MIXED OFFSPRING IN THE HEBREW BIBLE AND SECOND TEMPLE PERIOD

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ABSTRACT

My dissertation analyzes the status of mixed offspring in the Hebrew Bible and Second Temple texts to understand the diverse ways children from intermarried couples were presented in pre-Mishnaic Jewish literature. Prior to the Mishnah (m. Qidd 3:12), there is no evidence of a monolithic ruling to regulate the status of mixed progeny. My goal, therefore, is to examine the different ways mixed offspring were treated, and to better understand whether they endured any social repercussions due to their mixed lineage. In turn, I explore the diverse ways Jewish identity was constructed in antiquity, and how matters like gender, lineage, and geography were used to establish social boundaries. Within contemporary scholarship, the study of mixed progeny in antiquity has been incidental to other research topics, including the expulsion narrative in Ezra 9–10, genealogical purity, and the matrilineal principle in Judaism. To date, no comprehensive approach has been undertaken to trace the status of mixed progeny in pre-Mishnaic Jewish literature. My dissertation seeks to fill this lacuna.

Following a brief introduction in chapter 1, my subsequent chapters are divided into four time periods: the pre-Persian period (chapter 2); the Persian period (chapter 3); the Hellenistic period (chapter 4); and the early Roman period (chapter 5). Within each chapter, I analyze texts generally dated to those eras that include some information about mixed offspring. In my concluding chapter, I reveal three main factors that impacted the status of mixed progeny in antiquity: genealogy, residential location, and piety. I also provide a heuristic framework to categorize my findings of mixed offspring. While there were two main responses towards mixed progeny in antiquity (accepted or rejected), not every case fits nicely into these two classifications. Therefore, the treatment of mixed progeny must be understood on a spectrum to better appreciate the nuance within each text.

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I am also thankful for the graduate community at McMaster University over the past six years; I have been able to interact with scholars from related fields of study, to sit in on lectures and audit courses, and meet great friends in the process. All of these experiences and interactions continue to shape me today.

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ABBREVIATIONS

AB	Anchor Bible
AES	*Archives européennes de Sociologie*
AfO	*Archiv für Orientforschung*
AHw	*Akkadisches Handwörterbuch.* Wolfram von Soden. 3 vols. Wiesbaden, 1965–1981
AJEC	Ancient Judaism and Early Christianity
ApOTC	Apollos Old Testament Commentary
ArBib	The Aramaic Bible
ATD	Das Alte Testament Deutsch
AUSS	*Andrews University Seminary Studies*
BAR	*Biblical Archaeology Review*
BASOR	*Bulletin of the American Schools of Oriental Research*
BJS	Brown Judaic Studies
BMA	Roth, Martha T. *Babylonian Marriage Agreements 7th–3rd Centuries B.C.* Alter Orient und Altes Testament 222. Neukirchen-Vluyn: Verlag Butzon & Bercker Kevelaer, 1989.
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
CAP	Cowley, Abraham. *Aramaic Papyri of the Fifth Century B.C.* Oxford: Clarendon Press, 1923.
CBQ	*Catholic Biblical Quarterly*
CBQMS	Catholic Biblical Quarterly Monograph Series
CCJ	*The Cambridge Classical Journal*
CEJL	Commentaries on Early Jewish Literature
CHANE	Culture and History of the Ancient Near East
CJ	*Classical Journal*
ClAnt	*Classical Antiquity*
COS	The Context of Scripture. Edited by William W. Hallo. 4 vols. Leiden: Brill, 1997–2017.
CSCA	*California Studies in Classical Antiquity*
CTR	*Criswell Theological Review*
CUSAS	Cornell University Studies in Assyriology and Sumerology

DQA	Cook, Edward M. *Dictionary of Qumran Aramaic*. Winona Lake, IN: Eisenbrauns, 2015.
DJD	Discoveries in the Judaean Desert
DSD	*Dead Sea Discoveries*
EC	*Early Christianity*
EJ	Encyclopedia Judaica.
EJIL	Early Judaism and Its Literature
FAT	Forschungen zum Alten Testament
FRCH	Federation of Reconstructionist Congregations and Havurot
HALOT	*The Hebrew and Aramaic Lexicon of the Old Testament.* Ludwig Koehler, Walter Baumgartner, and Johann J. Stamm. Translated and edited under the supervision of Mervyn E. J. Richardson. 4 vols. Leiden: Brill, 1994–1999.
HAR	*Hebrew Annual Review*
HS	*Hebrew Studies*
HSJ	*Hebrew Studies Journal*
HSCP	*Harvard Studies in Classical Philology*
HSS	Hardvard Semitic Monographs
HUCA	*Hebrew Union College Annual*
IBS	*Irish Biblical Studies*
ICC	International Critical Commentary
IEJ	*Israel Exploration Journal*
IEQ	*Israel Exploration Quarterly*
ITS	*Indian Theological Studies*
JAAR	*Journal of the American Academy of Religion*
JAJ	*Journal of Ancient Judaism*
JANEH	*Journal of Ancient Near Eastern History*
JANER	*Journal of Ancient Near Eastern Religions*
JANES	*Journal of the Ancient Near Eastern Society*
JBL	*Journal of Biblical Literature*
JFSR	*Journal of Feminist Studies in Religion*
JHS	*Journal of Hebrew Scriptures*
JJS	*Journal of Jewish Studies*

JQR	*Jewish Quarterly Review*
JSJ	*Journal of the Study of Judaism*
JSJSup	Supplements to the Journal for the Study of Judaism
JSNTSup	Journal for the Study of the New Testament Supplement Series
JSOT	*Journal for the Study of the Old Testament*
JSOT	*Journal for the Study of the Old Testament*
JSOTSup	Journal for the Study of the Old Testament Supplement Series
JSP	*Journal Pseudepigraphic Studies*
K	Kraeling, Emil G. *The Brooklyn Museum Aramaic Papyri: New Documents of the Fifth Century B.C. from the Jewish Colony at Elephantine*. Yale University Press: New Haven, 1953.
LCL	Loeb Classical Library
LSJ	Liddell, Henry George, Robert Scott, Henry Stuart Jones. *A Greek-English Lexicon.* 9th ed. with revised supplement. Oxford: Clarendon, 1996.
LSTS	The Library of Second Temple Studies
NCBC	New Cambridge Bible Commentary
NICOT	New International Commentary on the Old Testament
NTS	*New Testament Studies*
OTE	*Old Testament Essays*
OTL	Old Testament Library
OTP	*Old Testament Pseudepigrapha.* Edited by James H. Charlesworth. 2 vols. New York: Doubleday, 1983–1985.
RA	*Revue d'assyriologie et d'archéologie orientale*
RAC	*Religion and American Culture: A Journal of Interpretation*
RB	*Revue biblique*
RC	*Religion Compass*
REJ	*Revue des études juives*
RevQ	*Revue de Qumrân*
RHPR	*Revue d'Histoire et de Philosophie religieuses*
SBLSP	Society of Biblical Literature Seminar Papers
SEA	Svensk exegetisk årsbok
SJLA	Studies in Judaism in Late Antiquity

SO	Symbolae Osloenses
SPhA	Studies in Philo of Alexandria
SPhiloA	Studia Philonica Annual
STDJ	Studies on the Texts of the Desert of Judah
StPB	Studia Post-biblica
SubBi	Subsidia Biblica
SVTP	Studia in Veteris Testamenti Pseudepigrapha
TAD	Porten, Bezalel and Ada Yardeni. *Textbook of Aramaic Documents from Ancient Egypt*. 4 vols. Winona Lake, IN: Eisenbrauns, 1987–1999.
TDNT	*Theological Dictionary of the New Testament.* Edited by Gerhard Kittel and Gerhard Friedrich. Translated by Geoffrey W. Bromiley. 10 vols. Grand Rapids: Eerdmans, 1964–1976.
TSAJ	Texts and Studies in Ancient Judaism
TynBul	*Tyndale Bulletin*
VT	*Vetus Testamentum*
VTSup	Supplements to Vetus Testamentum
WBC	Word Biblical Commentary
WDSP	Wadi Daliyeh Samaria Papyri
ZAW	*Zeitschrift für die alttestamentliche Wissenschaft*
ZPE	*Zeitschrift für Papyrologie und Epigraphik*

CHAPTER 1: INTRODUCTION

In his study of Jewish intermarriage during the twentieth century, Sergio DellaPergola

revealed that intermarriage rates jumped from "5.1 percent around 1930 to 46.5 percent around

1980, and 48.6 percent around 2000."[1] With the increased cases of intermarriage, and the

subsequent birth of mixed offspring, the status of children with patrilineal descent became a

contentious matter in some Jewish communities: should mixed offspring with a Jewish father

and a gentile mother be considered Jewish? The Mishnah contains one of the earliest and most

authoritative rulings on mixed offspring: one must have an Israelite mother to be an Israelite (m.

Qidd. 3:12). According to this principle, a mixed offspring with an Israelite father and a gentile

mother would be considered a gentile.[2] Although the origins of this principle are unknown, this

criterion was an authoritative standard in rabbinic Judaism for almost two millennia.

However, the Reconstructionist movement broke from this principle in 1968, and instead

adopted an ambilineal model of descent, whereby mixed offspring with *either* a Jewish mother

or a Jewish father would be accepted in the community. Similarly, the Reformed movement

formally accepted offspring with patrilineal descent in 1983.[3] The controversial decision to

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[1] Sergio DellaPergola, "Jewish Out-Marriage: A Global Perspective," in *Jewish Intermarriage Around the World*, ed. Shulamit Reinharz and Sergio DellaPergola (New York: Routledge, 2009), 13–39, at 27–28.

[2] See also m. Yebam. 2:5. This ruling has often been described as a matrilineal principle. See Shaye J. D. Cohen, "The Origins of the Matrilineal Principle in Rabbinic Law," *AJS* 10 (1985): 19–53, 20. There is some evidence that this mandate was not universally accepted in the late Roman and early Byzantine period (200–600 CE). m. Yebam. 7:5, for example, provides an alternative ruling, declaring an offspring between an Israelite woman and a gentile to be a *mamzer*. Additionally, the *Yerushalmi* preserves a case where Yaakov from *Kefar Nibboraya* contemplated circumcising the son of a non-Jewish woman and a Jewish man on Shabbat based on his reading of Num 1:18. He was subsequently flogged by Rav Haggai (y. Yebam 2:6). Other contemporary forms of Judaism, such as Karaite Judaism, maintain the validity of patrilineal descent.

[3] See Bernard J. Bamberger, "Mixed Marriages: Some Reflections on the Debate," *CCAR Journal* 11 (1963): 19–22. Thomas B. Morgan, "The Vanishing American Jew," *Look* 28 (1964): 42–46. "Resolution Regarding Children of Mixed Marriages," *The Reconstructionist* 34 (1968): 30–31. Both movements, however, required an offspring with patrilineal descent to be raised with Jewish traditions. See Lawrence H. Schiffman, "Jewish Identity and Jewish Descent," *Judaism* 34 (1985): 78–84, at 78.

abandon the so-called matrilineal principle led some religious leaders and scholars to explore the origins of this principle to better understand the construction of Jewish boundaries in antiquity.

Yet, the controversy over the status of mixed offspring is not exclusive to the 20th century. According to Katell Berthelot, lineage was equally important in antiquity for constructing Jewish identity: "lineage probably matters for many people in our contemporary world no less than it did for people living in the Greco–Roman world."[4] Considering this, did exogamous unions complicate the identity of mixed children in antiquity as well? How were mixed offspring perceived in the Second Temple period?

Unlike rabbinic Judaism, we have no evidence of a regulation concerning the status of mixed offspring in pre-Mishnaic Jewish literature.[5] Instead, depending on the text in question, the acceptance and treatment of mixed progeny fluctuated. In the Deuteronomistic History, for example, offspring with an Israelite father and a foreign mother were treated as Israelites, whereas in some post-exilic texts, offspring with this same genealogy were expelled from the community on account of their mixed lineage.

My goal is to explore the diverse ways mixed offspring were portrayed in the Hebrew Bible and Second Temple Jewish literature. The intention is to examine whether mixed progeny endured any social or religious repercussions due to their genealogy, and to consider the role

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[4] Katell Berthelot, "Genealogy Versus Merit? On the Role of Lineage in Ancient Judaism," *JAJ* 11 (2020): 1–9, 1. See Sarah Imhoff and Hillary Kaell "Lineage Matters: DNA, Race, and Genes Talk in Judaism and Messianic Judaism," *RAC* 27 (2017): 95–127 for the role of lineage in current debates about Jewishness.
[5] The term "pre-Mishnaic Jewish Literature" refers to literature composed by Jewish authors prior to the codification of the Mishnah (2nd century CE). Luke-Acts will be included in this group, despite the uncertainty regarding the author's ethnic background. See Richard Bauckham, *The Jewish World Around the New Testament* (Tübingen: Mohr Siebeck, 2008), 398, who also uses this term.

gender played in such cases.[6] In other words, were mixed offspring with an Israelite mother and non-Israelite father treated differently than mixed offspring with an Israelite father?

