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CHAPTER 10
THE WRITINGS

I: EZRA 10:8

In the tripartite division of the Hebrew Bible, the Writings come last. In a discussion of the biblical דַּינְה, they belong last. The material is scanty, consisting of a verse each in the Book of Ezra-Nehemiah and Daniel, and a total of four verses in Chronicles. The paucity of the material, as well as its mostly incidental nature, does not aid the exegete in controlling it, but fortunately the contexts are usually of help. Ezra 10:8, which is the most interesting attestation of the דַּינְה in the Writings, is part of a narrative in which the word דַּינְה is at the heart of the matter. The verse reads as follows:

ַל כל יָשָׁר לֹא אָכַּלְתָּם לְשׁוֹלְחֵהוּ שְׂנָתָהוֹת חַוָּא וַחֲבֵרֵיהוֹת

For all who fails to come in three days according to the counsel of the commanders and the elders, his property will be דַּינְה, and he shall be barred from the congregation of the exiles.

The verse comes as a response to the sin of the exiles who had taken themselves foreign wives while in exile. Of course, traditionally in the pre-exilic period intermarriage was permitted. As we have seen, the legislation of Deut 21:10ff. sanctioned an Israelite’s marriage to a woman captured in the course of war. However, the exiles were in a different situation, where group survival was not as assured. There were in any case two different varieties of intermarriage. An intermarriage which did not disrupt communal bonds or which strengthened them was fine (e.g. Ruth and Boaz). Similarly, the law of Deut 21:10-17 describes an induction process whereby the captive woman could shed her old identity and acquire certain rights. We are dealing in Ezra 10 with the opposite case. The model for this kind of intermarriage was that of Ahab and Jezebel, where the queen never relinquished her national identity and her cult, giving it preference over the cult of YHWH.

In Ezra 10:8 the objectionable intermarriages must have been those where the women had never entered into the “community of YHWH.” Since there were apparently many such cases, the fragile community of returnees may not have been able to tolerate even the other kind of intermarriage, which under the circumstances was liable to arouse suspicion. In other words, the ‘bad’ type of intermarriage may have put all intermarriage in a bad light. Whether this was the case or not, Ezra apparently saw the issue as a kind of military threat. What occurred was virtually a muster (cf. the use of the word מַעְזַה of Ezra 10:5, although they clearly allude to the same thing. A penalty attached to failure to show up, as in Judges 21 where the men of Jabesh Gilead failed to report. The דַּינְה of Judges 21 was in a modified (milder) form, as here (the Judges story may have
acted as a partial precedent). After all, the Judges 21 story, too, involved a problem with women and marriage, although of a radically different kind.

Interesting though the congruences between this passage and Judges 21 may be, the failure to show up at this gathering was not deemed as radical a breach of the social order as the behavior of the tribe of Benjamin. The offender is to be barred, separated from the community (ברל), not actually deemed סרה and expunged (observe how Ezra 10:9 begins with רכשת. “gathered,” a verb of inclusion, in order to oppose it to the verbs of exclusion (separation) in the previous verse—an intentional contrast).

In Ezra 10:8 the סרה applies to the property of the offender. As virtually all commentators note, this fits in with Lev 27:21 (שורי ורחמה), and Num 18:14 (Ezek 44:29).

In the priestly סרה, control of all property that has fallen under the סרה was placed in the hands of the priests. These texts are either late (as we saw, Leviticus 27 partakes of the two major divisions of the book and is the latest text in Leviticus) or found late application. It is more likely that these texts were designed for the conditions to which they were applied, whatever the degree of traditional residue they conserved (presumably considerable). In this respect, Ezra 10:8 indicates that a setting in the Persian period would be suitable. The authority of the priests and Levites as epitomized by the phrase of Ezra 10:5, שרי יוסימ ותלמי, fits the pronouncements of Leviticus 27 precisely. In addition, J. Blenkinsopp points out that the confiscated goods of Ezra 10:8 were “destined to become property of the temple, as is explicitly noted in 1 Esd. 9:4, and Josephus (Ant. 11.148).” This is what was to have been expected in a transaction involving the סרה. That the property should go to the temple links up with Num 18:14, giving what is explicitly noted in Deuteronomy, in which the lists of nation play such a prominent part. In essence, the list expressed a principle, if not a reality (although intermarriage with the Transjordanians might have become a thing of the

1 J. Blenkinsopp, Ezra-Nehemiah: A Commentary, OTL (Phila., 1988), 190. He sees no connection between the “leaders” of Ezra 10:8 and the priestly leaders mentioned in Ezra 10:5.
past following the Assyro-Babylonian occupations). The body of the list, however, represents the old enemy that always threatens to encroach, viz. the primordial nations which represented chaos.

