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**INTERMARRIAGE FROM THE BIBLE TO THE MISHNAH**

**JEFFREY WOLFSON GOLDWASSER**

**Thesis Submitted in Partial Fulfillment of  
Requirements for Ordination**

**Hebrew Union College-Jewish Institute of Religion  
Graduate Rabbinic Program  
New York, New York**

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**Advisor: Rabbi Aaron D. Panken**

## THESIS SUMMARY

Title: *Intermarriage from the Bible to the Mishnah*

Author: Jeffrey Wolfson Goldwasser

Number of Chapters: Three chapters with separate introduction and conclusion.

Contribution of this Thesis: This work demonstrates how trends favoring and opposing exogamy were in conflict from before the time of David through the redaction of the Mishnah. The work shows that, despite the common assumption that exogamy was universally condemned during this period, there were leading factions within Israelite and Jewish society that permitted it during the biblical and tannaitic periods. This analysis suggests that modern efforts to accommodate intermarriage in the Jewish community are an extension of, rather than a break from, historic trends.

What the Goal of the Thesis Was: This work has sought to illuminate the ways in which intermarriage was viewed in the Jewish past and how the laws regarding intermarriage were understood in the time of their creation and subsequently. This goal was undertaken in order to help evaluate the approach to interfaith marriage in the present day.

How It Is Divided: Three chapters each analyze texts from one of the periods in the development of the Israelite/Jewish responses to exogamy - biblical, Second Temple and tannaitic.

What Kinds of Materials Were Used: The primary sources for this study are the Hebrew Bible, the Apocrypha and Pseudepigrapha, the writings of Philo and Josephus, the Mishnah, Tosefta, and the Babylonian and Palestinian talmuds. Secondary materials include works of modern scholarship related to these texts, with particular emphasis on scholarship that explores the historical context in which these texts were written.



## INTRODUCTION

Up until the 1960s, American Jews were considered by sociologists to be the classic case of "voluntary endogamy" — a group that chooses to marry only within its own kind despite the ready availability of other prospective mates.<sup>1</sup> Even today, when American Jews can no longer be expected to marry members of their own religion, the social pressure to marry "in the tribe" has remained strong.

Many Jews fear that marrying a non-Jew will result in children who feel confused and ungrounded in religion, marriages in which partners never fully understand each other's culture, and a sense of betrayal of the Jewish people. When questioned more deeply about these fears, many Jews say that they feel a connection between their hopes for their individual futures and their understanding of the common Jewish past.

Jews tend to think of themselves as a people who have struggled through history. One of the dominant myths of Jewish survival is based on images of Jews "sticking together" through a history of persecution and assimilation. As a result, many Jews respond to contemporary intermarriage as an affront to Jewish history. Without knowing the

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<sup>1</sup> Susan Weidman Schneider, *Intermarriage: The Challenge of Living with Differences Between Christians and Jews* (New York: Macmillan-Free Press, 1989) 6.



specifics of Jewish history, many Jews seem to know intuitively that the Jewish antagonism toward intermarriage is very old, even ancient. But how old is it? How did it arise?

These are questions that have become important for the Jewish community to be able to answer. Over the last three decades, American Jews have become increasingly preoccupied with intermarriage.

In 1971, the results of the National Jewish Population Survey, "rang out like a thunderclap in the Jewish community."<sup>2</sup> The survey showed an intermarriage rate of more than 30% among American Jews. As that rate climbed above 50% in the 1990s, organizations from across the spectrum of the American Jewish community made "Jewish continuity" a top priority. This slogan for preventing intermarriage and retaining the children of intermarried couples has now passed somewhat from vogue, but the intensity of discussion, energy and money directed to the issue has not.

Yet, there appears to be little discussion of the history of intermarriage in all this turmoil. Many seem to believe that the current rates of intermarriage are

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<sup>2</sup> Egon Mayer, *Love and Tradition: Marriage Between Jews and Christians* (New York: Plenum, 1985) 49.

unprecedented in the history of the Jewish people. Many are convinced that Jewish tradition speaks unequivocally against marriages between Jews and non-Jews. Are these assumptions true? Did Jews rarely intermarry before the permissiveness and barrier-crossing of the late twentieth century? Has Judaism from its origins utterly rejected intermarriage?

As with all historical questions - especially where origins are concerned - there can never be definitive answers. There are only scratches on papers handed down through the centuries to tell the story of the Jewish past, and historians are notorious for shading their interpretations with the hues of their own preconceptions. Yet, the desire to discover the earliest Jewish beliefs and understandings cannot be deterred by these difficulties. This work seeks to take a fresh look at the texts in which Jewish tradition originated to discover clues about how the people of Israel have dealt with intermarriage from their earliest times.

#### Terms of the Discussion

This exploration should begin with an examination of some basic terms. The meaning of the word "intermarriage" is, of course, dependent upon context. Not long ago in American society, a marriage between an Italian Catholic and

an Irish Catholic could be termed an "intermarriage." Today, marriages between people of different religions are so common that many do not consider them "intermarriages" at all.<sup>3</sup> So, too, the meaning of intermarriage within the Jewish community has changed with time and place.

This work shall present, for example, biblical evidence that marriage between members of different tribes were once considered a form of intermarriage. In the time of the Mishnah, marriage between Jews and converts to Judaism was a controversial and highly debated form of intermarriage. Among American Jews today, the term "intermarriage" generally means marriage to a Christian. At the same time, in Israel, the same term is used to refer to marriages between Jews of Ashkenazic and Sephardic descent.

Because "intermarriage" tends to be a term of hidden assumptions, the sociological term "exogamy" - marriage outside of a defined group - will often be preferred in this study. The companion term "endogamy" refers to marriage within a group - whether that group is a tribe, a nation or a religion. It should be noted that exogamy and endogamy are not, strictly speaking, opposites.<sup>4</sup> An endogamous

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<sup>3</sup> Egon Mayer provides an amusing illustration. A stranger who saw him reading an article on "intermarriage" asked, "Is that really an article about marriage between people from different religions? ... I didn't think those things mattered anymore to anyone. You must be a professor." Mayer 123.



marriage between two Jews, for example, may at the same time be an exogamous marriage between people of two different cultures, two different towns or even two different families. This work will attempt to define the meanings of these terms in each of the times and places considered.

### Texts and Tradition

A word must also be said at the outset about attitudes towards the texts analyzed in this work. The first chapter addresses the historical analysis of the Hebrew Bible (or, Tanach); the third deals with the Mishnah and other tannaitic statements in the Babylonian and Palestinian talmuds. To Jews, these texts are not just historic documents. They are sacred scriptures of the Jewish people.

That duality forces the modern, pious readers to do two different kinds of reading simultaneously. Synchronic readings of the texts view them as unchanging expressions of the relationship between God and humanity. Diachronic readings view them as evidence in the puzzle of scientific discovery of the past. Synchronic readings either do not admit contradictions in the texts or view contradictions only as paradoxes that result from our incomplete human understanding. Diachronic readings revel in contradictions as markers of historic change and development. The

challenge for modern Jews is to draw from these texts both holy inspiration and historic evidence.

While the present work engages mainly in diachronic reading to further the goals of historic analysis, it is not unaware that synchronic reading is a necessity for an appreciation of the sanctity that resides within them. The Bible and the talmuds beckon readers to weigh their words with care - to find meaning in them, not just about the past, but also for our selves. We enter the words with the hope of reaching new understandings - of Jewish tradition, the Jewish past and our lives.

## CHAPTER I: INTERMARRIAGE IN THE HEBREW BIBLE

The most conspicuous feature of the Hebrew Bible's attitude toward intermarriage is its inconsistency. Frequently the Hebrew Bible is completely uncritical of marriages between Israelites and members of other nations. At times, it even regards intermarriage as positive. Moses' marriage to a Midianite woman<sup>1</sup> and Ruth the Moabite's marriage to Boaz<sup>2</sup> are not regarded with even the least opprobrium in the biblical text. In fact, Moses' wife, Zipporah, was credited for saving the life of Moses' son<sup>3</sup> and Ruth became a direct ancestor of King David.<sup>4</sup>

However, in other passages, marriage with these same foreign nations is regarded as a serious breach of the covenant between God and Israel. In Numbers, chapter 31, Moses commanded that, rather than be taken as wives, all the adult Midianite women captured in battle must be put to death. Moabites are singled out as a people who may never "enter the congregation of Israel,"<sup>5</sup> a phrase which, as we shall see, implies marriage. More sweeping condemnations against intermarriage are made in Deuteronomy which

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<sup>1</sup> Exodus 2:21.

<sup>2</sup> Ruth 4:13.

<sup>3</sup> Exodus 4:25-26.

<sup>4</sup> Ruth 4:22.

<sup>5</sup> Deuteronomy 23:4-7.



prohibits marriage with seven Canaanite nations,<sup>6</sup> and the books of Ezra (chapters 9-10) and Nehemiah (chapters 9, 10 and 13), which call upon Israelite men to send away their foreign wives.

Any attempt to find an invariable biblical law against exogamy is bound to fail. At the same time, a rule of endogamy is sometimes apparent and sometimes completely absent in the Hebrew Bible. "The Old Testament reflects both [endogamous and exogamous] systems in operation," says biblical scholar Victor P. Hamilton. "Sometimes the two different types of marriage exist side by side, but more often than not, one exists to the virtual exclusion of the other."<sup>7</sup>

Later Jewish tradition - the rabbis of the Talmud and their successors - would come to its own conclusions regarding exogamy based on their attempts to resolve the contradictions in the biblical text. In order to understand the intentions of the biblical authors, however, one must first try to separate out the many contradictory voices in the text rather than resolve them.

The appearance of such strong contradictions in the Hebrew Bible is consistent with the "documentary hypothesis," pioneered by Julius Wellhausen (1844-1918).

<sup>6</sup> Deuteronomy 7:1-5.

<sup>7</sup> Hamilton 563.

Wellhausen, who viewed the Hebrew Bible from an historical, rather than theological, perspective observed distinct authors, or author groups, whose "documents" were fashioned by a redactor into the text we see today in the Pentateuch and the Early Prophets (Genesis through Kings). These documents are referred to as J, for the so-called Yahwistic narratives which was compiled around the 10th century; E, for the so-called Elohist narratives which were compiled around the ninth century; D, for the Deuteronomic history of the book of Deuteronomy and the Early Prophets compiled in the seventh century; and P, for the Priestly texts, mostly laws and genealogies, compiled after the return from Babylonian exile, perhaps in the fifth century.

Wellhausen placed each of these documents into a scheme of historic and theological developments.<sup>8</sup> Although, much of Wellhausen's work now has been contradicted or questioned by subsequent scholars, his insights still set the agenda for all biblical scholarship - much as Freud's work, now largely replaced in the cannon of psychology, still sets the agenda for that discipline.

Following Wellhausen's premise that the Hebrew Bible is a polyvocal document with strands that represent different voices within the history of a developing nation, it is

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<sup>8</sup> Joseph Blenkinsopp, *The Pentateuch* (New York: Doubleday, 1992) 9-12.

possible to describe the Hebrew Bible's varying attitudes toward exogamy as the manifestation of different trends within Israelite society. New trends developed with changes in Israel's culture, politics and theology. Each was backed by a faction within Israelite society in conflict with other factions.

Since the Hebrew Bible is not an objective reporter, but the biased creation of factions that wished to advance their positions and discredit the positions of others, it is necessary to look for clues in the text that shed light on the broader spectrum of Israelite society and its conflicting trends. Concerning the attitude toward exogamy, one is able to identify several trends that unfold with the Hebrew Bible's story.

#### Tribal Endogamy Among the Patriarchs

The earliest trend is seen in the attitude of the patriarchs toward marriage. Both the J and E stories of the patriarchs assume that marriage within the tribe is a significant value in choosing a prospective mate. In this trend, aversion to exogamy was merely a corollary to the preference for endogamy - marriage within the family tribe. As Louis Epstein has observed, "In the earliest biblical record, endogamy is the only motive for the tendency against



intermarriage. No political enmity, no religious antagonism is harbored toward the heathen neighbors."<sup>9</sup>

Despite the numerous endogamous marriages that define this trend in the Hebrew Bible, there are no examples of laws requiring endogamy or proscribing exogamy in the patriarchal period. Epstein notes, "That cousin marriage was not actually required by biblical law is evident from the many marriages between strangers recorded without explanation or apology."<sup>10</sup>

Some examples of endogamy strike the modern reader as strange, indeed. For example, Abraham's brother Nahor is reported to have married his niece:

וְאַלְהָה תּוֹלְדֹת תֵּרַח תֵּרַח הוֹלִיד אֶת-אַבְרָם אֶת-נָחוֹר וְאֶת-הָרָן וְהָרָן הוֹלִיד אֶת-לוֹט:  
וַיֵּשֶׁת הָרָן עַל-פְּנֵי תֵרַח אָבִיו בְּאֶרֶץ מוֹלַדְתּוֹ בְּאֶרֶץ כְּשָׁדִים: וַיֵּשֶׁת אַבְרָם וְנָחוֹר לְהֵם  
נָשִׁים שֵׁם אִשְׁת־אַבְרָם שָׂרָי וְשֵׁם אִשְׁת־נָחוֹר מִלְכָּה בַת-הָרָן אֲבִי-מִלְכָּה וְאֲבִי יִשְׁכָּה:

Now this is the line of Terah: Terah begot Abram, Nahor, and Haran; and Haran begot Lot. Haran died in the lifetime of his father Terah, in his native land, Ur of the Chaldeans. Abram and Nahor took themselves wives, the name of Abram's wife being Sarai and that of Nahor's wife Milcah, the daughter of Haran, the father of Milcah and Iscah.<sup>11</sup>

<sup>9</sup> L. M. Epstein, *Marriage Laws in the Bible and the Talmud* (1942; Cambridge, Mass: Harvard U. Press, 1968) 149.

<sup>10</sup> Epstein 146.

<sup>11</sup> *JPS Hebrew-English Tanakh* (Philadelphia: Jewish Publication Society, 1999) Genesis 11:27-29. All translations of the Hebrew Bible in this work are based on the JPS translation. Reflecting that work's intended audience and use as a "study Bible" rather than an "academic Bible" (pp. xiii-xiv), it attempts to preserve some features of tradition and piety that may

Before attempting to explain Nahor's marriage to his niece, one must explore the meaning of marriage in the Hebrew Bible.

There is no single verb in Biblical Hebrew to refer to the marriage of a man to a woman. The use of the verb *n.p.h.*, usually translated "to take," in this and many other biblical passages means "to marry." There is some evidence in the Hebrew Bible of special ceremonies to mark the beginning of marriage - Jeremiah speaks of the sounds of celebrating brides and grooms, for example.<sup>12</sup> Intercourse appears to be a decisively defining moment for marriage,<sup>13</sup> although intercourse alone is not sufficient to secure marriage.<sup>14</sup> Marriage in the Hebrew Bible has been described as a covenantal arrangement between families. Millar Burrows has written that biblical marriage was primarily,

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interfere with an understanding of the text as it was understood by its earliest audiences. In particular, the use of the English phrase "the Lord" in translation of God's four-letter name, *יהוה* - after the pharasaic/rabbinic custom of reading the name as *'JH* - may obscure the polytheistic background of the text. I have rendered the name of the God of Israel as "YHWH" to avoid such confusion. In other places, I have retained the JPS translation and pointed out alternate translations in the analysis.

<sup>12</sup> Jeremiah 7:34; 16:9; 25:10; 33:11.

<sup>13</sup> As in Genesis 2:24 ("a man clings to his wife so that they become one flesh"), Genesis 29:22-23 (Laban brought Leah to Jacob's tent and he cohabitated with her), Deuteronomy 25:5 (the levir cohabits with his brother's wife).

<sup>14</sup> As in the case of Shechem, who negotiates for

"the concern of the family, the clan and the tribe," and that "this was done by a gift, creating an obligation, sealing a contract, and establishing a family-alliance."<sup>15</sup>

It is noteworthy that the verb *qan*, which means "to marry" in modern Hebrew, means "to form a family alliance through marriage" in biblical Hebrew. The verb is sometimes derived from a root in Arabic meaning "circumcision" on the theory that a man would be circumcised by the patriarch of his bride's family.<sup>16</sup> The biblical verb is never accomplished by bride and bridegroom, rather, a family patriarch may "*qan*" his son or daughter to a prospective spouse, or a man may "*qan*" a patriarch by marrying his daughter.<sup>17</sup> The import of biblical marriage is the forging of an alliance between families.

The marriage of Nahor to his brother's daughter does not provoke any objection in the text; it is related as a normal occurrence. Indeed, marriage between uncles and nieces is notably absent from the list of forbidden marriages between close relative in Leviticus 18 and 20.<sup>18</sup>

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marriage to Dinah after he has raped her (Genesis 34),

<sup>15</sup> Millar Burrows, *The Basis of Israelite Marriage* (1938; New Haven: American Oriental Society, 1970) 9, 15.

<sup>16</sup> Francis Brown, S.R. Driver and Charles A. Briggs, *A Hebrew and English Lexicon of the Old Testament* (1906; Oxford: Oxford U. Press, 1951) 368.

<sup>17</sup> As in Deuteronomy 7:3; I Samuel 18:21-22; I Kings 3:1; and II Chronicles 18:1.



Such unions may have been considered meritorious through the time of the Talmud. There, the sages are reported to praise a man who marries his sister's daughter along with one "who loves his neighbors, who befriends his relatives, ...and who gives a sela to a poor man in his hour of need."<sup>19</sup>

There are many other examples of close endogamy in the Bible. When Abimelech accused Abraham of lying about Sarah's relationship with him - he had said that she was his sister - Abraham replied, "וְגַם-אִמְנָה אֶחָתִי בַת-אָבִי הוּא אֲךָ לֹא בַת-אִמִּי וְתַחֲ-לִי," "And besides, she is in truth my sister, my father's daughter though not my mother's and she became my wife."<sup>20</sup> Although Abraham offered this excuse while defending himself against a powerful potential adversary, there is reason to believe his statement. Sarah's genealogy is notably absent from Genesis 11:29 (see above), in which the ancestry of Nahor's wife Milcah is given. Marriage to half-sisters is forbidden in Leviticus,<sup>21</sup> but this cannot be taken as evidence against Abraham's statement. Jacob also broke a Levitical marital law by marrying two sisters,<sup>22</sup> Leah and Rachel, who are also his cousins.<sup>23</sup>

<sup>18</sup> Although marriages between aunts and nephews are forbidden in Leviticus 18:12-14 and 20:19-20.

<sup>19</sup> B. Yevamoth 62b-63a.

<sup>20</sup> Genesis 20:12.

<sup>21</sup> Leviticus 18:9, 20:17.

<sup>22</sup> In violation of Leviticus 18:18.

<sup>23</sup> Genesis 29:12.

The preference toward endogamy among the patriarchs has, as a corollary, an antipathy toward exogamy. Abraham directs his servant to find an appropriate bride for his son Isaac from among his own people:

וְאֶשְׁבֹּעַ בַּיהוָה אֱלֹהֵי הַשָּׁמַיִם וְאֱלֹהֵי הָאָרֶץ אֲשֶׁר לֹא-תִקַּח אִשָּׁה לְבְנִי מִבְּנוֹת הַכְּנָעָנִי  
אֲשֶׁר אֲנִי יוֹשֵׁב בְּקִרְבּוֹ: כִּי אֵל-אֲרָצִי וְאֵל-מִלְדָּתִי חֵלֶךְ וְלִקְחַת אִשָּׁה לְבְנִי לִזְנוּתָּ:

I will make you swear by YHWH, the God of heaven and the God of earth, that you will not take a wife for my son from the daughters of the Canaanites among whom I dwell, but will go to the land of my birth and get a wife for my son Isaac.<sup>24</sup>

Abraham's determination that his son not marry a Canaanite is inseparable from his determination that he marry a woman from "my birthplace" (מִלְדָּתִי). The use of this term suggests that Abraham desired a wife for Isaac from his own stock. The eventual choice of Rebekah, Abraham's niece, may confirm this interpretation.

It should be noted that Abraham's determination to marry Isaac to a woman of his country has nothing to do with "religion." Rebekah was the sister of Laban, who referred to YHWH only as "the God of your fathers," (emphasis added)<sup>25</sup> and who kept household gods.<sup>26</sup> There is no suggestion that Rebekah came from a YHWH-worshipping home. Abraham's primary concern was that Isaac marry a clan-

<sup>24</sup> Genesis 24:3-4.

<sup>25</sup> Genesis 31:29.

<sup>26</sup> Genesis 31:19,

member, not a co-religionist.

There is also little indication that Abraham's distaste for a Canaanite daughter-in-law is the result of antipathy towards Canaanites or members of other nations. When Abraham defeated the four Mesopotamian kings who had warred against Canaan, the Canaanite kings blessed Abraham and offered rewards.<sup>27</sup> Abraham bargained for YHWH's mercy for the city of Sodom.<sup>28</sup> He made a covenant with the Philistine King Abimelech after settling a dispute concerning wells.<sup>29</sup> After the death of Sarah, Abraham negotiated a land acquisition from the Hittites to secure a gravesite.<sup>30</sup>

Abraham had stated to Abimelech, "וְאִם אֲבֹנִים כִּי אֶסְתִּי לֹקֵאִין." "I thought," said Abraham, 'surely there is no fear of God in this place and they will kill me because of my wife.'<sup>31</sup> The implication is that Abraham knew that the Gerarites would not taint themselves with adultery, but feared that they had no scruples against murdering a foreigner. He imagined that they might kill him in order to have sex with Sarah.<sup>32</sup> This, along with the

<sup>27</sup> Genesis 14:1-24.

<sup>28</sup> Genesis 18:22-32.

<sup>29</sup> Genesis 21:22-34.

<sup>30</sup> Genesis 23:3-20.

<sup>31</sup> Genesis 20:11.

<sup>32</sup> Nahum M. Sarna, *The JPS Torah Commentary: Genesis* (Philadelphia: Jewish Publication Society, 1989) 143.



treatment of Lot by the Sodomites,<sup>33</sup> does suggest a biblical view that the inhabitants of the land practiced sexual deviancy, but Abraham never stated this as a reason not to intermarry with them.

Abraham's relations with the natives of the land that YHWH had promised him are generally business-like - he negotiates, buys and sells with them. On the other hand, he appears wary of them. When the king of Sodom offered Abraham a reward for the defeat of the four kings, Abraham replies with an oath, "אם-מחוס ועד שרוך-נצל ואם-אקח מקל-אשר-לך ולא תאמר: "אני העשיתי את-אברם: "I will not take so much as a thread or a sandal strap of what is yours; you shall not say, 'It is I who made Abram rich.'"<sup>34</sup> There is also an undertone of distrust in Abraham's negotiations with Ephron the Hittite for the gravesite at Machpelah. The earliest audience of the text would have understood well the tension inherent in a resident alien (גר-תושב), as Abraham describes himself,<sup>35</sup> attempting to buy land as a permanent possession (למקנה).<sup>36</sup>

Abraham's reticence appears to have been shaped by his insecurity as a foreigner surrounded by powerful natives. He chose to maintain a distinct identity from these people,

<sup>33</sup> Genesis 19:4-11.

<sup>34</sup> Genesis 14:23.

<sup>35</sup> Genesis 23:4.

<sup>36</sup> Genesis 23:18.

even as he lived among them. His insistence on tribal endogamy was his ultimate statement of that desire.<sup>37</sup>

Isaac and Rebekah seem to have shared Abraham's distaste for intermarriage. Their son, Esau, married two Hittite women who were "מרת רוח," "a bitterness to the spirit" of Isaac and Rebekah.<sup>38</sup> Later, Rebekah began this exchange with Isaac by referring to Esau's wives:

וְתֹאמַר רִבְקָה אֶל-יִצְחָק קִדְמִי בְנִי מִפְּנֵי בָנוֹת חַת אִם-לֵקַח יִצְחָק אִשָּׁה מִבְּנוֹת-חַת  
כָּאֵלֶּה מִבְּנוֹת הָאֶרֶץ לְמַעַן לִי חַיִּים: וְיִקְרָא יִצְחָק אֶל-יִצְעָק וַיְבָרֶךְ אוֹתוֹ וַיֹּצִיאוּ וַיֵּאמְרוּ לוֹ  
לֹא-חָקָה אִשָּׁה מִבְּנוֹת כְּנָעַן: קִים לָךְ פָּדָה אָדָם בֵּיתָה בְּתוּרָא אֲבִי אִמְךָ וְקַח-לָךְ מִשָּׁם  
אִשָּׁה מִבְּנוֹת לְבֵן אֲחִי אִמְךָ:

Rebekah said to Isaac, "I am disgusted with my life because of the Hittite women. If Jacob marries a Hittite woman like these, from among the native women, what good will my life be to me?" So Isaac sent for Jacob and blessed him. He instructed him, saying, "You shall not take a wife from among the Canaanite women. Up, go to Paddan-aram, to the house of Bethuel, your mother's father, and take a wife there from among the daughters of Laban, your mother's brother."<sup>39</sup>

As in the Abraham stories, Isaac and Rebekah's concern is not for Jacob to marry a woman from a YHWH-worshipping home. Indeed, as stated, the text offers no suggestion that Laban's family was YHWH-worshipping. Isaac and Rebekah's distaste for the "native women" appears to be that they are

<sup>37</sup> In this regard the Sister/Wife stories in Genesis 12 and 20 are somewhat troubling. Why would Abraham risk mixing his line with those of Egypt and Canaan? The answer may be connected to Sarah's status as an אֵשֶׁת (Genesis 11:30), incapable of bearing children.

<sup>38</sup> Genesis 26:34-35.

<sup>39</sup> Genesis 27:46-28:2.

not from the family clan.<sup>40</sup>

Isaac and Rebekah's feelings effect Esau. He, too, becomes determined to marry a clan member in order to regain the favor of his parents. He marries his cousin, Mahalath, the daughter of his father's half-brother, Ishmael.<sup>41</sup>

Esau's marriage to Mahalath may be regarded as ironic. Although his intentions are good, he ends up marrying the granddaughter of Hagar, the Egyptian handmaid who was the ultimate "outsider" in the house of Abraham. There is no report that this marriage at all affected Isaac and Rebekah's affections toward Esau.

Jacob's eventual marriages to Rachel and Leah, of course, become the mythic origin of the people called "Israel." One modern scholar, Robert Oden, has seen the particular endogamous nature of these marriages as the means of Israel's cultural self-definition. Oden points out that these marriages are between cross-cousins - that is, a sister's son and her brother's daughter. Based on the sociological theory of Levi-Strauss, Oden asserts that such marriages are commonly preferred among many cultures because they contain all of the elements of kinship - sibling

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<sup>40</sup> In fact, the text does not directly state any reason for their distaste for Canaanite women. Rashi follows the Tanchuma's explanation that Isaac and Rebecca's vexation with the wives of Esau was based on their idolatrous practices (Rashi on Genesis 27:1).

<sup>41</sup> Genesis 28:9.



relation, relation between generations, and relation by marriage.

Oden writes of the cross-cousin marriages, "The relationship which creates and thus defines the descendants of Israel in the patriarchal narratives is the same relationship by which many societies first define themselves culturally through their kinship systems and through myths in which those systems are recounted."<sup>42</sup>

The trend away from exogamy based on clan endogamy appears to weaken after the marriage of Jacob. Three of Jacob's sons are reported to have married outside the family clan. In a brief passage - easily missed in casual reading - the sons of Simeon are reported as, "Jemuel, Jamin, Ohad, Jachin, Zohar, and Saul son of a Canaanite woman" (emphasis added).<sup>43</sup> It is significant that special mention is made of Simeon's Canaanite wife - suggesting that all of the other wives were from the family clan - however, there is no suggestion of reproach against Simeon for his exogamy. It may be that the son by the Canaanite (listed last) was

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<sup>42</sup> Robert A. Oden, jr., "Jacob as Father, Husband, and Nephew: Kinship Studies and the Patriarchal Narratives," *Journal of Biblical Literature* 102/2 (1983) 199. Oden does not raise the question of Bilhah and Zilpah's status in relation to his theory. If the relationship between Rachel, Leah and Jacob defines Israel, what of the four tribes (Dan, Naphtali, Gad and Asher) that are the progeny of the handmaidens?

<sup>43</sup> Genesis 46:10.

accorded lower status because of his heritage.

Judah is also reported to have married a Canaanite woman, identified only as "the daughter of Shua."<sup>44</sup> As with Simeon, there is no explicit criticism against Judah's exogamous marriage. However, Judah does emerge chastised in the story that follows, but he is faulted only for the treatment of his daughter-in-law, Tamar, who is denied her right to marry one of Judah's sons after her husband dies. The specification of Judah's wife as a Canaanite may have been intended to associate Judah with sexual enticements, a theme that plays an important role in Tamar's story.

The most thoroughly uncriticized intermarriage in the Book of Genesis, though, is Joseph's. When Pharaoh put Joseph in charge of Egypt, he rewarded him with some of the trappings of his office.

וַיִּקְרָא פַרְעֹה שֵׁם-יוֹסֵף זַפְנַת-פָּנֵחַ וַיֵּצֵא-לוֹ אֶת-אֲסֵנַת בַּת-פּוֹטִי פֶרֶע כְּתוּב אֵן לֹאשָׁה  
וַיֵּצֵא יוֹסֵף עַל-אֶרֶץ מִצְרַיִם:

Pharaoh gave Joseph the name Zaphenath-paneah; and he gave him for a wife Asenath daughter of Poti-phera, priest of On. Thus Joseph emerged in charge of the land of Egypt.<sup>45</sup>

There is no criticism offered against Joseph's exogamous marriage. This may be due to circumstance - Joseph lived his entire adult life separated from his own people. Besides, Joseph's marriage to the daughter of a

<sup>44</sup> Genesis 38:2, 12.

<sup>45</sup> Genesis 41:45.

foreign priest was necessary for him to fulfill his role as his family's powerful savior. That may be why he is not criticized.

Joseph's story, though, also contains within it the seeds of the next major trend in the Bible's attitude toward exogamy. Joseph represents the ultimate victory over a foreign power in Genesis. Abraham had merely grown wealthy by tricking Pharaoh<sup>46</sup> and Abimelech<sup>47</sup>, but he is just a small-time hustler compared to Joseph. Joseph used his guile to rise to the top of Egypt, the most powerful nation on earth. Joseph elevated the progeny of Abraham from a mere family clan to a player in international politics. With Joseph, Israel began to become a nation and a rival to other nations. After Joseph, exogamy would be an issue of national prestige and national animosities.

#### J's Nationalist Perspective.

The next trend took form as the growing people of Israel began to see themselves as a nation living alongside other, competing nations. A bias against exogamy with these nations was a manifestation of rivalries over resources, histories of antagonism, or sheer cultural chauvinism. As this trend developed, exogamy was not merely a cultural

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<sup>46</sup> Genesis 12:11-16.

<sup>47</sup> Genesis 20:1-16.



taboo, it could be elevated to the status of treason. There was no formal law against the practice of exogamy, but it could lead to punishment.<sup>48</sup>

The trend begins in texts associated with the pre-exilic J document. J does not by any means vilify all exogamy. In fact, it is J who tells the story of Moses' marriage to the Midianite, Zipporah, without the least criticism. Exogamy alone is not a problem for J; it is when foreign marriage threatens the theological and cultural underpinnings of Israelite society that J polemicizes against it.

In J's story of Jacob's daughter, Dinah, one reads that the woman "went out to visit the daughters of the land."<sup>49</sup> A Hivite named Shechem, son of a local chieftain, raped her (וַיִּרְאוּ).<sup>50</sup> But Shechem also had tender feelings for Dina and he asked his father, Hamor, "קח-לי את-הילדה הזאת לאשה," "Get me this girl as a wife."<sup>51</sup> Hamor approached Jacob and his sons with a marriage offer that included a proposal for a new

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<sup>48</sup> The only passage generally attributed to J that includes a legal prohibition against exogamy is Exodus 34:11-16. However, as shall be discussed in a later section, there is reason to believe that this is a D passage.

<sup>49</sup> Genesis 34:1.

<sup>50</sup> The translation of the piel of וַיִּרְאוּ as "rape" is also seen in Deuteronomy 21:14; 22:24, 29; Judges 19:24; 20:5; II Samuel 13:12, 14, 22, 32; Ezekiel 22:10, 11, and Lamentations 5:11.

<sup>51</sup> Genesis 34:4.

relationship between their peoples.

וְהִתְחַנְּנוּ אִתָּנוּ בְּנֵיכֶם תְּחַנְּנוּ-לָנוּ וְאֵת-בְּנֵינֵינוּ תִּקְחוּ לָכֶם: וְאִתָּנוּ תֵּשְׁבוּ וְהָאָרֶץ תְּהִיָּה  
לְפָנֵיכֶם שְׂבוּ וּסְרִיזוּ וְהָאָרֶץ בְּיָדְכֶם:

Intermarry with us: give your daughters to us, and take our daughters for yourselves: You will dwell among us, and the land will be open before you; settle, move about, and acquire holdings in it."