My intention is not to advocate for a single model of descent in pre-Mishnaic Jewish literature, nor to propose a diachronic development from one model of descent to another. Rather, I plan to survey the diverse ways mixed offspring were perceived and treated in antiquity to better understand how exogamous unions impacted mixed offspring, and to trace how communities constructed Jewish identity through genealogies and kinship relations.

1.1 Contribution to Research

The study of mixed offspring in antiquity has been an incidental topic of exploration in scholarship. It is often discussed tangentially in broader treatments of subjects like intermarriage in antiquity, the development of the matrilineal principle, or in studies of specific pericopes, such as the expulsion narrative in Ezra 9–10.[7] As a result, concentrated scholarly works on mixed offspring is limited. For example, in Louis M. Epstein's treatment of intermarriage in the Hebrew Bible, he poses the question: "What is the legal or social status of the child born of a mixed marriage?"[8] Unfortunately, his treatment of this topic begins with Ezra 9–10, and is

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[6] Within biblical studies, "gender" is often understood as "the social construction of roles, behaviors, values, activities and attributes in relation to sex." See Katie Edwards and Johanna Stiebert, "Gender in Biblical Studies: A Brief Overview," *DSD* 26 (2019): 281–294, 281. For our purposes, it is strictly the gender of the parent which is important; we are examining the impact of the father (male) or mother's (female) national origins on the offspring. The examples of mixed offspring below will be listed in a chronological manner (as they appear in a given text), though the gender of the Jewish parent will be highlighted so as not to conflate all mixed offspring.

[7] Several works which explore Jewish family life in antiquity and Jewish intermarriage still do not incorporate a focus on the social status of mixed offspring. See Michael L. Satlow, *Jewish Marriage in Antiquity* (Princeton: Princeton University Press, 2001), 141–43 where he deals with exogamy and genealogical purity, yet does not discuss the status of children from such unions. See also Shaye J. D. Cohen, ed. *The Jewish Family in Antiquity* (Atlanta: Scholars Press, 1993). Recent works on child-centered readings have explored childhood identity more thoroughly, but do not deal with mixed progeny specifically. See Kristine Garroway, *Children in the Ancient Near Eastern Household* (Winona Lake, Indiana: Eisenbrauns, 2014); Shawn W. Flynn, *Children in Ancient Israel: The Hebrew Bible and Mesopotamia in Comparative Perspective* (Oxford: Oxford University Press, 2018).

[8] Louis M. Epstein, *Marriage Laws in the Bible and the Talmud* (Cambridge: Harvard University Press, 1942), 183.

followed immediately by his research on the matrilineal principle in the Mishnah; no other mixed

progeny from the Hebrew Bible or Second Temple period were incorporated into his research.

Similarly, Solomon Zeitlin's article "The Offspring of Intermarriage" argues that the

origins of the matrilineal principle stemmed from the expulsion narratives in Ezra-Nehemiah.

Once again, Ezra 9–10 was linked directly with the matrilineal principle in the Mishnah, and no

other examples of mixed progeny were surveyed.[9] Ranon Katzoff's "Children of Intermarriage:

Roman and Jewish Conceptions" also focused on the matrilineal principle, although Katzoff

engaged predominantly with Shaye Cohen's proposal regarding the correlation between marriage

laws in Roman society and the early rabbinic regulations on mixed offspring.[10]

As stated above, mixed offspring have been discussed in scholarly treatments of the Ezra

9–10. Scholars have attempted to read the expulsion narrative through the lens of sociological

theories to explain the banishment of the foreign women and their mixed children. Willa

Johnson, for example, claims that inheritance laws, property rights, and community leadership

were the primary motivating factors for excluding foreigners and their offspring.[11] Similarly,

Katherine Southwood applied theories related to return migration to elucidate the problem of

mixed marriage, arguing that the Jewish returnees attempted to curb their identity crisis by

implementing a more stringent standard for ethnic boundaries.[12] While Southwood's research

helps explain why the mixed children may have been expelled, their status was not the focal

point of her research.

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[9] Solomon Zeitlin, "The Offspring of Intermarriage," *JQR* 51 (1960): 135–40.

[10] Ranon Katzoff, "Children of Intermarriage: Roman and Jewish Conceptions," in *Rabbinic Law in its Roman and Near Eastern Context,* ed. Catherine Hezser (Tübingen: Mohr Siebeck, 2003), 277–286.

[11] Willa M. Johnson, *The Holy Seed Has Been Defiled: The Interethnic Marriage Dilemma in Ezra 9–10* (Sheffield: Sheffield Phoenix Press, 2011).

[12] See Katherine Southwood, *Ethnicity, and the Mixed Marriage Crisis in Ezra 9-10*: *An Anthropological Approach* (Oxford: Oxford University Press, 2012).

Others have examined the influence of Greek laws on the exilic community as a means of explaining the expulsion of mixed progeny in Ezra. Lisbeth S. Fried, for example, compares Ezra 9–10 with the Athenian law of Pericles.[13] In 451 BCE, Pericles instituted a law limiting Athenian citizenship to children who had two Athenian parents. As a result, Greek children with only one Athenian parent were not considered citizens. Fried proposes that Ezra adopted a similar principle, thus justifying the expulsion of mixed progeny. While these theories will be assessed more thoroughly in chapter 3, it is evident that the study of mixed offspring in antiquity has been parenthetical to broader research on specific pericopes (e.g., Ezra 9–10) or social developments, such as the influence of foreign laws on Jewish communities in antiquity.

In 1999, Shaye Cohen published his seminal work *The Beginnings of Jewishness,* where he redefined approaches and categories to understanding the boundaries of Jewishness in the Hebrew Bible, Second Temple literature, and early rabbinic texts. In his work, he provided a more detailed treatment of mixed progeny when exploring the impact of exogamous unions on Jewish identity: "[I]n such a situation [of intermarriage], is the Jew still a Jew? Has the gentile partner somehow become a Jew? What is the status of the offspring of this union?"[14] This question is picked up in section three of his book, where Cohen looks specifically at the way intermarriage influenced the construction of Jewish identities in antiquity. In his concluding remarks, Cohen correctly argues that the Hebrew Bible presents a predominantly patrilineal model of descent when establishing kinship relations; in other words, mixed offspring generally

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[13] Lisbeth S. Fried, *Ezra and the Law in History and Tradition* (South Carolina: The University of South Carolina Press, 2014). See also Lisbeth S. Fried, *Ezra: A Commentary* (Sheffield: Sheffield Phoenix Press, 2015). Maren Niehoff has compared Philo of Alexandria's treatment of mixed offspring with offspring from exogamous unions in the *Gnomon of the Idios Logos*; she argues that Philo relied heavily on Roman Egypt's standard for deciding what constitutes a legitimate status for children. See Maren Niehoff, *Philo and Jewish Identity and Culture* (Tübingen: Mohr Siebeck, 2001), 23.

[14] Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley: University of California Press, 1999), 13.

followed the status of the father. However, in cases where the mixed offspring followed the mother's kinship status, Cohen posits that it was because the offspring resided with the mother's family (see 1 Chron 2:17, 34–35). Cohen's work will be a launching point for my own research, as I will seek to develop and reassess various claims made by Cohen in his book. For example, considering Cohen's argument regarding the role of matrilocal residency, there may be cases in the Deuteronomistic History where mixed progeny followed the kinship status of the Israelite mother even when they resided with the father (1 Kgs 7). Also, the significance of location for constructing the identity of mixed progeny appears to be equally important for offspring with a Hebrew father and foreign mother, such as in the case of Ephraim and Manasseh.

Another contribution of this dissertation will be to examine and incorporate information from a broader corpus of literature; while Cohen focused primarily on the Hebrew Bible and early Greek literature, I will place more attention on the documents from Elephantine and Nippur to better understand the status of mixed progeny in these communities.[15]

In recent years, scholars have begun to focus more on exogamous unions and illicit mixing in the Second Temple period, which contributes to our understanding of mixed progeny in antiquity. Some have interpreted the myth stories, such as the fall of the Watchers in 1 Enoch, as a warning against exogamous mixing.[16] Luca Arcari, for example, argues that the union between the watchers and women was a cautionary tale against mixed marriage and the creation

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[15] While Cohen did incorporate some evidence from Elephantine in his discussion of the matrilineal principle (see Cohen, *The Beginnings of Jewishness*, 265, n. 7), I will attempt to provide a more comprehensive analysis of mixed progeny from that community below. Cohen's most detailed treatment of mixed offspring is found in his chapter on rabbinic literature, which falls outside of the scope of my research (ibid., 308–339).

[16] See David W. Suter, "Fallen Angel, Fallen Priest: The Problem of Family Purity in 1 Enoch 6–16," *HUCA* 50 (1979): 115–135; George W. E. Nickelsburg, *1 Enoch 1: A Commentary on the Book of Enoch, Chapters 1–36; 81–108*, Hermeneia (Minneapolis: Fortress Press, 2001); Loren Stuckenbruck, *The Myth of Rebellious Angels: Studies in Second Temple Judaism and New Testament Texts* (Tübingen: Mohr Siebeck, 2014).

of hybrid offspring (the giants).[17] Similarly, in her study of the celestial-terrestrial unions from 1 Enoch, Kelley Coblentz Bautch remarks that "forbidden unions result in troublesome offspring; in the Enochic literature the problematic progeny are giants who initiate violence and leave as a legacy their immortal spirits as demons."[18] In my treatment of these texts, I will consider whether these giants represented mixed progeny, and how that may have shaped the perception of children from intermarried couples.

Within some priestly literature from the Second Temple period, there are also references to the כילאין/כלאים, which some understood to be progeny from mixed unions.[19] While these terms are often translated "mixed ones" or "half-breeds," it is unclear whether this title refers to offspring from exogamous unions specifically, or illicit unions generally. In the *Aramaic Levi Document,* for example, כילאין may refer to offspring between the priestly class and gentiles, or between the priestly class and lay Israelites; the latter category will not be the focus of this dissertation.[20] Below, we will examine these terms and their broader contexts to determine how these texts contribute to our understanding of offspring from exogamous unions.

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[17] See Luca Arcari, "Illicit Unions, Hybrid Sonship, and Intermarriage in Second Temple Judaism — 1 Enoch, Book of Giants, Jubilees" in *Family and Kinship in the Deuterocanonical and Cognate Literature,* ed. Angelo Passaro (de Gruyter: Berlin, 2013), 405–454.

[18] Kelley Coblenz Bautch, "Amplified Roles, Idealized Depiction: Women in the Book of Jubilees" in *Enoch and the Mosaic Torah: The Evidence of Jubilees*, ed. Gabriele Boccaccini and Giovanni Ibba (Grand Rapids: MI, Eerdmans, 2009), 338–52, 350. See also the Epistle of Enoch, where Lamech became distressed when he thought Noah was a descendant from a celestial being (1 En. 106–107; cf. 1QapGen ar II–IV).

[19] See André Caquot, "Grandeur et pureté du sacerdoce: Remarques sur le *Testament de Qahat* (4Q542)," in *Solving Riddles and Untying Knots: Biblical, Epigraphic, and Semitic Studies in Honor of Jonas C. Greenfield*, ed. Ziony Zevit, Seymour Gittin, and Michael Sokoloff (Winona Lake, Indiana: Eisenbrauns, 1995), 39–44.

[20] In the Second Temple period, there was disagreement on whether Levites were permitted to marry Israelites. Philo and Josephus permitted such unions (see Philo, *Special Laws* 1.110; Josephus, *Ant.* 3.277) whereas the author of the *Aramaic Levi Document* prohibited it (*ALD* 6:3–4; cf. 11:1; 12:1). See Eibert J. C. Tigchelaar, "Some Remarks on the Book of the Watchers, the Priests, Enoch and Genesis, and 4Q208," *Henoch* 24 (2002): 143–45; see also William Loader, *Enoch Levi and Jubilees on Sexuality: Attitudes Toward Sexuality in the Early Enoch Literature, the Aramaic Levi Document, and the book of Jubilees* (Grand Rapids, MI: Eerdmans, 2007); T. Levi 9:9–10; 14:6 include warnings against marrying gentiles.

