria. The text seems to imply that all of them were non-Israelites but this is presumably wrong. Among them certainly were many descendants of the 10 tribes, who were not taken into exile but stayed in the land. It seems that the text deliberately labels them all as strangers to the true Israel, which – as we have already seen – can only be the returnees from exile, the "holy seed." It is no wonder that the result of this strict refusal of help in rebuilding the temple results in open enmity (v. 4).

The second text to consider is Ezra 9:1 together with chapters 9 and 10 as a whole. These events take place some 80 years after the events in Ezra 4. When Ezra comes to Jerusalem, he is approached by some officials. It is not clear who these officials are. At any rate, they bring a matter to Ezra's attention:

After these things had been done, the officials approached me and said, "The people of Israel, the priests, and the Levites have not separated themselves from the peoples of the lands with their abominations, from the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites.

The question is whether the "peoples of the lands" are to be identified with the "Canaanites, Hittites" and so on or these nations are used to characterise the kind of abominations referred to. The Hebrew text indicates²² that the names

²⁰ The Hebrew uses the word שאר. It may be that the use of this term is a way to evoke the idea of the "holy remnant," but this is not clear here.

²¹ Heckl, "The Composition of Ezra-Nehemiah," 120.

²² The Hebrew text uses three different prepositions. A verbatim translation could be: "The people of Israel (עם ישראל) and the priests and the levites have not separated

of these people indeed serve to qualify what is happening, not to define the group of enemies.

This can also be seen from the fact that the first four nations mentioned (Canaanites, Hittites, Perizzites and Jebusites) were no longer in existence at the time of Ezra. They are the same nations mentioned in Deut 20:17, which has clearly informed this verse. The last group, the Amorites, is also mentioned in Deut 20 but, as Fried²³ notes, there the term refers "to all the western peoples in Syria and the Levant," while at the time of Ezra-Nehemiah it "refers to the peoples of North Arabia." The other three nations (the Ammonites, Moabites and Egyptians) are not mentioned in Deut 20:17. There is no direct command anywhere in the Old Testament concerning intermarriage between Israelites and people from these nations. The text therefore seems to combine names of nations which at some time in history were known as adversaries of God's people and "label" the "peoples of the lands" and their abominations, which are seen as a threat to the identity of Israel at this time.

It becomes immediately clear why intermarriage between the "true Israel" and an outsider is regarded as such a major problem.²⁴ In Ezra 9:2–4 we read:

² For they have taken some of their daughters as wives for themselves and for their sons. Thus, the holy seed has mixed itself with the peoples of the lands, and in this faithlessness the officials and leaders have led the way." ³ When I heard this, I tore my garment and my mantle, and pulled hair from my head and beard, and sat appalled.

⁴ Then all who trembled at the words of the God of Israel, because of the faithlessness of the returned exiles, gathered around me while I sat appalled until the evening sacrifice.

The term "the people of Israel" does not refer to the Israelites that stayed in Israel during the exile but – at least primarily – to the returnees, the people of the *Golah*. At that time they had been living in Israel for about 80 years and they had intermarried with the people living in Israel, who themselves were a mixture of former Israelites and people who had been brought to the land. This violated the clear boundary markers between "in" and "out" and, as Hensel says, "must have

themselves from (מן) the peoples of the lands (עמי הארצות), according to (כ) their abominations (which are known) of (ל) the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians and the Amorites."

²³ Fried, *Ezra and the Law*, 52.