Hamor offered more than marriage between his son and Jacob's daughter. He offered terms of a בְּרִית, a treaty between his household (understood as all that he ruled) and the household of Jacob. From other stories, such as Joseph's troubles with Potiphar's wife,<sup>32</sup> it is evident that J could regard foreigners as untrustworthy especially regarding marriage and sexual morality. That antipathy helps to explain the cunning (בְּמַדְמָה)<sup>34</sup> with which Jacob's sons replied to Shechem and Hamor:

לֹא נוּכַל לַעֲשׂוֹת מִדְּבַר זֶה לְמַעַן אֵת-אֶחָדֵנוּ לְאִישׁ אֲשֶׁר-לֹא צִרְלָה בֵּי-יָדָהּ הוּא  
לָנוּ מִדְּבַר זֶה וְנָתַתָּה לָכֶם אִם תִּהְיוּ כָּמֵנוּ לְהַמְלִיל לָכֶם כָּל-זָכָר: וְנִתְּנוּ אֵת-בְּנֵינֵינוּ לָכֶם  
וְאֵת-בְּנֵיכֶם נִשְׁחִי-לָנוּ וְיִשְׁכְּבוּ אִתְּכֶם וְהָיִינוּ לָעָם אֶחָד: וְאִם-לֹא תִשְׁמָעוּ אֵלֵינוּ לְהַמְלִיל  
וְעָשִׂינוּ אֵת-חֲמֵנוּ וְהָלַכְנוּ:

"We cannot do this thing, to give our sister to a man who is uncircumcised, for that is a disgrace among us. Only on this condition will we agree with you; that you will become like us in that every male among you is circumcised. Then we will give our daughters to you and take your daughters to ourselves; and we will dwell among you and become as one kindred. But if you will not listen to us and become circumcised, we will take our daughter and go."<sup>35</sup>

<sup>32</sup> Genesis 34:9-10.

<sup>33</sup> Genesis 39:1-23.

<sup>34</sup> Genesis 34:13.

<sup>35</sup> Genesis 34:14-17.

The brothers feigned to accept the intermarriage offer and covenant, in the very same phrasing in which it was offered, on condition that all the men in Hamor's kingdom become circumcised. Hamor and Shechem accepted the covenant with circumcision as its sign.

While the men of Shechem were in the pain of recovering from circumcision, two of Dinah's full brothers, Simeon and Levi, entered the city and killed them all. The other brothers plundered the city in revenge.<sup>36</sup>

There are many unanswered questions in the story. Of great interest to an understanding of the Hebrew Bible's attitudes toward intermarriage, though, is the question of Simeon and Levi's extreme reaction. Why did they resort to mass murder? Was it the rape, the proposed intermarriage, or something else that motivated them?

There are two biblical passages that provide punishment for a man who has sex with an unmarried woman. In Exodus, one learns:

כִּי-יִפְתָּה אִישׁ בְּתוּלָה אִשָּׁר לֹא-אִנְשָׁה וְשָׁכַב עִמָּה עֵקֶב עֲמָה יִסְתַּדֵּן לוֹ לְאִשָּׁה:

If a man seduces a virgin for whom the bride-price has not been paid, and lies with her, he must make her his wife by payment of a bride-price.<sup>37</sup>

Deuteronomy states:

כִּי-יִמָּצֵא אִישׁ נָעֵר בְּתוּלָה אִשָּׁר לֹא-אִנְשָׁה וְהִנָּשָׂה וְשָׁכַב עִמָּה וְגִמְזָאוֹ: וְנָתַן הָאִישׁ

<sup>36</sup> Genesis 34:25-29.

<sup>37</sup> Exodus 22:15.



השלב עמה לאבי הנער ומשם נסך ולו-תהיה לאשה...

"If a man comes upon a virgin who is not engaged and he seizes her and lies with her, and they are discovered, the man who lay with her shall pay the girl's father fifty [shekels of] silver, and she shall be his wife..."<sup>58</sup>

It appears that Shechem expected to be treated according to a rule like one of these. He asked his father to arrange the payment of the bride price<sup>59</sup> and he, himself, offered to pay any bride price, even beyond the normal amount.<sup>60</sup> But Simeon and Levi must have viewed his crime very differently. Since they punished him with death – not payment of bride-price and marriage – in their eyes, Shechem's crime could not have been seduction or rape. It is unlikely also that they wished to punish him for mere intermarriage. Up to this point, some intermarriages – like Esau's – had been censured, but none had been punished, let alone by death.<sup>61</sup>

Yet there is a clue in the epilogue to the crime that

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<sup>58</sup> Deuteronomy 22:28-29. This law concerning a "ravisher" has a strong parallel in the Middle Assyrian Laws (12th century B.C.E.), suggesting that it was part of the legal culture of the ancient Near East and known to the J author. See: James B. Pritchard, *Ancient Near Eastern Texts Relating to the Old Testament* (Princeton: Princeton University Press, 1969) 184.

<sup>59</sup> Genesis 34:4.

<sup>60</sup> Genesis 34:11-12.

<sup>61</sup> Interestingly, an obscure passage (Genesis x:x) indicates that Simeon himself fathered at least a child by a Canaanite mother. However, this text is generally attributed to the latest biblical author (P) and likely dates long after the Dinah story took shape.

Simeon and Levi wanted to punish. At the story's end, Jacob was angry with Simeon and Levi, again, because of the old patriarchal insecurity about the native inhabitants of the land.

וַיֹּאמֶר יַעֲקֹב אֶל-שִׁמְעוֹן וְאֶל-לֵוִי עֲבַדְתֶּם אֹתִי לְהַבְאִישָׁנִי בִישָׁב הָאָרֶץ בְּקִנְיָנִי וּבְקָדֹרֹךְ  
וְאֲנִי מְתִי מִסָּפֶר וְנֶאֱסַפּוּ עָלַי וְהָבוּנִי וְנִשְׁמַדְתִּי אֲנִי וּבֵיתִי:

Jacob said to Simeon and Levi, "You have brought trouble upon me, making me odious among the inhabitants of the land, the Canaanites and the Perizzites; my men are few in number, so that if they unite against me and attack me, I and my house will be destroyed."<sup>62</sup>

Jacob, like his father and grandfather before him, was wary and cautious in his dealings with foreigners, but his sons were more aggressive. Jacob's sons represent a new generation in attitude toward foreigners. They wanted to take control of the situation. They get the story's last word, boldly asking Jacob, "הֲכִלּוּנָה יַעֲקֹב אֶת-אֲחֻתּוֹ?" "Should our sister be treated like a whore?"<sup>63</sup>

The common translation of "זונה" as "whore" is confusing and misleading. Dinah was raped. There is no suggestion that she was paid for having sex with Shechem. Her bride-price cannot be conceived as a prostitute's payment since that would turn every married woman into a prostitute. How, then, could Dinah be a "whore"?

Simeon and Levi did not see Shechem as either the

<sup>62</sup> Genesis 34:30.

<sup>63</sup> Genesis 34:31.

seducer of Exodus or the rapist of Deuteronomy who must be compelled to pay the bride-price. They did not see their sister as a prostitute who accepts money for sex. Rather, they saw the situation as "whoring" in the same sense as the word is used in Numbers 25, the story of Phinehas, which shall be considered shortly:

וַיָּשָׁב יִשְׂרָאֵל בְּשָׁעִים וַיִּהְיֶה הָעָם לְזָנוֹת אֶל-בָּנוֹת מוֹאָב: וַתִּקְרָא לָעָם לְזָכֹרֵי אֱלֹהֵיהֶן  
וַיֹּאכַל הָעָם וַיִּשְׁתַּחֲוּ לֵאלֹהֵיהֶן:

While Israel was staying at Shittim, the people profaned themselves by whoring with the Moabite women, who invited the people to the sacrifices for their god.<sup>64</sup>

Here, too, there is no suggestion that the Israelites paid for sex. Throughout the Hebrew Bible there are examples of the verb *וַיִּזְנוּ* being used to refer to the attachment of Israel to a foreign god or nation. (Nations and gods were not distinguishable ideas in the ancient Near East - they defined one another.)<sup>65</sup> The root, *וַיִּזְנוּ*, and its association with prostitution, is an extremely prejudicial term to use for foreign marriage or for the worship of foreign gods - a term born out of strong chauvinism for one's own nation over other nations.

<sup>64</sup> Numbers 25:1-2.

<sup>65</sup> M.A. Cohen, "In All Fairness to Ahab," *Eretz-Israel, Volume 12* (Jerusalem: Israel Exploration Society, 1975) 90. Cohen writes that from the gods of the ancient Near East "derived the laws that governed societies, and their cults provided the means by which people expressed their allegiance not only to those societies but to their government as well."



This is the sense in which Simeon and Levi used the term "חֲנוּנָה" in referring to Dinah's marriage to a foreign nation. They asked their father the question, "הֲכֹחֶנָּה יִשָּׁקֶה אֶת-אֶחָיו," which could be understood as, "Shall he acquire our sister as one attached to the lechery of foreign nations?" Their accusation against Shechem goes far beyond mere rape or intermarriage. Shechem's crime was to attach Israel to gods and nations they perceived as abominable.<sup>66</sup> Simeon and Levi killed Shechem because of national chauvinism.

In this regard, the story of Dinah has much in common with the story of Phinehas, who reacted to the incident at Shittim (quoted above) with swift and deadly punishment:

וְכֵן פִּינְחָס בֶּן-אֶלְעָזָר בֶּן-אֶהֱרָן הַכֹּהֵן וְיִצְחָק הַעֲזָרָה וְיִצְחָק רִמָּה בִּידוֹ: וַיָּבֹא אֶת-אִישׁ-יִשְׂרָאֵל אֶל-הַמִּזְבֵּחַ וַיִּדְקֹר אֶת-שְׁנֵיהֶם אֶת-אִישׁ יִשְׂרָאֵל וְאֶת-הַנְּאֻשָּׁה אֶל-קִבְרָתָהּ וַתַּעֲצֹר הַנְּפֻסָּה מִצֵּל בְּנֵי יִשְׂרָאֵל: וַיְהִי הַמִּסֵּד בְּמִסְפָּה אֶרְבָּעָה וַעֲשָׂרִים אֶלֶף: וַיִּדְבֹר יְהוָה אֶל-מֹשֶׁה לֵאמֹר: פִּינְחָס בֶּן-אֶלְעָזָר בֶּן-אֶהֱרָן הַכֹּהֵן הֵשִׁיב אֶת-חֲמַטִּי מִצֵּל בְּנֵי-יִשְׂרָאֵל בְּקִנְיָנִי אֶת-קִנְיָנִי בְּתוֹכָם וְלֹא-כִלִּיתִי אֶת-בְּנֵי-יִשְׂרָאֵל בְּקִנְיָנִי: לָכֵן אֶמַּד הַגִּי נָתַן לִי אֶת-בְּרִיתִי שְׁלֹמֶם: וְהָיְתָה לִי וְלָדָד אֶתְּנִי בְרִית קְדֻשָּׁה עִלָּם תִּהְיֶה אִשֶּׁר קָם לְאַלְהֵינוּ וְכִשְׁמֹר צֶל-בְּנֵי יִשְׂרָאֵל:

When Phinehas, son of Eleazar son of Aaron the priest, saw this, he left the assembly and, taking a spear in his hand, he followed the Israelite into the chamber and stabbed both of them, the Israelite and the woman, through the belly. Then the plague against the Israelites was checked.

<sup>66</sup> This despite the fact that Shechem and Hamor agreed to accept a central element of Israelite ritual. The fact that they circumcised themselves appears to be ironic in the story - the heathens thought they were joining the life of Israel in covenant, but, in fact, they were separating themselves from life itself.

<sup>67</sup> There is here an "open" break and a new parashah in the masoretic text.

Those who died of the plague numbered twenty-four thousand.<sup>68</sup> YHWH spoke to Moses, saying, "Phinehas, son of Eleazar son of Aaron the priest, has turned back my wrath from the Israelites by displaying among them his passion for me, so that I did not wipe out the Israelite people in my passion. Say therefore, 'I grant him my pact of friendship. It shall be for him and his descendants after him a pact of priesthood for all time, because he took impassioned action for his God, thus making expiation for the Israelites.'"<sup>69</sup>

Whereas the story of Dinah is attributed to the pre-exilic author J, the story of Phinehas is usually associated with the post-exilic P author because it justifies the priesthood of Phinehas' descendants over other families. However, the similarities between the two stories suggests that P may only have added YHWH's reward of perpetual priesthood to an old J story about retribution against Midianite women who seduced Israel to follow foreign gods.<sup>70</sup>

In both stories, an act of "murder" is punished by extrajudicial killing. In both cases, the murderers act in support of YHWH, but against the will of temporal authority. Simeon and Levi were explicitly reprov'd by Jacob<sup>71</sup> and

<sup>68</sup> There is here an "open" break and a new *parashah* in the masoretic text.

<sup>69</sup> Numbers 25:7-13.

<sup>70</sup> The hero of the story need not have been Phinehas in the J version. Phinehas mysteriously drops out of the narrative following this incident. Eleazar, Caleb and Joshua become the leaders of the generation that would succeed Moses and Aaron.

<sup>71</sup> Many commentators have extended the reproof of Simeon and Levi by noting Jacob's malediction against them in Genesis 49:5-7. However, there is no clear link between this and the incident in Genesis 34.

Phinehas' actions contravened Moses' command.<sup>72</sup> Yet, in both cases, the killers appear to be exonerated for their action. Phinehas' action ends the plague. The biblical author seems to exonerate Simeon and Levi, whose compelling justification for killing (verse 31) is left unanswered. Both stories contain murderous hatred against foreign nations. Both stories manifest that hatred by harshly condemning a form of exogamy.

Louis Epstein argues that, in this period, aversion to exogamy was only a "social standard which was heeded as a matter of propriety," and that, "This is all that intermarriage meant to the Jews prior to the Deuteronomic period."<sup>73</sup>

Indeed, in its hatred for exogamy, the J source does not appear to have a legal or theological basis (apart from the belief that foreign worship is tainted) as would develop later. It is not possible to determine whether J's murderous hatred of exogamy developed from the patriarchal era's desire for endogamy. In the time of J, however, the attitude against intermarriage appears to have been motivated primarily by national rivalry and cultural aversion.

<sup>72</sup> Numbers 25:5.

<sup>73</sup> Epstein 149.



### David and Solomon's Intermarriages of Convenience.

Since the Hebrew Bible is the record of Israel's story told by one faction within the society, one must read between the lines to discover the voices of other factions. The trend just discussed illuminates J's argument against exogamy based on nationalism and cultural chauvinism. One must wonder whether J spoke from some experience when he wrote about Israel being tainted by exogamy.

The biblical author, J, is assumed to have compiled his work from older writings some time after the 10th century B.C.E., the time of the kings David and Solomon who were both depicted as marrying foreign women. Seen against this historical background, J's antipathy toward exogamy may take on new meaning.

In his forty-year rule, David managed to unite a quarrelsome and diverse group of clans - which were often in conflict with one another - under a single crown.<sup>73</sup> United, they would dominate their region through most of the tenth century. Along the course of his reign, David put down at least three rebellions against him, using both military might and political maneuvering. Jon D. Levenson and Baruch Halpern have argued that marriage was an important strategy

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<sup>73</sup> See, for example, H. Tadner, "The Period of the First Temple, the Babylonian Exile and Restoration," *A History of the Jewish People*, ed. H.H. Ben-Sason (Cambridge, Mass.: Harvard University Press, 1976) 96.

in David's political arsenal for consolidating power.<sup>74</sup>

The books of Samuel and Chronicles give the names of eight of David's wives - Michal, Abigail, Ahinoam, Maacah, Haggith, Abital, Eglah, and Bathsheba (called "Bathshua" in Chronicles).<sup>75</sup> These books also suggest at least ten children of David by unnamed wives and concubines.<sup>76</sup>

Levenson and Halpern theorize that David's marriage to Abigail played an essential role in legitimating David in Hebron. David's marriage to the former wife of a Calebite chieftain,<sup>77</sup> according to the theory, allowed David, a Bethlehemite, to be crowned king in the Calebite center.

On the theory that a royal wife could confer royal status on her husband, Levenson further speculates that David's wife, Ahinoam, was actually the same woman as Saul's wife of the same name.<sup>78</sup> According to this theory, David attempted to usurp the throne by marrying a king's wife in the same way that Adonijah would later attempt to usurp Solomon's throne by marrying Abishag, a member of David's

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<sup>74</sup> Jon D. Levenson and Baruch Halpern, "The Political Import of David's Marriages," *The Journal of Biblical Literature* 99/4 (1980): 507-518.

<sup>75</sup> See I Samuel 18; 25; II Samuel 3:3-5; 11; 12; I Chronicles 3:1-5.

<sup>76</sup> II Samuel 5:13-16; I Chronicles 3:9; 14:3-7.

<sup>77</sup> In I Samuel 25:2 Nabal is called "very wealthy" (נָכֹחַ), and in I Samuel 25:3 he is referred to as a "Calebite."

<sup>78</sup> Mentioned in I Samuel 14:50.

harem.<sup>79</sup> This theory would help to explain Nathan's statement to David, "ואתנה לך את-בית אדוניך ואת-נשי אדוניך בחיך ואתנה לך את-בית ישראל ויהודה", "I gave you your master's house and possession of your master's wives; and I gave you the house of Israel and Judah."<sup>80</sup>

David's marriage to Maacah also may have been politically motivated just as his marriages to Abigail and Ahinoam were. This "בת-חלמי מלך גשור", "daughter of Talmi, king of Geshur,"<sup>81</sup> was no Israelite. Geshur, located in the south of the present-day Golan Heights had been left as a separate unconquered kingdom by the Israelites.<sup>82</sup> It was a strategic cross-roads and fertile oasis in that region (much as it is today). The rulers of this region would have been valuable allies to David. Gerald J. Petter writes that David's marriage to the daughter of Geshur's king "...certainly presupposed, included, or entailed some treaty between Talmi and David, and thus between the Geshurites and the Israelites."<sup>83</sup> The Hebrew Bible does not contain a hint of criticism against David for forming this alliance with a foreigner.

<sup>79</sup> I Kings 2:17-23.

<sup>80</sup> II Samuel 12:8.

<sup>81</sup> II Samuel 3:3; I Chronicles 3:2.

<sup>82</sup> Joshua 13:13.

<sup>83</sup> Gerald J. Petter, "Geshurites," *The Anchor Bible Dictionary*: Volume 2, ed. D.N. Freedman, et al. (New York: Doubleday, 1992) 997.



If David used marriage with domestic and foreign allies to his political advantage, his son, Solomon, appears to have carried the practice to a further extreme. The book of Kings reports of Solomon:

וַיִּתְּחַן שְׁלֹמֹה אֶת-פָּרְעֹה מֶלֶךְ מִצְרַיִם וַיֵּקַח אֶת-בִּתּוֹ פָּרְעֹה וַיְבִיאָהּ אֶל-עִיר דָּוִד עַד  
כָּלְתָהּ לִבְנוֹת אֶת-בֵּיתוֹ וְאֶת-בֵּית יְהוָה וְאֶת-חוֹמַת יְרוּשָׁלַם סָבִיב:

Solomon allied himself by marriage with Pharaoh king of Egypt. He married Pharaoh's daughter and brought her to the City of David [to live there] until he had finished building his palace, and the House of YHWH, and the walls around Jerusalem.<sup>84</sup>

In this case, the political nature of the marriage is more obvious. The verb וַיִּתְּחַן emphasizes the connection between Solomon and Pharaoh, his father-in-law (חָתָן). Later in the Solomon story, one reads that Pharaoh captured the Canaanite city of Gezer, located in the foothills of the Judean range at a strategic point on the road to Jerusalem,<sup>85</sup> and put it into Israelite control by giving it as a dowry to his daughter.<sup>86</sup> It is possible that Solomon's marriage to the daughter of Pharaoh was actually part of a peace treaty that Egypt was forced to enter following an ill-advised military foray into the Judean hills.<sup>87</sup> The

<sup>84</sup> I Kings 3:1.

<sup>85</sup> William G. Dever, "Gezer (Place)," *The Anchor Bible Dictionary: Volume 2*, ed. D.N. Freedman, et al. (New York: Doubleday, 1992) 998.

<sup>86</sup> I Kings 9:16.

<sup>87</sup> Tomoo Ishida, "Solomon (Person)," *The Anchor Bible Dictionary: Volume 6*, ed. D.N. Freedman, et al. (New York: Doubleday, 1992) 109.

name of the bride is not given because her identity is incidental to the alliance formed between the two nations.

The Hebrew Bible's mention of the marriage in juxtaposition to Solomon's greatest achievements – the building of the Temple, the palace and walls of Jerusalem – suggests that the alliance with Egypt was considered a mark of Solomon's greatness. This would be particularly understandable if the alliance was the result of a military victory by Israel over Egypt. The praise for Solomon's marriage alliance here, however, is in marked contrast to its next mention. In chapter 11, Solomon's foreign marriages are associated with his worst sin and his downfall:

והמלך שלמה אהב נשים נכריות רבות ואת-בת-פרעה מואביות צמניות אדמית  
בדנית תחת: מן-הגוים אשר אמר-יהוה אל-בני ישראל לא-תבאו בהם והם לא-יבאו  
בהם אכן ישו את-לבבכם אחרי אלהיהם בהם דבק שלמה לאהבה: ויהי-לו נשים  
שרות שבע מאות ופלגשים שלש מאות וישו נשיו את-לבו: ויהי לעת זקנת שלמה  
נשיו הסו את-לבבו אחרי אלהים אחרים ולא-היה לבבו שלם עם-יהוה אלהיו כלבב  
דוד אביו: וילך שלמה אחרי צשתות אלהי בדנים ואחרי מלכם שאן צמנים: ויש  
שלמה הרע בעיני יהוה ולא מלא אחרי יהוה כדוד אביו: אז יבנה שלמה במה לכמוש  
שאן מואב בנה אשר על-בני ירושלם והמלך שאן בני צמון: וכן עשה לכל-נשיו  
הנכריות מקטירות ומנחות לאלהיהן: ויתאנף יהוה בשלמה כי-נסה לבבו מעם יהוה  
אלהי ישראל הנראה אליו פעמים: וצנה אליו על-הדבר הזה לבתי-לכת אחרי  
אלהים אחרים ולא שמר את אשר-צנה יהוה: ויאמר יהוה לשלמה: יצא אשר היתה-זאת  
עמך ולא שמרת בריתי וחוקי אשר צויתי עליך קרע אקרע את-הממלכה מעליך  
ויתחיל לעבדך: אך-בגמך לא אעשה למען דוד אביך מיד בגב אקדשה: רק  
את-כל-הממלכה לא אקרע שבט אחד אמן לבג למען דוד עבדי וימסר ירושלם אשר  
בנתי:

King Solomon loved many foreign women in addition to Pharaoh's daughter – Moabite, Ammonite, Edomite, Phoenician, and Hittite women, from the nations of which YHWH had said to the Israelites, "None of you shall join them and none of them

shall join you, lest they turn your heart away to follow their gods." Such Solomon clung to and loved. He had seven hundred royal wives and three hundred concubines; and his wives turned his heart away. In his old age, his wives turned away Solomon's heart after other gods, and he was not as wholeheartedly devoted to YHWH his God as his father David had been. Solomon followed Ashtoreth the goddess of the Phoenicians, and Milcom the abomination of the Ammonites. Solomon did what was displeasing to YHWH and did not remain loyal to YHWH like his father David. At that time, Solomon built a shrine for Chemosh the abomination of Moab on the hill near Jerusalem, and one for Molech the abomination of the Ammonites. And he did the same for all his foreign wives who offered and sacrificed to their gods. YHWH was angry with Solomon, because his heart turned away from YHWH, the God of Israel, who had appeared to him twice and had commanded him about this matter, not to follow other gods; he did not obey what YHWH had commanded. And YHWH said to Solomon, "Because you are guilty of this - you have not kept My covenant and the laws which I enjoined upon you - I will tear the kingdom away from you and give it to one of your servants. But, for the sake of your father David, I will not do it in your lifetime; I will tear it away from your son. However, I will not tear away the whole kingdom; I will give your son one tribe, for the sake of My servant David and for the sake of Jerusalem which I have chosen."<sup>88</sup>

The quotation of YHWH's command against intermarriage appears to be a reading of Deuteronomy 7:1-4 (discussed in the next section). However, the list of seven nations with whom intermarriage is forbidden in that passage does not include four of the five nations with whom Solomon is said here to have intermarried - Moabites, Ammonites, Edomites and Phoenicians. Since scholars believe that the book of

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<sup>88</sup> I Kings 11:1-13.



Kings and Deuteronomy were formed by the same "Deuteronomic school," or D, one might expect a match in the lists of forbidden nations between the story of Solomon and in the book of Deuteronomy.

Close inspection reveals that this passage of reproof against Solomon may have been compiled from some sources that originally praised him. The boast that Solomon had seven hundred wives and three hundred concubines is similar to other passages in which widely exaggerated numbers are used to exalt Solomon's greatness.

The constant praise of Solomon is for great size. Benaiah wishes, "וַיְגַדֵּל אֶת-כִּסֵּאוֹ מִכִּסֵּא אָדֹנִי הַמֶּלֶךְ דָּוִד," "May [YHWH] enlarge his throne beyond the throne of my master King David."<sup>89</sup> The daily provisions for Solomon's household are described in herculean terms - including 10 fattened oxen, 20 pasture-fed oxen, 100 sheep and goats<sup>90</sup> - as are his stables of 40,000 horses and 12,000 horsemen.<sup>91</sup> Even Solomon's wisdom is described in huge numeric terms - "God endowed Solomon ... with understanding as vast as the sands on the seashore."<sup>92</sup> All of these are given in the context of praise for Solomon. It might then be inferred that the

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<sup>89</sup> I Kings 1:37. In verse 47 the courtiers repeat the blessing for "enlargement."

<sup>90</sup> I Kings 5:3.

<sup>91</sup> I Kings 5:6.

<sup>92</sup> I Kings 5:9.

source that spoke of Solomon's vast harem may have also intended to praise him. Only later did an editor relocate the verses concerning Solomon's harem in order to change the context from praise to rebuke.

The long speech from YHWH condemning and punishing Solomon is strange - it does not fit into the narrative of the story. This is the only occasion in the Hebrew Bible in which YHWH speaks directly to a king of Israel in order to chastise him. On every other occasion, YHWH's chastisement is sent through a prophet.<sup>93</sup> Despite the fact that YHWH spoke directly to Solomon, there is no indication that Solomon responded in any way. Saul admitted his transgression, made excuses, and pleaded when confronted with YHWH's rebuke;<sup>94</sup> David confessed, "I stand guilty before YHWH!";<sup>95</sup> but Solomon said nothing. It is as if YHWH's speech was dropped into the story as an afterthought - it does not fit the context and it does not alter the narrative of Solomon's actions in any way. Furthermore, YHWH's reason for punishing Solomon's son instead of Solomon himself makes no sense.

It is, perhaps, now possible to speculate on the historic development of the passage that describes Solomon's

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<sup>93</sup> For example, I Samuel 15:10-19; II Samuel 12; I Kings 18:18.

<sup>94</sup> I Samuel 15:24-25.

<sup>95</sup> II Samuel 12:13.

sin and punishment. The passage as received may have been constructed from earlier texts, at least one of which praised Solomon for the immense size of his harem and for the political alliances he built through foreign marriages. The source text may even have praised Solomon for the great shrines he built for the gods of the nations he had drawn into Israel's orbit through these alliances.

The Deuteronomic editors of the Solomon story added the explanation of how the rebellions against Solomon were the result of divine punishment. They did this to solve a theological problem. D was committed to the idea of a Davidic covenant - a promise by YHWH to maintain David's dynasty forever.<sup>96</sup> In light of that covenant, D had to explain the division of the kingdom less than one hundred years after David's death. D was also committed to the idea of divine reward for righteousness and punishment for transgression. The only explanation for the loss of the united kingdom would be the sin of an Israelite king.

However, the only king, apart from David, whose sin could have resulted in the schism of the united Kingdom of Israel in 928 B.C.E. was the man who sat on the throne until

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<sup>96</sup> A clear statement of the Davidic covenant can be seen in Psalm 89:4-5, "I have made my covenant with my chosen one; I have sworn to my servant David: I will establish your offspring forever, I will confirm your throne for all generations. Selah."



that very year - Solomon. But Solomon was singled out for praise in the tradition received by D. It would have been impossible for this seventh century author to have undermined a three-hundred year tradition of Solomon as the builder of the Temple, the master of wisdom, and the victor over Israel's enemies.

D's theology is quite different from that of the time of David and Solomon. Whereas David could have idols in his home<sup>97</sup> and Solomon could build temples to foreign gods,<sup>98</sup> by the time of the Deuteronomists, exclusive allegiance to YHWH - henotheism - had become a definitional characteristic of Judah, at least for the Deuteronomists. So the D authors focused on something in Solomon's reign that was objectionable to the standards of their day and constructed an explanation for the loss of the united Kingdom of Israel on Solomon's intermarriages and worship of foreign gods.

This is the interpretation of Solomon's sin as presented by J. Robinson. He states that the claim of apostasy through foreign marriage against Solomon was nothing more than D's attempt to discover the sin against YHWH for which Solomon's kingdom was later punished. Robinson writes:

According to [the Deuteronomic principle of divine

<sup>97</sup> I Samuel 19:11-13.

<sup>98</sup> I Kings 11:7.

reward and punishment], any king who had such a successful and magnificent reign as Solomon was reputed to have had, was bound to leave behind for his successor a strong and powerful kingdom. In point of fact Solomon did not leave behind such a kingdom ... The deuteronomists found a reason why Solomon's reign should have ended disastrously in spite of all its earlier greatness. It was because Solomon had committed a grave sin. They believed that the gravest sin into which any Israelite could fall was apostasy.<sup>99</sup>

James A. Montgomery notes that the story of Solomon's sin is a composite consisting of an early, pre-Deuteronomic account that did not mention foreign wives and the later Deuteronomic version that included this theme "to explain the king's defection."<sup>100</sup> The many references to foreign wives who "turned [Solomon's] heart from YHWH" is D's addition to a much older story.

The authors of the D source did not match the list of Solomon's foreign wives with their own list of forbidden nations in Deuteronomy 7, either because they could not or because it was unimportant. D could not change the nations with whom Solomon intermarried because they derived from a pre-Deuteronomic tradition. The list in Deuteronomy, as shall be discussed, was probably not understood as literal or definitive, anyway, so matching it was not important.

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<sup>99</sup> J. Robinson, *The First Book of Kings* (Cambridge: Cambridge University Press, 1972) 135-136.

<sup>100</sup> James A. Montgomery, *A Critical and Exegetical Commentary on The Book of Kings*, 1951 (Edinburgh: T. & T. Clark, 1976) 232-234.

enough to alter a known tradition.

The D authors also added YHWH's long speech to state explicitly Solomon's guilt in the matter of his foreign wives and worship of foreign gods. The speech also explained why Solomon's punishment would only come after he was dead (an awkward construction, but one necessitated by the fact that the division of the kingdom had come so shortly after Solomon's death). The speech looks out of place because D may have been unwilling to invent plot elements that would have made it more plausible (a plea for forgiveness by Solomon in response, for example).

D's historic revisionism of Solomon's marriages may have been believable to a seventh century audience because it fit some aspects of recorded history. Solomon's Egyptian wife is believed to have been the daughter of Siamun, a pharaoh of Egypt's 21st dynasty.<sup>101</sup> Around the year 945 B.C.E., that dynasty was overthrown and a new pharaoh, Shishak, rose to power. Shishak, the first pharaoh of the 22nd dynasty, was hostile toward Solomon, perhaps as a result of the special access that the old dynasty had to Solomon's court through its daughter.

The schism between Solomon and Egypt's pharaoh spurred opportunistic rebellions against Solomon in Aram<sup>102</sup> and in

<sup>101</sup> Ishida 109.

<sup>102</sup> I Kings 11:23-25.



Edom,<sup>103</sup> apparently with the assistance of Egypt.<sup>104</sup> In the rebellions, Solomon lost important trade routes and their accompanying revenue. As a result, Solomon had to spend much of his depleted treasury on his army and physical defenses.<sup>105</sup> Shishak also lent aid to the rebellion of Jeroboam,<sup>106</sup> which would eventually fracture Solomon's kingdom in two.

Blaming the division of the kingdom on Solomon's marriage alliances with foreign nations may have contained enough truth to support the accompanying theology. Since it was known that Solomon's alliance with Siamun had proven disastrous for Israel when Shishak arose to power in Egypt, the connection between foreign wives and the fall of the united kingdom may have made sense to D's Yahwist audience of the seventh century.

As demonstrated, the earliest strata of the Hebrew Bible, from the author known as J, could disapprove of some marriages between Israelites and foreigners because of national hostilities and chauvinisms. It now seems that J, who lived in the times of David and Solomon, or shortly thereafter, may have had something to complain about.