Christine Hayes's research has been influential in establishing a helpful framework to understand the status of children from mixed unions in some post-exilic, Jewish communities. In her book, *Gentile Impurities and Jewish Identities*, Hayes convincingly argues that the prohibition against exogamy in Ezra 9–10 was rooted in a concern to maintain Israel's sacred status and to remain genealogically pure: "Just as the priest's holy seed is preserved by means of certain marriage restrictions, so also are marriage restrictions needed to preserve the holy seed of the ordinary Israelite."[21] Adding to Jonathan Klawans's two-pronged model of moral and ritual impurity, Hayes argues for a third category, namely genealogical impurity, which suggests that children from mixed unions were deemed profane and were therefore ostracized from the Jewish community due to their genealogy.[22] Unlike the temporal status of moral or ritual impurity, genealogical impurity was permanent; since the profane status of the mixed offspring derives from their mixed genealogy, their status is immutable.[23] According to Hayes, this unique criterion mandated bilineal descent for Jewish marriages to properly perpetuate a legitimate lineage (i.e., the holy seed). Based on this genealogical purity model, "intermarriage with any Gentile—converted or unconverted—becomes an impossibility."[24] In other words, neither foreigners nor mixed offspring were able to become holy. While these concepts are traced

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[21] Christine E. Hayes, "Intermarriage and Impurity in Ancient Jewish Sources," *HTR* 92 (1999): 3–36, 9.

[22] See Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000). Klawans describes ritual impurity as temporary (Lev 15:5; Num 19), and transferable through touch (Klawans, *Impurity and Sin*, 22–26). Moral impurity was the result of immoral acts, such as sexual sins (Lev 18:24–30), idolatry (Lev 19:13), and bloodshed (Num 35:33–34), all of which pollutes the land and the sanctuary (ibid., 26–31). For further research on the importance of pollution (טמא) and purity (טהר) in Israelite society, see Eve Levavi Feinstein, *Sexual Pollution in the Hebrew Bible* (Oxford: Oxford University Press, 2014). Paul Heger has critiqued Hayes's holy seed interpretation of Ezra, which will be discussed below. Paul Heger, *Women in the Bible, Qumran and Early Rabbinic Literature: Their Status and Roles* (Leiden: Brill, 2014).

[23] Christine Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: University Press, 2002), 8. She later writes "This genealogical profaneness-impurity differs from other forms of impurity in that it is permanent and passed on to one's descendants" (Hayes, *Gentile Impurities*, 32).

[24] Hayes, *Gentile Impurities*, 69.

through some Second Temple literature (e.g., Jubilees, 4QMMT), this model was not accepted by all communities (Josephus, Philo).

My goal in this dissertation is to further develop the work and categories that have been used by scholars to discuss mixed progeny. First, I seek to provide a more detailed analysis of mixed offspring throughout pre-Mishnaic Jewish literature, looking at each case of exogamy and considering how their progeny were portrayed. Second, I will incorporate broader groups of Jewish texts into the discussion, including the legal contracts from Elephantine and inscriptions from Nippur, to understand the diverse ways mixed progeny were treated. Third, I will re-examine popular narratives that include mixed offspring, such as Genesis 38, which have often been studied without much attention to the status of the children.

Epstein correctly argued that the existence of genealogical lists signify that children with mixed lineages may have been problematic: "social discrimination against a child of a mixed marriage existed in Israel even in pre-exilic times, and this accounts for the existence of family records tracing purity of Jewish descent which Ezra and Nehemiah used in the process of purification of the race."[25] My goal is to better understand how Jewish communities in antiquity thought about, treated, and built social structures around mixed offspring. This study will provide greater insight into how intermarriage and lineage impacted the construction of Jewish identity in antiquity.

One way to accomplish this task is by comparing mixed progeny with offspring from other illicit unions. For example, Jephthah in the book of Judges was unable to receive his inheritance because he was born from a prostitute (Judg 11:1–2). Similarly, offspring from concubines and slaves were treated differently than those born from legal wives (Gen 21:10;

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[25] Epstein, *Marriage Laws in the Bible*, 185.

22:2; see Gen 25:5–6). With these examples in mind, I will consider cases of mixed progeny to see whether they experienced similar social repercussions.[26]

Second, I will analyze explicit statements made about mixed offspring. For example, the law in Deut 23:2 bans the *mamzer* from entering the assembly of the Lord, which may signify that those born from exogamous unions were ostracized from cultic activity, and in turn, unable to marry other Israelites in the community.[27]

The texts selected for my research are generally considered Jewish texts, meaning they reflect the concerns and beliefs of a subset of the Jewish population. Generally, these texts include monikers for the Jewish people (e.g., יהודי/ Ἰουδαῖος), they refer to cultic activities dedicated to Yhwh/Yhw, and/or they contain onomastic evidence of Yahwistic/Judean names.[28] In most instances, our sources do not address the status of mixed offspring specifically, and therefore exegetical caution is warranted.

1.2 Mixed Offspring

The term "mixed offspring" refers to a descendant from a perceived exogamous union.[29] The use of the noun "offspring" has no bearing on one's age, gender, or social status; my interest

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[26] According to Cohen, "In some circumstances biblical law and society did pay attention to maternal identity — the children of concubines and female slaves sometimes rank lower than the children of wives — but it never occurred to anyone to impose legal or social disabilities on the children of foreign women" (Cohen, *The Beginnings of Jewishness*, 265). The case of Ishmael, however, is more complex since his mother was both a slave and an Egyptian. Therefore, it is unclear if her foreign status negatively impacted Ishmael.

[27] Epstein derives a similar conclusion from Ezra's expulsion narrative: "and therewith he [Ezra] introduced the prohibition against marrying the child of mixed parentage" (Epstein, *Marriage Laws in the Bible*, 185).

[28] I will also incorporate content that may be considered Christian in its current form (e.g., Testaments of the Twelve Patriarchs). In these cases, I will attempt to identify and isolate the Jewish portions of the text.

[29] See Paul R. Spickard, *Mixed Blood: Intermarriage and Ethnic Identity in Twentieth Century America* (Madison Wis: The University of Wisconsin Press, 1991), 20–21, who defines intermarriage as "any marriage across ethnic…lines." The description "mixed" is used differently in other literature. Kristine Garroway writes about "children of mixed status marriage," meaning offspring born to one slave parent and one free parent (Garroway, *Children in the Ancient Near Eastern Household*, 150). Also, see P.R.C. Weaver, "The Status of Children in Mixed

lies strictly in emphasizing a genealogical connection between the parent and their descendant.

Therefore, my analysis of mixed offspring will include both young children (e.g., Shelah; Gen 38:11) and adults (e.g., Hiram of Tyre; 1 Kgs 7:14) without distinction. The term "mixed offspring" may be supplemented with "mixed children," "mixed descendant," and "mixed progeny"; these will be used interchangeably. The description "mixed offspring" is not a title found frequently in pre-Mishnaic Jewish literature, but it will be used to categorize cases pertinent to my research.[30] The study of mixed progeny incorporates several related areas of research, including the construction of identity through lineage, as well as Jewish intermarriage in antiquity.[31]

1.2.1 Genealogy and Boundary Markers

In pre-Mishnaic Jewish literature, kinship relations and genealogies played a prominent role in constructing group identities.[32] In Fredrik Barth's introduction to the book *Ethnic Groups and Boundaries*, he defined the role of social boundaries between ethnic groups to be a means of creating and sustaining identity.[33] Social boundaries are not fixed or permanent; ethnic identity is a socially constructed, organizing principle that changes and adapts to safeguard the community's distinctive status.[34] John Hutchinson and Anthony D. Smith provide six common

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Marriages," in *The Family in Ancient Rome: New Perspectives*, ed Beryl Rawson (New York: Cornell University Press, 1986), 145–169, where he defines mixed marriages as unions between citizens and non-citizens.

[30] While the term כילאין/כלאים was used in some Second Temple literature, there is some debate concerning the referent. This term will be treated more thoroughly in chapter four.

[31] For the importance of progeny and preserving one's lineage in the Hebrew Bible, see Stefan Mathias, *Paternity, Progeny, and Perpetuation: Creating Lives After Death in the Hebrew Bible* (London: T&T Clark, 2020).

[32] See Berthelot, "Genealogy Versus Merit," 1–9.

[33] Fredrik Barth, "Introduction," in *Ethnic Groups and Boundaries: The Social Organization of Culture Difference,* ed. Fredrik Barth (London: George Allen and Unwin, 1969), 9–38, 10. Barth's focus was on the ethnic boundary of a group, not the "cultural stuff that it encloses" (ibid., 15). These social boundaries were the result of communities encountering other groups. See also Fredrik Barth, *Processes and Form in Social Life* (London: Routledge & Kegan Paul, 1981), 7.

[34] See Barth, "Introduction," 14. See Cohen, *The Beginnings of Jewishness*, 6 for a discussion on social boundaries.

features that make up these boundaries: a common name, a common ancestry, shared historical

memories, a common culture (customs, language, and religion), a shared homeland, and a sense

of solidarity.[35] While most of these elements are found in pre-Mishnaic Jewish literature, one of

the most consistent boundary markers is common origins.[36] For example, in the patriarchal

narratives in Genesis, God's promises to Abraham were transferred genealogically to Isaac, to

Jacob, and to Jacob's progeny. The perceived unique status of Jacob's progeny was contingent

on their kinship relations and genealogical link with Jacob, which represented their participation

in God's covenant.[37] These kinship ties were established through birth, although surrogate births

(see Gen 30:3) and adoptions (Gen 48:1–7) sometimes played a role in strengthening kinship ties

and resolving inheritance issues.

Throughout pre-Mishanic Jewish literature, different nomenclatures were given to Jacob's

progeny. One of these designations was "Hebrew" (עברי; Gen 39:14–17), a term first applied to

Abraham (Gen 14:13). Although the origins and meaning of the term are debated, it was a

kinship title that eventually highlighted one's genealogical connection to Jacob. For example,

Hebrew offspring were birthed by Hebrew women (Exod 1:19; 2:11), and Moses, who was

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[35] John Hutchinson and Anthony D. Smith, "Introduction," in *Ethnicity*, ed. John Hutchinson and Anthony D. Smith, Oxford Readers (New York: Oxford University Press, 1996), 1–14. See Steve Mason and Philip F. Esler, "Judaean and Christ-Follower Identities: Grounds for a Distinction," *NTS* 63 (2017): 493–515 for the use of their list in biblical studies.

[36] This does not imply that the means of constructing social boundaries were the same for every Jewish community at a given time. However, based on the available evidence, lineage and genealogies were often the primary thread uniting the Jewish people. According to Berthelot "As far as ancient Israel is concerned, it is clear that genealogical thinking pervades biblical texts, relating to both the definition of the elites (Davidic lineage for kings, Aaronide descent for priests) and that of the people at large" (Berthelot, "Genealogy Versus Merit," 3). According to Barth, the simplest and most general social groups are determined "by his origin and background" (Barth, "Introduction," 13).

[37] While lineage and covenant (whether with Abraham, or at Sinai) are closely related, it was possible for those outside of Jacob's lineage to partake in certain covenantal customs. However, prior to the institution of conversion in the late Second Temple period, these foreigners never became Israelites. One possible exception is Caleb the Kenezzite (Num 32:12) who was integrated into the clan of Judah (Num 34:19).

adopted into an Egyptian household, was still a kinsman (אח) of the Hebrew people because of his genealogy (Exod 2:10–12). This kinship title distinguished the descendants of Jacob from other social groups, including the Egyptians (Gen 43:32) and the Midianites (Exod 2:15–22).

Alongside "Hebrew," the term "Israel/sons of Israel" also highlighted their kinship status, and was sometimes used interchangeably for the descendants of Jacob (Exod 3:13). In the Deuteronomistic History, however, the noun "Hebrew" may have carried slightly different connotations than "Israelite"; "Hebrew" is often considered an ethnic designation, whereas "Israelite" had political connotations as well (1 Sam 4:6; 13:3–4).[38] That being said, the moniker "Israelite" was still reserved for those who shared common origins. Foreigners (i.e., those outside of Jacob's lineage) who resided in the land of Israel and worshiped the God of Israel were never called Israelites (1 Sam 21:8; 2 Sam 1:8, 13; 11:3, 11; 15:21). While a shared homeland was an important means of constructing identity in ancient Israel, it was also imperative for one to be part of Jacob's lineage to be considered an Israelite.[39] Victor Matthews correctly writes that "Ancient Israel considered itself a collective society, with the most important social and legal categorizations firmly based on kinship."[40]

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[38] See David Toshio Tsumura, *First Book of Samuel*, NICOT (Grand Rapids, MI: Eerdmans, 2007), 194. According to McCarter, "It seems clear, then, that 'Hebrews' is an ethnic term distinct from religiopolitical designations such as 'Israel,' 'sons of Israel,' etc." Peter Kyle McCarter, Jr., *I Samuel: A New Translation with Introduction, Notes and Commentary*, AB 8 (New York: Doubleday, 1995), 241. In the law codes and prophetic literature, the term "Hebrew" appears to be reserved for a subset of Israelites who were enslaved (Exod 21:2; Deut 15:12; Jer 34:8). See von Rad who writes that "Hebrew" (עברי) is "not the name of a people but an appellative which tells us something concerning the legal and social position of those who bear it" (*TDNT* 3:358).