²⁴ Skafté, "The Holy Seed of Israel," 4, argues that "the main theme of the narrative is the maintaining of a strong group identity and solid boundaries excluding all foreign from the Israelite community."

become a defining problem for the Jerusalem YHWH-community...²⁵ It threatened "Israel's group-identity and eventually its existence."²⁶

In the law texts of the Old Testament, we can indeed find some restrictions concerning intermarriage with certain people of the land, especially with those groups who used to live in Canaan before Israel settled there. Nevertheless, we do not find a general condemnation of intermarriage²⁷ or of non-Israelite people as a whole. On the contrary, there are stories like the one of Ruth, the Moabite, or Jonah, through whom the city of Nineveh was saved from God's judgement. Moreover, many important Israelites were married to foreign women (Abraham, Judah, Moses, David and others). Even in Chronicles we can find no condemnation of mixed marriages, much less the demand to divorce foreign wives.²⁸

In Ezra, these mixed marriages are considered a serious offence ("faithlessness," מַעַל) against the holiness of God and his people. As Pakkala puts it, "Intermarriage would mean that the holy seed mixes with something that was regarded as unclean or impure ..."²⁹ This was a major threat because it could

²⁵ Hensel, „Ethnic Fiction and Identity Formation”, 133.

²⁶ Juha Pakkala, „Intermarriage and Group Identity in the Ezra Tradition (Ezra 7-10 and Nehemiah 8)”, in: Christian Frevel (ed.), *Mixed Marriages: Intermarriage and Group Identity in the Second Temple Period*. (London: T & T Clark, 2011), 82.

²⁷ Compare Iris Marsh and Yigal Levin, “Mixed Marriages in the Book of Chronicles: A Reflection of Social Attitudes in Persian-Period Yehud,” *Transeuphratène* 50 (2018): 126–127.

²⁸ Compare Sara Japhet, “The Expulsion of the Foreign Women (Ezra 9–10): The Legal Basis, Precedents, and Consequences for the Definition of Jewish Identity,” in “*Sieben Augen auf einem Stein*” (Sach. 3,9): *Studien zur Literatur des Zweiten Tempels*” (Festschrift für Ina Willi-Plein zum 65; ed. Ina Willi-Plein; Geburtstag, Neukirchen-Vluyn: Hartenstein 2007), 143–144. Japhet, “The Expulsion of the Foreign Women, 150–153, does not believe that the foreign wives and their children were actually sent away. She interprets the text as a social degrading.

In Chronicles, at least 90 women are mentioned individually. Almost half of them are not mentioned anywhere else in the Old Testament. At least fourteen of these women mentioned only in Chronicles were either foreigners themselves or were married to a foreigner. Nowhere do we find any negative judgement of these intermarriages (Marsh and Levin, “Mixed Marriages in the book of Chronicle,” 130–131). This is one of the arguments used against a common authorship of Chronicles and Ezra-Nehemiah.

²⁹ Pakkala, “Intermarriage and Group Identity,” 84. Skafté, “The Holy Seed of Israel,” 3, argues that the group identity in Ezra-Nehemiah was created around three topics: 1. the exile experience, 2. the intermarriage issue and 3. the purity ideology. “Each theme plays an important role in the text to establish an idea of a common Israelite identity.” The “connection between purity and genealogy” is unique in the Old Testament. “The title [holy seed; HGW] contains several interesting connotations, *holy* being something relating to religion and rituals and *seed* being something about genealogy, blood and

mean that God's wrath might once again come upon his people. It could even lead to another exile, which might then be a permanent one (Ezra 9:14).

Ezra's reaction is one of deep shock and sorrow. He pulls out his hair and tears his garments, signs of utter despair that he, as a priest, is not allowed to show (Lev 21:10)³⁰. In his prayer, Ezra speaks about the uncleanness of the land, which Israel took over from the heathen people. They had defiled the land totally, from end to end (v. 11). He cites the law forbidding intermarriage with the people living in Canaan at the time of the Exodus (Deut 7:3) and expands it to the "people of the land" with whom the Israelites had intermarried.

Interestingly, as Skafté remarks,³¹ it is only the men who are rebuked, whereas the women and the children seem to receive all the punishment. In the law (as we find it in Deut 7:3, which Ezra cites), we also read that the Israelite women should not marry men from outside of Israel. However, this is not mentioned anywhere in Ezra-Nehemiah. Maybe this is because a woman with a non-Israelite husband did not pose any danger to the identity of the "holy seed," since there was no question that this man did not belong to Israel.