To build Israel's power, and their own, David and

<sup>103</sup> I Kings 11:14-22.

<sup>104</sup> I Kings 11:18-22.

<sup>105</sup> ~~Tadmor 106.~~

<sup>106</sup> I Kings 11:40.

Solomon made marriage to foreigners part of their political strategy. To them, the elimination of exogamy would have been counter-productive when marriage alliances could be used to pursue diplomatic, political and economic gain.

Furthermore, David and Solomon could not have been the only people in Israel who shared that belief about exogamy. David - who may have married Abigail and Michal to alter and form public perception - would not have ignored popular opinion by marrying a foreigner against unanimous disapproval. Solomon, too, probably could not have survived the rebellions against him if he had alienated the entire nation through exogamy. As Martin A. Cohen has stated regarding biblical figures, "Heads of polities do not challenge the ideology on which they come to authority, especially when their subjects are content with that ideology and might be provoked to rebellion by its removal."<sup>107</sup>

There must have been some element, at least, within Israelite leadership and general society that found these marriages appropriate and even desirable. Indeed, J may

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<sup>107</sup> M.A. Cohen, "In All Fairness to Ahab," 91.

have been the product of a faction that was suspicious of politically motivated intermarriage at a time when the majority of the national political and cultic establishment favored it.

### Josiah's Revolution

A close reading of the book of Kings reveals that each king of Judah and Israel after the division of the kingdom is judged by two criteria — loyalty to the Davidic dynasty and loyalty to the exclusive worship of YHWH. Because of the first criterion, all but one king of Israel were regarded as "evil" — for they broke from the Davidic line of succession.<sup>108</sup> Because of the second criterion, only those Judean kings who opposed the worship of gods other than YHWH were regarded as "correct,"<sup>109</sup> even if they were militarily weak or otherwise undistinguished.<sup>110</sup> The primary author of the book of Kings, the source called D, judges everything according to a pro-Davidic, pro-YHWH ideology. The identity of this source can be inferred from the kings he favored the

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<sup>108</sup> Earning the description "evil" in the text. The one exception is Jehu, who was a strong supporter of YHWH and an opponent of foreign worship in Israel.

<sup>109</sup> There are seven kings so designated "good" in the text: Asa, Jehoshaphat, Amaziah, Uzziah, Jotham, Hezekiah and Josiah.

<sup>110</sup> For example, Amaziah is called "good" despite the fact that II Kings 14:13-14 describes how he was captured by the king of Israel and how the city of Jerusalem was breached and the Temple looted during his reign.



most — Hezekiah and Josiah.

D says of Hezekiah, "There was none like him among all the kings of Judah after him, nor among those before him"<sup>111</sup> Josiah is described likewise, "There was no king like him before who turned back to YHWH with all his heart and soul and might, in full accord with the Teachings of Moses; nor did any like him arise after him."<sup>112</sup> This praise might be considered surprising considering the events of the reigns of these two kings. Both ruled in the chaotic period between the dissolution and destruction of the Kingdom of Israel by Assyria in 724 and the fall of Judah in 587. During this entire period, Judah's existence was threatened by Assyria and by the flow of northern refugees into its borders. Under Hezekiah's rule, Assyria attacked Judah and captured all of her fortified towns.<sup>113</sup> As a result, Judah became a vassal and paid huge sums to Assyria out of the Temple and royal treasuries.<sup>114</sup> King Josiah may also have been an Assyrian vassal. He reigned over a bloody repression in which adherents to all gods but YHWH were suppressed<sup>115</sup> and the priests of cultic sites in Samaria were

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<sup>111</sup> II Kings 18:5.

<sup>112</sup> II Kings 23:25.

<sup>113</sup> II Kings 18:13.

<sup>114</sup> II Kings 18:15.

<sup>115</sup> II Kings 23:4-7.

put to death.<sup>116</sup>

Both of these kings, however, are praised in the Hebrew Bible for their zealous attachment to two principles: 1) a stringent nationalism that rejected all foreign gods and foreign rule, 2) loyalty to YHWH and faith in YHWH's ability to defend the nation.

II Kings 22 refers to the discovery of a "ספר התורה," a "scroll of the Teaching" in the time of Josiah.<sup>117</sup> Because of the resemblance of the policies Josiah implemented after reading the scroll to the principles of the book of Deuteronomy, most scholars agree that the scroll made up the bulk of what we now know as Deuteronomy. This proto-Deuteronomy was not so much "found," as the book of Kings claims, as it was written by the faction that persuaded Josiah to follow its course. That is the identity of D; it is the faction that backed Hezekiah and Josiah. It was this faction that also was primarily responsible for compiling (and lending its bias to) the history that now appears in Joshua, Judges, Samuel and Kings.

In the chaotic times of the seventh and eighth centuries, the Deuteronomists were the nationalist, pro-YHWH faction that opposed foreign alliances and supported Josiah's revolution. They bitterly opposed the policies of

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<sup>116</sup> II Kings 23:19-20.

<sup>117</sup> II Kings 22:8.

Hezekiah's son, Manasseh, who was a loyal vassal to Assyria during his reign of some 45 years. Manasseh is said by D to have introduced worship of the Assyrian astral cult<sup>118</sup> and he participated in Assyria's military campaigns against Egypt.<sup>119</sup> D regarded such cooperation as treasonous heresy. D's faction claimed a desire to rid Judah of foreign influence and sovereignty.<sup>120</sup>

After the death of their hero, Hezekiah, the D faction had to wait some 65 years to return to power. Then, in the eighteenth year of King Josiah's reign,<sup>121</sup> it succeeded in implementing its nationalist policies against foreign worship and foreign control. D differed from J by teaching that any alliance with other nations was forbidden - including the alliance of marriages. In contrast, J had described the patriarchs and Joseph as forming several such alliances without any criticism. D, for the first time, promulgated laws against foreign alliances and unconditionally forbade exogamy with Canaanite nations:

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<sup>118</sup> II Kings 21:3.

<sup>119</sup> Tadmor 146-148.

<sup>120</sup> Despite this position, Hezekiah was allied with Babylon as, in all probability, was Josiah. In our own day, too, authority figures are often more moderate than their most ardent supporters and zealots are rarely as consistent in policy as they are in rhetoric.

<sup>121</sup> According to II Kings 22. The revolution began in the eighth year of his reign according to II Chronicles 34:3, however, this source is considered less reliable as it is further removed in time from these events.



כי יביאך יהוה אלהיך אל-הארץ אשר-אתה בא-שמה לרשתה ונשל גוים רבים  
 מפניך ותחית והגדלשי והאמרי והקנעני והפרזי ותחית והיבוי שבקה גוים רבים  
 וציונים מספר: ונתנם יהוה אלהיך לשניך והקיתם הנדמים אתם לא-תכרת להם  
 ברית ולא תתנחם: ולא תתחתן עם בתך לא-תתן לבנו ובתו לא-תשק לבנו: כי-יטיר  
 את-בנוך מאחרי ועבדו אלהים אחרים ותרם-אף-יהוה בכם והשמידך מהר: כי אם-כה  
 תעשו להם מובתיהם תתצו ומצבתם תשברו ואשיריהם תגדעו ופסיליהם תשדפו  
 באש:

When YHWH your God brings you to the land that you are about to enter and possess, and He dislodges many nations before you - the Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites, seven nations much larger than you - and YHWH your God delivers them to you and you defeat them, you must doom them to destruction: grant them no terms and give them no quarter. You shall not intermarry with them: do not give your daughters to their sons or take their daughters for your sons. For they will turn your children away from Me to worship other gods, and YHWH's anger will blaze forth against you and He will promptly wipe you out. Instead, this is what you shall do to them: you shall tear down their altars, smash their pillars, cut down their sacred posts, and consign their images to the fire.<sup>122</sup>

This statement from Deuteronomy would become the locus classicus for the Hebrew Bible's proscription against intermarriage. Its list of seven forbidden nations is the most inclusive of any passage.

This passage closely parallels a passage in Exodus, which is usually attributed to J:

שמר-לב את אשר-אנכי מצוה היום הנני גרש מפניך את-האמרי והקנעני ותחית  
 והפרזי ותחית והיבוי: השמר לבך פן-תכרת ברית ליושב הארץ אשר אתה בא-עליה  
 פן-יהיה למוקש בעיניך: כי את-מצבתם תתצו ואת-מצבתם תשברו ואת-אשכריו  
 תכרתם: כי לא תשתתחו לאל אחר כי יהוה קנא שמו אל קנא הוא: פן-תכרת ברית  
 ליושב הארץ ונני אחרי אלהיהם ונכחו לאלהיהם וקרא לב ואכלת מזבחם: ולקחת  
 מבגדיו לבגד ונני בגמיו אחרי אלהיהם ונני את-בגד בגד אחרי אלהיהם:

<sup>122</sup> Deuteronomy 7:1-5.

Mark well what I command you this day. I will drive out before you the Amorites, the Canaanites, the Hittites, the Perizzites, the Hivites, and the Jebusites. Beware of making a covenant with the inhabitants of the land against which you are advancing, lest they be a snare in your midst. No, you must tear down their altars, smash their pillars, and cut down their sacred posts; for you must not worship any other god, because YHWH, whose name is Impassioned, is an impassioned God. You must not make a covenant with the inhabitants of the land, for they will lust after their gods and sacrifice to their gods and invite you, and you will eat of their sacrifices. And when you take wives from among their daughters for your sons, their daughters will lust after their gods and will cause your sons to lust after their gods.<sup>123</sup>

If this were a J text, it would be unique. Nowhere else does J forbid intermarriage as D does. Under Wellhausen's "classical" documentary hypothesis, one could not consider D to be a candidate for authorship of a passage in Exodus. However, the possibility of Deuteronomic authorship of this passage and others in Exodus has been noticed as far back as 1898 when S. R. Driver wrote, "The possibility must ... be admitted that some of these passages owe in reality their present form to Deuteronomic influence."<sup>124</sup>

The similarity of the themes juxtaposed in these two

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<sup>123</sup> Exodus 34: 11-16.

<sup>124</sup> S. R. Driver, *An Introduction to the Literature of the Old Testament* (Edinburgh: T. & T. Clark, 1898) 99. However, Driver prefers the explanation that the Exodus passage was authored by J and later imitated by D.

passages – the displacement of the Canaanite nations, the destruction of their cultic sites, and the prohibition against intermarriage with them – argues for a single source. It is likely that both passages were written by D.<sup>125</sup>

G. P. Hugenberger observes that Israel was forbidden to form parity treaties with other nations because such covenants would require the invocation of oaths in the name of each nation's gods – an impossibility for henotheistic Yahwists. D views YHWH as a "jealous God" (כַּיָּדָה) who will not tolerate any commerce with foreign gods of other nations.<sup>126</sup> In Harold Bloom's phrase, YHWH had "a lively anguish of contamination."<sup>127</sup> Since marriage was considered such an alliance between families, intermarriage with pagans was prohibited. Idolatry would necessarily have ensued when a ratifying oath was sworn.<sup>128</sup>

That covenant vows were made in the name of God is apparent throughout the Hebrew Bible.<sup>129</sup> Evidence that

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<sup>125</sup> Epstein 156n. Epstein, too, regards Exodus 34:11 as of Deuteronomistic origin, calling this, "the accepted opinion of biblical scholars."

<sup>126</sup> Deuteronomy 4:24; 5:9; 6:15; 29:19; 32:16; Joshua 24:19; I Kings 14:22.

<sup>127</sup> David Rosenberg and Harold Bloom, *The Book of J* (New York: Grove Weidenfeld, 1990) 311.

<sup>128</sup> G.P. Hugenberger, *Marriage as a Covenant* (New York: E.J. Brill, 1994) 21.

<sup>129</sup> For example, Joshua 2:12; 9:18-19; I Samuel 24:21; 28:10; I Kings 1:17; and 2:8.



covenant necessitated cultic worship can be found in other Ancient Near Eastern traditions. "The ratification of the covenant was frequently associated with the sacrifice of an animal," assert Mendenhall and Herion in their work on biblical covenants.<sup>130</sup> They find evidence of this in an Assyrian treaty of the Late Bronze Age in which an animal offering is named for the specific purpose of effecting covenant:

This spring lamb has been brought from its fold not for sacrifice, not for banquet, not for purchase, not for (divination concerning) a sick man, not to be slaughtered for [...]: it has been brought to sanction the treaty between Ashurnirari and Mati'ilu.<sup>131</sup>

Polytheistic nations like Assyria would not have any objections to covenants that required them to offer sacrifices or make vows in the names of foreign gods. Such an act would not threaten their relationships with their own gods.

According to the D passages in Exodus 34 and Deuteronomy 7, agreements with peoples who worshipped other gods, including marriage, was an affront to YHWH. The J source occasionally had disapproved of intermarriage on the basis of national chauvinism. In contrast, the D source here offers a theological argument and a prohibition against

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<sup>130</sup> Mendenhall and Herion I-1182.

<sup>131</sup> Pritchard 532.

intermarriage.

It must be remarked, however, that even D's prohibition on intermarriage had limits. D established guidelines, for example, for marrying a foreign woman captured in battle.<sup>132</sup> D's prohibition is built on the premise that foreign spouses will exert their power over the family and corrupt them with foreign worship. If, however, the foreigner has no power to wield, as in the case of a woman captured in war, intermarriage is acceptable.

There is a debate, both in antiquity and modernity, concerning the lists of nations to be conquered in Exodus 34 and Deuteronomy 7. Such lists appear throughout the Hebrew Bible.<sup>133</sup> It is uncertain whether they are meant to be taken literally or symbolically. If literally, then the prohibition against intermarriage might apply only to the seven nations in Deuteronomy 7. If they are symbolic, the list might be regarded as a typology for all foreigners and the prohibition extended to all nations. As we shall see, the books of Ezra and Nehemiah read the list as symbolic, whereas the rabbis of the Talmud took the pentateuchal prohibitions as applying only to the seven nations.

Shaye Cohen argues that the lists are literal based on

<sup>132</sup> Deuteronomy 21:10-14.

<sup>133</sup> Exodus 3:8, 17; 13:5; 23:23; 33:2; 34:11; Numbers 13:29; Deuteronomy 7:1; 20:17; Joshua 3:10; 12:8; 24:11; Judges 3:5; I Kings 9:20; Ezra 9:1; II Chronicles 8:7.

the context of the exodus story. He writes, "Moses commands the Israelites to destroy the seven Canaanite nations because they threaten Israelite religious identity and live on the land which the Israelites will conquer. Intermarriage with them is prohibited."<sup>134</sup>

Yet, there is a problem with this assertion. The nations listed do not necessarily correspond to discrete ethnic or national identities. Archeologists have identified a "Canaanite" civilization, but the term often is used in the Hebrew Bible to refer to all the non-Israelite inhabitants of the land,<sup>135</sup> and it even is used occasionally to mean "merchant."<sup>136</sup> The term Hittite is even more confusing. Joshua refers to a people that live near the Euphrates<sup>137</sup> that can possibly be connected to a Hittite empire based in Asia Minor or to the Neo-Hittite kingdoms of northern Syria.<sup>138</sup> But the references to "Hittites" in the lists of nations to be conquered could not have been these people because they did not extend into Palestine.

The lists of nations and their order also change.

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<sup>134</sup> Shaye Cohen, "From the Bible to the Talmud: The Prohibition of Intermarriage," *Hebrew Annual Review* 7 (1983) 25.

<sup>135</sup> Genesis 50:11, for example.

<sup>136</sup> Hosea 12:7; Zephania 1:11.

<sup>137</sup> Joshua 1:4.

<sup>138</sup> Gregory McMahon, "Hittites in the OT," *The Anchor Bible Dictionary: Volume 3*, ed. D.N. Freedman, et al. (New York: Doubleday, 1992) 233.



There are 14 lists of nations inhabiting the land promised to Israel in the primary history (Genesis to Kings).<sup>139</sup> Nine list the names of six nations (Hittite, Amorite, Canaanite, Perizzite, Hivite, and Jebusite), three list seven (adding Gergashite), and two list only five (one omitting Canaanite, the other Perizzite). Eight of the lists put the names of the nations in a unique order. Changes in the inclusion and exclusion of nations do not appear to correspond in any way to the context in which the lists appear.

Such variations could be explained as the result of the compilation of various oral traditions. However, the evidence that some of the nations on these lists never existed as intact sovereign nations in Canaan suggests a different explanation. The lists of nations may have been no more than symbols for "native Canaanites." This could be compared to the way a modern American might speak of "The Cherokee, Comanche, Navaho and Sioux," to refer to the entirety of Native North America. The lists are fluid because the individual nations included or excluded are unimportant. The meaning of the lists, however, is always the same - "non-Israelites living in the land."

This is the explanation for the apparent superfluity,

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<sup>139</sup> Exodus 3:8, 17; 13:5; 23:23; 33:2; 34:11; Deuteronomy 7:1; 20:17; Joshua 3:10; 9:1; 12:8; 24:11; Judges 3:5; and I Kings 9:20.

in the description of the nations that Solomon enslaved to mount his building projects: "כל-העם הנוותר מן-האמרי החתי הפרזי החי: "All the people that were left of the Amorites, Hittites, Perizzites, Hivites, and Jebusites, who were not of the Israelite stock."<sup>140</sup> / Naturally, these nations were "not of the Israelite stock." The text only adds that phrase to make clear that it is speaking generally of non-Israelite residents. The lists of nations must be understood as a symbol for all the inhabitants of the land who are not accepted as "Israelites," not as lists of discrete races or nations.

During the entirety of the First Temple period, there were many people of various national origins who lived in Canaan. Some of these people had joined under Saul and later David's banners as "Israelites" for military defense, primarily against the Philistines. Most, but not all, of these nations were later identified as one of the "twelve tribes of Israel," twelve being a number that connotes "wholeness" in the biblical context, perhaps because of the twelve lunar cycles in a year.<sup>141</sup>

The native people who did not join the confederation are called by different names. The ones whom the biblical

<sup>140</sup> I Kings 9:20, emphasis added.

<sup>141</sup> For example Genesis 17:20; 25:16; Exodus 15:27; Numbers 33:9; Joshua 18:24; 19:15; I Kings 12:7.

writers like are identified as the "עַמִּיּוֹת," "mixed multitude,"<sup>142</sup> that joined Israel in the wilderness, and as the "גֵּרִים עִמָּךְ," "the strangers with you,"<sup>143</sup> toward whom Leviticus commands kindness. The ones whom the biblical writers dislike are identified by the inconsistent lists of nations that YHWH ordered Israel to destroy entirely. But, as I Kings 9:20 (quoted above) makes clear, this genocide never happened; there remained many "foreigners" in the land at least until the time of Solomon.

The D faction's general dislike of the foreigners who resided in its land can be understood by looking at the historical context. D lived in a time when Assyria had been relocating foreigners into what had been the northern kingdom.<sup>144</sup> When these foreigners began to introduce worship of their gods on the land, D responded by vilifying these intruders and calling for their eradication.<sup>145</sup>

In contrast, D's distaste for foreigners and foreign marriage is somewhat tempered against peoples whose native land was remote from the land promised by YHWH. This is

<sup>142</sup> Exodus 12:38.

<sup>143</sup> Leviticus 25:6.

<sup>144</sup> II Kings 17:24-29. There is no problem with the fact that the people listed here — from Babylon Cuthah, Avva, Hamath, and Sepharvaim — do not match the nations listed in Deuteronomy 7. As discussed, that list is a typology of all non-Israelites residing in the land. The list in II Kings 17 is an attempt to report the actual origins of the new immigrants.

<sup>145</sup> II Kings 17:24-27.



evident in Deuteronomy 23:

לא יקח איש את אשת אביו ולא יגלה כנף אביו: <sup>146</sup> לא יבא פסוע דקה וקרוח  
שפכה בקהל יתה: \* לא יבא ממור בקהל יתה גם דור עשירי לא יבא לו בקהל  
יתה: \* לא יבא צמוגי ומאבי בקהל יתה גם דור עשירי לא יבא להם בקהל יתה  
עד עולם: על דבר אשר לא קדמו אתכם בלחם ובמים בדרך בצאתכם ממצרים  
ואשר שבר עליך את בלעם בן בעור מפתור ארם נביים לשללה: ולא אבה יתה  
אלהיך לשמע אל בלעם ויהפך יתה אלהיך לך את הקללה לברכה כי אהבך יתה  
אלהיך: לא תדרש שלום וטבתם כל ימך לעולם: \* לא תתעב אדם כי אחיך הוא  
לא תתעב מצרי כי גר היית בארצו: בנים אשר יולדו להם דור שלישי יבא להם  
בקהל יתה:

No man shall marry his father's [former] wife, so as to remove his father's garment.\* No one whose testes are crushed or whose member is cut off shall be admitted into the congregation of YHWH.\* No one [misbegotten?] shall be admitted into the congregation of YHWH; none of his descendants, even in the tenth generation, shall be admitted into the congregation of YHWH.\* No Ammonite or Moabite shall be admitted into the congregation of YHWH; none of their descendants, even in the tenth generation, shall ever be admitted into the congregation of YHWH, because they did not meet you with food and water on your journey after you left Egypt, and because they hired Balaam son of Beor, from Pethor of Aram-naharaim, to curse you. - But YHWH your God refused to heed Balaam; instead, YHWH your God turned the curse into a blessing for you, for YHWH your God loves you. - You shall never concern yourself with their welfare or benefit as long as you live.\* You shall not abhor an Edomite, for he is your kinsman. You shall not abhor an Egyptian, for you were a stranger in his land. Children born to them may be admitted into the congregation of YHWH in the third generation.<sup>147</sup>

This passage is fraught with difficulties. The most obvious problem is the meaning of the phrase, "לא יבא בקהל יתה,"

"He shall not be admitted into the congregation of YHWH,"

<sup>146</sup> Asterixes (\*) indicate positions of closed breaks in the Masoretic text.

<sup>147</sup> Deuteronomy 23:1-9.

YHWH." Rabbinic Judaism would interpret the phrase - and used it - to refer to a prohibition against marriage.<sup>148</sup>

Such an interpretation also has many supporters among modern biblical scholars. W. G. Plaut takes this interpretation for granted in his commentary.<sup>149</sup> There are two strong arguments in its favor. The first relates to the juxtaposition of this text with Deuteronomy 22:13-23:1, which is clearly concerned with issues of marriage. The second is the list of nations with whom Solomon is said to have intermarrying in I Kings 11:1. This list includes Moab and Ammon - nations which the present text says "may not be admitted into the congregation."<sup>150</sup> Since Solomon is expressly criticized for marrying women of these nations, it appears that such marriages were forbidden, perhaps by this verse.

Ezra and Nehemiah also appear to interpret the phrase to refer to marriage. However, as shall be discussed in the next section, they had pointed reasons for doing so.

However, the Dead Sea sect may have understood the

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<sup>148</sup> To cite just one of many examples, in B. Taanith 30b, Rav Nahman identifies the 15th of Av as the day that the tribe of Benjamin was again permitted to "enter the congregation," an end to the decision of the men of Israel not to intermarry with Benjamin in Judges 21:1.

<sup>149</sup> W. G. Plaut, *The Torah: A Modern Commentary* (New York: Union of American Hebrew Congregations, 1981) 1495.

<sup>150</sup> However, I Kings 11:1 also mentions Hittites, who are treated as a "kinsman" in the present text.

phrase differently. In the scroll designated, "4Q Florilegium," Ammonites and Moabites are forbidden to enter the messianic temple, along with ממזרים, בני נכר, and גרים.<sup>151</sup> This appears to be a reference to Deuteronomy 23:1-9, the only place in the Hebrew Bible where Ammonites, Moabites and Mamzers are grouped together. The scroll, therefore, appears to have read "be admitted to the congregation" as "enter the temple."

Some modern exegetes have also interpreted the phrase more literally. Shaye Cohen cites a verse in Lamentations that, he says, demands a different interpretation. In this verse, the author speaks of Jerusalem metaphorically as a woman:

ידו פרש אר  
על כל ממזרית  
כי-ראתה  
גוים באו מקדשה  
אשר צויתה לא-יבאו  
בקהל עד

The foe has laid hands  
On everything dear to her.  
She has seen her Sanctuary  
Invaded by nations  
Which You have denied admission  
Into your community.<sup>152</sup>

From this verse, Shaye Cohen concludes that the phrase, "באו מקדשה," can only mean the opposite of, "לא-יבאו בקהל," referring to entering YHWH's temple. "The phraseology is

<sup>151</sup> S. Cohen, "From the Bible to the Talmud," 32.

<sup>152</sup> Lamentations 1:10.



the same as that of Deuteronomy 23:2-4 and 9," says Cohen, "A reference to marriage [in Lamentations] is clearly irrelevant." Likewise, YHWH assures a eunuch in Isaiah 53 that he will have a name "בְּיִתִּי וּבְחוֹמֹתַי," "within my House and within my walls," in response to the restriction of Deuteronomy 23:2.<sup>153</sup> As further evidence, Cohen cites evidence from Demosthenes that foreigners and bastards were excluded from Greco-Roman temples.<sup>154</sup>

It is possible, however, to formulate an interpretation that harmonizes the viewpoints of both Plaut and Cohen. If, as discussed, marriage was tantamount to participation in cultic ritual, then the restriction of "entering the Temple of YHWH," would apply to both sacrifices and to marriage. This is the position of Jeffrey Tigay who concludes, "While 'may not be admitted into the *kahal* of the Lord' does not mean, 'may not marry an Israelite,' it implies it."<sup>155</sup>

The phrase, "until the tenth generation" must be understood as referring to a permanent exclusion. This is supported by the added phrase, "לְדָוָם," "for all time" in verse 4.<sup>156</sup>

<sup>153</sup> S. Cohen, "From the Bible to the Talmud," 32.

<sup>154</sup> S. Cohen, "From the Bible to the Talmud," 32n.

<sup>155</sup> J.H. Tigay, *Deuteronomy Commentary* (Philadelphia: The Jewish Publication Society, 1996) 477.

<sup>156</sup> However, see V.P. Hamilton "Marriage (OT and ANE)," *The Anchor Bible Dictionary*, Vol. 4, ed. D.N. Freedman, et al. (New York: Doubleday, 1992) 564. Hamilton states that

The exclusion of Ammonites and Moabites here appears to be at odds with other versions of the Israelites' wanderings through the wilderness. The story of Balak, king of Moab, hiring Balaam to curse Israel does appear in Numbers 22-24. But the accusation that Moab "did not meet you with food and water on your journey after you left Egypt" is contradicted within Deuteronomy. Moses relates how he told King Sihon of Heshbon, "What food I eat you will supply for money, and what water I drink you will furnish for money; just let me pass through - as the descendants of Esau who dwell in Seir did for me, and the Moabites who dwell in Ar..."<sup>157</sup> As for the Ammonites, there is no mention of Israel's contact with them in Numbers, and in Deuteronomy there is only YHWH's command that Israel should not contend with them.<sup>158</sup> The true source of D's vilification of these two nations may lie in the united front they formed against Israel during the reign of King Jehoshaphat (ninth century).<sup>159</sup>

The exclusion of the "mop" in this passage traditionally has been understood as the exclusion of the person conceived as a result of adultery or incest.

However, it is possible that verse 3, here, is meant to

the term means, literally, that "intermarriage between Israelites and these two groups was postponed for ten generations."

<sup>157</sup> Deuteronomy 2:28-29.

<sup>158</sup> Deuteronomy 2:19. It should be noted that Deuteronomy 1-3 is generally assumed to have been written



exclude another nation along with Ammonites and Moabites. The only other verse in the Hebrew Bible containing "ממזר" reads, "וְיָשָׁב מִמְזָר בְּאַשְׁדּוֹד וְהִכְרַתִּי גֵּאֹן פְּלִשְׁתִּים:", "[Mamzer] shall settle in Ashdod and I will uproot the grandeur of the Philistines."<sup>160</sup> Ibn Ezra uses this verse as the basis of his reading of ממזר as "Ashdodite." This also appears to be the reading of the Deuteronomy passage by the author of Nehemiah, as shall be discussed.

The references to the "admission" of Egyptians and Edomites appears strange. Why of all nations would Egypt be singled out for entering the Israelite community? This passage suggests that people of Egyptian descent could join the Israelite community after three generations - that is, the grandchildren of the first immigrants would be welcomed into the community. The mention of Edom as Israel's "kinsman," literally "your brothers," appears to refer to Edom's association with Jacob's brother Esau.<sup>161</sup> Edom is called Israel's brother elsewhere in the Hebrew Bible,<sup>162</sup> and the relationship between the two nations and the two brothers are described in the same paradox of love and hate. The shifting status of Egypt and Edom in the Hebrew Bible may result from shifting political alliances in the times of later than the core of the book (chapters 5-28), a possible explanation for the discrepancies.

<sup>159</sup> II Chronicles 20:1, 22-23.

<sup>160</sup> Zechariah 9:6.



its composition.

Shaye Cohen, however, understands the varying degrees of exogamy permitted with foreign nations as a function of their distance from the borders of Israel.

The Ammonites and Moabites, somewhat more removed, distant and therefore somewhat less dangerous [than the Canaanites], were not consigned to destruction and isolation; they were merely prohibited from "entering the congregation" (Deut. 23:4). The Egyptians and the Edomites were even permitted to "enter the congregation" after three generations (Deut. 23:8-9). Other nations, even further removed from the Israelite horizon, were presumably not subject to any prohibition.<sup>163</sup>

Cohen's view is consistent with D's anxieties about the resettlement of conquered peoples by the Assyrians. It is also consistent with the theory that D originated in the northern Kingdom of Israel,<sup>164</sup> where Ammon and Moab were not major threats and Edom was no threat at all. All of this does not suggest that D's theological justifications against exogamy are hypocritical, rather, they reflect D's understanding of YHWH within a social and political context.

In keeping with its developing aversion toward Canaan's foreign population, D expands upon J's anxieties about the lure of foreign women. In the story of Israel's attachment to Baal-peor in Numbers 25, J had depicted the Moabite/Midianite women as an attractive nuisance. They "invited"

<sup>161</sup> Genesis 36:1, 8, 19, 43.

<sup>162</sup> Numbers 20:14; Obadiah 1-10.

<sup>163</sup> S. Cohen, "From the Bible to the Talmud," 25.

(ותקרא) the Israelite people who actively "began to whore after" them (ויקח העם לזנות אל-בנות מואב).<sup>165</sup> In D's embellishment of this theme, the foreign women are depicted as the active party - wickedly seducing Israelite men with their sexual enticements.

In D's presentation of the story of Samson,<sup>166</sup> the hero is presented as a נָזִיר (a special form of personal consecration to YHWH)<sup>167</sup> from birth. For his dedication to YHWH, symbolized by his hair, Samson is rewarded with remarkable strength. But this hero has a fatal flaw in his attraction to foreign women. Upon coming to maturity, Samson encounters a Philistine woman:

וַיֵּד שָׁמֶשׁן תַּמְנָתָהּ וַיֵּד אִשָּׁה בְּתַמְנָתָהּ מִבְּנוֹת פְּלִשְׁתִּים: וַיֵּצֵל וַיֵּבֶד לְאִבּוֹ וּלְאִמּוֹ וַיֹּאמֶר אִשָּׁה רָאִיתִי בְּתַמְנָתָהּ מִבְּנוֹת פְּלִשְׁתִּים וַעֲתָה קָחוּ אוֹתָהּ לִי לְאִשָּׁה: וַיֹּאמֶר לוֹ אָבִיו וְאִמּוֹ הֲאֵין בְּבָנוֹת אֶחָד וּבְכָל-עַמִּי אִשָּׁה כִּי-אַתָּה הוֹלֵךְ לַקְּחַת אִשָּׁה מִפְּלִשְׁתִּים הָעַרְלִים וַיֹּאמֶר שָׁמֶשׁן אֶל-אָבִיו אוֹתָהּ קַח-לִי כִּי-הִיא יְשֵׁרָה בְּעֵינַי: וְאָבִיו וְאִמּוֹ לֹא יָדְעוּ כִּי מִתְּנָהּ הִיא כִּי-תֹאנָה הִוא-מִבְּקֶשׁ מִפְּלִשְׁתִּים וּבָעֵת הַהִיא פְּלִשְׁתִּים מַשְׁלִים בְּיִשְׂרָאֵל:

Once Samson went down to Timnah; and while in Timnah, he noticed a girl among the Philistine women. On his return, he told his father and mother, "I noticed one of the Philistine women in Timnah; please get her for me as a wife." His father and mother said to him, "Is there no one among the daughters of your own kinsmen and among all our people, that you must go and take a wife from the uncircumcised Philistines?" But Samson answered his father, "Get me that one, for she is

<sup>164</sup> Tigay xxiii-xxiv.

<sup>165</sup> Numbers 25:1-2.