[39] Similarly, priestly literature requires sojourners/gers to partake and obey Israelite law (Lev 24:22). However, abiding by Israelite culture or cultic activities did not mean they became Israelites. Additionally, when the Hebrew/Israelites would worship other gods, they did not cease being called "Israel" (1 Kgs 18:17–19).

[40] Victor H. Matthews, "Social Science Models," in *The Cambridge Companion to The Hebrew Bible/Old Testament*, ed. Stephen B. Chapman and Marvin A. Sweeney (Cambridge: Cambridge University Press, 2016), 147–162, 149–150. He continues: "in the biblical narrative, the storyteller makes it clear that in ancient Israel every person establishes his or her identity by a claim of kinship affiliation" (ibid., 150).

During the divided monarchy in the Deuteronomistic History, the title "Israel" began to be used in two ways: it was applied to all of Jacob's descendants collectively, and for the tribal groups residing in the north, specifically. In turn, the title "Judean" (יהודי), a derivative of "Judah" (יהודה), was attributed to the Southern Kingdom.[41] Despite this division between the north and the south (Israel and Judah), Staples correctly asserts that both nations were united by their common origins: "The biblical genealogical schemes and historical frameworks… consistently integrate northern Israelites and southern Judahites as subsets of a larger twelve-tribe body of Israel, with the Jews descended from common patriarchs and members of the same covenant with YHWH as their northern counterparts."[42]

In the post-exilic period, however, יהודי became the predominant title for all the descendants of Jacob, regardless of their tribal affiliations. The prominence of יהודי was likely because, according to the narratives found in First and Second Kings, the Northern Kingdom was overtaken by Assyria during the eighth century, and thus Judah was the last remaining kingdom.[43] Undoubtedly, Israel remained a moniker for the descendants of Jacob in the post-

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[41] Knoppers correctly writes: "In Kings, Israel may refer to a multi-tribal entity, the united kingdom, the northern region of the nation, the northern kingdom, or exiled northerners (2 Kgs 17:6; 18:11), but the term Israel is never used to refer to either the southern kingdom or the Judahite exiles." See Gary N. Knoppers, "Did Jacob Become Judah?: The Configuration of Israel's Restoration in Deutero-Isaiah" in *Samaria, Samarians, Samaritans*, ed. József Zsengellér (de Gruyter: Berlin, 2011), 39–67, 45. According to Collins, "In biblical tradition, 'Israel' is the union of tribes descended from the twelve sons of Jacob." See John J. Collins, "The Construction of Israel in the Sectarian Rule Books," in *Judaism in Late Antiquity: Theory of Israel*, ed. Alan J Avery-Peck et al. (Leiden: Brill, 2001), 25–42, at 25.

[42] Jason A. Staples, *The Idea of Israel in Second Temple Judaism: A New Theory of People, Exile, and Israelite Identity* (Cambridge: Cambridge University Press, 2021), 89–90.

[43] John Collins correctly states: "For a period of some two hundred years [the name 'Israel'] had a narrower connotation, referring to the northern kingdom of Israel as opposed to the southern kingdom of Judah. After the fall of the Northern Kingdom, however, the Judeans laid claim to the heritage of all Israel" (Collins, "The Construction of Israel," 25). Josephus also comments on the shift in the post-exilic setting where Israelites became known as Jews (see *Ant.* 11.173).

exilic era as well (see Ezra 2:2, 59), although there is a current debate about the implications of these titles in the Second Temple period.[44]

While יהודי carried geographical as well as religious connotations (Zech 8:23; Esth 3:4), it also underscored one's genealogical link with Jacob's lineage. For example, יהודי was used by those residing in Elephantine, who considered themselves citizens of Elephantine (בעלי יב; TAD A4 7:22) and who had syncretistic cultic traditions.[45] Therefore, in early Jewish literature, terms such as Hebrew, Israelite, and Judean may have carried political, religious, and geographical implications, but they all highlighted a genealogical link to Jacob.[46]

In early Greek literature, the Hebrew noun יהודי was translated Ἰουδαῖος and had many of the same nuances as its Hebrew counterpart: to designate the region of Judea, to describe cultic activity, and to identify those from the line of Jacob.[47] One unique facet about Jewish identity in the Second Temple period, however, was the invention of conversion; in some Jewish communities, people were able to become Ἰουδαῖοι, resulting in a more porous Jewish social boundary. Scholars have long discussed when monikers for the descendants of Jacob shifted

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[44] There is some disagreement on the various ways "Israelite," "Jew," and "Hebrew" were used in literature outside of the Hebrew Bible. Karl Kuhn argued that Israel was an "insider" term, and Jew was an "outsider" term. See Karl Georg Kuhn, "Ἰσραήλ, Ἰουδαῖος, Ἑβραῖος in Jewish Literature after the OT" *TDNT* 3:359–69, 360. David Goodblatt argues that the distinction was based on language: Israel was used in Hebrew texts, whereas Ἰουδαῖος was used in texts in other languages (Greek, Aramaic). See David Goodblatt, "The Israelites Who Reside in Judah' (Judith 4:1): On the Conflicted Identities of the Hasmonean State," in *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern*, ed. Lee I. Levine and Daniel R. Schwartz (Tübingen: Mohr Siebeck, 2009), 74–89. See Staples, *The Idea of Israel*, for an updated synopsis.

[45] According to Joseph Blenkinsopp, the adoption of יהודי in Elephantine is important "since none of the people, to the best of our knowledge, had ever set foot in Judah. The papyri also intimate that the cultural and religious links of the settlers were with the former northern kingdom of Israel rather than with Judah." See Joseph Blenkinsopp, *Judaism: The First Phase. The Place of Ezra and Nehemiah in the Origins of Judaism* (Grand Rapids, MI: Eerdmans, 2009), 23.

[46] The term "religion" is anachronistic and retroactively applied to ancient texts; it is unclear if there was a specific category for religion. Our use of "religion" refers to cultic activity and traditions/rituals to please a certain deity. For further discussion on religion and antiquity, see Carlin A. Barton and Daniel Boyarin, *Imagine No Religion: How Modern Abstractions Hide Ancient Realities* (New York: Fordham University Press, 2016). See also Brent Nongbri, *Before Religion: A History of a Modern Concept* (New Haven: Yale University Press, 2015).

[47] See Cohen, *The Beginnings of Jewishness*, 7. For the use of Ἰουδαῖος in a religious sense, see 2 Macc 2:21; 8:1; 14:38.

from a predominantly ethno-geographic title to a religious one. R. J. Coggins places this shift

during the Babylonian exile: "The very name Israel itself, formerly a description of a political

identity, came increasingly to be used to designate the religious community."[48] Shaye Cohen

places the change later, during the Hasmonean period.[49] By contrast, Steve Mason claims that it

took place during the 2–4th centuries CE as a result of Christian influence.[50] However, scholars

have also criticized the attempt to isolate the definition of Ἰουδαῖος as a religious marker, since

religion was merely one part of the matrix that established ethnic social boundaries.[51]Although

the translation of Ἰουδαῖος has become a contentious issue, I will follow Cynthia Baker by

translating Ἰουδαῖος as "Jewish," since the contemporary noun is as equally ambiguous as

Ἰουδαῖος.[52] Cohen writes that "Jewishness was a subjective identity, constructed by the

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[48] R. J. Coggins, "After the Exile," in *Creating the Old Testament: The Emergence of the Hebrew Bible*, ed. Stephen Bigger (Oxford: Blackwell, 1989), 233.

[49] "For most *Ioudaioi* in antiquity, the ethnic definition was supplemented, not replaced, by the religious definition. Jewishness became an ethno-religious identity" (Cohen, *The Beginnings of Jewishness*, 137). Cohen maintains that religion was a key factor which set Israel apart in antiquity: "the most distinctive of the distinctive characteristics of the Jews was the manner in which they worshiped their God, what we today would call their religion" (Cohen, *The Beginnings of Jewishness*, 7). However, David Goodblatt argues that Jews who engaged in foreign cultic activity during the Hasmonean period did not cease to be Jews: "A Jew may be a bad Jew, but he is still a Jew." David Goodblatt, *Elements of Ancient Jewish Nationalism* (California: Cambridge University Press, 2009), 20. Goodblatt maintains that "belief in shared blood continued to be important for ancient Jewish ethnic/national identity" (Goodblatt, *Elements of Ancient Jewish Nationalism*, 22).

[50] Steve Mason, "Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History," *JSJ* 38 (2007): 457–512. Mason contextualizes *ioudaios* alongside other titles like Roman, Egyptian, Greek. These broad terms have geography, lineage, and religion embedded in them, although they are not teased out as individual categories: "The concept of religion, which is fundamental to our outlook and our historical research, lacked a taxonomical counterpart in antiquity" (Mason, "Jews, Judaeans, Judaizing, Judaism," 480). See also Cynthia Baker "A 'Jew' by Any Other Name?" *JAJ* 2 (2011): 153–180, at 173.

[51] When commenting on Fredrik Barth, Stewart Moore remarked how "religion is a cultural trait which is organized by conceptions of ethnicity; thus, Judean ethnic identity used specific religious behaviors as ethnic boundary markers." See Stewart Moore, *Jewish Ethnic Identity and Relations in Hellenistic Egypt: With Walls of Iron?* JSJSup 171 (Boston: Brill, 2015), 43. The desire to isolate religion as a distinct category is anachronistic. See Paula Fredriksen, "Compassion is to Purity as Fish is to Bicycle and Other Reflections on Constructions of 'Judaism' in Current Work on the Historical Jesus," in *Apocalypticism, Anti-Semitism and the Historical Jesus: Subtexts in Criticism*, ed. John S. Kloppenborg and John W. Marshall, JSNTSup 275 (London: T&T Clark, 2005), 55–67. According to Staples, "The ancient languages simply lack separate words for the ethnic, cultural, geographical, or religious aspects of being a Ioudaios or Yehudi, making any efforts to distinguish between such categories in these ancient sources untenable" (Staples, *The Idea of Israel*, 18).

[52] Baker, "A 'Jew' by Any Other Name?" 178. For a contemporary analysis of *Ioudaios*, see Cynthia M. Baker, *Jew* (New Brunswick: Rutgers University Press, 2017). See also Cohen, *The Beginnings of Jewishness*, 69–106; Daniel R. Schwartz, "'Judean' or 'Jew? How Should We Translate *Ioudaios* in Josephus,' in *Jewish Identity in the Greco-*

individual him/herself, other Jews, other gentiles, and the state."[53] Indeed, "Jewish," like

Ἰουδαῖος, may represent one's lineage, cultural traditions, religion, and ancestral homeland.[54]

As we examine offspring in pre-Mishnaic Jewish texts, we are studying groups whose

identity was constructed primarily around common ancestry. Sometimes called "genealogical

thinking," anthropologists understand common origins and kinship relations to be constructed by

communities to reinforce identities.[55] In the Hebrew Bible, lineage and genealogies were often

utilized for polemical purposes, whether for political, social, or religious: "Beyond their uses in

individual and ethnic self-definitions, genealogies play a role in defining social groups and

consolidating social hierarchies and power relationships."[56] Since Jewishness is a constructed

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Roman World, ed. J. Frey, D. R. Schwartz, and S. Gripentrog (Leiden: Brill, 2007), 3–27; Daniel R. Schwartz, *Studies in the Jewish Background of Christianity* (Tübingen: Mohr Siebeck, 1992), 5–15; Mason, "Jews, Judaeans, Judaizing, Judaism," 457–512; and Adele Reinhartz "The Vanishing Jews of Antiquity" in *Marginalia: LA Review of Books* (June 24, 2014), http://marginalia.lareviewofbooks.org/vanishing-jews-antiquity-adele-reinhartz/. While some opt to translate Ἰουδαῖος as "Judean" for ethical purposes, Amy-Jill Levine argues that swapping "Judean" for "Jewish" erases the Jewish people from antiquity. See Amy-Jill Levine, *The Misunderstood Jew: The Church and the Scandal of the Jewish Jesus* (San Francisco: HarperOne, 2006), 160–165; see also Staples, *The Idea of Israel*, 13–14.

[53] Cohen, *The Beginnings of Jewishness*, 3. See also Karel van der Toorn, *Becoming Diaspora Jews: Behind the Story of Elephantine* (New Haven: Yale University Press, 2019), 16 and Matthew Thiessen, *Contesting Conversion: Genealogy, Circumcision, & Identity in Ancient Judaism & Christianity* (Oxford: University Press, 2011), 149.