According to the KBL (892a), שָׁבַר means “property, goods” in Ezra 10:8. The malingerers, those who refuse to join in with the community, could not be allowed to retain their houses and lands in this situation. This would hardly effect the severing of ties called for in this verse, for they would still be living in the midst of YHWH’s congregation. The verse may therefore elucidate the origin of at least one category of שָׁבַר, or if not one category, illustrate one instance of how a landed property fell into that category. The verse (Ezra 10:8) lies in the domain of the hierocratic usage of שָׁבַר. Its significance for us lies in the fact that the שָׁבַר here still is being used to stave off a foreign threat (i.e. a form of chaos), which, left unchecked, would undermine the exiles attempt at Weltordnung. The foreign wives threatened the character of the “community of YHWH,” both by their inability to transmit YHWHistic tradition and by their ability to teach non-YHWHistic tradition. The exiles, or at least the writers who represent the community of exiles, were concerned with the restoration of Israel’s Weltordnung on its ancestral soil. This is why the root שָׁבַר came into play. That the priests derived the priestly שָׁבַר from the war-שָׁבַר is self-evident (Exod 22:19 is an early example), but as has been seen, there are actual links between the two that the priests consciously created in order to preserve (albeit in a different setting) the aspect of שָׁבַר in the religion of Israel. For the priests, it was too fundamental an aspect to part with (revolving around holiness and the inviolability of God).

Returning to Ezra 10:8, the separation (שָׁבֵד) spoken of, applied to those who disregarded the summons instead of that ultimate separation in degree and kind, the שָׁבַר, is at least partly attributable to circumstances. The Jewish authorities were not in a position to take lethal measures against a large group. This would have caused civil strife. The Persians wished to see nothing but peace and quiet in their Judean province. The laws of Lev 27:28ff. show that the lethal nature of the שָׁבַר had yet to fall into desuetude. That the authorities would have liked to invoke it in this instance, too, one can well imagine. It simply would have been impolitic to do so, and therefore impracticable.

The word לָעַט, “trespass against God,” in Ezra 10:6, is significant in view of the occurrences of the term in the Book of Joshua (see discussion there). It indicates a certain conceptual continuity between two very different chapters, stemming from disparate eras. The remedy for לָעַט, is in both cases the שָׁבַר even if in the case of Ezra passage, the ultimate sanction is not at issue. Unfortunately, one cannot say on the basis of Ezra 10:8, or the chapter itself, what precise religious construction the returned exiles put on

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2 Questions of a historical nature, such as “did the returnees really have a monopoly on virtue (vs. the people who never left, for example)?” cannot be treated here.

3 A sin against God, as we saw above in relation to Joshua 7 and Achan, may have the effect of endangering the world order and hence the community.
II: THE BOOK OF CHRONICLES AND THE BOOK OF DANIEL

The Book of Chronicles contains four verses which use the root הָרָעָה: 1 Chr 2:7, 4:41; 2 Chr 20:23, 32:14. The first, 1 Chr 2:7, reads as follows:

The sons of Karmi; Achar the troubler of Israel who trespassed on (מָעַל) the הָרָעָה....

Obviously, this is a reminiscence of Joshua 7, and reflects the usage there, although it is subsumed under the gigantic genealogical framework with which the Chronicler launches the book. There is no need to enlarge on the passage, except to point out that the meaning of הָרָעָה as devoted (sacrosanct) spoil was retained here. The reference to the incident shows that even at the late date of this verse, the Achan incident created echoes and gave at least the writer of 1 Chr 2:7 food for thought. Also, the association with the term for trespass against God (מָעַל) is seized upon, as previously in Ezra 10:5-8 and Josh 7:1, 22:20. Here again, the mention of violating the Covenant in regard to Achan’s taking from the proscribed booty is not seen as the most important aspect, since the Covenant is not mentioned in 1 Chr 2:7.

1 Chr 4:41 is a different story. Its text is flawed, although not badly. I quote from the middle:

...they struck the tents and the dwellings (or Meunites) that were found there and ‘banned’ them to this day and dwell (there) in their stead, because there was pasture there for their flocks.

J. M. Myers has interpreted this passage as illustrating a non-religious nature of the proceedings, the object of the attack being to obtain good pasture. He has, however, gone so far as to translate מָעַל as “banished them,” which goes against the context, and would equate the root for the first time with שָם, a root previously kept distinct (see the end of ch. 2). At a minimum one must say that the tribe of Simeon undertook military action,

5 Ibid. 25.
and destroyed them. Perplexingly enough, in 1 Chr 4:43 there is no mention of the הָרֵם, and this with regard to a people that already were subjected to it, the Amalekites (1 Samuel 15). It seems that the הָרֵם was accompanied by such dubious behavior, that the Chronicler wanted to account for the disposal of Amalek without entering into the fall of Saul. It is remarkable that the Amalekites never again threatened Israel after Saul, although it would seem that David played a part in that (2 Sam 8:11-12). In Chronicles, it was understood without saying under what dispensation the Amalekites were being eliminated—a uniquely severe fate for a people who played a uniquely hideous role in the history of Israel, at least during the earlier periods. That is why 1 Chr 4:41 had to use the verb when one would have expected it with regard to Amalek instead. The usage here follows at least the form (as Brekelmans noted) of the traditional “consecration through destruction.” A tribe of Israel is depicted as wiping out another entity on the land, and the achievement of the conditions necessary for Weltordnung is symbolized by the ability to pasture the sheep, as is found also near the very end of the Moabite Inscription (1.31). Thus, the verse is not so straightforwardly non-religious as it seems, because the writer was conscious of the religious meaning of הָרֵם employed in the older war narratives of Numbers-Samuel, and wished to evoke it, even if the writer did not necessarily wish to use it in a fully religious sense (which in the light of the above, may have indeed been the case). If my hypothesis regarding the origin of the secular הָרֵם is correct (see end of ch.1), that it comes from הָרֵם II, then this writer could conceivably be playing off one against the other as occasionally occurs with the nominal forms (see below).