<sup>166</sup> Judges 13-16. My section on Samson draws heavily upon my essay "The Power of Women in the Stories of Samson" (submitted in the course "In Search of Eve," taught by Dr. S. David Sperling, December 1999).

the one that pleases me." His father and mother did not realize that this was YHWH's doing: He was seeking a pretext against the Philistines, for the Philistines were ruling over Israel at that time.<sup>168</sup>

Samson's physical desire for foreign women (motivated only by seeing, as the words "וַיֵּרָא", "I saw," and "וַיִּשְׂקָה בְּעֵינָי", "pleasing to my eyes," are emphasized) is both the means of his eventual retribution against the Philistines and his later downfall at their hands. The response of Samson's father against his son's exogamous desires echoes the national chauvinism familiar from J stories, and this story may have originated from that source. But, in the end, the story has a female villain unlike the foreign women of J.

Samson proceeds through a number of sexual encounters with foreign women who intend him no harm. In each of these, however, Samson is threatened by Philistine men and he ends up taking vengeance against them. The encounters become progressively more dangerous for Samson, but he proceeds from triumph to triumph. Finally, he meets his match in Delilah. Delilah actively seeks Samson's downfall and destruction.

Delilah does not merely "invite" Samson away from loyalty to YHWH. The Philistines pay Delilah with the command, "וַיִּשְׂקָהוּ", "seduce him," so that they might "וַיִּשְׂקָהוּ".

<sup>167</sup> Laws regarding the דָּבָר are presented in Numbers 6.

<sup>168</sup> Judges 14:1-4.



וַיִּבְדֹּל, "bind him and sexually subdue him."<sup>169</sup> Ever motivated by his sexual desire, Samson is ultimately victimized by it. Overwhelmed by Delilah's sexual enticements,<sup>170</sup> Samson divulges the source of his strength and breaks his covenant with YHWH. The Philistines captured him and deprived him of his strength (figuratively emasculating him by cutting off his hair).

The story suggests a lesson regarding exogamy. Israelites who pursue foreign women are portrayed as motivated by lust. They are disloyal to their nation. The story suggests that while a man might delude himself into believing that he can remain in control, foreign women will ultimately lead him into disloyalty against YHWH.

The ultimate symbol of the wicked foreign woman in the D source, though, is Jezebel, the wife of the Israelite king Ahab. Ahab ascended the throne of Israel after his father, King Omri, died in approximately 869. Omri was described by

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<sup>169</sup> The sexual connotation of the verb *וַיִּבְדֹּל* is evident in its use in Genesis 34:2, Deuteronomy 21:14; 22:24,29; Judges 19:24; 20:5; II Samuel 13:11-12; Ezekiel 22:10,11; and Lamentations 5:11, where it generally means "rape" or "sexually humiliate."

<sup>170</sup> This interpretation is based on reading "וַיִּבְדֹּלָהּ" (Judges 16:16) to mean that Delilah broke Samson with unrelenting sexual arousal - "When she stiffened him with her words all day and teased him until he thought he would die." The verb *וַיִּבְדֹּל* has the meaning, "to pressure to the point of bursting" in Job 32:18-19 and 36:16.

D as "worse than all who preceded him,"<sup>171</sup> yet his son would exceed him in this. D reports, "Not content to follow the sins of Jeroboam son of Nebat, he took as wife Jezebel, daughter of King Ethbaal of Sidon,<sup>172</sup> and he went to serve Baal and worshipped him"<sup>173</sup> and "Ahab did more to vex YHWH, the God of Israel, than all the kings of Israel who preceded him."<sup>174</sup> Ahab's name would become a byword for the wickedness of future kings.<sup>175</sup> He is the only king of Israel or Judah after David and Solomon reported to have married a foreigner.

Jezebel owes her infamous reputation to just a few short passages in the book of Kings. She is depicted as an arch enemy of YHWH and his followers:

וְהָיָה בְּהַכְרִית אִיזָבֵל אֶת נְבִיאֵי יְהוָה וַיִּקַּח עֲבָדָיו כֶּסֶף וְנִזְמָאִים וַיַּחַבֵּאֵם תַּמְשִׁים אִישׁ  
בְּמַעְרָה וּכְלִלָם לֶחֶם וָמִים:

When Jezebel was killing off the prophets of YHWH and Obadiah had taken a hundred prophets and hidden them fifty to a cave, and provided them with food and drink...<sup>176</sup>

After the people at Mount Carmel slaughtered the prophets of Baal at the command of YHWH's prophet, Elijah, Jezebel ordered Elijah's execution:

<sup>171</sup> I Kings 16:25.

<sup>172</sup> JPS renders "זִידֹנִים" as "Phoenicians." Josephus identifies Ethbaal as the king of Tyre and Sidon (*Antiquities* 8.13.1).

<sup>173</sup> I Kings 16:31.

<sup>174</sup> I Kings 16:33.

<sup>175</sup> II Kings 21:3, 13; Micah 6:16.

<sup>176</sup> I Kings 18:4.

וַיִּגַד אֶחָב לְאִיזֶבֶל אֵת כָּל-אֲשֶׁר עָשָׂה אֱלֹהֵיוּ וְאֵת כָּל-אֲשֶׁר הָרַג אֶת-כָּל-הַנְּבִיאִים  
בְּחֶרֶב: וַתִּשְׁלַח אִיזֶבֶל מַלְאָךְ אֶל-אֱלִיהוּ לֵאמֹר כֹּה-יַעֲשֶׂהוּ אֱלֹהִים וְכֹה יוֹסִפוּן כִּי-רָצָה  
מִתּוֹר אֲשֵׁים אֶת-נַפְשְׁךָ כְּנַפְשׁ אֶחָד מֵהֶם:

When Ahab told Jezebel all that Elijah had done and how he had put all the prophets to the sword, Jezebel sent a messenger to Elijah, saying, "Thus and more may the gods do if by this time tomorrow I have not made you like one of them."<sup>177</sup>

In the idiom of the Bible, this was Jezebel's oath to kill Elijah as the prophets of Baal had been killed.

The story that shows Jezebel's wickedness most clearly, though, is that of Naboth's vineyard. Ahab had asked Naboth to sell him his vineyard adjacent to Ahab's palace, but Naboth refused, citing YHWH's injunction against the sale of inherited land. Ahab returned home, "סָר וָעָף," "dispirited and sullen." He lay down, "וַיִּטֵּב אֶת-פָּנָיו וְלֹא-אָכַל לֶחֶם," "turned away his face and would not eat." When he related the encounter to Jezebel, she replied:

אָתָּה עָתָה תַּעֲשֶׂה מְלוּכָה עַל-יִשְׂרָאֵל כִּי־אָכַל לֶחֶם וַיִּטֵּב אֶת-פָּנָיו אֲנִי אֵתָּה לָךְ  
אֶת-כָּרִם נָבוֹת הַיִּזְרְעֵלִי: וַתִּכְתֹּב סְפָרִים בְּשֵׁם אֶחָב וַתִּתֵּןם בְּיָדָם וַתִּשְׁלַח  
סְפָרִים<sup>178</sup> אֶל-הַזִּקְנִים וְאֶל-הַחֲזָקִים אֲשֶׁר בְּעִירוֹ הַיֹּשְׁבִים אֶת-נָבוֹת: וַתִּכְתֹּב  
בְּסְפָרִים לֵאמֹר שְׂאוּ-צֹם וְהָשִׁיבוּ אֶת-נָבוֹת בְּרֹאשׁ הָעָם: וְהוֹשִׁיבוּ שָׁנִים  
אֲנָשִׁים בְּנֵי-בְלִיעַל נָגְדוּ וַיַּעֲדוּהוּ לֵאמֹר בִּרְכַת אֱלֹהִים וּמִלֵּךְ הוֹדִיאוּהוּ וְסָקְלוּהוּ  
וַיָּמָת:

"Now is the time to show yourself king over Israel. Rise and eat something, and be cheerful; I will get the vineyard of Naboth the Jezreelite for you." So she wrote letters in Ahab's name and sealed them with his seal, and sent the letters to the elders and the nobles who lived in the same town with Naboth. In the letters she wrote as

<sup>177</sup> I Kings 19:1-2.

<sup>178</sup> K'tiv: הספרים.



follows: "Proclaim a fast and seat Naboth at the front of the assembly. And seat two scoundrels opposite him, and let them testify against him: 'You have reviled God and king!' Then take him out and stone him to death."<sup>179</sup>

After this was accomplished, Jezebel told Ahab:

קום רש את-כרם נבואת היזרעאלי אשר מאן לתת-לך בכסף כי אין נבואת נני  
כי-מת: ויהי כשמע אתאב כי מת נבואת ויקם אתאב לדדת אל-כרם נבואת  
היזרעאלי לדשתו:

"Go and take possession of the vineyard which Naboth the Jezreelite refused to sell you for money; for Naboth is no longer alive, he is dead." When Ahab heard that Naboth was dead, Ahab set out for the vineyard of Naboth the Jezreelite to take possession of it.<sup>180</sup>

Jezebel here is portrayed as a treacherous and deceitful woman, a usurper of her husband's royal authority, and a cold, callous killer. Ahab, in comparison, appears weak and almost childlike in the way he sulks over the vineyard he could not have. Moreover, the text creates the impression that Ahab was won over to Baal worship by his wife. The author portrays all the evils of Ahab's reign - the establishment of Baal worship,<sup>181</sup> famine,<sup>182</sup> and war against Aram<sup>183</sup> - as consequence of Jezebel's calculated foreign influence over the king. However, an historical view of Ahab's period tells a very different story.

Historians view Ahab as a skillful tactician in foreign

<sup>179</sup> I Kings 21:7-10.

<sup>180</sup> I Kings 21:15-16.

<sup>181</sup> I Kings 16:32.

<sup>182</sup> I Kings 18:2.

<sup>183</sup> I Kings 20:1.

policy at a time when the threat of Assyria began to loom large over Israel. Ahab concluded treaties with neighboring Judah, Aram and Phoenicia - nations with histories of antagonism toward Israel - in order to combine forces and keep Assyria at bay. The treaty with Judah was sealed by the marriage of Ahab's sister, Athalia, to the Judean prince, Jehoram.<sup>184</sup> Similarly, Ahab's marriage to Jezebel was likely the outcome of a treaty with Phoenicia.<sup>185</sup> The historian Martin A. Cohen remarks that during the reign of Ahab and the dynasty of his father Omri:

Peace was established with [Israel's] neighbors, even with Aram, and treaties for defense and commerce were concluded, not the least important being the one with Tyre. Internal stability greatly increased, epitomized by the fact that Ahab became the first monarch of the northern kingdom to mount the throne and leave it peacefully.<sup>186</sup>

To contest the charge of Baalism against Ahab, Thiel notes that Ahab named his two sons who were destined to rule Israel with Yahwistic names, Ahaziah ("YHWH has taken hold") and Jehoram ("YHWH is mighty"). "These names," says Thiel, "were Ahab's way of demonstrating his attachment to the God

<sup>184</sup> II Kings 8:26. Verse 18 identifies Athalia as Ahab's daughter.

<sup>185</sup> Winfried Thiel, "Ahab (person)," *The Anchor Bible Dictionary: Volume 1*, trans. Dietlinde M. Elliott, ed. D.N. Freedman, et al. (New York: Doubleday, 1992) 101.

<sup>186</sup> M.A. Cohen, "In All Fairness to Ahab," 91. The death of Ahab in battle, as described in I Kings 22:35, is also regarded as ahistorical by Thiel (103), owing to the statement that Ahab "slept with his fathers" (i.e., died peacefully) in I Kings 22:40.

of Israel.<sup>187</sup>

The incident with Naboth's vineyard is understood by some historians in a political context. Thiel sees it as "an instance of conflict between the old Israelite property laws and the interests of the king."<sup>188</sup> The Israelite old guard had protected its wealth with laws that forbade the permanent sale of inherited property. Ahab opposed this position, favoring the free trade of property as practiced elsewhere in the ancient Near East. The story of Naboth's vineyard can be seen as the work of an old guard partisan who wished to vilify Ahab's free trade position.

The historical picture of Ahab is that of a strong king. He rearranged the international politics of his day, creating treaties with nations long aggressive to Israel. He was also a domestic reformer who challenged the inherited wealth and power of the old guard. His treatment in the book of Kings suggests precisely that D did not like strong kings who would change (what they perceived to be) the ancient status quo. This distrust of strong monarchs is seen nowhere more clearly than in Deuteronomy 17:

כי-תבא אל-הארץ אשר יהיה אליהך נתן לך וירשמה וישבתה בה ואמרת  
אשימה עלי מלך ככל-הגוים אשר סביבותי: שום תשים עליך מלך אשר יבחר  
יהוה אליהך בו מערב אחיך תשים עליך מלך לא תוכל לתת עליך איש נכרי  
אשר לא-אחריך הוא: רק לא-ירבה-לו סוסים ולא-ישיב את-העם מצדמה  
למען תרבות סוס ויהיה אמר לכם לא תספון לשוב בדרך תה עוד: ולא

<sup>187</sup> Thiel 102.

<sup>188</sup> Thiel 102.



יִרְבֶּה-לוֹ נָשִׁים וְלֹא יִסֹּד לִבּוֹ וְכֶסֶף וְזָהָב לֹא יִרְבֶּה-לוֹ מְאֹד:

If, after you have entered the land that YHWH your God has assigned to you, and taken possession of it and settled in it, you decide, "I will set a king over me, as do all the nations about me," you shall be free to set a king over yourself, one chosen by YHWH your God. Be sure to set as king over yourself one of your own people; you must not set a foreigner over you, one who is not your kinsman. Moreover, he shall not keep many horses or send people back to Egypt to add to his horses, since YHWH has warned you, "You must not go back that way again." And he shall not have many wives, lest his heart go astray; nor shall he amass silver and gold to excess.<sup>189</sup>

D liked weak kings. In fact, the institution of the monarchy was considered optional by D. The law against a foreign king may be read as a prohibition against foreign marriage within the royal line - it is perhaps a direct attack against the two sons of Jezebel who would become kings of Israel. The restrictions against horses would limit a king's military power and the restriction against silver and gold, obviously, limit his personal wealth.<sup>190</sup>

The limitation on wives echoes the attack on Solomon, whose wives also "turned his heart."<sup>191</sup> It may have been intended to restrict kings from forming treaties with

<sup>189</sup> Deuteronomy 17:14-17.

<sup>190</sup> This is not to imply that these rules concerning royal power were ever actually implemented. They were the position of the D faction, perhaps only when kings they disliked were in power. Compare this to position of many contemporary American politicians in favor of term limits. Once elected, the position is often modified or dropped.

<sup>191</sup> Although the verb for "turn" in I Kings 11 is *סָבָה*, as opposed to *סָבָה* in Deuteronomy 17:17.

foreign nations through marriage, as did Solomon and Ahab.

Clearly, D's opposition to intermarriage arose out of political circumstances. D's faction opposed treaties with foreign powers that would introduce foreign influence into Judah. Intermarriage, to D, was a ready metaphor for such influence. The D authors read that position back into their past and rewrote the national legends to reflect those values.

This is not to say, however, that D's understanding of YHWH was hypocritical - that it was a merely convenient theology to support their politics. Like people of all times, the D authors created a belief system out of their personal responses to the issues of their day. Their belief system opposed intermarriage because of their morals as much as their politics.

#### Racial Purity in the Books of Ezra and Nehemiah

Deuteronomy marks the last theological development for which we have a record before the Babylonian exile. During the exile, a new trend regarding exogamy was forged by the ideological descendants of the Deuteronomists. Living among alien peoples, the exiles were a minority within an alien culture. The pressures toward assimilation and exogamy were greater than ever.

Either in exile or shortly after, the Priestly authors (P), who wrote and compiled the book of Leviticus and much else in the Hebrew Bible, wrote a story they set back in the days of the Israelites wanderings through the desert. In Leviticus 24, they wrote:

וַיֵּצֵא בֶן-אִשָּׁה יִשְׂרָאֵלִית וְהוּא בֶן-אִישׁ מִצְרִי בְּתוֹךְ בְּנֵי יִשְׂרָאֵל וַיִּצְוּ בְּמַחֲנֶה  
 בֶּן הַיִּשְׂרָאֵלִית וְאִישׁ הַיִּשְׂרָאֵלִי: יֵאָמֶר בֶּן-הָאִשָּׁה הַיִּשְׂרָאֵלִית אֶת-הַשֵּׁם  
 הַקָּדוֹל וַיִּבְרָאוּ אֹתוֹ אֶל-מֹשֶׁה וְשֵׁם אִמּוֹ שְׁלֹמִית בַּת-דִּבְרִי לְמִשֶּׁה-דָּן: וַיִּצְוּהוּ  
 בְּמִשְׁכַּד לִפְרֹשׁ לָהֶם עַל-פִּי יְהוָה: <sup>192</sup> וַיְדַבֵּר יְהוָה אֶל-מֹשֶׁה לֵאמֹר: יֵד הוּצֵא  
 אֶת-הַמִּקְלָל אֶל-מַחֲוֹץ לַמַּחֲנֶה וְסָמְכוּ כָל-הַשִּׁמְעִים אֶת-יְדֵיהֶם עַל-רֹאשׁוֹ  
 וְרָגְמוּ אוֹתוֹ כָּל-הָעֵדָה:

There came out among the Israelites one whose mother was Israelite and whose father was Egyptian. And a fight broke out in the camp between that son of an Israelite woman and a certain Israelite. The son of the Israelite woman pronounced the Name in blasphemy, and he was brought to Moses -- now his mother's name was Shelomith daughter of Dibri of the tribe of Dan -- and he was placed in custody, until the decision of YHWH should be made clear to them.<sup>193</sup> And YHWH spoke to Moses, saying: Take the blasphemer outside the camp; and let all who were within hearing lay their hands upon his head, and let the whole community against him.<sup>194</sup>

It is significant that even in this late Pentateuchal text, there is yet no term for the child of a foreigner and an Israelite. He is here called variations on the awkward phrase, "בֶּן הַיִּשְׂרָאֵלִית," "the son of the Israelite woman."

What is clear is that this man is viewed with suspicion, at best, by the authors of the text. It is the

<sup>192</sup> There is here an "open break" in the Masoretic text.

<sup>193</sup> There is here an "open break" in the Masoretic text.

<sup>194</sup> Leviticus 24:10-14.



product of intermarriage who disregards the sanctity of YHWH's name who will prove to deserve stoning. By the time the P author wrote, there was not yet a clear rule among the Israelites concerning the child of exogamy. As the years of exile gave way to the establishment of a new Israelite community living among foreigners, the need for such rules would become more pitched.

The books of Ezra and Nehemiah, reporting events following the exile, reveal the strongest trend yet in the Hebrew Bible against exogamy, even to the point where exogamous marriages were forcibly dissolved and children born of exogamy were sent away with their foreign parents. In these books one sees the development of an entirely new rationale for the prohibition of exogamy - preventing the racial pollution of YHWH's holy people.

Ezra tells of the first time he heard that the returned exiles had engaged in exogamy with the "people of the land" following their first offering of sacrifices to YHWH:

וּבְכֻלּוֹת אֵלֶּה נָגַשׁוּ אֵלַי הַשָּׂרִים לֵאמֹר לֹא-נִבְדְּלוּ הָעָם יִשְׂרָאֵל וְהַכֹּהֲנִים  
וְהַלְוִיִּם מִצֵּמַי הָאֲרָצוֹת כְּתוֹעֲבֹתֵיהֶם לְבֹנְעֵי הַחֲמִי הַקָּדָר הַיְּבוּסִי הָעַמִּי  
הַמִּצְרִי הַכְּנַעֲנִי וְהָאֲמֹרִי: כִּי-נִשְׁאוּ מִבְּנוֹתֵיהֶם לָהֶם וּלְבָנֵיהֶם וְהִתְעַרְבוּ וְעַ  
הַיּוֹם בְּצֵמַי הָאֲרָצוֹת וְיַד הַשָּׂרִים וְהַכֹּהֲנִים הָיְתָה בְּמַעַל הַתּוֹעֵבָה רַאשׁוֹנָה:

When this was over, the officers approached me, saying, "The people of Israel and the priests and Levites have not separated themselves from the peoples of the land whose abhorrent practices are like those of the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites. They

have taken their daughters as wives for themselves and for their sons, so that the holy seed has become intermingled with the peoples of the land; and it is the officers and prefects who have taken the lead in this trespass."<sup>195</sup>

The inclusion of the Moabites and Egyptians in Ezra's list of forbidden nations suggests that the author combined the clear restrictions against exogamy from Deuteronomy 7 and Exodus 34 with the less clear restriction against "entering the congregation of YHWH" from Deuteronomy 23. The former restriction had excluded Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites and Jebusites (all mentioned by Ezra except Girgashites and Hivites). The latter permanently excluded Ammonites, Moabites and, perhaps, Ashdodites; and temporarily excluded Edomites and Egyptians (all mentioned except Edomites<sup>196</sup> and Ashdodites). This combination of the two lists suggests that the author of Ezra read "entering the congregation" as meaning marriage.

Similarly, Nehemiah says:

וְגַם בְּיָמֵינוּ הָיוּ רַאשֵׁי אֶת-הַיְּהוּדִים הַשִּׁבְעָה וְשֵׁם אֶשְׁדּוֹדִיּוֹת<sup>197</sup> עֲמֻנִיּוֹת<sup>198</sup>  
מוֹאָבִיּוֹת:

<sup>195</sup> Ezra 9:1-2.

<sup>196</sup> Many have commented that "וְהָאֱמֹרִי", "and the Amorites" in Ezra 9:1 is actually a mistake for "וְהָאֱדֹמִי", "and the Edomites," based a comparison with the lists of forbidden nations in Deuteronomy. It is of no consequence to the present analysis.

<sup>197</sup> K'tiv: אֶשְׁדּוֹדִיּוֹת.

<sup>198</sup> K'tiv: עֲמֻנִיּוֹת.



Also at that time, I saw that Jews had married Ashdodite, Ammonite, and Moabite women.<sup>199</sup>

This appears to be a reference to the restrictions of Deuteronomy 23:3-4 in which "תנכ" is understood as synonymous with "Ashdodite." Here, too, the author has read the restriction against "entering the congregation" as a reference to intermarriage.

Michael Fishbane reads the combination of the restrictions in Deuteronomy 7 and 23 as an early example of biblical exegesis that allowed Ezra to create new law:

The mechanism for prohibiting intermarriage with the Ammonites, Moabites, etc. was an exegetical extension of the law in Deut. 7:1-3 effected by means of an adaptation and interpolation of features from Deut. 23:4-9... By means of this new association, the contents of Deut. 23:4-9 were reinterpreted with respect to intermarriage, and the subsequent legal move - expulsion - follows quite logically: people who were legally barred from admission to the 'congregation of YHWH,' but had somehow gained access, were to be expelled.<sup>200</sup>

Interestingly, Ezra does not indicate that Israelites were intermarrying with the Canaanite nations, rather, that they married "...עַם הָאֲרָצָה," "with people of the land whose abhorrent practices are like those of the Canaanites..." (emphasis added). Indeed, none of those nations had existed in Israel for centuries.<sup>201</sup> Ezra here

<sup>199</sup> Nehemiah 13:23.

<sup>200</sup> Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon Press, 1985) 117. Italics as in the original.

<sup>201</sup> S. Cohen, "From the Bible to the Talmud," 26.



extended the meaning of the Torah's intermarriage restrictions to exclude members of all nations who practice similar "abhorrent practices." But this still raises the question, who are these "people of the land"?

In most of the Hebrew Bible, the term "people of the land" refers to some kind of elite of free men, or possibly a group close to the king.<sup>202</sup> However, in the books of Ezra and Nehemiah, the term takes on a very different meaning. Here the term distinguishes the people residing in the land of Israel - descendants of the pre-exilic Israelites as well as non-Israelites - from those who returned from Babylonian exile. The people designated by the term are regarded by Ezra and Nehemiah with disdain.<sup>203</sup>

By the time Ezra arrived in Judah in the fifth century there was already a large population of returned exiles there.<sup>204</sup> Earlier returnees from exile had encountered opposition from these "people of the land" - many of them Yahwists.<sup>205</sup> It appears that the returnees from Babylon

<sup>202</sup> E.W. Nicholson, "The Meaning of the Expression 'am ha'arez in the Old Testament" *Journal of Semitic Studies* 10:59-66 (1965).

<sup>203</sup> Joseph P. Healey, "Am Ha'arez," *The Anchor Bible Dictionary: Volume 1*, trans. Dietlinde M. Elliott, ed. D.N. Freedman, et al. (New York: Doubleday, 1992) 169.

<sup>204</sup> Ezra 2 lists more than 200,000 Israelites who returned with Zerubbabel, Jeshua, Nehemiah, Seraiah, Reelaiah, Mordecai, Bilshan, Mispar, Bigvai, Rehum and Baanah.

<sup>205</sup> Ezra 4:1-5.

considered themselves to be the true, pure descendants of Israel and they refused alliance with those who had spent the years of exile in the land of Israel. Their concern with issues of purity regarding these people is suggested by the phrase, "וְהִתְעָרְבוּ דָרַע הַקֹּדֶשׁ," "They intermingled the holy seed."

The phrase, "דָרַע הַקֹּדֶשׁ," itself may be another example of inter-biblical exegesis in Ezra. In Isaiah 6, YHWH tells the prophet how long Israel has to repent from its disloyalty:

וְעוֹד בָּהּ עֲשֻׂרִית וְשִׁבְעָה וְהִיטָה לְבָעֹר בְּאֵלֶּה וּבְאֵלֶּיךָ אֲשֶׁר בְּשִׁלְכֶת מִצְבֹּתָם  
דָרַע קֹדֶשׁ מִצְבֹּתָהּ:

But while a tenth part yet remains in it, it shall repent. It shall be ravaged like the terebinth and the oak, of which stumps are left even when they are felled: its stump shall be a holy seed.<sup>206</sup>

Isaiah's reference to "holy seed" suggests by metaphor that Israel could always repent as long as even a "stump" of the original "tree" remained. Ezra, however, appears to have read the text in midrashic fashion. Israel could return to YHWH through repentance, his reading followed, until it was reduced to a bare saving remnant. That remnant would then become the "holy seed," or, literally, the "holy semen."<sup>207</sup> Ezra saw his community as that saving remnant

<sup>206</sup> Isaiah 6:13.

<sup>207</sup> I read דָרַע here literally as "semen," rather than a figurative reference to "offspring." In context, "Intermingling with the holy offspring" seems to make little



that operated under different rules in its relation to YHWH than did pre-exilic Israel. The new Israel, Ezra said, is a holy race that could not be mixed with any other. Since there was no way to change the race of an outsider, it was an interpretation that could not possibly allow for conversion.

This is a different concern with exogamy than was evident in previous trends. According to the Deuteronomist, intermarriage was dangerous because it would lead to the introduction of foreign influence and worship. Ezra here suggests that there is something intrinsic to the bodies of Israelites (specifically, to their), that is holy and susceptible to corruption. Ezra espouses a racial theory of Israel's identity and the need for racial purity.<sup>208</sup>

Indeed, concern with race and lineage pervades the period of the Second Temple. The genealogical tables throughout the Bible, and especially in the Books of Chronicles, may have been written as testimony to the pure

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sense. Ezra seems to use "semen" the same way that moderns use "blood" - as in "pure-blooded" or "mixed-blood." Given what we now know of genetics, "semen" actually makes more sense than "blood."

<sup>208</sup> The term "race" in modern vernacular is often associated with the questionable assumption that human beings can be divided into discreet ancestry groups that have common physiological characteristics like skin color. This is not the meaning I wish to convey in discussing the distinctions made by Ezra. Rather, it is the (equally questionable) idea of a pure lineage that can be detected in the physical bodies of a nation's people.



lineage of prominent Jewish families.<sup>209</sup>

After Ezra pleaded for God's mercy for his community concerning this great sin, the text reports a public confession:

וַיֵּצֵא שְׁכַנְיָה בֶן-יְהִיֵּאל מִבְּנֵי צִלְם<sup>210</sup> וַיֹּאמֶר לְעֹזְרָא אֲנָחְנוּ מַעַלְנוּ בְּאֱלֹהֵינוּ  
וּנְשָׁב נָשִׁים נְכָרִיּוֹת מִצֵּמֵי הָאָרֶץ וְעַתָּה יְשׁ-מִקֻּחַ לִישְׁכָּאֵל עַל-הָאֵת: וְעַתָּה  
נִכְרַת-בְּרִית לֵאלֹהֵינוּ לְהוֹצִיא כָל-נָשִׁים וְהַבָּלֵד מֵהֶם בְּעֵצַת אֲדָנֵי וְהַחֲדָדִים  
בְּמִצְוֹת אֱלֹהֵינוּ וְכַתּוּרָה יַעֲשֶׂה:

Then Shecaniah son of Jehiel of the family of Elam spoke up and said to Ezra, "We have trespassed against our God by bringing into our homes foreign women from the peoples of the land; but there is still hope for Israel despite this. Now then, let us make a covenant with our God to expel all these women and those who have been born to them, in accordance with the bidding of the Lord and of all who are concerned over the commandment of our God, and let the Teaching be obeyed."<sup>211</sup>

While the interpretation of legal texts in Ezra and Nehemiah would equally forbid marriage to foreign men and women, only foreign women are discussed in the narrative. Lawrence Schiffman explains that this was because only the offspring of Jewish mothers were considered Jewish<sup>212</sup> — a switch from earlier Israelite practice.

The meaning of "לְהוֹצִיא," "expel" here is unclear, as is the use of the verb root ל.ו.ו, "separate," in related verses referring to foreign marriages.<sup>213</sup> They may mean that the

<sup>209</sup> Epstein 165.

<sup>210</sup> K'tiv: צִלְם.

<sup>211</sup> Ezra 10:2-3.

<sup>212</sup> Lawrence H. Schiffman, *Who was a Jew?* (Hoboken, N.J.: Ktav, 1985) 15-16.

<sup>213</sup> Ezra 10:11; Nehemiah 9:2.

men of Israel were compelled to divorce their foreign wives. Divorce is certainly known in the Hebrew Bible, however it is usually referred to in terms of writing, giving and sending a "סֵפֶר כְּרִיתוּת," "a bill of divorcement"<sup>214</sup> accompanied by forms of the verb root מ.ל.ך, "to send away." It is possible that the oaths to "expel" or "separate" in Ezra and Nehemiah mean merely to separate without dissolving the marriage.

It is also possible that Ezra's intention was to dissolve unions that never had validity as marriages. This would explain the novel use of the verb, "נָשָׂא," literally "we have caused to dwell," in referring to the creation of foreign marriages, instead of the root נ.פ.ל, which is the common biblical verb root to indicate marriage.<sup>215</sup> If so, this would be another innovation by Ezra, for there was no question concerning the validity of foreign marriage in Deuteronomic law. In L.M. Epstein's words, "Marriage was home-taking for marital union; as such it was a fact, right or wrong, that no law could undo."<sup>216</sup>

The passages in Ezra and Nehemiah attacking exogamy list the names of those among the returned exiles who had

<sup>214</sup> Deuteronomy 24:1,3; Isaiah 50:1; Jeremiah 3:8.

<sup>215</sup> Hugengerger 96.

<sup>216</sup> Epstein 160. Epstein believes that "the concept of a marriage being null because prohibited did not yet exist in Ezra's time (167).

foreign wives. The lists prominently contain the names of priests and members of the upper classes,<sup>217</sup> possibly indicating a power struggle between Ezra and those he wished to vilify as exogamists.

An interesting parallel to Ezra and Nehemiah's racial attack against exogamy appears in the book of Malachi, which is generally dated to the period of Nehemiah based on the similarity of their social and religious backgrounds and the themes discussed.<sup>218</sup> In this verse, Malachi speaks directly to the issue of intermarriage:

בגדה יהודה ותועבה נעשתה בישראל ובירושלם כי חלל יהודה קדש יהוה  
אשר אהב וקדש בת-אל נכר:

Judah has broken faith; abhorrent things have been done in Israel and in Jerusalem. For Judah has profaned what is holy to YHWH - what He desires - and espoused daughters of alien gods.<sup>219</sup>

Malachi states a few verses later, in one of the Hebrew Bible's most difficult passages:

ולא-אתה עשה ושאר רוח לו ומה האתר מבקש ודע אליהם ונשמרתם  
ברוחכם ובאשתי נעתיך אל-יבגד: כי-שגא שלח אומר יהוה אלי ישראלי  
ונקמה חסם על-לבשו אומר יהוה צבאות ונשמרתם ברוחכם ולא תבגדו:

Did not the One make [all,] so that all remaining life-breath is His? And what does that One seek but godly folk? So be careful of your life-breath, and let no one break faith with the wife of his youth. For I detest divorce - said YHWH, the God of Israel - and covering oneself with lawlessness as with a garment - said YHWH of

<sup>217</sup> Hugenberg 104.

<sup>218</sup> Ralph L. Smith, *World Biblical Commentary*, Vol. 32, *Micah-Malachi* (Waco, Texas: Word Books, 1984) 298. Also: Hugenberg 14-15.

<sup>219</sup> Malachi 2:11.



Hosts. So be careful of your life-breath and do not act treacherously.<sup>220</sup>

Malachi's phrase, "וְעַלְיָהֶם," should, perhaps, be translated more literally than JPS's "godly folk." By rendering the phrase as, "And what does that One seek other than godly seed?" it is possible to see the concern for seminal purity that Malachi shares with the racial theories of Ezra and Nehemiah.