[54] One facet of Ἰουδαῖος that is not captured by the contemporary term "Jewish" is the geographical region. While Ἰουδαῖος was used in Second Temple Judaism to designate a geographical location (*Ag. Ap.* 1.177ff; *Ant.* 18. 196), Josephus identifies both Greeks and Judeans together in the same location (see *J.W.* 2.266–270, 284). In other words, the designation Ἰουδαῖος for a people group does not strictly refer to those who reside in a particular location. Josephus also mentions how some Ἰουδαῖοι resided in Asia Minor and North Africa (*Ant.* 16.58–60). Considering this, Schwartz appropriately states: "If Ioudaios defined someone as a resident of Judaea, we would expect to hear of pagan Ioudaioi. We don't" (Schwartz, "'Judean' or 'Jew?'" 15). Considering inscriptions found in antiquity, Margaret William writes that Ioudaios "simply refers to Jews wherever found and whatever their geographical origin." Margaret H. Williams, "The Meaning and Function of Ioudaios in Graeco-Roman Inscriptions," *ZPE* (1997): 249–62, 252.

[55] Sandra Bamford and James Leach, eds., *Kinship and Beyond: The Genealogical Model Reconsidered* (New York: Berghahn Books, 2009). According to Kenton Sparks, "ethnicity…is a phenomenon of genetic perception, that is, it includes the idea that the group in some way shares a common ancestry, and this is quite apart from the question of whether the individuals in the group are actually related." Kenton L. Sparks, *Ethnicity and Identity in Ancient Israel* (Winona Lake: Eisenbrauns, 1998), 18.

[56] Berthelot, "Genealogy Versus Merit," 2. Similarly, Caroline Hodge argues that kinship was used as a "mechanism for the construction of identities, the mediation of power, and the definition of group membership." Caroline E. Johnson Hodge, *If Sons, Then Heirs: A Study of Kinship and Ethnicity in the Letters of Paul* (New York: Oxford University Press, 2007), 19. See also Erich Gruen, "Did Ancient Identity Depend on Ethnicity? A Preliminary Probe," *Phoenix* 67 (2013): 1–22, 2 and Goodblatt, *Elements of Ancient Jewish Nationalism*, 29. For the political use of genealogies, see Jon D. Levenson and Baruch Halpern "The Political Import of David's Marriages" *JBL* 99

identity based predominantly on common ancestry, our focus we will be on how exogamy

impacted the identity of offspring.[57]

1.2.2 Models of Descent

　　　Throughout this dissertation, we will refer to four different kinship systems: patrilineal,

matrilineal, ambilineal, and bilineal. Communities who follow patrilineal descent consider that

that "[s]tatus, kinship, and succession are determined through the father."[58] Israelite society has

often been described as patrilineal, since the offspring are counted among the father's household

(Num 1:18). For this reason, it is presumed that the identity of offspring born to an Israelite

father and a foreign mother was Israelite. Epstein, for example, wrote "the child of an

intermarriage [in the biblical period] followed his father and was equal to his brothers in all

respects."[59]

　　　However, this description of ancient society may be too simplistic and reductionistic.

Cynthia R. Chapman argues that the lineage of women sometimes played an equally important

role in determining the status of her offspring.[60] In the case of Ishmael and Isaac, for example,

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(1980): 507–518. David Murray Schneider, *A Critique of the Study of Kinship* (Ann Arbor, MI: University of Michigan Press, 1984), challenged the widespread use of kinship as an anthropological model, relegating it to a western understanding of biology and ancestry that is inappropriately projected on different communities. He criticized the rigidity of the models, and that kinship was based solely on biological descent.

[57] I follow Sparks's definition of ethnic kinship, which was a prominent means of establishing group membership in ancient Israel: "we are researching ethnic kinship when it serves as (1) a concept of sociocultural integration ('*we* are the children of Abraham'); (2) as a tool for sociocultural delimitation ('*they* are not children of Abraham'); and (3) as a model for explaining the origins of other peoples ('*they* are the children of Lot')" (Sparks, *Ethnicity and Identity*, 3).

[58] Cohen, *The Beginnings of Jewishness*, 264. According to Caroline Johnson Hodges, three elements are intrinsic to an essentialist understanding of patrilineal kinship: "(1) members descend from a common male ancestor; (2) they have inherited the characteristics of that ancestor; (3) they understand themselves as a corporate group linked by some organic connection" (Hodge, *If Sons, Then Heirs*, 23).

[59] Epstein, *Marriage Laws in the Bible*, 183.

[60] Cynthia R. Chapman, *The House of the Mother: The Social Roles of Maternal Kin in Biblical Hebrew Narrative and Poetry* (New Haven: Yale University Press, 2016).

the mother was just as important as the father (Gen 16–17). Naomi Steinberg appropriately writes "Isaac and Ishmael have different experiences of childhood due to the relative statuses of their mothers in the household of Abraham."[61] In the Deuteronomistic History, Amasa was the son of an Israelite woman and an Ishmaelite father, and yet he was considered amongst the clan of Judah (2 Sam 17:25; 19:13). Similarly, Attai was the son of an Egyptian slave, Jarha, and an Israelite mother (1 Chron 2:35), and he was counted in the Israelite community. Even in cases where the father and mother are from different tribes, the offspring was able to claim kinship associations with the mother's tribe (Judg 9:1–2). Therefore, the description "patrilineal" does not account for the diversity found in the literature. Chapman argues that a pure patrilineal model is an expressed ideal rather than a practical reality: "it is appropriate to consider ancient Israel as a professed patrilineal society, a 'male-favoring society,' while at the same time recognizing the idealized nature of the claim."[62]

A second form of kinship is matrilineal descent, which maintains that kinship relations are "determined through the females and not the males."[63] This form of descent was rarely found in antiquity; while inscriptions recovered on the Greek island of Thassos from the 5th–4th BCE may imply that the community residing there held to a form of matrilineality (see chapter 4), this was rare. As mentioned above, most forms of rabbinic Judaism are considered matrilineal, although children from legal Jewish marriages still follow the father's affiliation, including his priestly status, tribal affiliation, etc.[64] A strict matrilineal principle, whereby kinship status was

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[61] Naomi Steinberg, *The World of the Child in the Hebrew Bible* (Sheffield: Sheffield Phoenix Press, 2013), 16.
[62] Chapman, *The House of the Mother*, 8. She further writes "Researching a wide variety of societies, anthropologists have concluded that the 'pure' patrilineal model always represents an expressed ideal rather than a lived, practiced reality" (Chapman, *The House of the Mother*, 7).
[63] Cohen, "The Origins of the Matrilineal Principle," 20.
[64] See Ari Z. Zivotofsky, "Matrilineal Descent: A Background Check," *Tradition* 53 (2021): 39–51 where he discusses how unions between non-Jews also follow the patrilineal rule in Rabbinic literature. See b. Bava Batra 109b.

established solely through the mother, is never explicitly found in pre-Mishnaic Jewish literature, and thus it will not be discussed to any large extent in this dissertation.[65]

A third form of kinship relations is ambilineal descent, where an offspring may follow the lineage of either his father or his mother.[66] In Philippe Ramirez's study of the Tiwa *khul*, he argues that the community alternates between matrilineal and patrilineal links, and thus defines them as ambilineal: "In ambilineal descent, affiliation to the mother or father's group is not fixed by a set of rules, but by domestic and lineage strategies."[67] Alongside genealogy, other factors play a role in establishing kinship relations, such as geographical residency.[68] I will use the term "ambilineal" to represent communities in pre-Mishanic Jewish literature who considered mixed offspring with either a Jewish mother or father to be Jewish (e.g., in the Elephantine papyri).

A fourth form is bilineal descent, whereby the offspring adopts the identity of both parents. In this model, both parents are required to be Jewish for the child to be Jewish. In Ezra 9–10, for example, the mixed offspring with foreign mothers were exiled from the community alongside

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[65] Some have argued that the origins of the matrilineal principle are found in the Hebrew Bible. Mayer I. Gruber argues that it is attested in Exod 21:4–6: "children born of liaisons between slaves and free persons inherit the mother's status for better or for worse." Mayer I. Gruber "Matrilineal Determination of Jewishness: Biblical and Near Eastern Roots" in *Pomegranates and Golden Bells: Studies in Biblical, Jewish and Near Eastern Ritual, Law and Literature in Honor of Jacob Milgrom,* ed. D. Wright, D. N. Freedman and A. Hurvitz (Indiana: Eisenbrauns, 1995): 437–444, 441. Schiffman, however, argues that the matrilineal principle originated during the time of Ezra–Nehemiah, stating that the "law expressed in our Mishnah and Tosefta passages regarding the qualifications of the born or hereditary Jew can be documented as early as the mid–fifth century B.C.E." (Schiffman, "Jewish Identity," 81). Shaye Cohen convincingly demonstrates that the matrilineal principle was "a legal innovation from the first or second century of our era." Shaye J. D. Cohen, "The Matrilineal Principle in Historical Perspective," *Judaism* 34 (1985): 5–13, 10–11.

[66] According to Bernd Lambert, ambilineal descent "is a mode of reckoning that maintains group continuity through the generations by using male or female links without set order." See Bernd Lambert, "Ambilineal Descent Groups in the Northern Gilbert Island," *American Anthropologist* (1966): 641–664, 641.

[67] Philippe Ramirez, *People of the Margins: Across Ethnic Boundaries in North-East India* (Guwahati, Delhi: Spectrum Publications, 2014), 97.

[68] In Goodenough's discussion of descent group membership on the atoll of Onotoa in the southern Gilbert Islands, he writes "if a man continued to reside after marriage on the ancestral estate associated with his descent group…his children belonged to his [group]. But if he moved in marriage to the ancestral estate associated with his wife's [group], his children belonged to it rather than to his own." W. H. Goodenough, *Description and Comparison in Cultural Anthropology* (Chicago: Aldine, 1970), 55–56. However, it is unclear if this practice continues today. See also Lambert, "Ambilineal Descent Groups in the Northern Gilbert Island," 642.

the other foreigners due to their lineage. In this case, the genealogies of both parents were equally important for the child, since the mixed progeny were deemed profane, and no longer part of Jacob's lineage. Other communities also held to this form of bilineal descent in the Second Temple period, which will be explored below (see Jubilees, Tobit).[69]

In addition to the importance of descent and lineage in pre-Mishnaic Jewish literature, the invention of conversion in the Second Temple period resulted in a more permeable Jewish boundary, whereby gentiles were able to become Jews.[70] For our purposes, the study of conversion is important, since it directly impacts the status of mixed progeny; any stigmatization of mixed offspring would disappear if the non-Jewish parent converted. However, not all communities accepted the validity of conversion, as reflected in Jubilees; in these texts, the offspring between a Jewish spouse and a convert would still be considered mixed progeny.

1.2.3 Intermarriage

In this dissertation, the terms "exogamy" and "intermarriage" will be used to describe unions between the descendants of Jacob and those outside of this shared genealogical line.[71] In

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[69] Bilineal descent in Jewish literature may be described as a form of hypodescent since the offspring seemingly adopt the identity of the socially inferior parent. However, it is unclear if the mixed offspring in these texts were considered gentiles. Instead, it was their mixed and profane status that was often highlighted.

[70] See 2 Macc 9:17; Ant. 20.38; see Schwartz, "'Judean' or 'Jew?'" 14.

[71] Nazli Kibria defines endogamy as an "in-group marriage, or a pattern of marriage in which the partners have a shared group affiliation" and exogamy as "a pattern of marriage in which the partners are different in their group affiliation." Nazli Kibria, "Endogamy," in *The Blackwell Encyclopedia of Sociology*, ed. George Ritzer (Oxford: Blackwell, 2007), 4:1404–1406, 1404. Thomas Hieke outlines four types of endogamous unions in the biblical world: village endogamy, class endogamy, caste endogamy, and lineage endogamy. He correctly argues that "Lineage endogamy is most relevant for the biblical world as a restriction on marriage which urges members of a certain lineage to marry only a member of the same lineage or descent." Thomas Hieke, "Endogamy in the Book of Tobit, Genesis, and Ezra-Nehemiah" in *The Book of Tobit: Text, Tradition, Theology; Papers in the First International Conference on the Deuterocanonical Books, Pápa, Hungary, 20–21 May 2004*, JSJSup 98 (Leiden: Brill, 2005), 103–120, 103. Within ancient Israel, there was a social hierarchy of family units, beginning with the household (בית אב), followed by the clan (משפחה), the tribe (שבט/מטה), and then the nation (בני ישראל) (see Josh 7:16–18). Our concern are offspring from unions between those from the nation of Israel (בני ישראל) and those considered outside of the nation (גוים/עם). The terms "intermarriage," "mixed marriage," and "exogamous unions" will be used synonymously.