It seems that not many scholars are aware that it was not Ezra, but Shecaniah, who raised the topic of divorce. He was the one who said: "Let us now make a covenant with our God to send away all these wives and their children ... and let it be done according to the law." He even had to admonish Ezra: "Take action, for it is your duty, and we are with you; be strong, and do it." (v. 4). This is odd because it was Ezra who was sent to Jerusalem with the task of teaching the law and making sure that Israel lived accordingly. Perhaps by relating it in this way, the author of Ezra-Nehemiah wants to somehow differentiate between Ezra and Shecaniah, as if Ezra himself was reluctant to do something as radical as this.³²

The third text we want to consider is Neh 13:23–24. Nehemiah had been in Babylon for some time. When he returned to Jerusalem, he found that Israel had not been living up to its covenantal promises. Again, the topic of mixed marriages seems to be a prominent one. We read:

heritage" (Ibid., 50). According to Venter, "The Dissolving of Marriages," 8, the language of purity and defilement was used to distinguish oneself from the ethnic Other and, in this way, to reorganise and re-establish one's own identity "in the postexilic communal confusion and chaos."

³⁰ Compare Skafté, "The Holy Seed of Israel," 15.

³¹ Ibid., 30.

³² Skafté argues that by showing Shecaniah as the instigator of this action, the responsibility for the action is placed upon the community, rather than on Ezra as an individual. Ibid., 16.

²³ In those days also I saw Jews who had married women of Ashdod, Ammon, and Moab; ²⁴ and 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.

Ashdod seems to be of special interest to Nehemiah since the people from this town belonged to the enemies who wanted to hinder the building of the wall (Neh 4:1). Now this same city became the symbol of a new threat to Israel's identity, this time through the intermarriage with women from Ashdod, Ammon and Moab. The children born from these mixed marriages did not speak Hebrew but spoke the "language of various people," the "language of Ashdod." It may be that in Ashdod these different languages were commonly used or that Ashdod serves as another "tag" to characterise the threat posed by these mixed marriages.³³

D THE FENCE AROUND THE LAW

Let us now examine how the law of the Pentateuch is used in Ezra-Nehemiah.³⁴ We find numerous citations of – and allusions to – the law in this book. In style and content, these references are very similar to how Old Testament texts are cited and used in the New Testament and in the Qumran community.³⁵ Some of the references are almost verbatim, leaving out only smaller parts of the original but otherwise following the main structure and content of the source text. In other cases, we find combinations of different passages into one new text. Finally, there are cases where Ezra-Nehemiah seems to create new contexts, or even new laws, while at the same time claiming to follow the meaning of the law.

³³ According to Fanie Snyman, this "adds a political dimension as well because... the people of Ashdod were angry together with Sanballat, Tobiah, the Arabs and the Ammonites and they all conspired to fight against Jerusalem." Fanie Snyman, "Investigating the Issue of Mixed Marriages in Malachi, Ezra-Nehemiah and the Pentateuch," *Scriptura* 116 (2017): 180.

³⁴ We will not discuss the question of when and how the Law of the Pentateuch was written. It seems to be clear that at least the main part of the Law existed at the time of Ezra-Nehemiah and that it was understood as normative. Dillard and Longman III, *An Introduction to the Old Testament*, 179, call this time "a time of transition... when written documents supersede oral speeches in authority." Cf. also Williamson, *Ezra and Nehemiah*, 91–92.

³⁵ A thorough analysis of these references can be found in the article by Juha Pakkala, "The Quotations and References of the Pentateuchal Law in Ezra-Nehemiah," in *Changes in Scripture: Rewriting and Interpreting Authoritative Traditions in the Second Temple Period* (ed. Hanne von Weissenberg, Juha Pakkala and Marko Marttila; Beihefte zur Zeitschrift für die Alttestamentliche Wissenschaft 419 Berlin: De Gruyter, 2011), 196–213.