There is a question concerning the meaning of Malachi's phrase, "בִּתְּ-אֱלֹהִים נָקְרָה," literally, "daughter of a foreign god." If the term is meant to refer to the marriage of actual foreign women to Israelite men, it is strange compared to the usual term, "נָשִׁים נָקְרִיּוֹת," "foreign women" used elsewhere.<sup>221</sup> It is possible that the word "אֱלֹהִים," "god," in the phrase suggests that the verse speaks more of a figurative infidelity to YHWH — Israel has joined itself to (married) foreign worship (the daughter of an alien god or a goddess). However, many scholars hold that the meaning is a literal reference to the same intermarriages that Ezra and Nehemiah decry.<sup>222</sup> It is also possible that in speaking of the literal problem of intermarriage, Malachi intended also to make a figurative statement about Israel's relationship

<sup>220</sup> Malachi 2:16.

<sup>221</sup> I Kings 11:8; Ezra 10:2; Nehemiah 13:26.

<sup>222</sup> Smith 325 and Hugenberger 34-35. Each cites several other scholars of this opinion.

with YHWH.<sup>223</sup>

Malachi's statement "I detest divorce" can be read as opposition to the program of forced separation advocated in Ezra and Nehemiah. However, it has been argued that Malachi is actually speaking against Israelites who divorced (or merely neglected)<sup>224</sup> their Israelite wives - hence, "the wife of his youth" - and married foreign women from wealthy or powerful families. This would be consistent with what we know of the economic and social status of the returnees from exile, as G.P. Hugenberger states:

In a world where property frequently was inalienable and where wealth and status were primarily in non-Israelite hands, the temptation for the returned exiles to secure these through intermarriages must have been significant.<sup>225</sup>

Beth Glazier-McDonald concludes that the issues of intermarriage and divorce, far from being at odds, are one and the same:

Questions of mixed marriage and divorce were so inextricably linked in actual practice that in discussing one, the other was involved, especially since, given the economic circumstances of the period, monogamy was more the rule than the exception. Thus, intermarriage and divorce are not two separate and distinct subjects, but two

<sup>223</sup> Beth Glazier-McDonald, "Intermarriage, Divorce, and the bat-'el nekar" *Journal of Biblical Literature* 106, 4 (1987) 603-611.

<sup>224</sup> A.S. van der Woude, "Malachi's Struggle for a Pure Community" *Tradition and Reinterpretation in Jewish and Early Christian Literature*, eds. J.W. van Henten, J.J. de Jonge, P.T. van Rooden, and J.W. Wesselius (Leiden: E.J. Brill, 1986) 69.

<sup>225</sup> Hugenberger 103-104.



phases of one subject, viz., the obligation of the Judean to be faithful to his people and his God.<sup>226</sup>

The Babylonian exile had prompted a crisis of belief among the Judeans. How could the God of Israel be worshipped in a different land? A faction of them responded by creating an new ideology. They reformulated their concept of a land-based God into a true monotheism in which YHWH became the God of all the earth. When that faction returned from exile and attempted to reconstitute Israel as a distinct nation living on its own land, a new crisis emerged. How would they define themselves as a people? There was not yet a developed concept of "conversion" to the God of Israel.<sup>227</sup> Inclusion in the nation could only be defined in terms of descent from some privileged, ancestral group.

The book of Ezra is primarily concerned with the distinction of the "true Israel," the returned exiles, from the surrounding population - separating *בְּנֵי יִשְׂרָאֵל*, the children of the exile,<sup>228</sup> from *אֲדָמִי*, the people of the land.<sup>229</sup> The answer to the crisis of national identity was found in the creation of a new ideology. Ezra, Nehemiah and Malachi embraced a racial theory of the uniqueness of the children

<sup>226</sup> Glazier-McDonald 607.

<sup>227</sup> Y. Kaufmann, *History of the Religion of Israel*, Vol. IV trans. C.W. Efraymson (New York: Ktav, 1977) 342-343.

<sup>228</sup> Ezra 4:1.

<sup>229</sup> Ezra 4:4.



of the exile - a uniqueness that explained why YHWH had allowed them to return from exile. They alone possessed *זרע קדש*, "holy seed,"<sup>230</sup> or *זרע אלהים*, "the seed of God."<sup>231</sup> It followed from this racial theory that any exogamy was tantamount to violation of YHWH's covenant. The only solution to intermarriage was forced separation.

Ezra and Nehemiah needed to support their ideology with the inherited tradition of Israel. To a great extent, this required creative reading of the received texts - a process that many see as the origin of the rabbinic use of hermeneutic principles to derive new interpretations from the biblical text. They transformed Exodus 34 and Deuteronomy 7 and 23 into a blanket prohibition against all marriages with non-Israelites. David Bossman writes that "[Ezra and Nehemiah's] midrashic method provided the exegetical and hermeneutic techniques ... as Judaism began to devise a method for applying old norms in new situations."<sup>232</sup>

It has been submitted that Ezra and Nehemiah represented a trend that opposed paths toward power and wealth for the returned exiles. It also appears that they were in conflict with priests and other people of power within the exile community. The abrupt end of their story

<sup>230</sup> Ezra 9:2.

<sup>231</sup> Malachi 2:15.

<sup>232</sup> David Bossman, "Ezra's Marriage Reform: Israel Redefined" *Biblical Theology Bulletin* 9 (1979) 32.

with the attempt to force separations from foreign wives suggests that they may not have been successful in opposing powerful interests.

Because the Bible is a partisan work, one would not expect to find the voices of Ezra and Nehemiah's opponents. Yet there might be the hint of such a voice hidden in one of the Bible's greatest literary works.

#### Prophetic Universalism in the Book of Ruth.

There is an epilogue to the Hebrew Bible's story of exogamy's ups and downs. In the Book of Ruth, we may see a new voice that again asserted the old universalist hope of the prophets. The author of Ruth appears to have argued against the strict endogamy espoused by Ezra and Nehemiah and urged leniency toward righteous foreigners and the Israelites who married them. If so, this trend would have echoed the universalism of prophets who foresaw a time when all the nations of the world would join Israel in the worship of YHWH.

The book of Ruth has been praised routinely for its "general beauty and purity of the style,"<sup>233</sup> as "an intricately woven, magnificently crafted tale,"<sup>234</sup> and "a

<sup>233</sup> Driver 455.

<sup>234</sup> Edward F. Campbell, jr., *Ruth* (Garden City, N.Y.: Doubleday, 1978) 3.

perfect example of the art of telling a story."<sup>235</sup> Yet it has also been observed that it is "a story with a profound, subversive intent,"<sup>236</sup> for making a hero out of a foreign woman who bent the laws of Israel to her own ends. Ruth is not just a foreigner, she is a Moabite, a people regarded as the enemy of Israel, one that Deuteronomy 23 says shall never "be admitted into the congregation of YHWH." The story of how she came to marry Boaz and become an Israelite is necessarily a story that challenges tradition.

There is great uncertainty over the date of the book of Ruth. As a piece of story-telling, it appears to have much in common with the narratives of Genesis, the Court Histories, Judges and parts of Kings. Based on this similarity and certain theological perspectives, the book could be dated to some time after the reign of David and before the Deuteronomic reforms of Josiah.<sup>237</sup>

Yet, there is also strong evidence for a much later date. A philological argument points to "Aramaisms and other late expressions"<sup>238</sup> that could not have entered the text before the Babylonian exile. Further evidence of late

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<sup>235</sup> Phyllis Tribble, "Ruth, Book of" *The Anchor Bible Dictionary: Volume 5*, ed. D.N. Freedman, et al. (New York: Doubleday, 1992) 842.

<sup>236</sup> Alice Ogden Bellis, *Helpmates, Harlots, Heroes* (Louisville, Kentucky: Westminster/John Knox Press, 1994) 208.

<sup>237</sup> Campbell 24.

<sup>238</sup> Driver 454.



dating comes from Ruth 4:1-12, which describes a ritual for redeeming. Verse 7 remarks that the ritual was "formerly done in Israel," suggesting a retrospective and nostalgic view of the customs of the First Temple.

The dating of the book is crucial to an understanding of its themes. If the book dates from early in the Second Temple period, its intent could be "to show that a non-Israelite could become a faithful worshipper of the Lord ... [countering] the books of Ezra and Nehemiah."<sup>239</sup>

Indeed, it was Ruth's faithful embrace of YHWH that caused the rabbis of the Talmud to base some of the procedures of conversion upon her example.<sup>240</sup> Ruth's famous statement to her Israelite mother-in-law is the closest the Hebrew Bible comes to describing conversion:

ותאמר רות אל-תפגע-בי לעזוב לשוּב מאחֲרַי כִּי אֵל-אֲשֶׁר תִּלְכִּי אֵלַי  
ובאֲשֶׁר תִּלְכִּי אֵלַי עַד צֶמֶד וְאֶלֶּיךָ אֵלֵּי: באֲשֶׁר תִּמְצָא אֲמֹת וְשֵׁם אָבִיר  
כֹּה יַעֲשֶׂה יְהוָה לִי וְכֹה יִסֵּף בִּי הַקָּהָל יִסְרָאֵל בְּיָמַי וּבְיָמֶיךָ:

But Ruth replied, "Do not urge me to leave you, to turn back and not follow you. For wherever you go, I will go; wherever you lodge, I will lodge; your people shall be my people, and your God my God."<sup>241</sup>

It is for her steadfast loyalty that Boaz, the kinsman to her late husband, calls Ruth an "אִשָּׁת חַיִּל,"<sup>242</sup> which JPS

<sup>239</sup> Bruce M. Metzger and Roland E. Murphy, *The New Oxford Annotated Bible* (New York: Oxford University Press, 1994) 332.

<sup>240</sup> B. Yebamot 47b.

<sup>241</sup> Ruth 1:16-17.

<sup>242</sup> Ruth 3:12.

renders as "a fine woman." It is the identical term used by the book of Proverbs to describe a "woman of valor," the ideal Israelite woman.<sup>243</sup>

The book of Ruth is replete with references to the narratives and legal codes of the Pentateuch. As mentioned, the marriage of a Moabite to an Israelite flies in the face of the prohibition of Deuteronomy 23. It also recalls stories of sexual transgression, such as the etiology of Moab in Genesis 19, where Moab is the product of the incestuous union of Lot and his older daughter, and the story of Israel's attachment to Baal-peor when "the people profaned themselves by whoring with the Moabite women."<sup>244</sup>

The story of Ruth also refers to the law that allows the poor to glean fallen fruit,<sup>245</sup> the law of the redemption of indigent relatives<sup>246</sup> and the law of Levirate marriage.<sup>247</sup> In these cases, Ruth the Moabite, uses the laws of Israel to assure herself of sustenance, an inheritance and a husband.

There are also two unusual references to Pentateuchal narratives in the closing verses of Ruth that may indicate a message of tolerance of foreign marriages. After Boaz told the people "You are witnesses today" of his claim to acquire

<sup>243</sup> Proverbs 31:10.

<sup>244</sup> Numbers 25:1.

<sup>245</sup> Compare Ruth 2:2 to Leviticus 19:9.

<sup>246</sup> Compare Ruth 4:4 to Leviticus 25:25.

<sup>247</sup> Compare Ruth 4:5 to Deuteronomy 25:5-9.

Ruth, the people offer this blessing:

וַיֹּאמְרוּ כָל-הָעָם אֲשֶׁר-בְּשַׁעַר הַמִּקְדָּשׁ עֹדִים יְהוָה אֶת-הָאִשָּׁה הַזֹּאת  
אֶל-בֵּית כְּרֵמֶל וְלֵאלֹהֵי אֲשֶׁר בָּנוּ שְׂתִימָהּ אֶת-בֵּית יִשְׂרָאֵל וְעָשָׂה-חַיִּל  
בְּאַפְרָתָה וְקָרָא שֵׁם בְּנִיתָ לָהֶם: וְהָיָה בֵּיתָ כְּבֵית פֶּרֶץ אֲשֶׁר-יִלְדָה חֲמֹר  
לִיהוּדָה מִן-הַיָּמִץ אֲשֶׁר יְהוָה לָךְ מִן-הַנְּעִרָה הַזֹּאת:

All the people at the gate and the elders answered, "We are. May YHWH make the woman who is coming into your house like Rachel and Leah, both of whom built up the House of Israel! Prosper in Ephrathah and perpetuate your name in Bethlehem! And may your house be like the house of Perez whom Tamar bore to Judah - through the offspring which YHWH will give you by this young woman."<sup>248</sup>

Why Rachel and Leah? Why Tamar? Edward F. Campbell explains the blessing in the name of Rachel as a recollection of the matriarch's barrenness and in the name of Tamar and Judah as a recollection of the levirate custom.<sup>249</sup> However, this does not explain the inclusion of Leah's name in the blessing. Furthermore, the reference to Rachel's barrenness would be odd since there is no mention that Ruth, or anyone else in the story, was barren. There is a better answer.

In his commentary on Ruth, Yair Zakovitch cites the medieval writer, Emanuel of Rome, who offers a different explanation for the comparison to Tamar:

[The text] wants to mention "whom Tamar bore to Judah" because Tamar was a foreigner and outsider from the nation of Israel who wanted, in her great righteousness, to establish offspring from Judah. It is similar to what Ruth did when she left her people and her gods and attached herself to the

<sup>248</sup> Ruth 4:11-12.

<sup>249</sup> Campbell 156.



holy people.<sup>250</sup>

According to this reading, Ruth is like Tamar because both were foreign women who merited inclusion among the mothers of Israel because of their righteousness.<sup>251</sup>

There is yet a further connection that finds commonality between Ruth, Tamar, Rachel and Leah. Jacob's marriage to Rachel and Leah was a violation of Levitical law because the two were sisters.<sup>252</sup> In fathering a child by Tamar, Judah violated the Levitical law against "uncovering the nakedness of your daughter-in-law."<sup>253</sup> In both cases, forbidden unions helped establish the Israelite nation. Rachel and Leah gave birth to eight of the twelve tribes. As the book of Ruth explains in its final verses, Judah and Tamar's son Perez would found the line leading to Boaz and, eventually, to King David.

The emphasis on the virtue of otherwise forbidden unions in a story about a forbidden union is evident. Ruth the Moabite's marriage to Boaz is virtuous, not only because it leads to the birth of King David, but because Ruth is an "אִשָּׁה יְדִיתָה" - a woman of virtue. In contrast to the anonymous kinsman who would not purchase land he desired because he

<sup>250</sup> Yair Zakovitch, לְרִיבָה: מִשְׁנֵה רִיבָה וְפִדְיוֹן (Ruth: Introduction and Commentary) (Jerusalem: Magnes, 1990) 111. Translation by the present author.

<sup>251</sup> Zakovitch 111.

<sup>252</sup> Leviticus 18:18.

<sup>253</sup> Leviticus 18:15. Also see Leviticus 20:12.

would not marry a Moabite, Boaz saw the possibility of virtue in exogamy.

If the Book of Ruth was written in the time of Ezra and Nehemiah, this message would have been subversive to their call for the dissolution of exogamous marriages. This is not to say that the book is merely a protest against Ezra and Nehemiah's policies - the work is far too complex and nuanced to be reduced to a single argument. However, it does appear to harken to the vision of the post-exilic prophet of Deutero-Isaiah:

ובני הנכר  
הגלויים על-יהוה  
לשרתו  
ולאמנה את-שם יהוה  
להיות לו לעבדים  
כל-שמר שבת מחללו  
ומחזיקים בכריתתי:  
והביאותים אל-ה' ארשי  
ושמחתים בבית תפילתי  
עולתיהם וזבחייהם  
לרצון על-מזבחי  
כי ביתי בית-תפילה יצא  
לכל-העמים:  
נאם אדני יהוה  
מקדש גדולי ישראל  
עוד אקדש עליו לנאבדיו:

"As for the foreigners  
Who attach themselves to YHWH  
To minister to Him,  
And to love the name of YHWH,  
To be His servants-  
All who keep the Sabbath and do not profane it,  
And who hold fast to My covenant-  
I will bring them to my sacred mount  
And let them rejoice in My house of prayer.

Their burnt offerings and sacrifices  
Shall be welcome on My altar;  
For My House shall be called  
A house of prayer for all peoples."  
Thus declares the Lord YHWH,  
Who gathers the dispersed of Israel:  
"I will gather still more to those already  
gathered."<sup>254</sup>

This is a call for universalism and acceptance of the foreign born in contrast to the racial exclusivity of Ezra and Nehemiah. It is not yet the full, legalistic idea of conversion that the rabbis would develop, but it is a beginning of that idea.

Deutero-Isaiah calls for the crossing of national boundaries and the literal acceptance of the foreign-born into the nation of Israel. His condition is only that they keep the Sabbath and enter the covenant. This is not mere rhetoric. He writes that the offerings of foreigners will be legally acceptable - as indicated by the use of the technical term "לִזְבֹּחַ."

Ezra and Nehemiah's exclusionary racial view would dominate the Jewish understanding of intermarriage in the following centuries. But there is evidence to indicate that there was a full spectrum of views on the topic in the late biblical period. It ranged from the absolute rejection of all foreigners to the universal acceptance of all who would join the covenant of YHWH.

<sup>254</sup> Isaiah 56:6-8.



## CHAPTER II: INTERMARRIAGE IN THE SECOND TEMPLE PERIOD

In addition to transmitting the canonical traditions of Judaism relating to intermarriage, the books of Ezra, Nehemiah, Ruth and Esther also offer a glimpse into the world of the Second Temple period. While these books do tell the modern reader a great deal about the Jewish response to intermarriage after the return from exile, they are not the only sources. The non-canonical works of the Apocrypha and Pseudepigrapha, the writings of the historian Josephus and the philosopher Philo all reveal aspects of the Jewish response to intermarriage in the Second Temple period.

All of the extant Jewish writings of this period demonstrate a strong bias against exogamy. As one might expect, the greatest energy and innovation on this topic come from writings outside of the land of Israel. It is in the Diaspora of Egypt and Rome, where intermarriage must have been common, that Jewish writers labored to argue against exogamy. For those who lived exclusively (or nearly so) among other Jews, the subject of intermarriage would only have theoretical interest.

For this and related reasons, the Dead Sea Scrolls offer little new material on the subject of exogamy. The Qumran sect appears to have been isolated and introverted to

an extent well beyond other Jewish groups in the land of Israel. Their texts indicate that they lived a life of compulsory piety:

This is the rule regarding the examiner of the camp: He shall instruct the community in the deeds of God and teach them His wondrous mighty acts... No one from the people of the camp shall decide to bring any person into the congregation without the permission of the examiner who is (in charge of) the camp... And let no one do anything in regard to buying or selling unless he has made (it) known to the examiner who is (in charge of) the camp, and does so with (his) counsel, let they e[rr]. And thus] for a[ny]one who ma[rr]ies a wo[man], i[t] (must be) [with] (his) counsel. And thus (also) for one who divorces (his wife).<sup>1</sup>

According to the Zadokite Fragments, all the significant decisions of community members, including marriage, had to be approved by an "examiner," a religious teacher and guide to the community. It is difficult to imagine how intermarriage would be an issue in such a society.<sup>2</sup>

The writings of the Second Temple period contain many

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<sup>1</sup> Zadokite Fragments 13:7-18. As translated and discussed in Lawrence H. Schiffman, *Reclaiming the Dead Sea Scrolls: The History of Judaism, the Background of Christianity, the Lost Library of Qumran* (Philadelphia: Jewish Publication Society, 1994) 121-122.

<sup>2</sup> I also will not consider the example of an Aramaic marriage contract between a Jewish woman and an Egyptian man from fifth century Elephantine. While intriguing, the document is too isolated in time and place to draw any meaningful conclusions from it. See A. Cowley, *Aramaic Papyri of the Fifth Century B.C.* (Oxford: Clarendon, 1923) 41-43.



of the themes already seen in the late canonical books of the Bible. There is a strong current throughout the period concerned with the "aristocracy of blood," as Louis Epstein puts it, "free from the taint of foreign admixture or from illegitimacy." This current was a development of the trend already seen in Ezra and Nehemiah, in which the seminal purity of Israel was a theological and social concern. Epstein describes a post-biblical Jewish society in which endogamy increasingly became the rule as a result of a preoccupation with racial purity:

They kept family records tracing descent for generations back to show the purity of the family stock. The priests were leaders in this, and the aristocratic Israelitish families emulated them. Mistrustful of other families, they married, as far as possible, within their own. Those Israelites who had no record of family purity were naturally limited to their own group, and within the group alliances with their own relatives were most logical, because all controversy on possible taint of a serious nature could be avoided, and negotiations on the terms of marriage could be more informal and more intimate. Inbreeding, therefore, while not a law, was the accepted social standard for the Jews of the two centuries immediately preceding and immediately following the beginning of the common era.<sup>3</sup>

The Second Temple period is also notable for the development of textual exegesis. The return from exile brought with it the challenge of establishing a new nation under new circumstance, but under the constitution of the

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<sup>3</sup> Epstein 148.



old nation. The creative interpretation of the Pentateuch became necessary in order to establish a social, political and legal structure that would retain its textual links to the old tradition. To that end, the book of Ruth, as discussed in the last chapter, may contain an argument against the prohibition of intermarriage built upon the legal and folkloric precedents found in the Pentateuch. Similarly, Ezra and Nehemiah cite and build upon texts from Exodus and Deuteronomy to substantiate their opposition to intermarriage.

In his expansion of pentateuchal laws regarding intermarriage, Ezra may have been "the first instance of halakic exegesis in Jewish writings," as argues Yehezkel Kaufmann.<sup>4</sup> To create new laws applicable to the needs of his time, Ezra cited canonical precedents and artfully combined them and expanded upon them. That technique was developed throughout the Second Temple period as new communities with new needs would arise.

A third trend that can be seen in the Second Temple literature is the influence of Hellenism. The hellenistic world left by the conquest of Alexander the Great in the fourth century was distinctly universalistic. "Hellenistic man" transcended the traditions of his people, 'hellenistic

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<sup>4</sup> Kaufmann 339.

man' became the bearer and promoter of a world culture believed to be identical with progress."<sup>5</sup> Jewish writers struggled to reconcile this universalism with the ardent particularism of their strictly monotheistic inherited tradition.

Hellenism also brought a new way of viewing the human persona. The pre-hellenistic Hebrew Bible judged its characters in terms of their concrete acts of obedience or disobedience to the commands of YHWH. Under the influence of Hellenism, however, Jewish writings became more concerned with the balance of abstract virtues and vices within their characters and with the description of ideal character types. Elias J. Bickerman describes how in hellenistic literature, "...an individual is presented as an example of a *bios*, or particular way of living."<sup>6</sup>

The name "Pseudepigrapha" is derived from the technique often used in this literature of falsely attributing authorship to a famous persona. This is usually understood as a way that ancient authors sought acceptance for their texts in a society that heralded tradition and shunned innovation. Bickerman claims that the technique may also

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<sup>5</sup> Hans Dieter Betz "Hellenism" *The Anchor Bible Dictionary*, Vol 3, D.N. Freedman et al, eds. (New York: Doubleday, 1992) 127.

<sup>6</sup> Elias J. Bickerman *The Jews in the Greek Age* (Cambridge, MA: Harvard University Press, 1988) 206.

have been a way for writers to demonstrate ideal virtues. "Famous men of the past were cited as paragons of certain qualities or faults," he explains. "If Zebulun is a model of compassion in the Testaments [of the Patriarchs for the Jews], Aristides was a model of justice for the Greeks and Cato a model of severity for the Romans."

Abstract virtues like compassion and justice in hellenistic literature tend to supplant concrete commands like "love the stranger," or "do not hold a workman's wages until morning." Specific laws against intermarriage, which go against Hellenism's universalism, tend to be recast by Jewish hellenistic writers as admonitions against the vices of lust and unbridled sensuality. Such a universalistic justification was more tasteful to the Hellenists, for whom sexuality was an urge that had to be controlled.

Taken together, these trends in the Second Temple period affected a transformation in the way Jewish authors wrote about exogamy. Using the tools of exegesis, they attempted to show that, according to the tradition of the Pentateuch, marriage outside the group was a corruption in character and a corruption of ethnic purity as much as violations of God's laws.

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<sup>7</sup> Bickerman 206.



### The Law of Familial Endogamy in the Book of Tobit

The Book of Tobit is one of fifteen in the "Apocrypha" — books written by Jews in the Second Temple period, excluded from the canonical Hebrew Bible, but considered canonical by either the Catholic Church, the Eastern/Orthodox churches, or both. Tobit was likely written in the third or second century B.C.E.<sup>8</sup> by a Jew,<sup>9</sup> who lived in the Eastern Diaspora or in the land of Israel.<sup>10</sup> It was almost certainly composed in Hebrew or Aramaic. It was preserved only in Greek and Latin translation until fragmentary Hebrew and Aramaic versions were discovered among the Qumran Scrolls (4QTob<sup>a-c</sup>).<sup>11</sup>

The book tells the story of a pious Jew, named Tobit, who lived in Nineveh during the Babylonian exile. Tobit risked his life by burying the bodies of executed Jews against the edict of the king. Blind and convinced that he would die soon, Tobit sent his son, Tobiah, on a journey to Media to recover money deposited there many years earlier. Before he sent Tobiah off, Tobit instructed his son in precepts of the law, including a warning not to marry outside his tribe, the tribe of Naphtali. On his journey,

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<sup>8</sup> Carey A. Moore, *Tobit* (New York: Doubleday, 1996)

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<sup>9</sup> Moore 39.

<sup>10</sup> Moore 43.

<sup>11</sup> Moore 34.

Tobiah was joined by "Azariah," actually the angel Raphael in disguise. The angel instructed Tobiah how to exorcise a demon from a beautiful and righteous woman of his tribe, named Sarah. Tobiah married Sarah, and her father rewarded him with half of his large fortune. Upon returning to Nineveh with his bride, Tobiah cured his father's blindness by, again, following Raphael's instructions. Tobit, Tobiah and their family lived long and happy lives thereafter.

Marriage, and particularly endogamous marriage, is a theme throughout the book. The book's opening verses are written in a first-person narration by Tobit, who emphasizes his membership in the tribe of Naphtali.<sup>12</sup> He then states, "When I became an adult, I married a woman from our own clan and had a son by her, and I named him Tobiah."<sup>13</sup>

Carey Moore elucidates some of the verse's meaning with a more literal translation of the Greek text which appears to contain renderings of Hebrew or Aramaic idioms:

When I became a man [Gk aner], I took [elabon] a woman from the seed [spermatos] of our family [patrias]; and I had a son from her, and I called his name Tobiah.<sup>14</sup>

The verb form, "I took," sounds a great deal like the Hebrew idiom for marriage using the verb נָפַח, literally,

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<sup>12</sup> Tobit 1:4,5.

<sup>13</sup> Tobit 1:9. All translations from Tobit are Moore's.

<sup>14</sup> Moore 110.

"to take." The reference to "seed" would be consistent with the use of the Hebrew "זרע," as used in Ezra and Nehemiah to emphasize the racial distinctiveness of the Israelites. From the context, however, it appears that Tobit does not mean to refer to Israel in general when he speaks of "our family," but, more specifically, the tribe of Naphtali.

When Tobit offers his son advice, on what he believes to be his deathbed, he again mentions marriage within the tribe along with advice on almsgiving, timely payment of employees, and care for his mother:

Lad, remember God all your days. Never deliberately sin or violate [God's] commandments. Do good works as long as you live, and never walk in the ways of wrongdoing. For those who act honestly will be successful in all their actions... Lad, beware of every kind of fornication. Above all, marry a woman from the stock of your ancestors: don't marry a foreign woman who is not of your father's tribe, for we are sons of the prophets. Remember, lad, that Noah, Abraham, Isaac and Jacob, who are our earliest ancestors, all married women from among their kindred. They were blessed in their children, and their descendants shall possess the land. Therefore, lad, love your kindred and don't be too proud to take from your kindred, from the sons and daughters of your people, a wife for yourself. For in arrogance there is ruin and much confusion. And in idleness there is loss and dire poverty because idleness is the mother of hunger.<sup>15</sup>

Tobit's advice not to "marry a foreign woman" does not appear to refer to non-Israelites, the context clearly

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<sup>15</sup> Tobit 4:5-6, 12-13.



indicates concern only with marriage with families outside the tribe of Naphtali. The Greek word for "foreign" here (allotrian) is used elsewhere in the Septuagint to translate <sup>16</sup> "קרי", which usually means "foreign," but appears to be a relative term that can also mean "outsider" in different contexts.<sup>17</sup> It is noteworthy and unusual, therefore, that Tobit speaks of the necessity of familial endogamy, but never bothers to speak against exogamy with other nations. It appears that Tobit, the pious father, takes for granted that his son would not marry a non-Israelite.

Part of Tobit's meaning concerning endogamy is revealed further in the examples cited from Genesis. Each of the "earliest ancestors" mentioned could be understood as having practiced close endogamy. Abraham said that his wife, Sarah, was his half-sister.<sup>18</sup> Isaac married Rebecca, either his first cousin<sup>19</sup> or the daughter of his first cousin.<sup>20</sup> Jacob married Rachel and Leah, his first cousins.<sup>21</sup> Noah's

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<sup>16</sup> LXX Proverbs 5:20; 6:24; Ezra 10:2; and Nehemiah 13:27.

<sup>17</sup> For example, Genesis 31:15.

<sup>18</sup> Genesis 20:12.

<sup>19</sup> Genesis 24:48. According to this verse, Rebekah is the daughter of Abraham's brother, Nahor.

<sup>20</sup> Genesis 24:24. According to this verse, she is the daughter of Abraham's nephew, Bethuel.

<sup>21</sup> Genesis 29:6. They are the daughters of Laban, Jacob's uncle.

wife is mentioned in Genesis<sup>22</sup> but is not named. However, the Pseudepigraphic Book of Jubilees identifies her as 'Emzara, daughter of Rake'el, daughter of [Noah's] father's brother."<sup>23</sup> Since Jubilees dates from roughly the same time as Tobit (second century B.C.E.), it is possible that the author of Tobit was familiar with this or a similar tradition. Tobit, it appears, strongly favors endogamy, not just within the nation of Israel, but within the family tribe. This impression is confirmed later when Tobiah marries a close relative in accordance with his father's wishes "to marry a woman on [his] father's side."<sup>24</sup>

Yet The Book of Tobit is even more strident than the patriarchal narratives of Genesis in the demand for close endogamy. Here, endogamy is presented in parallel with commandments concerning justice and charity to the poor. Even allowing for the emphasis given to marriage in the story, the author appears to value endogamy as highly as these ethical commands. Failure to follow the law of endogamy is compared to a "kind of fornication."

By strictly following the intra-family marriages of Genesis, the Book of Tobit disputes evidence elsewhere in the Hebrew Bible that marriage between Israelite tribes was

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<sup>22</sup> Genesis 7:13.

<sup>23</sup> Jubilees 4:33.

<sup>24</sup> Tobit 6:16.

freely permitted. In the story of the daughters of Zelophehad, for example, the fact that the women were forbidden to marry outside their tribe suggests that such marriages were permitted under usual circumstances.<sup>25</sup> Furthermore, following the story in Judges 19-20 (the "Gibeon Outrage"), the men of Israel swore not to intermarry with the tribe of Benjamin,<sup>26</sup> implying that they had done so before the incident and that they continued to do so with the other tribes.<sup>27</sup>

There is little indication of the ideological basis for the book's insistence on close endogamy. In his instructions to his son, Tobit justifies the need for endogamy on the basis that his people (whether his nation or tribe) are "sons of the prophets." The only uses of the phrase "בני-תנאים" in the Hebrew Bible appear in II Kings in reference to the followers of Elijah and Elisha,<sup>28</sup> an unlikely connection. To the author of Tobit, the term may have merely indicated, "those who are loyal to YHWH." However, in keeping with the ideology of Ezra and Nehemiah, it may have been a way of designating the racial superiority of the people of Israel, who are descended from prophets.

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<sup>25</sup> Numbers 36:6.

<sup>26</sup> Judges 21:1.

<sup>27</sup> Epstein 146-147.

<sup>28</sup> II Kings 2:3,5,15; 4:1; 6:1.



The reference to the "pride" of one who marries outside his group may be influenced by the story of Samson, who pridefully contravened his parents' wishes by marrying foreign women with disastrous results. The warning against such pride is connected here to a paraphrase from the book of Proverbs, "Pride goes before ruin, arrogance before failure."<sup>29</sup> The implication is that those who marry outside the group do so out of arrogance, idleness and disloyalty.