Christian Frevel's edited volume *Mixed Marriages*, he provides three rationales presented in pre-Mishnaic Jewish literature for prohibiting intermarriage: moral, religious, and genealogical.[72] The so-called moral rationale is an ambiguous category that includes texts where the characters in the Hebrew Bible narratives revealed some discomfort regarding marriages outside of their kinship lines. Rebekah, for example, prohibited her children from marrying Canaanites, even though no rationale was provided. Esau's subsequent union with his Hittite wives "made life bitter for Isaac and Rebekah," although it remains unclear what that means (Gen 26:35; see also Gen 27:46). Similarly, in the Deuteronomistic History, Samson's parents expressed discomfort when he sought to marry a Philistine: "Is there not a woman among your kin, or among all our people, that you must go to take a wife from the uncircumcised Philistines?" (Judg 14:3). No further elaborations are provided for why these unions were discouraged, nor is there any expressed concern for the offspring from such marriages.

The religious rationale is far more prolific in the Hebrew Bible and Second Temple literature; authors closely linked exogamy with the veneration of foreign gods, and thus there are numerous warnings connecting intermarriage with idolatrous activity (Exod 34:16; Deut 7:3–4; Mal 2:10–12).[73] Erich Gruen, for example, posits "[n]ot once do the authors [of DtrH] make reference to the ethnicity, to the racial composition, to the bloodlines of the alien as reason to shun admixture and shrink from miscegenation…The enemy is idolatry, not ethnicity."[74] Considering this, it is unclear whether mixed offspring were negatively impacted in communities

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[72] See Christian Frevel, "Introduction: The Discourse on Intermarriage in the Hebrew Bible" in *Mixed Marriages: Intermarriage and Group Identity in the Second Temple Period*, ed. Christian Frevel, et al. (New York: T&T Clark, 2011), 1–14. A similar list is provided by Epstein, who describes the so-called moral rationale as "inter-tribal marriage without any political or religious motivation" (Epstein, *Marriage Laws in the Bible*, 149–150).

[73] The designation "foreign gods" is in accordance with the Deuteronomistic historian, who condemned any syncretistic cultic activity (1 Kgs 11:1–13).

[74] Gruen, "Did Ancient Identity Depend on Ethnicity?" 6. While Gruen supposes an artificial separation between ethnicity and religion, he captures the emphasis of the Deuteronomistic History.

which forbade intermarriage for cultic reasons. The religious prohibition focused primarily on the danger that the Israelite spouse may become an idolator; there is no explicit concern for the progeny from the mixed union. While authors may underscore the negative influence of foreign spouses on children, there is no indication that such offspring were not considered Israelites, or that they were ostracized from the community due to their lineage.[75] Shaye Cohen correctly remarks how a "foreign woman who married an Israelite husband was supposed to leave her gods in her father's house, but even if she did not, it never occurred to anyone to argue that her children were not Israelites."[76] Philo is the first author to clearly express concern for progeny from intermarried couples due to religion: "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" (*Spec. Laws* 3.29).[77] However, Philo still considered mixed progeny to be Jewish, as we will see below.

The third rationale, genealogical purity, greatly influenced the status of mixed offspring. Although the mandate for genealogical purity was initially reserved for the priesthood (Lev 21:14–15), some exilic and post-exilic Jewish communities broadened these priestly regulations to all Israelites. As a result, those with a mixed lineage were considered profane, and were excluded from the Jewish community. In our treatment of mixed progeny in pre-Mishnaic Jewish literature, we will examine the rationale(s) for prohibiting exogamous unions in each case, and determine how those rationales influenced the portrayal of the mixed offspring.

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[75] Epstein appropriately notes: "the status of the children born of mixed marriage is not a problem to the legislator" (Epstein, *Marriage Laws in the Bible*, 160).
[76] Cohen, *The Beginnings of Jewishness*, 265.
[77] All English quotations from Philo come from Colson, F. H., et al., trans. *Philo.* 4 vols. LCL (Cambridge: Harvard University Press, 1929–1935).

In our analysis of intermarriage, however, a couple of points must be made. First, not every text below includes a universal condemnation against exogamous unions. For example, in the patriarchal narratives, marriage within the Terahite line was imperative (Gen 15:3–4; 20:12; 24:3–4), yet there was no condemnation of Joseph's union with Aseneth, the Egyptian.[78] It is unclear if the author considered this marriage to be an illicit union. Despite the seeming acceptance of this marriage, however, these cases will still be considered exogamous unions and I will categorize the offspring as a mixed progeny. Therefore, the term "mixed" does not necessarily refer to illicit or forbidden unions; the designation "mixed" is a categorical title to properly designate unions between those within Jacob's lineage and those outside of it.[79]

Second, there was no universally accepted prohibition against exogamy in the Hebrew Bible or Second Temple literature, which is why each text must be assessed on its own. In Deuteronomy, for example, Israelites were prohibited from marrying Canaanites (Deut 7:1–4) yet they were permitted to marry non-Israelites residing outside of Canaan (Deut 21:10-14). In the book of Jubilees, the author restricted all unions with foreigners, whereas the historian Josephus was primarily concerned with Jewish women marrying foreign men; unions between Jewish men and foreign women were seemingly unproblematic for him. Due to the fluctuation of marriage laws among Jewish communities, and the potential impact they had on mixed progeny, I will include a short discussion on exogamy before each section when necessary.

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[78] See Naomi A. Steinberg, "The World of the Family in Genesis," in *The Book of Genesis: Composition, Reception, and Interpretation*. ed. Craig A. Evans, Joel N. Lohr, David L. Petersen, VTSup 152 (Leiden: Brill, 2012), 279–300, 288 for the importance of unions within the Terahite line.

[79] See Meir Bar-Ilan, "The Attitude Towards Mamzerim in Jewish Society in Late Antiquity," *Jewish History* 14 (2000): 125–170 where he discusses analyzes the attitude of Jewish people towards *mamzerim* in both biblical times and later antiquity. However, Bar-Ilan defined *mamzerim* as offspring from illicit unions, which is a broader category than mixed offspring specifically.

Third, the cases of exogamous unions in the texts do not necessarily reflect the historical reality of the Jewish people in antiquity, but only a constructed or idealized account in the mind of the author; these stories and laws serve to create Israelite identity rather than to strictly recount the nation's history.[80] Therefore, our analysis will only provide insight into how the author of the text perceived mixed offspring.

1.3 Approaches

In the following chapters, we will analyze texts composed in an array of different literary genres, including narratives, legal contracts, law codes, and histories. In our treatment, we will rely predominantly on the final, canonical form of the text. As a result, I presuppose that each text has an intentional structure, and that the shape and order of the text contributes to our understanding of it.[81] When necessary, however, I will use historical-critical methods, including textual criticism and redaction criticism, to try and reconstruct earlier forms of the texts and gain insight on its historical development. I will also use a historical-critical approach when dealing with extra-biblical texts, including Josephus or the Dead Sea Scrolls. Alongside literary

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[80] See Matthews, "Social Science Models," 148–149. Satlow appropriately writes "The reader who approaches the Jewish literature of antiquity seeking to ferret out actual Jewish marriage patterns of endogamy and exogamy will be sorely disappointed. There is simply not enough data to determine the extent to which Jews throughout antiquity married 'in' or 'out'. Instead, the sources draw a picture of the ways in which Jews deployed the categories of exogamy and endogamy in order to form group and self-identity" (Satlow, *Jewish Marriage*, 160–61).

[81] This approach is similar to the so-called canonical approach, although I do not presume that any texts treated in this dissertation are more "inspired" or ontologically different than any other texts. One danger of the canonical approach is how some of proponents disregard the historical context of the text. See John J. Collins, "Historical-critical Methods" in *The Cambridge Companion to The Hebrew Bible/Old Testament*, 129–146 for a short discussion. In our approach, historical realities will always be considered, particularly when juxtaposing Israelite literature with contemporaneous texts.

approaches, I will apply sociological methods and theories to some narratives, such as migration theory in the expulsion narrative in Ezra, to better understand the content.[82]

When I mention the "author" of a text, I am referring to initial author(s) alongside the redactors, editors, and compilers of the work. This is the case whether the author is identified (e.g., Josephus) or unknown (e.g., Genesis). As a result of diverse hands involved in the construction of each text, however, the content and rulings are not always homogenous on the question of mixed offspring (e.g., Jubilees); this diversity will be highlighted throughout my dissertation.

Throughout pre-Mishnaic Jewish literature, there are few explicit statements made regarding mixed offspring; Katzoff remarks that "while there are repeated prohibitions and denunciations of intermarriage, the matter of the status of possible children from such unions is never addressed."[83] For this reason, I adopt a method similar to the feminist approach, which necessitates reading between the lines of a text in order to provide a voice for characters who have been traditionally silenced or marginalized by the writers/interpreters.[84] Similar to the child-centered literary method, the goal is to "reassess the roles and impact of characters in the text and bygone persons from antiquity whose contributions and records have long been

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[82] See Nickelsburg, *1 Enoch 1*, 2 who argues that "The use of social scientific methods complements traditional historical methods by identifying *perennial* analogies to the *unique* historical circumstances of the world we seek to re-create through exegesis."

[83] Katzoff, "Children of Intermarriage," 278.

[84] For a short synopsis of the history of feminist readings, see Jennifer L. Koosed, "Reading the Bible as a Feminist," *Brill Research Perspectives in Biblical Interpretation* 2 (2017): 1–75; see also Nayasha Junior, *An Introduction to Womanist Biblical Interpretation* (Louisville, KY: Westminster John Knox Press, 2015). According to Garroway, "At its core, a child-centered approach follows methods used by feminist scholarship. Like feminist theory, it seeks to assign a voice to the silent other and to 'fill in the gaps,' but with respect to children, not women." Kristine Garroway "Children and Religion in the Archaeological Record of Ancient Israel," *JANER* 17 (2017): 116–39, 121.

unnoticed or underappreciated."[85] Therefore, I will look specifically at cases of exogamous unions in the texts and consider the portrayal of mixed offspring.

The texts examined will be divided into four main historical periods: pre-Persian period (pre-539 BCE), Persian period (539–323 BCE), Hellenistic period (323–37 BCE), and the early Roman period (post–37 BCE).[86] The precise dating of the texts in question are often problematic and inconclusive; I will generally follow the scholarly consensus on these matters. Despite the complexities of dating ancient texts, the attempt to place them in their respective time periods is beneficial for several reasons. First, due to the large number of texts examined, dividing the texts into different eras is a helpful way to categorize and differentiate the material. Second, dating the texts allow scholars to place the content in conversation with contemporaneous works and inscriptions from neighbouring groups. This juxtaposition will help identify potential parallels between ancient communities, and also pinpoint how historical events may have influenced Jewish groups (e.g., the Babylonian exile, the law of Pericles, the Maccabean revolt, etc.). Third, dating the texts allows me to better understand reception history. For example, by virtue of placing Deuteronomy earlier than Ezra, I can explore how Ezra used and reinterpreted laws from Deuteronomy to support his ideological worldview. However, I will not be arguing for a diachronic development of the status of mixed progeny, and thus the precise dating of various texts is not imperative.

For chapter 2, I chose the title "pre-Persian" in place of "Iron Age III" to underscore the close relationship between Jewish literature before and after the Persian period. On the one hand,

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[85] Sharon Betsworth and Julie Faith Parker, "Introduction," in *T&T Clark Handbook of Children in the Bible and Biblical World*, eds. Sharon Betsworth et al. (London: T&T Clark, 2019), 1–10, 3.
[86] While there is some debate regarding when each historical period began, I am following the dating proposed in *The SBL Handbook of Style*, 2nd ed. (Atlanta, Georgia: SBL Press, 2014), 54.

I am aware that texts placed in the pre-Persian period underwent later compositional or redactional activity during the post-exilic, Persian era. On the other hand, the Persian literature is largely based on the constructed identities found in writings allegedly written during the pre-exilic period. Dalit Rom-Shiloni, for example, writes "Ezra-Nehemiah does not mark the beginning of the internal polemic in Yehud; this book rather carries on and transforms a long-lived polemic initiated in the early sixth century BCE."[87] The narratives in the pre-Persian period comprise a social memory that was transmitted into later communites and serves as a foundation for the authors in the Persian era. Therefore, to place all the literature in the "Persian period" would not account for the role that earlier texts played in constructing Jewish identity. For this reason, I have placed them in two different time periods.

When examining the early Roman period, we will only be exploring texts that date to the destruction of the temple and soon thereafter, such as Luke and Josephus. I will not be dealing in-depth with any early rabbinic or patristic literature, even though they were composed during the Roman period as well.