It seems that Ezra-Nehemiah demonstrates considerable freedom and even authority in its handling of law texts. This is not only true for Ezra 9–10. It can also be seen at work in Neh 10:30–40. Pakkala states that in Neh 10, “The stipulations were created by using pentateuchal laws but most of them have an added aspect or try to clarify the existing laws.”³⁶ Besides that the book describes the return from exile in ways similar to the exodus from Egypt, this may be another reason Ezra was regarded as a second Moses in later times. One clear example of this is found in the apocryphal book 4Esdra.³⁷ It was written presumably around 100 AD after the destruction of the second temple. In chapter 14:1–6 we read:

On the third day, while I was sitting under an oak, behold, a voice came out of a bush opposite me and said, “Ezra, Ezra.” And I said, “Here I am, Lord,” and I rose to my feet. Then he said to me, “I revealed myself in a bush and spoke to Moses when my people were in bondage in Egypt, and I sent him and led my people out of Egypt; and I led him up to Mount Sinai, where I held him with me many days; and I told him many wondrous things, and showed him the secrets of the times and declared to him the end of the times. Then I commanded him, saying, ‘These words you shall publish openly, and these you shall keep secret.

Ezra is then asked to go up to the mountain to meet God and receive the commandments himself. God would reveal things to him that are meant for the people (24 books) and things meant for the “wise” (70 books) (4Esdra 14:23–44).

The above is just one example of the connection between the book of Ezra-Nehemiah and later Judaism.³⁸ This connection is true not only of the figure of Ezra being portrayed as a second Moses.³⁹ It is also true in some other respects, especially in the hermeneutical practice used—in order to prevent the Israelites from transgressing the law, the law itself is sharpened. In the case of Ezra-Nehemiah, the command not to marry certain non-Israelite women during

³⁶ Ibid., 213.

³⁷ Compare Roberto Piani, “Ezra and the Mediators of the Torah” (*Experimentum finale pro Anno ad Doctoratum; Pontificium Institutum Biblicum*, 2012), 5–9. Note that 4Esdra is also sometimes called 2Esdras.

³⁸ In fact, Ezra-Nehemiah is “the indispensable source for our knowledge of that period which links the world of Israel with that of emergent Judaism,” as Blenkinsopp, *Ezra - Nehemiah*, 38, puts it.

³⁹ Lisbeth S. Fried, “Ezra and the Law in History and Tradition,” *Columbia: University of South Carolina*, n.p. [cited 1. June 2021]. Online: <http://search.ebsco-host.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=654807>, 45–48, shows how the narrative in Ezra-Nehemiah is consciously structured parallel to the Exodus account.

a specific period in Israel's history is expanded to a general prohibition on marrying any non-Israelite woman at any time. Should a man break this law, the result would be that either he was excluded from true Israel or he agreed to divorce his wife. The reason for this intensification of the law was the fear that any transgression would lead to God's judgement and eventually to another exile.⁴⁰ We can see here an early version of the so-called "fence around the law," which characterises later Judaism and continues until today.⁴¹ As Harrison says, "The particularistic emphasis that the priestly interests of Ezra introduced into the post-exilic theocracy set the religious tone for later Judaism."⁴²

E OTHERING – A CASE STUDY IN MODERN GERMANY⁴³

In recent decades, many Germans whose parents or grandparents once migrated to eastern European countries like Poland, Russia and other countries of the former Eastern Bloc returned to Germany. Many of these so-called "Russlanddeutsche" were Christians. In the Soviet Union and subsequently in Russia, they maintained their German heritage by keeping their language, culture and religion. In Russia, they were labelled "the Germans." However, when they returned to Germany, the country of their forebears, they arrived in a society that seemed very strange to them. There, they were labelled "the Russians." Their German culture was different, even the German language they spoke was different. Then there were the German Christians—even when they claimed to belong to the same denomination, they lived their faith in a very different way. The Christians among the immigrants, in particular, had – and, to a great extent, still have a hard time acclimatising to this new situation.