It may be that the references to biblical writings are so prevalent in Tobit - the allusion to the patriarchs, for example - because the book intends to formulate an exegesis based on canonical precedent to support its position on endogamous marriage. At one point, the book presumes to find a pentateuchal law to enforce intra-familial endogamy:

"We must spend tonight," advised the angel, "at the home of Raguel, who is a relative of yours. He has a beautiful daughter named Sarah, but apart from Sarah, he has neither son nor daughter. You are her closest relative and so have the hereditary right to her and also have the right to inherit her father's estate. Besides, the girl is sensible, brave, and very beautiful. And her father loves her. Moreover, I know that Raguel cannot withhold her from you or promise her to another man without incurring the death penalty, according to the decree in the Book of Moses. Further, he is aware that it is your hereditary right before all others to marry his daughter."<sup>30</sup>

The "decree in the book of Moses" and the "hereditary

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<sup>29</sup> Proverbs 16:18.

<sup>30</sup> Tobit 6:10-13.

right" mentioned here are uncertain. It is likely a reference, first, to the daughters of Zelophehad in the book of Numbers, who inherited their father's fortune because he had no male heirs,<sup>31</sup> but who were required to marry within their tribe.<sup>32</sup> Raguel has no male heirs and his daughter, therefore, will inherit and must marry within her tribe. However, the law in Numbers makes no requirement that the husband be the nearest male relative. There also appears to be a reference to the law of the levir to support that contention,<sup>33</sup> which would require Sarah to marry the closest male relative of her dead husbands.<sup>34</sup> Since all of her previous husbands were related to her,<sup>35</sup> they are also related to Tobiah.

Given that the book takes such a strong position on close endogamy, it is possible to read Tobit as an exegesis that sets out to show how familial endogamy could be required by strict adherence to pentateuchal law. The story is contrived precisely to tie together two laws - the law of the daughters of Zelophehad and the law of Levirate marriage - in such a way that familial endogamy must result. As proof that the Pentateuch requires familial endogamy, the

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<sup>31</sup> Numbers 27:7.

<sup>32</sup> Numbers 36:6.

<sup>33</sup> Deuteronomy 25:5.

<sup>34</sup> As in Ruth 3:12.

<sup>35</sup> Tobit 7:11.



story would be flimsy at best; the book's argument offers no reason why one must marry a close relative absent the unusual circumstances of a woman who is her father's sole heir and the widow of a close relative. But as a work of literature that provides a Torah-based precedent for the practice of familial endogamy, it may have been persuasive. The import of the book's argument is a pietistic justification for return to the close endogamy of Genesis in which marriage to the closest relative is a high value.

#### A Priestly Attack Against Exogamy in the Book of Jubilees

The *Book of Jubilees* is a Jewish work of the second century B.C.E.,<sup>36</sup> assigned to the non-canonical category of "Pseudepigrapha" by modern biblical scholars. The author of *Jubilees* was likely a member of the priestly class, given the widespread concern with sacrifices and priestly authority in the book,<sup>37</sup> who lived in the land of Israel.<sup>38</sup> Analysis of the book's legal material has caused some scholars to conclude that the author stands close to the perspective of the Essene community of Qumran.<sup>39</sup> He may

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<sup>36</sup> James C. VanderKam, "Jubilees, Book of," *The Anchor Bible Dictionary*, Vol 3, D.N. Freedman et al, eds. (New York: Doubleday, 1992) 1030.

<sup>37</sup> VanderKam 1031.

<sup>38</sup> Metzger and Murphy AP-xi.

<sup>39</sup> VanderKam 1031.



have been a member of the faction that was a precursor to that group. Although the book was composed in Hebrew, the only complete extant version is an Ethiopic translation that is based on a Greek translation of the Hebrew. Twelve fragments of *Jubilees* in Hebrew were discovered among the Qumran Scrolls.<sup>40</sup>

The book is a re-telling of the stories in Genesis and the first 12 chapters of Exodus - from the Creation to the revelation at Mount Sinai. The book purports to be the record of human history reported by the God of Israel to Moses at Mount Sinai. It is, in parts, an embellishment on the mythic history of Israel, and, in full, an extended exegetical reconciliation of Israel's early mythic history with the ideology of the author. Michael Fishbane classifies the work as "embedded interpretation," in which "older narrative sequences and traditions are expanded and transformed by aggadic additions."<sup>41</sup>

*Jubilees'* re-telling of the story of Dinah and Shechem serves as its prologue for an attack against exogamy. In *Jubilees'* version of the story there are significant additions to and omissions from the biblical version:

And in the first year of the sixth week [Jacob] went up to Salem, which is east of Shechem, in

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<sup>40</sup> VanderKam 1030.

<sup>41</sup> Fishbane 432.

peace in the fourth month. And there, Dinah, the daughter of Jacob, was snatched away to the house of Shechem, son of Hamor, the Hivite, the ruler of the land. And he lay with her and defiled her, but she was little, only twelve years old. And [Shechem] begged his father and [Dinah's] brothers that she be given to him as a wife, but Jacob and his sons were angry at the men of Shechem because they defiled Dinah, their sister. And so they spoke treacherously with them and defrauded them and seduced them. And Simeon and Levi entered Shechem suddenly. And they executed judgement on all of the men of Shechem and killed every man they found therein and did not leave in it even one. They killed everyone painfully because they had polluted Dinah, their sister. And therefore let nothing like this be done henceforth to defile a daughter of Israel because the judgement was ordered in heaven against them that they might annihilate with a sword all the men of Shechem because they caused a shame in Israel.<sup>42</sup>

R.H. Charles remarks that the author of *Jubilees* must have been troubled by the execution of the Shechemites after they had volunteered to undergo circumcision, for that element of the Genesis story is entirely omitted here.<sup>43</sup> It also appears that the author wished to erase any ambiguity concerning Dinah's willingness to be abducted. There is no mention here of Dinah's visits to the people of the land,<sup>44</sup> which the rabbis would later read as an indication of her

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<sup>42</sup> *Jubilees* 30:1-5. All Translations from the Book of *Jubilees* are from O.S. Wintermute, "Jubilees: A New Translation and Introduction," *The Old Testament Pseudepigrapha*, Vol. 2, James H. Charlesworth, ed. (Garden City, NY: Doubleday, 1985).

<sup>43</sup> R.H. Charles, *The Apocrypha and Pseudepigrapha of the Old Testament* (Oxford: Clarendon Press, 1913) 58n.

<sup>44</sup> Genesis 34:1.

complicity or guilt.<sup>45</sup> Shechem's love for Dinah<sup>46</sup> is also omitted, reducing the abduction to an unfeeling act of violence. Jubilees specifies Dinah's age as twelve, further incriminating Shechem. All of these changes tend to justify the attack on Shechem by Simeon and Levi.

Jubilees then interrupts the retelling of the story of Dinah and Shechem to include an exegesis on the pentateuchal origin of the prohibition against intermarriage. The author writes:

And let any man who causes defilement surely die, let him be stoned because thus it is decreed and written in the heavenly tablets concerning all the seeds of Israel: "Let anyone who causes defilement surely die. And let him be stoned." And there is no limit of days for this law. And there is no remission or forgiveness except that the man who caused defilement of his daughter will be rooted out from the midst of all Israel because he has given some of his seed to Moloch [Molech] and sinned so as to defile it. And you, Moses, command the children of Israel and exhort them not to give any of their daughters to the gentiles and not to take for their sons any of the daughters of the gentiles because that is contemptible before the Lord.<sup>47</sup>

This exegesis links together two texts. The Scriptural quote about stoning one who causes defilement cannot be

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<sup>45</sup> Genesis Rabbah 80:1 says that the verse indicates that, "She went out to meet [Shechem] adorned like a harlot."

<sup>46</sup> Genesis 34:3.

<sup>47</sup> Jubilees 30:8-11.



closely matched to any verse in the Pentateuch.<sup>48</sup> The only verse in the Pentateuch that links defilement with stoning alongside the phrase "he shall surely die" appears at the beginning of Leviticus 20:

וידבר יהוה אל-משה לאמר: ואל-בני ישראל תאמר איש איש מבני ישראל וכן-הגור  
הגור בישראל אשר יתן מקדשו למלך מות יומת עם הארץ ויגמלו באבן: ואני אתן  
את-שני באיש שהוא והקדתי אותו מקרב צמו כי מקדשו נתן למלך למצו סמא  
את-מקדשי ולחלל את-שם קדשי: ואם העלם יעלימו עם הארץ את-ציניהם מן-האיש  
ההוא בתתו מקדשו למלך לבלתי הקיף אותו: ושקתי אני את-שני באיש ההוא  
ובמשפחתו והקדתי אותו ואת כל-הנשים אשריו לזנות אחרי הפלך מקרב צמם:

And YHWH spoke to Moses: Say further to the Israelite people: Anyone among the Israelites, or among the strangers residing in Israel, who gives any of his offspring to Molech, shall be put to death; the people of the land shall pelt him with stones. And I will set My face against that man and will cut him off from among his people, because he gave of his offspring to Molech and so, defiled My sanctuary and profaned my name. And if the people of the land should shut their eyes to that man when he gives of his offspring to Molech, and should not put him to death, I myself will set My face against that man and his kin, and will cut off from among their people both him and all who follow him in going astray after Molech.<sup>49</sup>

The likelihood that this is the scripture to which Jubilees referred is, of course, increased by the fact that it is directly referenced later in the passage. Jubilees links this passage from Leviticus to the explicit prohibition against intermarriage found in Deuteronomy 7, which states, "Do not give your daughters to their sons or

<sup>48</sup> Wintermute, who is careful in providing citation notes in his translation, does not offer anything for this quotation.

<sup>49</sup> Leviticus 20:1-5.

take their daughters for your sons." *Jubilees*, then, indicates an exegesis in which "giving offspring to Molech" is equated with giving ones children into foreign marriage.

This exegesis does not follow the manifest meaning of the text. Molech worship appears to refer to some form of child sacrifice or allowing ones children to "pass through the fire."<sup>50</sup> Yet there is a plausible argument for the interpretation. Molech worship is also mentioned in Leviticus 18:21 in a chapter otherwise devoted entirely to prohibited sexual practices. Shaye Cohen argues that the author of *Jubilees* connected the verse with exogamy. He states, "Since the chapter otherwise omits intermarriage, the obvious conclusion was that Lev 18:21 prohibits sexual intercourse with idolators."<sup>51</sup>

Associating this verse with intermarriage would later be explicitly rejected in the Mishnah (as we shall see), but the advantages of this interpretations are clear. Connecting the law against exogamy to this verse provides a clear human-initiated sanction - death by stoning.

Later, as *Jubilees* returns to the extended narrative of Dinah and Shechem, it appends a statement against exogamy that includes an ideological statement to support the

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<sup>50</sup> Leviticus 18:21, II Kings 23:10, Jeremiah 32:35.

<sup>51</sup> S. Cohen, "From the Bible to the Talmud," 34.



objection:

Therefore I have written for you in the words of the law all of the deeds of the Shechemites which they did against Dinah and how the sons of Jacob spoke, saying, "We will not give our daughter to a man who is uncircumcised because that is a reproach to us" [Genesis 34:14]. And it is a reproach to Israel, to those who take any of the daughters of the gentile nations because it is a defilement and it is contemptible to Israel. And Israel will not be cleansed from this defilement if there is in it a woman from the daughters of the gentiles or one who has given any of his daughters to a man who is from any of the gentiles. For there will be plague upon plague and curse upon curse, and every judgement, and plague, and curse will come. And if he does this thing, or if he blinds his eyes from those who profane his holy name, (then) all of the people will be judged together on account of all of the defilement and the profaning of this one. And there is no accepting of person or regarding appearance<sup>32</sup> or taking from his hand either fruit or sacrifice or holocaust or fat or the aroma of sweet-smelling sacrifice so that he might accept it.<sup>33</sup>

Note that the statement from Genesis 34:14 is taken out of context. In Genesis the statement, "We will not give our daughter to a man who is uncircumcised," was a ruse to get the Shechemites to make themselves vulnerable through circumcision. The present text changes the context to make it appear to be an entirely sincere statement of principle.<sup>34</sup>

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<sup>32</sup> According to [Charlesworth], the idioms, "accepting of person" and "regarding appearance" might be understood to mean "showing partiality."

<sup>33</sup> Jubilees 30:12-16.

<sup>34</sup> This also may have been a statement of Jacob's son's



Unlike Ezra, Nehemiah, and Malachi, the objection to intermarriage here is not based on racial purity. Rather, it is a matter of ritual purity. To the author of *Jubilees*, an exogamist is not a defiler of "holy seed," rather, he invalidates the ritual offerings that secure the prosperity of the community.

*Jubilees* appends another long passage to the Dinah and Shechem story to indicate that it was from the merit of killing the Shechemites that Levi earned the priesthood:

Therefore I command you, saying, "Proclaim this testimony to Israel: 'See how it was for the Shechemites and their sons, how they were given into the hands of two children of Jacob and they killed them painfully. And it was righteousness for them and it was written down for them for righteousness.'" And the seed of Levi was chosen for the priesthood and levitical (orders) to minister before the Lord always just as we<sup>55</sup> do. And Levi and his sons will be blessed forever because he was zealous to do righteousness and judgement and vengeance against all who rose up against Israel.<sup>56</sup>

With this passage, the Dinah and Shechem story becomes an exact parallel to the story of Phinehas in Numbers. A man and his descendants are rewarded with the perpetual priesthood because of an act of violence against an

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true principles in the Hebrew Bible. However, if it is, it is ironic there since there it is used as a lie (i.e., to trick the Shechemites). There is no irony in the way *Jubilees* presents the passage.

<sup>55</sup> Wintemute notes that the reference to "we" here is "the host of angels who minister before the Lord continually. The Levites are to minister on earth as the angels do in heaven" (113).

exogamist. It now appears that the significance of all of the changes and additions to the Dinah and Shechem story in *Jubilees* were to support Levi and elevate the priestly role. The story reinforces the need for priests - the guardians of the cult that ensures the nation's purity - and the divine election of the Levites to fulfill that role.<sup>57</sup>

In doing so, *Jubilees* makes a strong statements against exogamy. However, that statement does not really add anything new to all that has been said about exogamy prior to the second century. The real innovation of the passage is in finding support for levitical authority in the Dinah and Shechem story. It is unclear, and perhaps unknowable, whether the opposition to exogamy exhibited here - a widely held position in the second century B.C.E. - was included only to legitimize the author's radical statements concerning the election of the tribe of Levi.

In any case, the passage from *Jubilees* does indicate a strong anti-exogamy position among the priestly caste in this period. Moreover, it shows that not all the arguments against exogamy during this time were based on the racial argument.

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<sup>56</sup> *Jubilees* 30:17-18.

<sup>57</sup> VanderKam 1031.



An Argument Against Exogamy in *The Testament of Levi*

Another pseudepigraphical work, *The Testament of Levi* has a parallel treatment of the Shechem and Dinah story. *The Testament of Levi* is one in a collection of works, *The Testaments of the Twelve Patriarchs*, that each purport to relate the final words of one of the sons of Jacob. It is more difficult to determine the origin of the *Testaments of the Twelve Patriarchs* than it is for *Jubilees* owing to the obvious corruption in the extant text.

The base text appears to be the work of a Hellenized Jew from about the second century B.C.E.,<sup>58</sup> roughly the same time as *Jubilees*. Its original language is uncertain, although a scholarly consensus is forming that it was composed in Greek, possibly in Egypt, from Semitic sources.<sup>59</sup> The extant Greek, Armenian and Slavonic versions show that the *Testaments* reflect a "broad and free tradition,"<sup>60</sup> that may have undergone significant modification from the original version or versions.

Like *Jubilees*, *The Testament of Levi* puts the story of Dinah and Shechem at the center of Levi's election to the

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<sup>58</sup> H.C. Kee, "Testaments of the Twelve Patriarchs," *The Old Testament Pseudepigrapha*, Vol. 1, James H. Charlesworth, ed. (Garden City, NY: Doubleday, 1983) 777-778.

<sup>59</sup> J.J. Collins, "Testaments," *Jewish Writings of the Second Temple Period*, ed. Michael E. Stone (Philadelphia: Fortress, 1984) 344.

<sup>60</sup> Kee 777.



priesthood. Levi, speaking in the first person to his sons, declared:

I, Levi, was born in Haran and came with my father to Shechem. I was a youth, about twenty years old. It was then that, together with Simeon, I performed vengeance against Hamor because of our sister, Dinah.<sup>61</sup>

The author then proceeds to spend the next three and a half chapters describing how an angel revealed the heavens to Levi and instructed him in his priestly role. After the visit to the heavens, the angel concludes the annunciation:

Then the angel led me back to the earth, and gave me a shield and a sword, and said to me, "Perform vengeance on Shechem for the sake of Dinah, your sister, and I shall be with you, for the Lord sent me." At that time I put an end to the sons of Hamor, as is written in the tablets of the fathers.<sup>62</sup>

The author here goes beyond the assertion of *Jubilees*, that Levi's actions at Shechem were righteous, by showing how they were directly ordered by heaven. *The Testament of Levi* shares *Jubilees'* intention to support Levi's priestly authority and to use the incident at Shechem as the basis of his election.

*The Testament of Levi* also provides an exegetical solution to the problem of Jacob's anger. It will be recalled that in Genesis Jacob had told Simeon and Levi:

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<sup>61</sup> Testament of Levi 2:1-2. All translations from the *The Testament of Levi* are from Ree.

<sup>62</sup> Testament of Levi 5:3-4.

וַיֹּאמֶר יַעֲקֹב אֶל-שִׁמְעוֹן וְאֶל-לֵוִי עֲבַדְתֶּם אִתִּי לְהַבְאִישָׁנִי בִישָׁב הָאָרֶץ בְּקִנְיָנִי וּבְפָרִי  
וְאֲנִי מִתִּי מִסָּפָר וְנֹאסְפוּ עָלַי וְהִכּוּנִי וְנִשְׁמַדְתִּי אֲנִי וּבֵיתִי:

You have brought trouble on me, making me odious among the inhabitants of the land, the Canaanites and the Perizzites; my men are few in number, so that if they unite against me and attack me, I and my house will be destroyed.<sup>63</sup>

In addition, on his deathbed Jacob spoke against Simeon and Levi words that could be interpreted as a rebuke for the incident at Shechem:

שִׁמְעוֹן וְלֵוִי אֲחֵי  
כָּל תַּמָּס מִכַּרְתֵּיהֶם:  
בְּסֶדֶם אֶל-תָּבֹא וְנִפְשִׁי  
בְּקִהְלָם אֶל-תִּחַד כְּבוֹדִי  
כִּי בְאַפָם הָרְגוּ אִישׁ  
וּבְרָצֹנָם עִקְרוּ-שׁוֹר:  
אֲרוֹר אַפָם כִּי עָזוּ  
וְעֲבַדְתֶּם כִּי קְשׁוּנָה  
אֲחֻלָּקֵם בִּיעָקֹב  
וְאֶפְיָצֵם בִּישָׁרְאֵל:

Simeon and Levi are a pair;  
Their weapons are tools of lawlessness.  
Let not my person be included in their council,  
Let not my being be counted in their assembly.  
For when angry they slay men,  
And when pleased they maim oxen.  
Cursed be their anger so fierce,  
And their wrath so relentless.  
I will divide them in Jacob,  
Scatter them in Israel.<sup>64</sup>

These verses, read by a synchronic reader in the second century, would present an obvious problem to any interpretation of Levi as righteous and acting on behalf of

<sup>63</sup> Genesis 34:30.

<sup>64</sup> Genesis 49:5-7.

heaven.<sup>65</sup> The author of *The Testament of Levi* provided a harmonization and put it into the mouth of his Levi:

Then I advised my father and Reuben that they tell the sons of Hamor that they should not be circumcised, because I was filled with zeal on account of the abominable thing they had done to my sister. And I destroyed Shechem first, and Simeon destroyed Hamor. Then my brothers came and destroyed that city by the sword. When my father heard of this he was angry and sorrowful, because they had received circumcision and died, and so he passed us by in his blessing.<sup>66</sup>

The author is careful to note that Levi killed only the rapist, Shechem, and his brothers were responsible for all the other murders. In this way, Levi is portrayed as blameless of killing innocents. This is a fabrication upon the words of Genesis, which described Simeon and Levi as killing all the men of the city together.

Also according to this author, Jacob's anger resulted entirely from the killing of circumcised men. Levi, who had anticipated this objection, therefore advised against the circumcision of the Shechemites. Obviously, this, too, is an invention upon the words of Genesis. There, Jacob's objection had only to do with the revenge attacks he feared from the Canaanites and Perizzites, who would have had no objections to the killing of circumcised men. Genesis

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<sup>65</sup> As opposed to the modern, diachronic reader, who might reconcile these verses as the products of different authors and times.

<sup>66</sup> Testament of Levi 6:3-6.



further suggests that Levi was a party to the plot to make the Shechemites vulnerable through circumcision. As thin as this re-interpretation of Genesis may be, it does provide apology for Jacob's anger and deathbed malediction while also explaining Levi's appointment by the angel.

Objection to exogamy in *The Testament of Levi*, however, appears to be more than a convenient excuse for explaining the priestly status of the Levites. There is further mention of the vice of exogamy and an association between exogamy and other forms of sexual offense. In the text, Levi describes how his grandfather, Isaac, taught him the practices of the priesthood:

Day by day he was informing me, occupying himself with me. And he said to me, "Be on guard against the spirit of promiscuity, for it is constantly active and through your descendants it is about to defile the sanctuary. Therefore take for yourself a wife while you are still young, a wife who is free of blame or profanation, who is not from the race of alien nations."<sup>67</sup>

And, further, Levi warns his own sons about the sexual immoralities that they will commit in the "endtimes":

You teach the Lord's commands out of greed for gain; married women you profane; you have intercourse with whores and adulteresses. You take gentile women for your wives and your sexual relations will become like Sodom and Gomorrah.<sup>68</sup>

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<sup>67</sup> Testament of Levi 9:9-10.

<sup>68</sup> Testaments of Levi 14:6. Owing to the attack here on a corrupt priesthood, Kee speculates that this passage may represent a "disillusionment with the increasingly secularized later Maccabean priests." A possibility that

It is certain that the priests were held to a higher standard for sexual conduct than Israelites in general,<sup>69</sup> yet these passages suggest a disgust with exogamy that would extend to all. Just as no Israelite was permitted to have adulterous sex, the text suggests that none should be permitted to take gentile women as wives.

The text also shows hellenistic influence regarding the "spirit of promiscuity," a concept that is not native to the Hebrew Bible but which can be traced to hellenistic ideals of virtue and vice. Rather than warning his sons against violation of specific pentateuchal laws, Levi is portrayed as giving advice on ideal character traits. Like good Hellenists, Isaac and Levi suggest the need to balance the potential evil of the libido with self-discipline.

Bickerman observes that Levi appears as a hellenistic prototype:

His self-disclosure, like self-disclosure in Greek literature generally, is the description of a manner of life. For the Greek, a man's actions not only reveal his character, they create it.<sup>70</sup>

The Testament of Levi reveals a new dimension in Jewish thought regarding exogamy in the Second Temple period. Here

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would place this passage at a later time than the rest of the work.

<sup>69</sup> For example, the restrictions against priests marrying widows and divorcees (Leviticus 21:14) or on their women becoming prostitutes (Leviticus 21:9).

<sup>70</sup> Bickerman 205.

we see Hellenized Jews who wish to understand the figures of their past as prototypes of ideal lives. Exogamy, which had been described at times in the Hebrew Bible as a violation of YHWH's law, is now, simultaneously, described as a character flaw. It is a failure of mastery of oneself.

#### Philo's Philosophical Argument Against Exogamy

Philo was a wealthy member of the Jewish community in Alexandria in the first century C.E. Like other Jewish writers of Alexandria, Philo was drawn to the philosophical writings of Plato, Aristotle and the Stoics. Harry A. Wolfson writes that the intellectuals of the Alexandrian Jewish community believed the Greek philosophers "had risen above the idol-worshipping and abomination-loving heathen."<sup>71</sup> They were impressed by their espousal of "one God, invisible, immaterial, good and just," and their attacks upon idolatry.<sup>72</sup>

In his extensive Greek writings, Philo interprets the Hebrew Bible, in part, to harmonize it with the thought of the hellenistic culture that surrounded him. Philo wanted to show that the God of Israel was the same as the God of

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<sup>71</sup> Harry A. Wolfson, *Philo*, Vol. 1 (Cambridge, MA: Harvard University Press, 1982) 17.

<sup>72</sup> Wolfson 17-18.



the philosophers.<sup>73</sup>

Despite the influence of Hellenism, Philo was also a highly particularistic Jew. He denounced polytheism in the strongest terms and ascribed all philosophical and theological inventions he found attractive to Jewish origins. Philo scholar Peder Borgen writes:

When Philo draws on Greek philosophy and various notions from pagan religions, his intention was not to compromise Jewish convictions and aims. He was such an extreme Jew that he referred to all ideas and phenomena of value, also including those outside Judaism, to Moses as their origin and/or authentic formulation.<sup>74</sup>

As one might expect of a particularistic Jew living closely with non-Jews, Philo's severity is evident in his treatment of exogamy. The third chapter of Philo's work, *The Special Laws*, is devoted to the sixth and seventh commandments of the Decalogue and, therefore, "discusses many enactments which deal with sexual irregularities and crimes of violence."<sup>75</sup> In these chapters Philo interprets the laws against exogamy:

But also, he [Moses] says, do not enter into the partnership of marriage with a member of a foreign nation [*alloethnei*], lest some day, conquered by the forces of opposing customs, you surrender and

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<sup>73</sup> Wolfson 19.

<sup>74</sup> Peder Borgen, "Philo of Alexandria," *The Anchor Bible Dictionary*, Vol 5, D.N. Freedman et al, eds. (New York: Doubleday, 1992) 341.

<sup>75</sup> F.H. Colson, *Philo*, Vol. 7 (Cambridge, MA: Harvard University Press, 1937) x.

stray unawares from the path that leads to piety and turn aside into a pathless wild. And though, perhaps, you yourself will hold your ground steadied from your earliest years by the admirable instructions instilled in you by your parents, with the holy laws always as their key-note, there is much to be feared for your sons and daughters. It may well be that they, enticed by spurious customs which they prefer to the genuine, are likely to unlearn the honour due to the one God, and that is the first stage of supreme misery.<sup>76</sup>

Philo shows a strong concern for the problem of Jewish assimilation with gentiles that is consistent with his surroundings in first century Alexandria. His warning of the enticements of non-Jewish ways to the young was, perhaps, a reflection of personal experience. His own nephew abandoned Judaism and became a high Roman official in Egypt.<sup>77</sup>

In the above passage, Philo stated that the problem with intermarriage was that one might "stray unawares from the path that leads to piety." This was a message familiar from the warning of Deuteronomy 7:4 ("They will turn your children away from Me to worship other gods...") and from the sin of Solomon ("His wives turned his heart away").<sup>78</sup> Philo was especially concerned that the children of intermarriage might so be lost to that "pathless wild."

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<sup>76</sup> The Special Laws, III, 29. All translations of Philo are from Colson.

<sup>77</sup> Borgen 334.

<sup>78</sup> I Kings 11:3.

Philo's exegesis appears to have been based on a skillful reading of Deuteronomy 7:3-4, which contains an ambiguity:

ולא תתחתן בם בתך לא-תתן לבנו ובתו לא-תקח לבנך: כי-יסיר את-בנך מאחרי  
ועבדו אלהים אחרים...

You shall not intermarry with them [the seven nations]: do not give your daughters to their sons or take their daughters for your sons. For they will turn your children away from Me to worship other gods...

The ambiguity arises from the underlined word בנך, which could refer plainly to "your son" (who intermarried), or your grandson (who is the product of intermarriage).<sup>79</sup> Philo thereby interprets the verse to convey the danger of apostasy, not only to the one who intermarries, but to his or her children.

Interestingly Philo's reading of this verse accords with the reading by the rabbis of the Babylonian Talmud:

א"ר יוחנן משום ר"ש בן יוחי, דאמר קרא: כי יסיר את בנך מאחרי, בנך הבא מישראלית קרוי בנך, ואין בנך הבא מן העובדת כוכבים קרוי בנך אלא בנה. אמר רבינא, ש"מ: בן בתך הבא מן העובד כוכבים קרוי בנך.

Rabbi Yohanan in the name of Rabbi Shimon ben Yohai, it is based on the Scripture: "For he will turn your son from Me." This means that your son [grandson] who comes from an Israelite woman [i.e., your daughter] is considered your son [grandson]. But your son [grandson] who comes from a heathen woman [married to your son] is not considered your son [grandson], but rather her son. Rabina said that this proves that the son of

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<sup>79</sup> The term בן, generally "son," is used occasionally in the Hebrew Bible to refer to descendants beyond the first generation. Examples include Joshua 22:24,25,27.



your daughter by a heathen man is considered your son.<sup>80</sup>

The Babylonian Talmud interprets the passages to refer only to the apostasy of the offspring of intermarriage, not to the apostasy of those who intermarry. The Talmud takes this a step further than Philo, using it as proof that Jewish status is conferred by the mother and not the father. The Talmud reads the masculine verb *יָשָׁב*, "he will turn," as referring only to a heathen father, not a heathen mother. Since the verse does not bother to mention the danger to the son of a Jewish father from a heathen mother, the Talmud presumes him to be a heathen, not a Jew. As mentioned, Philo reads the verse to refer equally to foreign men and women, which is probably closer to its original meaning.

The passage from Philo demonstrates some of the tension that he must have felt in resolving Jewish and hellenistic thought. For example, Philo describes apostasy as a personal loss, a failure to keep to the proper path, a deviation from the instruction of ones parents, and "the first stage of supreme misery." Intermarriage, to Philo, is a violation of the sixth commandment, a failure to keep sexual urges in check; not a violation of the second commandment, to have no other gods.

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<sup>80</sup> Kiddushin 68b.

Despite Philo's careful efforts to temper his comments with references to Jewish law as a "key-note," he betrays an overriding concern with hellenistic notions of human psychology and character development. Such ideas cannot be found in the Hebrew Bible. The Bible admits no alternate life-style - Philo's "spurious customs" - to the worship of YHWH. Failure to keep the commandments in the Bible results in divine punishment for the nation, not an abstract sense of individual "misery" or being lost in "a pathless wild." Such dissonance with the biblical tradition is the result of Philo's efforts to express the Bible's principles in hellenistic terms.

Elsewhere in his writing, Philo shows a clearer opposition to intermarriage on the grounds of sexual excess and racial purity, as seen in *The Testament of Levi* and *Tobit*. Philo writes of "apostates from the holy laws," who, "have sold their freedom for luxurious food ... and beauty of body, thus ministering to the pleasures of the belly and the organs below it."<sup>81</sup>

Harry Wolfson describes how Philo regarded the Jew as "pure" and how apostasy poisoned that purity:

An indirect allusion to apostasy with reference to intermarriage may ... be discerned in Philo's description of the apostate as "a man of noble descent who has debased the coinage (*παράκωσας*)"

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<sup>81</sup> *Virt.* 34, 182.

νόμιμα) of his noble birth" [Praem. 26, 152] This metaphor is used by Philo often as a general description of the breaking of any established law, but always with the connotation that the breaking of the law in question involved the adulteration of something which is pure by nature of birth. Consequently, when he speaks here of an apostate as having "debased the coinage of his noble birth," he means not only that he has been disloyal to the law inherited from his fathers but also that he had been led to this disloyalty by his marriage to a heathen.<sup>82</sup>

Those who fail to resist the temptations of the flesh, says Philo, are liable to soil their flesh. He thus implies a racially determined "noble descent" that is inherent in the bodies of Jews.

The hellenistic, philosophical Judaism of Philo and the Alexandrians died when the Romans put down a revolt by the city's Jewish population in 117 C.E., wiping out the Jewish community. Already far from the Jewish centers of Palestine and Babylon, the Alexandrian community's writings were lost to the Jewish world. In that regard, Philo represents a "dead end" in the history of Judaism's responses to intermarriage.

Still, Philo's innovations were considerable and of great interest. His is perhaps the most thorough and brilliant attempt in the ancient world to reconcile Jewish particularist objections to exogamy with universalistic,

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<sup>82</sup> Wolfson 75.



hellenistic philosophy. He relied on many of the Jewish objections to exogamy that preceded him in the Second Temple era - racial tainting, sexual excess, and creeping apostasy - yet he presented them as a coherent argument based on the exegesis of the Pentateuch.

#### Josephus' Apologia for Jewish Law

Alone among the authors considered in this survey, Josephus did not write mainly for a Jewish audience. Among his works, *Antiquities* is the longest. It is largely a Greek paraphrasing of the Hebrew Bible. It appears to have been intended to make Jewish history and religion more appealing to an audience of both Jews and Romans. His work was not preserved by the Jewish community, but by Christians because of its references to the life of Jesus.

Joseph ben Mattathias was born in 37 C.E., by his own report, to a significant priestly family of Jerusalem. He was named general of the Jewish forces in the Galilee at the time of the Great Revolt against Rome. Defecting to the Romans, he took on the Roman name Josephus Flavius and, somehow, became a historian residing in the emperor's house in Rome.

Philo's style is grand. His writing shows thorough imitation of Roman writers, especially in his embellishment

on the virtues of his heroes and his love of oratory.