1.4 Outline of Chapters

In chapter 2, I will examine literature dated to the pre-Persian period (pre–539 BCE), such as legal codes and narratives in the pre-exilic portions of the Hebrew Bible that explicitly mention exogamous unions and/or mixed children. The chapter will be divided into three main sections. The first section will deal with mixed offspring in Deuteronomy and the

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[87] Dalit Rom-Shiloni, "From Ezekiel to Ezra-Nehemiah: Shifts of Group Identities within Babylonian Exilic Ideology," in *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context*, eds. Oded Lipschits, et al. (Winona Lake: Eisenbrauns, 2011), 127–51, 129–30. Similarly, Staples argues that much of the content from Genesis to 2 Kings is a means of constructing biblical Israel: "the biblical authors, editors, and compilers were able to create a mythic common past and a descriptive lexicon for a present people upon which later communities could build their own identities in continuity with that storied past" (Staples, *The Idea of Israel*, 5).

Deuteronomistic History. Here, it will become evident that mixed offspring generally did not suffer any repercussions for their mixed pedigree, despite the emphasis placed on genealogy as an identity-marker (see 2 Sam 19:12); an offspring with only one Israelite parent, whether the mother or the father, may be considered an Israelite. The one exception to this rule is the regulation from Deut 23:2, which prohibits a *mamzer* from entering the community (Deut 23:2). In this section, I will argue that a *mamzer* is best understood as a descendant of an Israelite and either an Ammonite or a Moabite. By virtue of their mixed genealogy, they were banned from entering the community of Israel.

The second part of this chapter will focus on offspring from mixed unions in the so-called Jahwist and Elohist sources strands of the Torah. Unlike the Deuteronomist source, the situation for mixed offspring becomes more complex. While mixed offspring are mentioned in some narratives without any condemnation, other narratives place them outside of Jacob's lineage. In the Jacob cycle (Gen 37–50), for example, the mixed offspring of Joseph and Judah are juxtaposed and treated differently. While the stories of Joseph and Judah share numerous similarities, Joseph's offspring were required to be adopted by Jacob to inherit a portion of Canaan, while Judah's children were not. I posit that the reason for this distinction between Judah and Joseph's children is the birth location of Ephraim and Manasseh: they were mixed offspring born in Egypt, and thus were not initially included in Jacob's inheritance. If correct, this demonstrates that geographical residency was an important factor for mixed offspring in those stories.

In the third section of this chapter, I will examine Lev 24:10–16 in the Holiness Code (H), which recounts an altercation between an Israelite and one born from a mixed marriage, with an Israelite mother and an Egyptian father. I will argue that the redactor of this pericope

considered the mixed offspring to be a foreigner/non-Israelite. Like the Jacob cycle, residential location appears to have also played a role in determining the status of the offspring. As we will see below, mixed progeny who were born/resided outside of the land/community of Israel were considered foreigners, whereas those who were born/resided inside the land of Israel were deemed part of the community. Therefore, both kinship relationships and land were very important factors for mixed offspring in some literature from the pre-Perisan period.

In chapter 3, I will assess literature from the Persian period (539–323 BCE), looking specifically at later portions of the Hebrew Bible and literature dated to the exilic and post-exilic era. The materials treated in this section will be divided by geographical region: Egypt, Mesopotamia, and Judea. We will first look at cases of exogamous unions and mixed progeny in the Elephantine legal contracts, followed by an analysis of the legal texts in the Mesopotamian region. Recent discoveries of legal cuneiform tablets, such as business transactions and marriage contracts from the 6th and 5th century BCE in Našar, Bīt-Abī-râm, and Āl-Yāhūdu have illuminated our understanding of Jewish life in Babylon. Finally, I will examine content from Judea, namely the historiographic works of Ezra, Nehemiah, and Chronicles. Although these texts have often been treated as a unit, they provide differing approaches to the question of mixed offspring in the post-exilic era, as we will see below.

In chapter 4, I will look at Jewish literature dated to the Hellenistic era (323–37 BCE), which contains universal condemnations against exogamous unions. In this chapter, I will begin with a short analysis of exogamy and mixed offspring in the broader Greek world, and then home in on select Jewish texts composed during the Hellenistic era. First, I will examine the depiction of the giants in the Book of Watchers from 1 Enoch (1 En 6–16). Although the sexual union between the Watchers and human women are celestial-terrestrial unions rather than Jewish

and non-Jewish marriages, 1 Enoch 6–16 is still pertinent for this study; some scholars propose that 1 Enoch 6–16 is a veiled critique against the priesthood and against their exogamous unions. If the Watchers were priests, then the giants would be akin to mixed offspring from a priestly exogamous union. Therefore, the presentation of the giants in 1 Enoch 6–16 may shed light on the perception of mixed progeny in the Hellenistic era.

Second, I will examine selected manuscripts from the Qumran corpus, namely the *Aramaic Levi Document* (*ALD*), the *Testament of Qahat* (4Q542), and *Miqṣat Maʿaśê ha-Torah* (4QMMT). Although *ALD* and *Testament of Qahat* are Aramaic priestly texts, and 4QMMT is a later sectarian document, they will be treated together since they each contain a reference to the כילאין/כלאים*,* often translated "mixed ones" or "half-breeds." I will argue that the "mixed ones" are likely offspring from exogamous unions, implying that the authors of these texts considered mixed progeny to inherit a hybrid status.

Third, I will look at Jubilees, which is largely a retelling of the book of Genesis and the early portions of Exodus. The author of Jubilees considered all Israel to constitute the holy seed, and thus the priestly regulations regarding exogamy were applied to all Israel. However, mixed offspring were not expelled from the community in the book of Jubilees; rather, they seemingly retained their holy seed status.

In the fifth and final chapter, I will examine the portrayal of mixed offspring in texts composed during the early Roman period (post–37 BCE). For our purposes, there are four main texts and corpora of literature to consider: additional works from the Dead Sea Scrolls, Philo, Josephus, and the book of Acts. Within the Dead Sea Scrolls, I will examine two works: The List of Netinim (4Q340) and The Rebukes of the Overseer (4Q477). Following this, I will explore

Philo's treatment of mixed offspring. In his work, Philo used an ambilineal model of descent, whereby mixed offspring were able to identify with either the mother or the father's genealogy.

Third, I will look at Josephus, who maintained a predominantly patrilineal model of descent; he considered mixed offspring with a Jewish father and a foreign mother to be Jewish. Additionally, Josephus accepted conversion as a legitimate mode of becoming Jewish, and thus he prohibited Jewish women from marrying non-converts. Finally, I will examine the account of Paul's circumcision of Timothy in the book of Acts, since Timothy was a mixed offspring with a Jewish mother and a gentile father (Acts 16:1–3). Based on the broader context of Acts, I will argue that Luke's Paul considered Timothy to be Jewish based on the status of his mother. It is unclear whether Timothy was considered illegitimate or disadvantaged by virtue of his mixed genealogy.

My concluding chapter will articulate a new framework by which to understand the identity of mixed children throughout the pre-Persian and Second Temple era. I will outline three main factors the influenced the status of mixed offspring in pre-Mishnaic literature, and discuss the diverse ways mixed progeny were portrayed. I posit that this research will further scholarly discussions surrounding the formation of Jewish identity and boundaries in the Second Temple period, the role and influence of foreign law codes on Jewish culture, and some rationales for endogamy during the Second Temple period.

CHAPTER 2: THE PRE-PERSIAN PERIOD (PRE–539 BCE)

2.1   Introduction

In the pre-Persian literature of the Hebrew Bible (pre–539 BCE), exogamous unions with

foreigners were largely prohibited due to the negative repercussions such a marriage might have

on Israel's cultic practice: foreigner spouses will turn Israelites away to worship alien gods

(Exod 34:15–16; Deut 7:1–4).[1] Alongside this so-called "religious" rationale, Frevel and

Conczorowski propose a second reason for prohibiting exogamous unions: the "morally based

rejection of foreign brides."[2] According to some narratives, foreigners will make the lives of

Israelites bitter (Gen 26:35). While the condemnation of exogamous unions was ubiquitous in

ancient Israelite literature, very little is explicitly mentioned about the repercussions of

intermarriage on mixed offspring.[3] In contrast to post-exilic narratives, where offspring from

intermarried couples were sometimes expelled from the community on account of their mixed

lineage, the ramifications for mixed offspring in pre-exilic narratives is less pronounced.[4] As a

result, some scholars have argued that a mixed genealogy in pre-exilic literature was

inconsequential: "[w]e may therefore say almost with certainty that the children of mixed

marriages [in the biblical narratives] were accepted in the Jewish communities neither as

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[1] My use of "foreigners" refers to people groups considered outside of Jacob's lineage in early Israelite literature. These foreigners were often perceived to practice alien cultic traditions that Israel was instructed to avoid.

[2] Christian Frevel and Benedikt J. Conczorowski, "Deepening the Water: First Steps to a Diachronic Approach on Intermarriage in the Hebrew Bible" in *Mixed Marriages,* 15–44, 15. They further argue that ritual impurity was also listed as a danger. However, Christine Hayes persuasively argues that the ritual impurity of Gentiles should not be considered one of the reasons that intermarriage was prohibited (Hayes, "Intermarriage and Impurity," 4).

[3] A more pronounced concern for the genealogical status of mixed offspring is evident in the Second Temple Period. See Hannah Harrington, "Intermarriage in Qumran Texts: The Legacy of Ezra–Nehemiah" in Frevel, *Mixed Marriages*, 270.

[4] When discussing the role of ethnic boundaries in the exilic/post-exilic era, Katherine Southwood proposes that exogamous unions likely resulted in a child's loss of Israelite identity: "a mixed union may mean not only the defection of a member of the group, but also loss of the children" (Southwood, *Ethnicity, and the Mixed Marriage Crisis*, 69).

bastards nor as heathen but as Jews, since one parent gave the child the sanctity of the Jewish race."[5] However, with the burgeoning field of "child-centered" readings, a greater emphasis has been placed on exploring the status of children in ancient Israel. In turn, scholars such as Kristine Garroway have examined how laws prohibiting exogamy were grounded in a concern for the cultic activities of the offspring.[6]

The purpose of this chapter is to explore the identity of mixed offspring in Israelite literature and to understand what ramifications, if any, they endured because of their lineage. I will focus on legal codes and narratives in pre-exilic portions of the Hebrew Bible that explicitly mention interethnic unions between Israelites and foreigners, and their mixed children.[7] In my analysis of laws that forbid intermarriage, I will discuss whether these prohibitions were rooted in a concern for the offspring (Deut 7; Deut 21:10–14), and whether mixed offspring experienced social repercussions because of their status (1 Kgs 7:13–14; Lev 24:10–12).[8] In addition, I will compare the treatment of mixed progeny with other descendants in these texts. In the Hebrew Bible, there are at least three consequences for children from unions considered to be illegitimate: loss of inheritance (Judg 11), expulsion from the community (Deut 23), and the inability to rule

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[5] Samuel Belkin, "The Problem of Paul's Background," *JBL* 54 (1935): 41–60, 47–48.

[6] Garroway, "Children and Religion in the Archaeological Record," 121.

[7] Frevel provides an appendix at the end of his introductory chapter to *Mixed Marriages*, entitled "A list of Hebrew Bible Texts Potentially Related to the Topic of Mixed Marriage." He lists 68 passages and chapters from the Hebrew Bible that recount potential cases of exogamy (Frevel, "Introduction," 14). However, not all the passages listed will be incorporated into our study for several reasons. First, my focus is exclusively on mixed offspring, and thus passages which only provide details on intermarriage without any mention of progeny will not be a focal point of attention (e.g., Esth 2:5–20; Gen 34–35). Second, Frevel includes examples of incestuous unions (Gen 19:30–38) and unions with concubines (Gen 29:29) in his list, which are not necessarily mixed marriages. Third, our focus is on mixed offspring in the line of Abraham, Isaac, Jacob, and those who identify as Jacob's descendants. Therefore, the mixed progeny between Esau and the Hittite women, for example, is not pertinent for our research (Gen 36:1–43). Additionally, we will be focusing on texts which illuminate the status of mixed offspring, not texts which briefly comment on the foreign origins of one's mother (e.g., "Shaul, the son of a Canaanite woman" Gen 46:10; see Exod 6:15). Based on these qualifications, my list of passages to explore is more limited.

[8] Although the dating of the Pentateuch and the Hebrew Bible is very difficult to confirm, a discussion of the text's provenance will be provided in each case.

politically (Judg 9). We will examine which of these, if any, pertain to mixed offspring. Through an analysis of the relevant material, it will become evident that the rulings on mixed offspring vacillated depending on the text in question. The contributing factors that account for this diversity typically revolve around the role of lineage and geographical residency in constructing identity.

This chapter is divided into three main sections: the first section deals with mixed offspring in Deuteronomy and the so-called Deuteronomistic History, followed by an analysis of descendants from mixed unions in Genesis and Exodus. Finally, I will examine Lev 24:10–12 in the Holiness Code, which recounts an altercation between an Israelite, and one born from a mixed marriage. In each case, I will assess what influence, if any, the gender of the parents played in constructing the status of mixed progeny.