Of course, many of them fully integrated into the German society and became members of German churches but quite a number of them have tried to keep or find their identity through the same concept of "othering" as we can see

⁴⁰ The "new Exodus" under Ezra was seen as a renewed hope for Israel. Could this renewal of the covenant between God's people and Yahweh perhaps lead to a national renewal of Israel? In the last chapter of the book, this hope seems to be in tatters. When Nehemiah returned to Israel, all the promises of the people "were all for naught," as Fried, "Ezra and the Law," 61, puts it. Fried therefore concludes that, "Ezra-Nehemiah ends in failure, the grand promises all broken." Ibid.

⁴¹ It could even be argued that the importance of the mother as a lineage bearer equals that of the father, which we see in Ezra-Nehemiah (cf. Skafte, "The Holy Seed of Israel," 53), as a step towards the matrilinear understanding of who a Jew is in Judaism today.

⁴² Harrison, *Introduction to the Old Testament*, 1150.

⁴³ The following description is based on the author's own experience. Recently, the first academic research on the Russian-German churches was published from a PhD thesis by Heinrich Derksen, *Das Gottesdienstverständnis der russlanddeutschen Freikirchen* (Leipzig: Evangelische Verlagsanstalt, 2016).

at work in Ezra-Nehemiah. Often, they consider themselves the “true Christians,” whereas German churches – in their view – represent a state of apostate Christianity.⁴⁴ The Germans of today are the “others,” with whom there can be no mixing; there may be some small talk between neighbours, but there is no spiritual fellowship with Christians from Germany.⁴⁵ To put it in the terms used in Ezra-Nehemiah, there can be no mixing of the “holy seed” with the apostates, the “people of the land.” The German Christians are seen as posing a danger to them, even more so than the non-Christian society in Germany because, with the latter, the boundaries are immediately clear. Therefore, the only solution is a strict separation. There is only an “in” (the true Christians) and an “out” (the false Christians and the non-Christians), as was the case in the time of Ezra-Nehemiah. There was only the true Israel and the adversaries namely the dangerous “outsiders.”

F CONCLUSION

Returning to Ezra-Nehemiah, it is not the author’s intention here to denounce Ezra or Nehemiah – or anyone else – in this difficult time in the history of Israel; but what they did must be considered critically. The decision to divorce and dismiss all foreign wives was not something the OT law demanded. It brought great sorrow and pain to all those women who lost their social background and security and everything they needed for life, including the children also affected by this decision.

The reason for this harsh decision is that the returnees understood themselves as the only and true Israel. Everyone not belonging to them did also not belong to Israel. The decision therefore was a decision of fear and othering. Everyone outside the true Israel was understood as being a danger to the purity of God’s people.

Understanding these principles behind the narrated events can help to understand the same principles at work in other situations, even today. Perhaps then

⁴⁴ The members of this church can be identified by certain distinct external markers. When asked why these things are so important, they answer with a mixture of Bible verses and other reasons. A popular argument is that their failure to uphold this distinction would encourage others, or even themselves, to sin. Here are some of these external markers: Women wear long skirts, never trousers, and leave their hair uncut. On Sunday, they have two services and almost everyone attends both. During these services – and often also outside of the church – married women wear headscarves. Often, their children are not allowed to participate in school trips that include overnight stays. The argument, as one father explained to a teacher that the author personally knows, is that, “In the night the lust comes.” Incidentally, the child in question was in primary school.

⁴⁵ When, for example, the author’s wife started a prayer meeting with a woman from one of these churches, this was soon forbidden by the elders of the church.

we might be able to offer other parameters for identity formation and to react differently when our own identity seems to be threatened.

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