Like Philo, Josephus shows a strong concern for the assimilation of Jews with gentiles.<sup>83</sup> His paraphrases of several key biblical passages dealing with intermarriage are greatly extended to emphasize its corrupting influence. His description of the seduction of Israel by the Midianite women during the travels through the wilderness is striking.

Josephus imagines that the women were actually sent by Balak, at the suggestion of Balaam, after Balaam's failure to curse the Hebrews.<sup>84</sup> Balaam advised the king:

Set out the handsomest of such of your daughters as are most eminent for beauty, and proper to force and conquer the modesty of those that behold them. Then do you send them to be near the Israelite's camp and give them in charge, that when the young men of the Hebrews desire their company, they allow it them; and when they see that they are enamored of them, let them take leaves; and if they entreat them to stay, let them not give their consent till they have persuaded them to leave off their obedience to their own laws and the worship of that God who established them, and to worship the gods of the Midianites and Moabites.<sup>85</sup>

When the women had thus "allowed their company" to the Hebrew men, only to withdraw, they saw that "they had made

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<sup>83</sup> Louis H. Feldman, "Josephus," *The Anchor Bible Dictionary*, Vol 3, D.N. Freedman et al, eds. (New York: Doubleday, 1992) 986.

<sup>84</sup> Numbers 22-24. All translations of Josephus' *Antiquities* are from William Whiston, trans., *The Works of Josephus* (Peabody, MA: Hendrickson, 1991).

<sup>85</sup> *Antiquities* 4:129-130.

[the Hebrews] their slaves."<sup>86</sup> They then entreated the men to abandon their God in this speech:

It will be absolutely necessary if you would have us for your wives, that you do withal worship our gods; nor can there be any other demonstration of the kindness which you say you already have, and promised to have hereafter to us, than this, that you worship the same gods that we do.<sup>87</sup>

Josephus' embellishment upon the story in Numbers 25 echoes the hellenistic message seen in Philo and *The Testament of Levi* concerning the evil of excessive lust. The sin of the Israelites in his version is that they succumb to sexual seduction. Josephus appears to have been sensitive to the charge that Jews were a self-concerned, particularistic people who could not accept the universalism of Roman rule and thought. He therefore does his best in this passage to emphasize the culpability of the foreign women and, on that basis, justifies the need to forbid them to the Hebrew men.

The conclusion of the story, in which Phinehas kills one of the offending Israelite men and his foreign female companion, reveals more of Josephus' agenda. In Josephus' version, the Israelite, Zimri, declares his intention to marry Cozbi, his foreign bride, against the law of Moses. Rather than Moses ordering the execution of the exogamists,

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<sup>86</sup> Antiquities 4:133.

<sup>87</sup> Antiquities 4:137.



as in Numbers, Josephus writes:

Moses was afraid that matters should grow worse, and called the people to a congregation, but then accused nobody by name, as unwilling to drive those into despair who, by lying concealed, might come to repentance; but he said that they did not do what was either worthy of themselves or of their fathers, by preferring pleasure to God, and to the living according to his will.<sup>88</sup>

In contrast to the Moses of Numbers, Josephus portrays him as a thoughtful leader who uses rhetoric and persuasion (like a Roman politician) in order to lead transgressors back to the law. Josephus makes sure that the blame for the slaughter that will follow is placed clearly on Zimri.

Zimri's own grand oratory against Moses is damning:

Thou shalt not have me one of thy followers in thy tyrannical commands, for thou dost nothing else hitherto but, under pretense of laws, and of God, wickedly impose on us slavery, and gain dominion to thyself, while thou deprivest us of the sweetness of life, which consists in acting according to our wills, and is the right of free men, and of those that have no lord over them.<sup>89</sup>

This is but a small section of Zimri's lengthy speech, which appears calculated to infuriate the sensibilities of Josephus' Roman audience. Jewish rebellions were common enough in the first century C.E. for Zimri's speech to be heard as the same call against authority as the instigators of Judea. Josephus, here, cleverly puts Moses, the Jewish hero, into the role of the suffering source of just

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<sup>88</sup> Antiquities 4:142-143.

<sup>89</sup> Antiquities 4:146.

authority. Moses is the good Jew — like Josephus himself — who opposes rebellion and supports the rule of law. The recasting of the story is at once Josephus' apology for his own defection and a calculated effort to win hellenistic sympathy for Jewish law.

Josephus returned to the theme of intermarriage in relating the story of Solomon. To Josephus, the youthful Solomon was the ideal Hebrew king, embodying every Roman notion of kingly virtue. He describes in great detail Solomon's military accumen in defeating his enemies, his wisdom in uncovering deceit, the riches he won through just and peaceful rule, and the mighty buildings he erected to last the ages. It is in this context that Josephus first mentions Solomon's marriage to the daughter of Pharaoh:

Solomon having already settled himself firmly in his kingdom, and having brought his enemies to punishment, he married the daughter of Pharaoh, king of Egypt, and built the walls of Jerusalem much larger and stronger than those that had been before, and thenceforth he managed public affairs very peaceably, nor was his youth any hindrance to the exercise of justice, or in the observation of the laws, or in the remembrance of what charges his father had given him at his death; but he discharged every duty with great accuracy, that might have been expected from such as are aged, and that of the greatest prudence.<sup>90</sup>

It is ironic that Josephus here does not relate any of the oprobrium later associated with his marriage to

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<sup>90</sup> Antiquities 8:21.

Pharaoh's daughter, but praises him for his "observation of the laws." As much as Josephus praised Solomon for the virtues of his youth, he would deride him for the faults of his age:

But although Solomon was become the most glorious of kings, and the best beloved by God, and had exceeded in wisdom and riches those that had been rulers of the Hebrews before him, yet did not he persevere in this happy state till he died. Nay, he forsook the observation of the laws of his father, and came to an end no way suitable to our foregoing history of him. He grew mad in his love of women, and laid no restraint on himself in his lusts; nor was he satisfied with the women of his country alone, but he married many wives out of foreign nations; Sidontans, and Tyrians, and Ammonites, and Edomites; and he transgressed the laws of Moses, which forbade Jews to marry any but those that were of their own people.<sup>91</sup>

The Solomon of the Hebrew Bible is described in a combination of personal merits and defects. This is typical of the Hebrew Bible, which reserves perfection only for its God. However, the hellenistic tradition expected near perfection from its heroes. In response to the hellenistic accusation that the Jews had no worthy heroes, Josephus created two Solomon's - a young one who would satisfy hellenistic criteria of heroism, and an older Solomon who had given in to vice. The young Solomon's exogamous marriage to the daughter of Pharaoh was counted by Josephus as a sign of his power and prestige. The old Solomon's

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<sup>91</sup> Antiquities 8:190-191.



numerous marriages was portrayed as a sign of debauchery and lack of sexual restraint. According to Josephus – and in contradiction to the Hebrew Bible – the fact that these late marriages were to foreign women was a secondary element of his sin.

Josephus, however, is not entirely insensitive to Jewish priorities. Having established that the older Solomon was guilty of the hellenistic flaw of excessive lust, he proceeds to examine Solomon's sins in more Judeo-centric terms as well:

[Solomon] also began to worship their gods, which he did in order to the gratification of his wives, and out of his affection for them. This very thing our legislator [Moses] suspected, and so admonished us beforehand, that we should not marry women of other countries, lest we should be entangled with foreign customs, and apostatize from our own; lest we should leave off to honor our own God, and should worship their gods.

Applying the term "apostatize" to the Israel of King Solomon was surely an anachronism – King Solomon could no more have renounced YHWH than he could have become an Egyptian. Yet, this appears in a passage that otherwise faithfully repeats the warnings of Exodus 34 and Deuteronomy 7 – exogamy leads to the worship of foreign gods. There is no Hellenism here. The polytheistic, hellenistic mind could not object to the worship of other gods. The outright condemnation of exogamy on its own terms would have been

foreign to hellenistic universalism.

One may see here Josephus playing to two audiences. He had to satisfy the expectations of both his Roman readers and his Jewish Diaspora readers. More likely, in addition to this explanation, Josephus was writing as a classical apologist. His goal was to explain Judaism in terms palatable to the hellenistic world. He manipulated some stories and ideas to fit the dominant ideology, but ultimately he had to clearly state the Jewish position in order to achieve his rhetorical goals.

elsewhere in the *Antiquities*, when expanding upon the stories of Samson<sup>92</sup> and in relating Ezra's reforms,<sup>93</sup> Josephus repeated his position on exogamy. In each case, Jewish law was justified as a safeguard against the vice of excessive lust.

Josephus' apology for the Jewish prohibition on intermarriage was ever aware of the sensibilities of his audience. His presentation often attempted the contrary goals of presenting Judaism authentically and making the best case possible for its worth to a hellenistic audience. As such, Josephus' exegesis indicate the difficulties that Jews had in defending their laws against intermarriage in

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<sup>92</sup> *Antiquities* 5:275-317.

<sup>93</sup> *Antiquities* 11:139-153.

the Roman milieu.

### Conclusion: Putting It All Into Historic Context

The period that produced the writings considered in this chapter was one of increasing contact and conflict between Jews and Hellenists. The second century B.C.E. began with the land of Israel under the rule of the Seleucids, the Hellenist rulers of Syria. Hellenistic centers arose in the coastal cities of Acco, in the north, and Gaza, in the south. Tensions between the two cultures, living in close proximity, had their roots in the relatively peaceful early years of the second century.<sup>94</sup> Within three decades of Seleucid rule, though, Judea broke out in revolution. While there were certainly politics behind the revolt – escalating taxes and a power struggle among priestly families – the culture clash played a major role.<sup>95</sup>

Twenty-five years of war with the Seleucids ultimately resulted in the establishment of an independent Jewish kingdom under the rule of the Hasmoneans, the family that had been glorified for leading the revolt. That did not end the culture war, however, as the Hasmonean rulers proved to be ardent hellenizers themselves. In 63 C.E., the Jewish

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<sup>94</sup> Isaiah Gafni, "The Historical Background," *Jewish Writings of the Second Temple Period*, ed. Michael E. Stone (Philadelphia: Fortress, 1984) 5.

<sup>95</sup> Gafni 7.



state fell to the Romans, and it may have appeared that Jewish cultural identity would be destroyed along with the Temple in Jerusalem.

Against that background, it is hardly surprising that the self-identified Jewish writers of the period showed strong cultural chauvinism that did not hesitate to define itself in terms of racial superiority. Nor is it surprising that they were unanimously opposed to marriages outside the Jewish nation.

As discussed, though, the concern over intermarriage appears to have been stronger among Jewish writers living outside the land of Israel. The Palestinian book of *Tobit* is more interested in issues of endogamy, marriage within Jewish sub-groups, than with exogamy. *Jubilees*, too, treats exogamy mostly as a steel on which to sharpen its agenda of priestly authority. It may be that within Israel, the consensus against exogamy was so strong that it did not bear arguing.

In the Alexandria of Philo and the Rome of Josephus, though, Jews were a minority. Despite the official animosity of the government toward Judaism, the culture of Israel did make significant inroads into hellenistic culture. Large numbers of non-Judeans throughout the empire became enamored of Judaism and many converted. Josephus

boasts that the Greek historian Strabo said of the Jews, "It is hard to find a place in the habitable earth that hath not admitted this tribe of men, and is not possessed by them."<sup>96</sup>

At the same time, it was the Jews of the Diaspora, who had the most contact with non-Jews, who had the greatest concern for assimilation into hellenistic culture. Philo and Josephus are the most adamant writers of the period in their antagonism toward intermarriage. Paradoxically, both struggled to be, at once, a part of the hellenistic world and loyal to the traditions of Judaism. Though neither would become part of mainstream Jewish tradition, Philo and Josephus' struggles to resolve this conflict would augur future trends in the Jewish response to intermarriage.

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<sup>96</sup> Antiquities 14:115.

### CHAPTER III: INTERMARRIAGE IN TANNAITIC LITERATURE

The Judaism of *Jubilees* and *Tobit* – rooted in the Temple cult – appears to have been closer to the Judaism of Ezra and Nehemiah than to the Judaism of the rabbis. The Judaisms of Philo and Josephus, self-consciously alien to their surroundings, defensive and apologetic, also differed sharply from the authoritative tone and legal pragmatism of the Talmud.

The transition from Ezra to the Rabbis is one of the most obscure periods in Jewish history. Yehezkel Kaufman describes it as "without history." He says, "It has, as it were, vanished from Jewish tradition and left no direct evidence."<sup>1</sup> Kaufman notes, though, that this period also saw the development of some of the most basic elements of Judaism: the sanctification of the Torah, the system of mitzvot based in the Torah, the synagogue, the liturgy, phylacteries, mezuzahs and fringes.<sup>2</sup>

It is a period in which Israel regained its independence under the Hasmonean family of priests and kings, only to again become a vassal under the rule of Rome. Somehow, from the mists of Hasmonean rule, there arose the Pharisees, a popular political party, that would eventually

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<sup>1</sup> Kaufman 566.

<sup>2</sup> Kaufman 566-567.



give birth to the Tannaim, the authors of the Mishnah and the founders of rabbinic Judaism. The Tannaim addressed exogamy in ways radically different from the Jewish writers who preceded them. They established formal rules for conversion that set the tone for the historically normative Jewish response to intermarriage.

The Mishnah was compiled by the Tannaim around the year 200 C.E. and marks the end of the tannaitic period. It has been described as "a collection of laws, customs and ethical sayings."<sup>3</sup> The Mishnah is a highly edited document that presents a somewhat consistent ideological framework to the diverse opinions of its sages. In contrast, the Tosefta, a similar tannaitic collection, less authoritative than the Mishnah, is also less polished and more ideologically diverse. Evidence from the period is also found in the *baraitot*, quotations from tannaitic sages, found in the Babylonian and Palestinian talmuds.

If there is a lack of direct historical evidence from this period, historians have found indirect clues to guide our understanding of its background. The Hasmoneans were descendants of the leaders of the successful rebellion against the Seleucid Dynasty in the second century B.C.E.

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<sup>3</sup> Saul Lieberman, *Hellenism in Jewish Palestine* (New York: The Jewish Theological Seminary of America, 1962) 83.

The entire period of the Hasmoneans was marked by political instability.<sup>4</sup>

It was during this time that a faction, known to Josephus as the Pharisees, began to exert considerable influence on Israel's polity.<sup>5</sup> The Pharisees based their authority on a tradition of exegetical interpretation of the Torah, rather than on priestly birth. This put them at odds with the "Sadducees," the supporters of priestly authority. A civil war erupted in the late second century B.C.E. when the Hasmonean ruler, John Hyrcanus, withdrew support of the Pharisees in favor of the Sadducees. The conflict was resolved in the first century with a compromise brokered by the Hasmonean Queen Salome Alexandra, which "allowed the Sadducees to retain their possessions, positions and prerogatives, while it granted the Pharisees effective control over the Jewish polity."<sup>6</sup>

On the relationship between the Pharisees and the Tannaim, Martin A. Cohen states, "If Tannaitic literature nowhere explicitly articulates its Pharisaic descent, it

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<sup>4</sup> M.A. Cohen, *Two Sister Faiths: Introduction to a Typological Approach to Early Rabbinic Judaism and Early Christianity*. Pamphlet based on the Second Annual Rabbi Joseph Klein Lecture ([Worcester, MA]: Assumption College, 1979) 14.

<sup>5</sup> Antiquities 13:288.

<sup>6</sup> M.A. Cohen, *Two Sister Faiths*, 14.

cogently suggests it everywhere."<sup>7</sup> Echoing the Pharisaic preoccupation with exegetical argument and legalistic interpretation, the Tannaim codified a legal system centered around a hierarchy of בתי דין, or courts, that enforced the law according to exegesis of the Torah. At the top of the hierarchy was the בית דין הגדול, a "Supreme Court" which also served as the nation's legislature.

Mishnah Hagigah 2:2 presents the names of five pairs of Pharisaic leaders – the 'President' and the "Father" – of this high court dating back to the first half of the second century B.C.E.<sup>8</sup> Elias Bickerman observes that of the five "Fathers" mentioned in this passage, three originated from areas outside of Judea. To Bickerman, this suggests a quality basic to the tannaitic perspective. The Judaism of the regions on the periphery of the Jerusalem High Priests' control, argues Bickerman, differed from that in the center. Jews on the periphery were "both less coerced by [the priests'] ancestral law and more exposed to contact with 'unclean' foreigners."<sup>9</sup> The Tannaim, it could then be argued, were influenced by the intersection between the land of Israel and the Jewish periphery.

The previous chapter described how the Jews of Israel

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<sup>7</sup> M.A. Cohen, *Two Sister Faiths*, 15.

<sup>8</sup> M.A. Cohen, *Two Sister Faiths*, 16-17.

<sup>9</sup> Bickerman 35.



and those in the far-flung Diaspora varied in their reactions to endogamy and exogamy during the Second Temple period. Given the political and social placement of the Tannaim between the two, it is not surprising that they reflected both the strong concern for genealogical purity found in the land of Israel and the wariness of foreign contact found in the Diaspora.

It has been observed that the Tannaim were far from an homogenous group. The tannaitic literature speaks freely of two diverging tendencies within their ranks - the schools of Hillel and Shammai. The Hillelites, who dominated most of the history of the period, were generally more lenient, more inclusive and represented lower-class interests. The Shammaites were generally more strict, more exclusive and represented upper-class interests.<sup>10</sup> Louis Finkelstein has gone so far as to speculate that the tendency that would later be identified as Shammaite was originally a priestly faction that broke off from the Sadducees in the third century B.C.E.<sup>11</sup>

In relating politically to the outside world, the Tannaim appear to have been accommodationist in their views

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<sup>10</sup> Louis Finkelstein, "The Pharasaic Leadership after the Great Synagogue," *The Cambridge History of Judaism, Volume Two: The Hellenistic Age*, eds. W.D. Davies and Finkelstein (New York: Cambridge U.P., 1989) 254.

<sup>11</sup> Finkelstein 254-259.

on Roman sovereignty. The Pharisees had split in the first century C.E. over the question of Rome – the Tannaim favored “carrying the burden of Roman rule,” while the Zealots favored armed rebellion.<sup>12</sup> In fact, much of the power of the Hillelite faction of Tannaim appears to have devolved from Roman support. Martin A. Cohen argues that it was the command of “Rome [that] established the loyal Hillelites as Judea’s chief authority figures.”<sup>13</sup>

Following the Great Revolt and the destruction of the Temple in 70 C.E., Yohanan ben Zakkai, a Hillelite, moved his tannaitic followers to Yavneh with Roman support. Much of the work of the Sanhedrin established at Yavneh focused on defining the limits of Jewish law against the acknowledged authority of Roman law. This accommodationist tendency among the Tannaim is reflected in some of their decisions regarding the status of foreigners. They felt free to ban sexual contact with non-Jews but declined to punish offenders themselves. In some cases, they would demur from directly stating the unflattering assumptions

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<sup>12</sup> M. Avi-Yonah, *The Jews under Roman and Byzantine Rule* (1976; New York: Schocken-Magnes, 1984) 10-11.

<sup>13</sup> M.A. Cohen, *Two Sister Faiths*, 31. It is evident, however, that a spectrum of attitudes towards Rome existed among the Tannaim, with the Hillelites displaying the more complacent and the Shammaites the more aggressive positions. This spectrum is portrayed in B. *Shabbat* 33b, in which three Tannaim represent three attitudes toward Rome: admiration, silence and contempt.

about foreigners that lay beneath their legal dicta.

### Prohibition on Sex with Unconverted Non-Jews

The tannaitic period is the first in which a fully developed legal concept of conversion to Judaism existed.<sup>14</sup> The acceptance of a standard for conversion immediately divided all Jews into two parts - converts and "pure" Israelites. In the tannaitic context, the term "גֵּר," "convert," referred to those gentiles who converted to Judaism and their descendents. "Israelite" was used to refer only to those who claimed direct lineage to the returnees from Babylonian exile.

In the new Jewish world that knew of legal conversion, exogamy took on new meaning. The Tannaim could consider the possibility of an "Israelite" Jew having an exogamous marriage to a "convert" Jew. As we shall see, this was the type of exogamous marriage most hotly debated by the Tannaim. In contrast to the debate regarding marriage to converts (and, as we shall see, because of it), there was little if any debate among the Tannaim regarding marriage to the unconverted.

Once a *de jure* form of conversion (which could be

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<sup>14</sup> Conversion had already been suggested in the Book of Ruth, Deutero-Isaiah and the apocryphal book of Judith. But there was no description of a technique and standard for conversion until the tannaitic period.



effected outside of marriage) was allowed, it was definitional that only a converted gentile could marry an Israelite. In a world in which "religion" and "society" were synonymous, a person could not enter Jewish marriage without entering the congregation. Marriage without conversion had no legal meaning. Sexual contact with unconverted gentiles, therefore, was regarded merely as illicit prostitution or cohabitation at best.

One of the Palestinian sages in the Babylonian Talmud reports that a ban on sexual relations with gentile women was already in effect before Roman rule began:

כי אתא רב דימי אמר בית דינו של חשמונאי גזרו הבא על הנכרית חייב עליה משום  
נדה שפחה גויה אשת איש.

When Rav Dimi came, he said: The *Bet Din* of the Hasmoneans decreed that one who had sex with a gentile woman was liable to punishment on account of a menstruant, a female slave, a gentile woman and a married woman.<sup>15</sup>

The four-fold liability reflected some of the legal understandings of gentiles that the Tannaim accepted, but were often loath to address directly. Having sex with a gentile woman was tantamount to violating the law against sexual contact with a woman during her period of *niddah* because such women were considered legally to be menstruants from birth. This is reflected in the Mishnah:

בנות כותים גדות מעריסותן והכותים מסמאים משכב תחתן כעלין מפני שהן בועלי

<sup>15</sup> B. Sanhedrin 82a

Samaritan women are considered menstruents from their cradles. Samaritan [men] pollute that which they lie upon as that which covers them because they have sex with menstruents...<sup>16</sup>

As for the comparison between gentiles and slaves – it was a common one in the Tannaitic literature.<sup>17</sup> These two legal categories may have been paired with each other because many of the slaves in Palestine during this period were foreign born.

The implied legal equivalence between sex with a gentile woman and a married woman suggests a tannaitic view that all gentile women were sexually tainted. This assumption may be based on an unflattering view of gentiles held by Jews of the period. Gedaliah Alon speaks of the Tannaim's suspicions "centered on the supposed unbridled sexual proclivities of the pagans."<sup>18</sup> This attitude is evident in a Tosefta:

אחותו וחמותו ושאר כל עריות שבתורה לא תתייחד עמהן אלא על פי שנים אבל  
היא לא תתייחד אפי' עם מאה גו'.

One should not be alone with his sister, his sister-in-law and the other relations forbidden in Torah except in the presence of two [witnesses]. But she should not be alone even with a hundred

<sup>16</sup> M. Niddah 4:1.

<sup>17</sup> For example M. Bechorot 8:1; M. Yebamot 3:5,8; M. Gittin 9:2.

<sup>18</sup> Gedaliah Alon, *The Jews in their Land in the Talmudic Age*, ed. and trans. Gershon Levi, vol. 2 (Jerusalem: Magnes, 1984) 552.

gentiles.<sup>19</sup>

The *baraita* suggests that the Tannaim did not trust gentile men not to rape any woman with whom they came in contact, even while in the company of many others. Since intercourse established marriage, and all gentile women were suspected to have been raped, they were also suspected to be married.

It is significant that Rav Dimi's statement comes from the time of the Hasmoneans – before the establishment of Roman sovereignty – and equally significant that it does not appear in the tannaitic literature. The Tannaim likely shared many of these negative assumptions about foreigners, especially their women, but may have felt constrained from stating them because of their dependence on Rome for their authority.

In the mishnaic passage that comes closest to ruling against sexual contact with gentiles, the Tannaim were careful to distance their authority from the exercise of legal punishment:

הגונב את הקסוה והמקיל בקוסם והבועל ארמית קנאין פוגעין בו...

One who steals a libation vessel, who curses with *Kosem*[],<sup>20</sup> and one who has sex with an Aramean

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<sup>19</sup> T. Kiddushin 5:10. Saul Lieberman, *The Tosefta* (New York: The Jewish Theological Seminary of America, 1973).

<sup>20</sup> Various understood as a reference to curses by means of magic or a suggestion that God is a "carver" rather than a creator *ex nihilo*.



woman, the zealots attack [kill] him.<sup>21</sup>

This mishnah has the virtue of conforming with the ruling of the "Bet Din of the Hasmoneans," without laying the blood of the exogamist on the tannaitic Sanhedrin. The Tannaim, thereby satisfied the expectations of their Jewish constituency without endangering their standing with their Roman sponsors.

It is not surprising, given the tannaitic attitude toward gentiles and their insecurities about offending the Romans, that the Babylonian Talmud reports this late tannaitic comment which has no parallel in tannaitic literature:

ארבעה דברים צוה רבינו הקדוש את בניו אל תדור בשכנזיב... ואל תשב על מסת ארמית... ואל תבריח עצמך מן המכס... ואל תעמוד בפני השור בשעה שעולה מן האגם.

Four things did our holy Teacher [Yehudah ha-Nasi] command his children: Do not dwell in Shekanzib... do not sit upon the bed of a Syrian woman ... do not seek to evade toll tax ... do not stand in front of an ox when he comes up from the meadow.<sup>22</sup>

Yehudah ha-Nasi, traditionally considered the compiler of the Mishnah and, therefore, the last true Tanna, gave his sons this odd list of warnings. The overall import of the warnings appears to be the avoidance of danger. While the expression "תשב על מסת ארמית" could be interpreted as a warning

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<sup>21</sup> M. Sanhedrin 9:6.

<sup>22</sup> B. Pesachim 112b.

against the ritual pollution associated with a woman who is "a menstruent from the cradle," one could also read it as a warning against sexual contact. Yehudah ha-Nasi appears to have regarded sex with a foreigner to have been as dangerous as playing with a bull.

### The Legal Status of Children Born to Jews and Gentiles

The definitional exclusion of unconverted gentiles from marriage to Israelites produced a host of legal problems that the Tannaim had to control. Most importantly, the status of the children of such unions had to be explained in ways that met the needs of the times.

In the biblical period, there had been no such problem. Until the decrees of Ezra and Nehemiah, non-Israelite women had been considered automatically "converted" upon marrying an Israelite man<sup>23</sup> and an Israelite woman who married a non-Israelite man was presumed to become a worshiper of her husband's gods. The result was a *de facto* rule of patrilineal descent: the child followed the father's status.

Ezra had forced (or attempted to force) all non-Israelites out of Israelite homes, and that may have sufficed for his small, isolated community. But the Tannaim

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<sup>23</sup> Shaye Cohen, "Conversion to Judaism in Historical Perspective: From Biblical Israel to Postbiblical Judaism," *Conservative Judaism* 36:4 (1983): 38.

lived in a time in which Israelites were in constant contact with other nations. Further complicating the problem, Judaism had become quite popular among people of many nations and there were many converts and "Judaizers," people who espoused the God of Israel without formal conversion (called יראי שמיים or יראי ה' in the rabbinic texts).<sup>24</sup> There was no biblical precedent to determine the status of children born to such people.

One innovation launched by the Tannaim to resolve this problem was the institution of immersion in *mikveh* as a requirement for conversion. Outside of the tannaitic literature, the only previous requirement for conversion was circumcision. This ritual alone, however, made no distinction between women converts and Judaizers. The institution of the *mikveh* requirement established a benchmark for determining the status of a child born to a Jewish father and gentile mother.<sup>25</sup> This innovation allowed for another familiar legal distinction which appears for the first time in this mishnah:

כל מקום שיש קדושין ואין עברה הולך אחר הזכר ואיזה זו כהנת לוי  
וישראלית שנשאת לכהן וללוי ולישראל וכל מקום שיש קדושין ויש עברה הולך  
הולך אחר הפגום ואיזה זו אלמנה לכהן גדול גרושה וחלוצה לכהן הדיוט ממזרת  
וגתירה לישראל בת ישראל לממזר ולגתין וכל מי שאין לה עליו קדושין אבל יש לה  
על אחרים קדושין הולך ממזר ואיזה זה הבא על אחת מכל העריות שבתורה וכל מי  
שאיין לה לא עליו ולא על אחרים קדושין הולך כמותה ואיזה זה ולד שפחה ונכרית:

<sup>24</sup> S. Cohen, "Conversion to Judaism," 40.

<sup>25</sup> S. Cohen, "Conversion to Judaism," 38.



In every instance in which there is betrothal and there is no transgression, the offspring follow [the status of] the male. Which case is this? This is the daughter of a priest, a levite or Israelite who was married to a priest, levite or Israelite. But in every instance in which there is betrothal and there is transgression, the offspring follow [the status of] the defect. Which case is this? This is a widow married to the High Priest, a divorcee or a woman who underwent *halitzah* married to a regular priest, a female *Mamzer* or *Netin* married to an Israelite, or a daughter of an Israelite married to a *Mamzer* or a *Netin*. Any case in which one is not permitted betrothal to a particular woman, but others would be permitted betrothal to her, the offspring are *Mamzers*. Which case is this? This is one who has sex with one of the relations forbidden in Torah. Any case in which one is not permitted betrothal to a particular woman and others would not be permitted betrothal to her either, the offspring are like her [in status]. Which case is this? This is the offspring of a female slave or a gentile woman.<sup>26</sup>

Here, for the first time, the status of the offspring of a Jew and an unconverted gentile is determined by the status of the mother.<sup>27</sup> This reversal of the biblical paradigm may have been motivated by several factors. It solved the problem posed by cases in which the father of a child was not known or in which the woman was raped. It may also have been instituted to parallel Greek and Roman law — thus removing circumstances in which both Jewish and non-

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<sup>26</sup> M. Kiddushin 3:12.

<sup>27</sup> This mishnah states only the case of a gentile mother. The converse case is implied in M. Yebamot 4:13 which identifies the child of a Jewish mother and unconverted gentile father as a *Mamzer*, and, hence, a Jew.

Jewish authorities would assert claims over a child.<sup>28</sup>

It is clear, though, that the new doctrine of matrilineal descent would not have been possible without the requirement of *mikveh* for conversion.<sup>29</sup> Circumcision had always made it clear which men had truly converted in the legal sense. But without *mikveh* there was no way to distinguish a woman who had converted legally from a mere Judaizer. The establishment of legal conversion, matrilineal descent and *mikveh* was the three-pronged tannaitic reform that redefined exogamy for a Jewish community living among gentiles and under gentile control.

#### The Principle of Non-Recognition of Gentiles

The gentile status of the children of unconverted gentile mothers raised yet further legal issues. The Tannaim had to address the child's status as a member of a Jewish family, even if he or she was not a Jew. This mishnah deals with the case of levirate marriage:

מי שיש לו אח מכל מקום וזקק את אשת אחיו ליבום ואחיו לכל דבר חזק ממי שיש לו מן השפחה ומן הנכרית מי שיש לו בן מכל מקום פוסק את אביו מן היבום וחייב על מכתו ועל קללתו ובנו הוא לכל דבר חזק ממי שיש לו מן השפחה ומן הנכרית:

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<sup>28</sup> Pericles of Athens limited citizenship to the children of Athenian mothers and the Roman writer, Paulus, argued the certainty of maternity over paternity. Walter Jacob, ed. *Contemporary American Reform Responsa* (New York: Hebrew Union College Press, Central Conference of American Rabbis, 1987) Responsa 38.

<sup>29</sup> S. Cohen, "Conversion to Judaism," 38.

One who has a brother under any circumstances obliges his brother's wife to levirate marriage; he is considered his brother in every respect; this with the exception of one who is [born] from a female slave or from a gentile woman. One who has a son under any circumstances, [the son] releases his father's wife from obligation to levirate marriage; he is liable for striking him [his father] or cursing him; he is his son in every respect; this with the exception of one who is [born] from a female slave or from a gentile woman.<sup>30</sup>

The Mishnah had to make explicit exemption for the son of a slave or gentile woman because this child is still considered to be the son of his father. Without the exemption, the child of a gentile mother would be a paradoxical non-Jew subject to the Jewish laws of levirate marriage. A statement in the Babylonian Talmud ascribed to Rabbi Shimeon ben Yohai, however, may have extended the rule to renounce any relationship between the Jewish father and his son by a gentile mother:

א"ר יוחנן בשם ר' שמעון בן יוחי אמר קרא כי יסיר את בןך מאחרי בןך מִיִּשְׂרָאֵלִית קרוי בןך ואין בןך הבא מן העובדת כוכבים קרוי בןך אלא בנת.

Rabbi Yohanan replied in the name of Rabbi Shimeon ben Yohai: Scripture stated, "For he will turn away your son from following Me" (Deuteronomy 7:4). [It follows that] your son born from an Israelite woman is considered your son, but your son who was born from a gentile woman is not considered your son but, rather, hers.<sup>31</sup>

This statement, were it reliably that of Rabbi Shimeon

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<sup>30</sup> M. Yebamot 2:5.