It is fitting to treat of 2 Chr 20:23 in conjunction with Dan 11:44:

I. 2 Chr 20:23

The Ammonites and Moab stood against the men of the hill country of Seir and destroy them; and as soon as they annihilated the inhabitants of Seir as they fought each other to (their) destruction.

II. Dan 11:44

Consider the whole ancient Near Eastern and biblical use of the image of the pasturing sheep as the ideal condition for human beings, epitomized most famously by Ps 23. Note that in 2 Kgs 3:4, Israel boasted of the quantity of Moabite lambs and goats it took in tribute, while the MI nearly ends with an image of Moabite sheep under Moabite sovereignty.

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6 C. H. W. Brekelmans, Die herem in het Oude Testament (Nijmegen, 1959), 91. He says that the religious form continues, but that the religious sense is lost.

7 Consider the whole ancient Near Eastern and biblical use of the image of the pasturing sheep as the ideal condition for human beings, epitomized most famously by Ps 23.
Reports from the east and the north will alarm him and he will rise in a great wrath
to destroy and to מɜţn multitudes.

There is no difficulty in determining the meaning of מɜţn in these two
passages, where מɜţn in each case is in hendiadys with מɜţן, "to de-
stroy." so that perhaps it would be better to translate the verbs together as
"utterly extirpate." The Chronicles verse is part of a fantastical Holy War
scenario painted by the Chronicler (it has no counterpart in Kings), woven
around Jehosaphat, a king of Judah painted in Kings as a God-fearing man.
In 2 Chr 20:33 the major enemies of Israel in Transjordan are pictured as
destroying each other through the marvelous providence of YHWH.
Similarly, in Dan 11:44, where the commentators agree that the king
portrayed is none other than the notorious Antiochus Epiphanes, there
can be no question of the מɜţn proper. The hellenic culture effected a radical
transformation in the ancient Near East, and the ancient practice was in any
case irrelevant to the situation in Daniel. This is confirmed by the wording of
the verse, which pertains only to destruction, and cannot possibly refer to
consecrating anything to a deity through destruction (gross anachronisms are
always possible, but not in this case).

Of course it is easy to toss out generalizations about Hellenism in
Palestine, but for the less hellenizing Jews, a memory of מɜţn still could have
relevance, if the situation demanded it. S. G. Dempster points to 1 Mac 5:5,
where the LXX uses the verb, αγναγματισέν, a form of a verb used
as an equivalent to מɜţן in the Greek translation of biblical Hebrew.9 The
verse includes the association of the מɜţn with fire, and the preceding verse
speaks of an ambush on the road, evoking the shade of Amalek in listing the
sins of the Bainites.

2 Chr 32:20 is a slight variation on 2 Kgs 19:11, which, as noted above,
represented the earliest sure attestation of the root מɜţ (according to my the-
ory מɜţ II) in the sense of non-sacral destruction. There can be no doubt,
particularly in light of the other text just cited, that this is the sense here as
well in this derivative verse.

We see that in the third traditional division of the Hebrew Scriptures,
the Writings, the מɜţ is conspicuous by the meagerness of its appearances, if
not by its absence altogether. Only two or three times does it display the
sacral sense with which this study has been chiefly concerned.10 If one
considers the nature of the material in the Writings (and perhaps the rela-
tively late process of writing and canonization through which it went--at a
time when the practice was irrelevant at best), this meager attestation is not
surprising. The Books of Job and Proverbs would scarcely employ such a
term--the מɜţ is not the stuff of the more didactic kind of wisdom literature.

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9 S. G. Dempster, The Prophetic Invocation of the Ban as a Covenant Curse: A
Historical Analysis of a Prophetic Theme (M.A. thesis, Westminster Theological
Seminary, Chestnut Hill, Pa., 1978), 57.
10 Ezra 10:8, 1 Chr 2:7, and at least partially in 1 Chr 4:41.
It is not a concept of much use in teaching the young student the wise way to act. In the Psalms there are many references to war, including episodes which involved the דוד, but the focus is on YHWH's saving acts on the battlefield, not on a practice which involved human participation. Chronicles glances over the periods and places Israelite historiographers recorded in connection with the practice of the דוד. For such reasons, and doubtless others as well, the דוד is eclipsed in the final division of the Hebrew Bible.