<sup>31</sup> B. Yebamot 23a and B. Kiddushin 68b.



ben Yohai, would confirm what is already suggested by the preceding mishnah. Not only were unions of Jews and gentiles entirely unrecognized by tannaitic law, the children of such unions were also totally unrecognized.

This policy of non-recognition of gentiles, marriage to gentiles and the offspring of Jewish-gentile unions raised further problems. In a *baraita* in the Tosefta, the Tannaim attempt to resolve the case of Jewish-gentile sex that led to Jewish-convert marriage:

...גוי ועבד הבא על בת ישראל אף על פי שחזר הגוי ונתגייר עבד ונשתחרר אין להן כתובה רצו לקיים נותנין כתובה מנה ישראל הבא על השפחה ועל נכרית ואף על פי שחזרה שפחה ונשתחררה נכרית ונתגיירה אין להן כתובה רצו לקיים נותנין כתובה מנה...

...A gentile or a slave who had sex with an Israelite woman, despite the fact that he reverted in status - the gentile converted, the slave was freed - they [the Israelite women] have no *ketubah*. They [the converted gentile or the freed slave] must pay a *maneh* to establish a *ketubah*. An Israelite who had sex with a female slave or a gentile woman, despite the fact that she reverted in status - the female slave was freed, the gentile woman converted - they [the freed slave or the converted gentile] have no *ketubah*. They [the Israelite men] must pay a *maneh* to establish a *ketubah*.<sup>32</sup>

This *baraita* again asserts that there could be no recognition of marriage between a Jew and a gentile. Nothing could establish a *ketubah* between them until the gentile converted. Furthermore, the *baraita* implies that

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<sup>32</sup> T. Ketubot 1:3. M.S. Zuckermann, *Tosephta* (Jerusalem: Bamerger & Wahrman, 1937).

sexual contact between a Jew and a gentile threatened the possibility of recognition even after the gentile converted. Whereas sex between Jews could confer the status of marriage between them, sex between a Jew and a gentile could actually disallow marriage in the future. The *baraita*, therefore goes even a step beyond the statement that Jews and gentiles could not establish *kiddushin*, their unions could only move relationships in the opposite direction.

A parallel mishnah reveals another point of comparison for determining the tannaitic attitude toward sexual relations with gentiles:

... הנסען על השפחה ונשתחררה או על הנכרית ונתגירה הרי זה לא יכנס ואם כנס  
 אין מוציאין מידו הנסען על אשת איש והוציאוה מתחת ידו אף על פי שכנס יוציא:

... One who is suspected [of having sex] with a female slave who was [later] freed, or with a gentile woman who [later] converted, behold, he may not marry [her]. If he did marry, we do not divorce [her] from him. But, one who is suspected [of having sex] with the wife of [another] man, and they divorced her from [her husband], despite the fact that he [the first man] married [her], he [must] divorce.<sup>33</sup>

The disqualification from marriage suffered by Jewish and gentile lovers can be compared to the disqualification suffered by adulterous lovers. In both cases, sexual contact in the face of a prohibition disallowed marriage

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<sup>33</sup> M. Yebamot 2:8. Translation follows the commentary of Hanoch Albeck, ששה סדרי משנה [The Mishnah], 6 vols. (Jerusalem: Bialik Institute; Tel Aviv: Dvir, 1988).

even after the cause of the prohibition was removed. The two cases, in this way, were analogous. Only in the case of adultery, however, would the husband be forced to divorce his wife (his formerly adulterous lover) after the fact of their marriage. The Jew and the convert were allowed to remain married after the fact. In this regard, it may be stated that sexual contact between Jews and gentiles was treated only slightly less severely than adultery.

#### The Battle over Proof Texts

While there was a Jewish consensus on the prohibition on marriage to unconverted gentiles, there appears to have been a difference of opinion regarding the source of that ban. In Mishnah Megillah there is a list of liturgical statements that are deemed so heretical that one who uttered them in the synagogue was silenced:

האומר יברכך טובים הרי זו דרך המינות על קן צפור יגיעו רחמך ועל טוב יזכר  
שמך מודים מודים משתקין אותו המכנה בעריות משתקין אותו האומר ומזרעך  
לא-תתן להעביר למלך ומזרעך לא תתן לאעברא בארמיותא משתקין אותו בנייפה.

We silence one who says, "May the Good bless you" (behold, this is the way of heresy), "Even to the bird's nest do Your mercies reach," "May Your name be remembered for good," or "We thank, we thank." We silence one who modifies the passage dealing with forbidden marriages. We both silence and admonish one who says that, "Do not allow any of your offspring to be offered up to Molech" (Leviticus 18:21), [means] "Do not allow any of your offspring to pass to the gentiles."<sup>34</sup>

<sup>34</sup> M. Megillah 4:9.



The last heretical statement is the only one that is "admonished" and it is, perhaps, also the most surprising. The equation of marrying gentiles and what appears to be idol worship is odd, however, it is the same interpretation of Leviticus 18:21 as appears in the book of *Jubilees*.<sup>35</sup> The exegesis may be based on the deuteronomic charge that foreign wives would draw their husbands into idol worship. However, there is no definitively understood reason for this mishnah's strong disapproval of the exegesis. It suggests that there were conflicting understandings of the scriptural basis of the ban on intermarriage.

It is possible that the objection was related to the Tannaim's accommodationist relations with the Roman authorities. Equating foreign marriage with Molech worship would suggest a connection to child sacrifice — an insult to the Roman lords of the land. Perhaps more seriously, Leviticus 20:2 demands the stoning of those who engage in Molech worship. The Tannaim were wary to limit their authority to carry out death sentences only to those areas allowed by the Romans. The interpretation of Leviticus 18

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<sup>35</sup> See in the previous chapter. *Jubilees* 30:10-11 reads: "He has given some of his seed to Moloch [Molech] and sinned so as to defile it. And you, Moses, command the children of Israel and exhort them not to give any of their daughters to the gentiles and not to take for their sons any of the daughters of the gentiles because that is contemptible before the Lord." (Wintermute, trans.)

may have been more politically dangerous than heretical.

If this was the case, however, it appears that there were some among the Tannaim who preferred a more aggressive stance toward the Romans. In the Babylonian Talmud, a *baraita* attributed to the school of Rabbi Ishmael, associated with the Shammaites, directly contradicted the mishnaic text dominated by the Hillelite perspective:

האומר ומזרעך לא תתן להעביר וכו', תנא דבי רבי ישמעאל: בישראל הבא על הכותית והוליד ממנה בן לעבודה זרה הכתוב מדבר.

"One who says that, 'Do not allow to be offered up...'" In the school of Rabbi Ishmael it was learned: The Scripture speaks of an Israelite who had sex with a Samaritan woman and begets from her a son for idolatry.<sup>36</sup>

The Talmud here appears to acknowledge that the rule stated in M. Megillah 4:9 was not accepted by all of the Tannaim. At least one major school continued to maintain the teaching found in *Jubilees*, despite the threat it may have represented to peaceful coexistence with Roman authority.

In another *Baraita*, this in the Palestinian Talmud, Rabbi Ishmael expands upon his justification for the ban on exogamy:

הבועל ארמית: תני רבי ישמעאל זה שהוא נושא נכרית ומוליד בנים מעמיד ארבים ממנה למקום.

"One who has sex with a Syrian woman" (M. Sanhedrin 9:6): Rabbi Ishmael learned, "This is

<sup>36</sup> B. Megilah 25a.

one who marries a gentile woman and begets children. He brings up from her enemies of the Omnipresent."<sup>37</sup>

Here is a new justification for the law against foreign marriage not previously seen. Rabbi Ishmael's curious term, "אוינים ... למקום," "enemies of the Omnipresent," cannot be taken as a theological statement — an omnipotent God has nothing to fear from enemies. Rather, the term is meant to imply that the gentile women will bear "enemies of Israel." The implication is that Rabbi Ishmael perceived a contest of numbers between Jews and gentiles. A Jew who gave his procreative powers to increase the numbers of gentiles rather than the numbers of Jews had, in Rabbi Ishmael's view, done a double disservice to Israel.

But what of the Hillelites? While they may have privately agreed with the numbers argument of Ishmael, they had rejected an exegesis of Leviticus 18 and 20 as its scriptural basis because of their accommodation to Roman rule. Therefore, they had to find another proof text. The obvious choice was Deuteronomy 7's direct command from God and Moses against intermarriage with the seven Canaanite nations.

The problem with this text, of course, was its anachronism. By the time of the Mishnah, those seven

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<sup>37</sup> P. Sanhedrin 9:7.



nations had long since passed out of the frame of reference assumed by Deuteronomy. The rabbis needed a way of extending the deuteronomic ban beyond the seven nations. In a discussion of this problem in the Babylonian Talmud, there is a statement attributed to the Tanna, Rabbi Shimeon ben Yohai:

ולר"ש בן יוחי דאמר כי יסיר את בנך מאחרי לרבות כל המסירות.

But according to Rabbi Shimeon ben Yohai [the verse] that says, "For he will turn away your son from following Me" (Deuteronomy 7:4) refers to all women who would turn [their husbands from the worship of God].<sup>38</sup>

According to the exegetical principles employed by the rabbis, the use of the preposition "אחרי" in Scripture can be read as a sign of amplification and expansion, or "ריבוי," as the rabbis called it. In this case, Rabbi Shimeon reads "אחרי" to suggest that the verse expands the ban from the seven nations to any gentile who might turn her or his Jewish spouse from the God of Israel. The use of the ריבוי principle was well established in the Hillelite school of Rabbi Akiva,<sup>39</sup> of which Rabbi Shimeon was a disciple.

The effect of this ruling was to eliminate the Pentateuchal distinctions between non-Jews of different nations. The ruling not only would have extended the laws

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<sup>38</sup> B. Avodah Zarah 36b

<sup>39</sup> Adin Steinsaltz, *The Talmud: A Reference Guide* (New York: Random House, 1989) 153-154.

concerning marriage with the seven nations to all gentiles, it also might have eliminated the special distinctions of the four nations mentioned in the laws of Deuteronomy 23. These laws prevented an Ammonite or Moabite from being "accepted into the congregation" until the tenth generation or an Edomite or Egyptian until the third.

In the context of a Judaism that accepted converts, these laws could have been regarded as a multi-generational ban on marriage between the descendents of converts and the descendents of "Israelites." That was the position of the Shammaites in this period, but, as we shall see in the mishnah below, not of the School of Hillel:

בן ביום בא יהודה גר עמוני ועמד לפניהן בבית המדרש אמר להם מה אני לבוא בקהל אמר לו ר"ג אסור אתה אמר לו רבי יהושע מותר אתה אמר לו ר"ג הכתוב אומר 'לא יבוא עמוני ומואבי בקהל ה' גם דור עשירי וגו' אמר לו רבי יהושע וכי עמונים ומואבים במקומן הן כבר עלה סנחריב מלך אשור ובלבל את כל האומות שנאמר ואסיר גבולות עמים ועתודותיהם שושתי ואוריד כביר יושבים אמר לו רבן גמליאל הכתוב אומר ואחרי כן אשיב את שבות בני עמון וכבר חזרו א"ל ר' יהושע הכתוב אומר ושבותי את שבות עמי ישראל ועדין לא שבו התירוהו לביא בקהל:

On that day Yehudah, a Ammonite convert came and stood before them at the house of study. He said to them, "Am I permitted to be admitted to the congregation [marry an Israelite]?" Rabban Gamaliel said to him, "You are forbidden." Rabbi Yehoshua said to him, "You are permitted." Rabban Gamaliel said to him, "Scripture says, 'No Ammonite or Moabite shall be admitted into the congregation of the Lord ... even to the tenth generation,' etc. (Deuteronomy 23:4). Rabbi Yehoshua replied, "And what are the Ammonites and Moabites in these our times? Senecherib, king of Assyria, has arisen to confuse all the nations. For it is written, 'I have erased the borders of peoples, I have plundered their treasures, and exiled their vast populations' (Isaiah 10:13)."

But Rabban Gamaliel replied, "Scripture states, 'But afterward I will restore the fortunes of the Ammonites' (Jeremiah 49:6), and so they have returned." Rabbi Yehoshua said to him, "Scripture says, 'I will restore My people Israel' (Jeremiah 30:3; Amos 9:14), and they are not yet returned." And they permitted him to be admitted to the congregation [to marry Israelites].<sup>40</sup>

Rabbi Yehoshua was a leading Hillelite, a disciple of Yohanan ben Zakkai, at Yavneh. Rabban Gamaliel II was the President of the Sanhedrin. Finkelstein says of Gamaliel that, "Although a descendant of Hillel, [he] tended to follow Shammaitic views... His language in argument was usually Shammaitic."<sup>41</sup> A number of conflicts pitted Yehoshua and Gamaliel against one another, including the incident, reported in B. Berachot 27b-28a, in which Gamaliel was temporarily deposed from the presidency of the Sanhedrin.

During the deposition of Rabban Gamaliel II (around the year 98 C.E.), the Hillelites made the 18-year old Eliezer ben Hyrcanus president of the Sanhedrin,<sup>42</sup> stacked the

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<sup>40</sup> M. Yadaim 4:4. Parallel versions appear in T. Yadaim 2:17 (Zuckerman), B. Berachot 28a and T. Kiddushin 5:4 (Zuckerman and Lieberman).

<sup>41</sup> Finkelstein 249n.

<sup>42</sup> The question arises, why would the Hillelites have placed Eliezer ben Hyrcanus, a Shammaite, into a position of power? His choice may have had more to do with his role than his affiliation. Rabbi Eliezer, as the Talmud attests, was born to a noble family - a prerequisite for the job of president. The Hillelites, who were mostly men of low birth, may have put him in the job on condition that he assured the success of their agenda.



tribunal with their own disciples, and forced through several rulings on issues of dispute with the Shammaites.<sup>43</sup> A midrash in *Shir Ha-Shirim Zuta* says that, "On the very day when Rabbi Eliezer ben Hyrcanus took his seat, everyone put his sword upon his thigh,"<sup>44</sup> suggesting that the coup was less than peaceful. Gamaliel was later allowed to return to the presidency, with authority shared with Eliezer ben Hyrcanus and limitations on his power brokered in a deal with the Hillelites.

The phrase "בני נים," with which this mishnah begins, indicates that it was an enactment associated with that coup. The Hillelites forced (at least temporarily) the Shammaites to accept the doctrine that all legal converts were permitted to marry Israelites.

This division between the Hillelites and the Shammaites can be seen more subtly in a mishnah that appears to resolve a contradiction in the Hebrew Bible:

(1) עמוני ומואבי אסורים ואסורין אסור עולם אבל נקבותיהם מותרות מיד מצרי ואדומי אינם אסורים אלא עד שלשה דורות אחד זכרים ואחד נקבות (2) רבי שמעון מתיר את הנקבות מיד אמר רבי שמעון קל וחומר הדברים ומה אם במקום שאסר את הזכרים אסור עולם התיר את הנקבות מיד מקום שלא אסר את הזכרים אלא עד שלשה דורות אינו זדיך שנתיר את הנקבות מיד (3) אמרו לו אם הלכה נקבל ואם לדין יש תשובה אמר להם לא כי הלכה אני אומר (4) ממזרין ונתינין אסורין ואסורין אסור עולם אחד זכרים ואחד נקבות:

(1) Ammonites and Moabites are prohibited and

<sup>43</sup> M.A. Cohen, "Two Sister Faiths," 33.

<sup>44</sup> *Shir Ha-Shirim Zuta*, ed. Buber, 29.

their prohibition is for all time, however, their females are permitted immediately. Egyptians and Edomites are prohibited but for three generations - males and females alike. (2) Rabbi Shimeon permitted the females immediately. Rabbi Shimeon stated, it is an inference *a minori ad majus*, for if where the men are prohibited for all time the women are permitted immediately, how much the more where the men are prohibited but for three generations should the women be permitted immediately. (3) They said to him, if this is *halachah*, we will accept it; but if it is an inference, there is an answer [to refute it]. He answered, it is not so; I speak what is *halachah*. (4) *Mamzers* and *Netins* are prohibited and their prohibition is for all time - males and females alike.<sup>45</sup>

In their synchronic reading of the Hebrew Bible, the Tannaim could not allow for unresolved contradictions. The implicit contradiction between the Book of Ruth, in which a Moabite woman marries an Israelite, and Deuteronomy 23, which prohibits Moabites from entering the congregation, had to be resolved. This mishnah does so by asserting that it is only a *male* Moabite (a מואב, not an מואבית) who is prohibited.

The reading however raises a problem. Certainly no Tanna from the school of Hillel or Shammai would have sanctioned the marriage of an unconverted Ammonite or Moabite woman to an Israelite. So the mishnah must be referring to an Ammonite or Moabite convert or descendants

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<sup>45</sup> M. Yebamot 8:3. Numbers in parentheses indicate three divisions of the mishnah to facilitate the discussion below.

of converts. If this is the case, however, the permanent exclusion in this mishnah of male Ammonites and Moabites contradicts the ruling of Rabbi Yehoshua "on that day," that permitted converts of all nations to marry Israelites.

It appears that the first part of the mishnah (labeled "1" above) originates from a Shammaite source. However, Rabbi Shimeon ben Yohai, quoted in the second section, was a Hillelite who employed hermeneutic principles (like *kai v'homer*) to formulate lenient rulings. He also lived during the time of the Bar Kokhba Rebellion, some sixty years after the Hillelite coup against Rabban Gamaliel II. By his time, it appears, some Hillelites had accepted the biblical prohibition against Ammonites and Moabites and the restrictions against Edomites and Egyptians, although, like a Hillelite, Rabbi Shimeon weakened those prohibitions as much as possible.

The challenge to Shimeon's ruling in the third section of this mishnah represents a purely Shammaite point of view - it leans toward a stringent reading and rejects the validity of hermeneutic inference. It suggests that, even as late as 160, this perspective held weight in tannaitic circles. Shimeon is forced to retreat somewhat from his previous position - asserting that his ruling is based on a received tradition rather than purely on exegesis. Yet, it



is his lenient ruling regarding the acceptance of converted gentiles that carries the day.

The fourth section of the mishnah, regarding *Mamzers* and *Netins*, is likely a separate tradition attached here because of its parallel statement.

#### Prohibitions on "Internal" Exogamy

At the same time that the Tannaim eliminated the distinctions between members of the various foreign nations found in the Pentateuch, they added new distinctions within the Jewish people. To the Tannaim, marriage between these separate lineages constituted exogamy – marriage outside the group. The mishnah below attempts to define the lineages within Israel and rules when exogamy is permitted among them:

עשרה יוחסין עלו מבבל כהני לויי ישראלי חללי גרי וחרורי ממזרי נתיני שתוקי  
ואסופי כהני לויי וישראלי מותרים לבוא זה בזה לויי ישראלי חללי גרי וחרורי  
מותרים לבוא זה בזה גרי וחרורי ממזרי ונתיני שתוקי ואסופי כולם מותרין לבוא זה  
בזה:

Ten genealogical stocks came up from Babylon: priestly, levitic, Israelite, impaired priest, convert, freed slave, *Mamzer*, *Netin*, "silenced one" and foundling stocks. The priestly, levitic and Israelite stocks are permitted to intermarry with each other. The levitic, Israelite, impaired priest, convert and freed slave stocks are permitted to intermarry with each other. The convert, freed slave, *Mamzer*, *Netin*, "silenced one" and foundling, are all permitted to intermarry with each other.<sup>46</sup>

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<sup>46</sup> M. Kiddushin 4:1.

The prohibition on priests marrying converts does not originate in the Hebrew Bible, which has no concept of a legal convert. Rather, it is first observed in this mishnah and may date to early in the Second Temple period when converts were first accepted.<sup>47</sup> If the Shammaites were descended from renegade priests, as Finkelstein speculates,<sup>48</sup> there may be a connection between their general opposition to intermarriage with converts and the prohibition against priests marrying converts. The latter may have been a compromise position that satisfied both the Hillelite's inclusive tendencies and the Shammaite's need to defend their position at least for their upper-class, priestly constituents.

This mishnah also demonstrates that while at least some Tannaim accepted marriages between Israelites and converts, even they did not consider converts equal in status to Israelites. Converts were considered distant enough from the biblical "Israel" that they were permitted to marry four classes of Jews forbidden to pure Israelites - *Mamzers*, *Netins*, "silenced ones" and foundlings. *Mamzers* were the offspring of incestuous or adulterous unions. *Netins* appear to have been a class of permanent servants associated with

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<sup>47</sup> At that time without the strict legal formulations of the Tannaim.

<sup>48</sup> Finkelstein 254-259.

the Gibeonites of Joshua 9. "Silenced ones" were those who could not account for their paternity; foundlings could account for neither their maternity nor paternity. The multiple divisions of the Israelite nation seen here demonstrates a continued preoccupation with purity of ancestry carried over from early in the Second Temple period.

### The Case of the Samaritans

One special class of gentiles remained a perplexing issue for the Tannaim. The term "כּוּמִי"<sup>49</sup> was often used as a generic term for gentile, but also to refer to a specific type of gentile (much in the way that "כּוּנַעִי" was used in the Hebrew Bible to refer both to non-Israelites in general and also to the people of a particular nation).<sup>50</sup> The כּוּמִים were presumed to be the "Samaritan" people who had inhabited the

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<sup>49</sup> The name "כּוּמִי" originates in II Kings 17:24. It was one of the nations that the Assyrians transported to Palestine after exiling the Kingdom of Israel. These people took on worship of the Israelite God after YHWH sent lions against them. From this story comes the rabbinic term, "converts from lions," referring to those whose conversion is invalid because it is motivated by fear.

<sup>50</sup> Gedaliah Alon even speculates that "the Samaritans, or a part of them, are none other than the descendants of the ancient Canaanites, the indigenous inhabitants of the land." He states that this view was "current among the nation both in Temple times and in the Talmudic era." Gedaliah Alon, *Jews, Judaism and the Classical World*, Israel Abrahams, trans. (Jerusalem: Magnes, 1977) 359.



land of Israel during the Babylonian exile and who took on the worship of the God of Israel. The Tannaim inherited the belief from the time of Ezra that these people were not true Israelites and that their exclusion from Israel was mandated by Scripture.

The following mishnah attempts to address the problem of the Samaritans:

כל האסורים לבוא בקהל מותרים לבוא זה בזה רבי יהודה אומר רבי אליעזר אומר  
 ודאן בודאן מותר ודאן בספקן וספקן [בודאן וספקן] בספקן אסור ואלו הן הספקות  
 שתוקי אסופי וכותי:

All who are forbidden to enter the congregation are permitted to intermarry with each other. Rabbi Yehudah forbids [it]. Rabbi Eliezer says, one of certain stock is permitted [to take a wife] of certain stock; but one of certain stock is forbidden [to take a wife] of doubtful stock, one of doubtful stock is forbidden [to take a wife] of certain stock, and one of doubtful stock is forbidden [to take a wife] of doubtful stock. These are the ones of doubtful stock: a "silenced one," a foundling and a Samaritan.<sup>52</sup>

The classification here of Samaritans as "dubious" offers a clue to the legal issues surrounding their status in tannaitic thinking. Gedaliah Alon writes that, "The prevailing view regarded the Samaritans as the descendants of those people who were settled in Eretz-Israel by the Assyrian kings, in accordance with Biblical tradition."<sup>53</sup>

<sup>51</sup> The interpolation of the bracketed text is based on a comparison with T. Kiddushin 5:1 (Lieberman).

<sup>52</sup> M. Kiddushin 4:3.

<sup>53</sup> Alon 354. The tradition in question is found in II

This being the case, one would expect the Samaritans to be treated just like any other gentile people. The fact that they were not treated like other gentiles is explained by Alon as the result of an "implied" tradition that Jews had long intermarried with them.<sup>54</sup> Since the offspring of such a union would be a *Mamzer*, all Samaritans were considered "doubtful *Mamzers*," and therefore, according to Rabbi Eliezer, forbidden in marriage to all. This explains a seemingly strange *baraita* in the Babylonian Talmud in which Rabbi Eliezer states, "כֹּהֵן לֹא יֵשֵׁא כֹהֲנִית," "A Samaritan may not marry a Samaritan."<sup>55</sup>

Rabbi Eliezer's statement in the mishnah would further limit the marriage options of a convert to Judaism. According to Rabbi Eliezer, they would be both "forbidden to enter the congregation"<sup>56</sup> and "of certain stock," and therefore able to marry only other converts (except Samaritans), *Mamzers* and *Netins*.

The majority opinion in this mishnah rules otherwise, however. It allows "All who are forbidden to enter the congregation ... to intermarry with each other." But the

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Kings 17:24-41.

<sup>54</sup> Alon 356.

<sup>55</sup> B. Kiddushin 75a.

<sup>56</sup> As a Shammaite, Rabbi Eliezer would consider converts unable "to enter the congregation." See Finkelstein, 248, where Eliezer is referred to as "the leading Shammaite of his day."

meaning regarding converts here is ambiguous. It is unclear whether the statement comes from the position of Rabbi Yehoshua, allowing them to enter, or the position of Rabban Gamaliel II, forbidding them to enter.

#### Conclusions: The Tannaitic Revolution in Inter-marriage

As early as the tenth century B.C.E., and likely much earlier, the marriage of a non-Israelite to an Israelite had been considered synonymous with acceptance into the Israelite community.<sup>57</sup> The demonstrated equivalence between "entering the congregation" (in Deuteronomy 23) and marriage confirms this assumption. Conversion then had been *de facto*. It was assumed that a wife accepted her husband's God in the same way that modern people have assumed (until recently) that a bride takes her husband's surname.

This assumption was upset when the deuteronomists made intermarriage a sign of infidelity to YHWH. The racial theories of Ezra only elevated the degree of this offense. These theories, if observed in practice, would have made both conversion and intermarriage impossible.

The tannaitic view of the world had been shaped on the periphery of the world of the Temple, where Jews and gentiles came into contact all the time. No doubt, many

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<sup>57</sup> Hence, for example, the biblical authors' ready acceptance of the patriarch's wives as Yahwists.



Jews were attracted to the power of Hellenistic ideas and lifestyles. There is ample evidence that many Romans were drawn to Judaism. The Tannaim reflected that background in their approach. They were pulled simultaneously by the need to remain connected to the traditions of Israel and the need to respond to the realities of a world dominated by gentiles. In response to those forces, they were typically pragmatic, accommodating Roman authority while fashioning a Judaism that could exist under the new conditions.

In order to coexist with gentiles and to meet the needs of a Jewish population that would inevitably intermarry with them, all Tannaim accepted the principle of ritual conversion. Many, principally those associated with the School of Hillel, went even further and adopted the principle that converts could freely intermarry with Israelites.

The Hillelite position on intermarriage can only be regarded as a complete reversal of Ezra's doctrine. Ezra had believed Israel to be *עַם קֹדֶשׁ*, a holy race, that could not be entered into by any means other than birth. The Hillelites changed the meaning of exogamy in Jewish tradition — making it a matter of legal status instead of race.

One of the difficulties in understanding the

significance of this revolution comes from the modern understanding of conversion as a deeply personal transformation of belief. Indeed, conversion may have been such an experience for some in this period. However, belief was not a principle concern of the Tannaim. They mandated no declaration of faith from the convert.<sup>58</sup> To them, conversion was a matter of legal status and identity, not of the heart.

Furthermore, as far as the Tannaim were concerned, marriage between a convert and an Israelite was intermarriage - some accepted it and some rejected it. The Hillelites who allowed such intermarriages - against previous tradition - used conversion as a legal maneuver to get around the biblical prohibitions. This is not to say that they made intermarriage easy - there is plenty of evidence that converts had to make serious commitments - but the fact that some rabbis allowed it at all opened doors in the way Jews thought about marriage to non-Jews that had never been open before.

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<sup>58</sup> Such statements, and the judgement of a convert's sincerity and readiness by a *bet din* was the product of medieval codifiers of talmudic law. Among the Tannaim, the purpose of a *bet din* was merely to assure the validity of immersion in *mikveh*.

## CONCLUSIONS

The worlds in which Judaism has its roots were at least as complicated and varied as our own. This work has sought to demonstrate that in each era, prevailing conditions of political independence and stability, the propinquity of foreigners and the quality of relations with them, and the expectations of the people for their future each contributed to a complex response to exogamy. It has also sought to show that the response was rarely, if ever, homogenous. Rather, there was at all times a spectrum of responses to exogamy among the array of pious Israelites and Jews.

It is curious, therefore, to note that the concerns about exogamy in these texts so closely parallels the complex reactions in our own society to intermarriage. Like Abraham, many Jews today want their children to marry "within the tribe" because Jews are the people with whom they are comfortable in a world that is often distressingly discomfoting. Like the Simeon and Levi of the Bible, Jews can be chauvinistic about the virtues of their people as compared to the perceived savageries and abominations of others. Like Josiah, the piety of some modern Jews leads to the view that marriage to outsiders is a sign of disloyalty to God. There are even those in Jewish communities who believe that intermarriage introduces impurities into the



blood of a race marked by intellectual achievement. Jews today have the same fears about assimilation and the numeric losses evident in the writings of Philo, Josephus and some of the Tannaim.

And our times, like those reviewed here, also contain Jews who would offer an entirely different perspective on exogamy. The modern Reform movement, in particular, has championed an inclusive vision for the Jewish community that would welcome those non-Jews who marry into the Jewish people. The announcement in 1978 by the Reform movement of a "Reform Jewish Outreach" program to "welcome intermarried couples to take part in synagogue life..."<sup>1</sup> can be seen as the continuation of a trend that extends back in history to at least the time of the book of Ruth, if not to King David or earlier. This trend would accommodate exogamous marriage and integrate the outsider into the Jewish community.

Whenever this type of barrier-breaking has been attempted by factions within the Jewish people, it seems that there have always been compromises to be made and costs to be exacted. That is, perhaps, why it has so often been opposed by other factions.

Creating a gateway to the outsider always introduces

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<sup>1</sup> Union of American Hebrew Congregations, "What is Reform Jewish Outreach?"-pamphlet (New York: UAHC, 1997) [3].

the danger that the received tradition will be "contaminated" by outside considerations. It appears that this is why the author of Ruth went to such lengths to emphasize the righteousness of the book's heroine. Ruth does not advocate the wholesale incorporation of all foreigners, only the best of them. There is a similar theme apparent in Deutero-Isaiah, who would limit the foreigners accepted into the Temple to those who accept the Sabbath and the covenant of YHWH.

The most novel approach to permitting openness with limitations is that introduced by the rabbis of the tannaitic era. Their legalistic formulation of conversion redefined who the people of Israel would be. This was a design for formative Judaism that would work in a world of competing philosophies and beliefs. It made exogamy possible with minimal compromise to the integrity of Jewish peoplehood and loyalty to God.

In the current era, Judaism again faces a new social order that threatens the integrity of Jewish tradition. The emancipation of European Judaism ushered in a modern era for the Jews in which individuals could choose from among the worlds around them - Jewish or Christian. The post-modern era has expanded the options further. The post-modern world has transformed individual identity into a process of

selecting multiple, fungible choices. Since the early 1960s, for the first time in Jewish history, it is possible to separate Jewish identity from other significant life choices like marriage. It is now possible for mainstream Jews to build marriages with unconverted non-Jews and still remain active within the Jewish community.

This study began with notice that pious modern Jews are forced to read the texts of our tradition both as sacred and historic. That challenge is paralleled by the challenge to remain a community that is both true to the spiritual lessons of Judaism and true to the needs of a Jewish people who no longer accept the tradition at face value. If we are to remain pious - people who live our lives in continuing relationship with God - we must also continue to innovate.

The old solutions to exogamy do not work in this world the way they worked in the past. Conversion, which allowed non-Jews to enter into an all-encompassing Jewish world, is not an attractive option today for the many who see religion as merely one item that makes up a whole identity. For such Jews who want to combine Jewish identity with marriage to non-Jews, there needs to be another choice.

Reform Outreach has attempted to fill that void. Like its historic forebears, it has done so with the awareness that appropriate safeguards must be erected to avoid the



dilution of the tradition it was intended to perpetuate. Reform Outreach has defined non-Jewish spouses of Jews paradoxically as "included" but "other." It has encouraged congregations to define for themselves the role of the non-Jew in their governance structures and rituals.

Most distressingly (at least to the rabbinic community), Outreach has raised questions about the officiation of Reform rabbis at the marriages of Jews with non-Jews. It may not be possible in an age of post-modern, multi-faceted identity choice to convince a majority of intermarrying Jews that their Judaism is accepted if their weddings are not. The modern authorities of the new Jewish definition of exogamy have not yet answered definitively the questions raised by these problems and paradoxes.

The Tannaim likely suffered many defectors from their brand of Judaism when they created rules for the inclusion of "non-Israelites," and so may modern proponents of change. The Hillelite position allowing free intermarriage between "Israelites" and "converts" was, perhaps, radical in its time. It went through a long period of acceptance, rejection, modification and emendation before it became accepted Jewish practice. The same is likely the future of Reform Outreach and other models to again include the "righteous of other nations" into the Jewish fold.

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