2.2   Deuteronomy: Introduction

Deuteronomy is a compilation of laws that contemporizes the Book of the Covenant for ancient Israel (Exod 21–23). Due to its role as a type of political constitution, Deuteronomy helps illuminate the boundaries of Israelite identity.[9] The compositional history of the book makes it difficult to attribute any precise dating to the work; some laws presuppose an agrarian society (10th century B.C.E.) whereas others presume an urbanized setting (6th century B.C.E.).[10]

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[9] Carly L. Crouch, "The Threat to Israel's Identity in Deuteronomy: Mesopotamian or Levantine?" *Zeitschrift für die alttestamentliche Wissenschaft* 124 (2012): 541–554. Crouch argues that issues of ethnic identity in ancient Israel began during the expansion of Assyria (7th century BCE), which is reflected in the laws of Deuteronomy. See also Diana Edelman "Ethnicity and Early Israel," in *Ethnicity and the Bible*, ed. Mark Brett (Boston: Brill Academic Publishers, 2002), 25–56, 25.

[10] See Jeffrey H. Tigay, *Deuteronomy: The JPS Torah Commentary* (New York, The Jewish Publication Society, 1996), xxiii. See also D. C. Benjamin, *Deuteronomy and City Life* (New York: University Press of America, 1983) who argues that the laws outlined in Deut 12–26 presume an urban setting. See A. D. H. Mayes, *Deuteronomy* (London: Oliphants, 1979), 29–57 on the composition of Deuteronomy.

Some scholars previously dated the laws to the time of King Josiah, based on the alleged rediscovery of the laws in 2 Kings 23, though this theory has been largely abandoned.[11] Today, scholars generally date the final redaction of Deuteronomy sometime around 620 BCE.[12] This pre-exilic dating explains how Deuteronomy became an authoritative text in the exilic and post-exilic communities, and also elucidates Deuteronomy's inclusive approach towards foreigners.[13]

In this section, I will explore three legal texts from Deuteronomy that may shed light on the status of mixed offspring. First, I will examine the prohibition against exogamy in Deut 7:1–4, and consider whether this regulation has, imbedded within it, a concern for offspring from mixed unions (cf. Deut 13). Second, I will focus on Deut 21:10–14, which outlines the regulations for taking a foreign war captive as a spouse. Immediately after Deut 21:10–14, there is a short pericope dealing with inheritance rights for offspring (Deut 21:15–17). Since these two laws share similar terminology, I propose that the placement of the second pericope is to ensure that any mixed offspring between the Israelite and the foreign captive woman would be considered a legitimate heir, and thus treated as an Israelite.

Finally, I will look at Deut 23:2, which prohibits a *mamzer* from entering the congregation of Israel. Following Jacob Milgrom, I argue that a *mamzer* is best understood as the

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[11] See Francesca Stavrakopoulou, *King Manasseh and Child Sacrifice: Biblical Distortions of Historical Realities* (New York: Walter de Gruyter, 2004); Tigay, *Deuteronomy*, xxi. However, see Bernard M. Levenson *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1997), viii, who places the narrative of 2 Kings 22–23 in a pre-exilic setting. See also L. B. Paton "The Case for the Post-Exilic Origins of Deuteronomy," *JBL* 47 (1928): 322–57, 337.

[12] See John J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul* (University of California Press, 2017), vii. See also Jack Lundbom, *Deuteronomy: A Commentary* (Grand Rapids, MI: Eerdmans Publishing, 2013), 6–7; Gerhard von Rad, *Deuteronomy: A Commentary* (Philadelphia: The Westminster Press, 1966), 26.

[13] See Deut 1:16; 5:14; 10:18; 14:21, 29; 16:11, 14; 24:14, 17, 19–21; 26:11–13; 27:19. Abraham Malamat argues that, through onomastic evidence in biblical genealogies, there was a significant amount of foreign assimilation into Israel. Abraham Malamat, "Tribal Societies Biblical Genealogies and African Lineage Systems," *Archives européennes de Sociologie* 14 (1973): 126–36.

offspring from a mixed union between an Israelite and an Ammonite or Moabite.[14] Based on this reading, Deut 23:2 is the only law where a mixed offspring endured repercussions because of their mixed pedigree.

2.2.1   Deuteronomy 7:1–4

In Deuteronomy, Israelites were prohibited from intermarrying with seven Canaanite nations due to the risk of apostasy: "Do not intermarry with them [the seven Canaanite nations]…for that would turn away your children from following me, to serve other gods" (Deut 7:3–4).[15] Although there are laws regulating the integration of non-Canaanite foreigners into the Israelite community (e.g., Deut 21:10–14), Deut 7:1–4 unequivocally condemned unions between Israelites and the nations residing in Canaan.

This prohibition is a stricter adaptation of a parallel law from Exod 34:11–17.[16] In contrast to the command in Exodus to "drive out" foreign nations from Canaan (Exod 34:11), however, the Deuteronomistic law mandates that Israel should "utterly destroy them" (Deut 7:2). This law is an attempt to prevent foreign alliances with the Canaanite nations, and to preserve Israel's status as a holy people.[17] Carly Crouch correctly writes that Deut 7:1–4 "derives from the

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[14] In early rabbinic treatments of Deut 23:2, it was argued that this prohibition only applied to Moabite or Ammonite men (see m. Yebam. 8:3). This theory will be treated below. For a survey of the diverse ways Deut 23 has been understood in the Second Temple period, see Bar-Ilan, "The Attitude Towards Mamzerim."

[15] Although the law targets seven Canaanite nations, Israelites were prohibited from marrying into other groups as well (Judg 14:3). However, it is unclear how closely this prohibiton was followed. Silberman writes "there are enough examples of marriage with foreigners to make it clear that no effective interdiction existed or was intended in the pre-exilic period." L. H. Silberman, "Reprobation, Prohibition, Invalidity: An Examination of the Halakhic Development Concerning Intermarriage" in *Judaism and Ethics*, ed. Daniel Jeremy Silver (New York: Ktav Publishing House, 1970), 181.

[16] See Karen Winslow, "Mixed Marriage in Torah Narratives," in Frevel, *Mixed Marriages*, 136.

[17] Maye Mayes, *Deuteronomy*, 183. According to Craigie, the creation of an alliance or treaty "with other nations would indicate a lack of faithfulness on the part of the Israelites to their suzerain God." Peter Craigie, *The Book of Deuteronomy* (Grand Rapids: Eerdmans, 1976), 178.

Israelites' identity as exclusive Yahwists and the incompatible association of these non-Israelites with other gods."[18]

At first glance, the main concern expressed in Deut 7:1–4 is the cultic activity of the Israelite spouse: "[intermarriage] would turn away your children from following me, to serve other gods" (Deut 7:3–4).[19] However, Kristine Garroway's research on the socialization and enculturation process of children in ancient Israel reveals how mixed offspring from mixed unions were also at greater risk of engaging in foreign cultic traditions due to the exposure through a foreign mother: "As recent scholarship has noted, women played a central role in household religion…[Thus] a woman's place in educating her children, especially the female children, becomes not only presenting socio-cultural values, but teaching her religion by enacting the daily rites and rituals."[20] This exposure includes a range of foreign daily rituals, such as newborns' protective rites, meal preparation, and votive offering vessels. Therefore, the author of Deuteronomy may have been equally concerned about the influence of idolatry on the mixed offspring.

This line of reasoning coincides well with the reoccurring command in Deuteronomy for parents to instruct their children in the laws of God (cf. Deut 4:9–10; 11:19; 31:12–13). Miller, for example, demonstrates how Deuteronomy "gives prominent attention to children and especially to what and how they are taught."[21] Additionally, Deut 13:1–18 outlines the consequences for family members who attempt to persuade others to follow foreign gods: "If

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[18] C. L. Crouch, *The Making of Israel* (Leiden: Brill, 2014), 170.

[19] Based on a simple reading of this law, this prohibition applied equally to Israelite men and Israelite women.

[20] Garroway, "Children and Religion in the Archaeological Record," 121.

[21] Patrick D. Miller, "That the Children May Know: Children in Deuteronomy," in *The Child in the Bible*, ed. Marcia J. Bunge et al. (Grand Rapids, MI: Eerdmans, 2008), 45–62, 45. See also Deut 6:1–2; 14:23; 17:19. Deuteronomy is sometimes categorized as a didactic text. See Dennis T. Olson, *Deuteronomy and the Death of Moses: A Theological Reading,* Overtures to Biblical Theology (Minneapolis: Augsburg Fortress, 1994), 6–14.

anyone secretly entices you—even if it is your brother, your father's son or your mother's son, or your own son or daughter, or the wife you embrace, or your most intimate friend—saying, 'Let us go worship other gods'…you shall surely kill them" (Deut 13:6–9). This idealized law mandates capital punishment for attempted proselytization (e.g., 1 Kgs 18–19).

The account of Israel's history in Deuteronomistic literature substantiates the negative influence of miscegenation on mixed offspring. For example, the idolatrous activities of King Ahaziah and King Jehoram were attributed to the influence of both of their parents, Ahab and Jezebel of Tyre: "He [Ahaziah] did what was evil in the sight of the Lord, and walked in the way of his father and mother" (1 Kgs 22:52). Unlike other rulers in Israel who "walked in the way" of their fathers (see 1 Kgs 15:26; 22:43; 2 Kgs 21:21; 22:2), Ahaziah and Jehoram are the only figures who were said to have walked in the path of both their parents (see 2 Kgs 3:2). Therefore, the redactor connected Ahaziah and Jehoram's foreign cultic traditions with their mother, substantiating this reading of Deut 7, namely that mixed offspring were exposed to 'foreign' cultic traditions more so than offspring with two Israelite parents.[22]

However, notwithstanding this exposure to idolatrous activity, there is no indication that mixed progeny with an Israelite father underwent any additional repercussions due to their mixed lineage, including loss of inheritance (Judg 11), the inability to rule politically (Judg 9), or the loss of their holy status (Deut 7:6). In the case of Ahaziah and Jehoram, there is no evidence that they endured any negative social repercussions because of their genealogical status: their political aspirations were not jeopardized, demonstrated by Ahaziah's succession of Ahab as the king of Israel (1 Kgs 22:40). Following Ahaziah's death, Jehoram then took over as king (2 Kgs

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[22] The use of "foreign cultic practices" refers to practices that the author of Deuteronomy considered illicit and foreign. The views purported by the author were not necessarily maintained by the ancient Israelite community (see 1 Kgs 18:21; 2 Kgs 16:10; Zeph 1:5).

1:6). Therefore, the mixed pedigree of Ahaziah and Jehoram did not negatively impact their inheritance or their right to rule according to the Deuteronomistic historian.[23] There was no difference in the treatment between Ahaziah and Jehoram on the one hand, and other Israelite kings who engaged in idolatry on the other hand. Therefore, while mixed offspring may have been disproportionately exposed to foreign cultic tradition, their mixed pedigree in no way jeopardized their status in Israel according to DtrH.[24] They were treated in the same manner as other Israelites.

2.2.2   Deuteronomy 21:10–17

A second law to consider is Deut 21:10–17, which includes two different pericopes: the regulation for taking a foreign war-captive as a spouse (Deut 21:10–14), and the inheritance laws for offspring from different wives (Deut 21:15–17).[25] Due to the proximity and thematic similarities between both sections, I posit that the two pericopes should be read together; the purpose of the second law was to ensure that the mixed offspring with an Israelite father anticipated in the first pericope would be entitled to their full inheritance. In other words, the mixed offspring would not experience any repercussions because of their mixed lineage.

Deut 21:10–14 is connected with the warfare regulations from Deut 20:1–20, which permits Israelites to marry foreign captives: "You may… take as your booty the women, the children, livestock, and everything else in the town, all its spoil" (Deut 20:14).[26] Some scholars

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[23] These examples reveal the danger of miscegenation for the Deuteronomistic historian.

[24] "The prioritization of praxis reflects a primary Deuteronomic focus on cultural identity which belies the ostensible genetic emphasis of even the endogamy principle itself" (Crouch, *The Making of Israel*, 170).

[25] For other narratives about war captives, see Deut 20:10–14; 22:28–29; 22:23–24; Judg 5:30; 21:10–24; 2 Sam 12:11–14. Unlike Num 31:17–18, virginity was not a prerequisite for the Israelite to marry the foreigner here.

[26] Notice the syntactical parallel between Deut 20:1 (כי תצא למלחמה על איביך) and Deut 21:10 (כי תצא למלחמה על איביך). Robert Carroll doubts whether these laws about war captives were ever put into practice. Robert Carroll, "War in the Hebrew Bible," in *War and Society in the Greek World*, ed. John Rich and Graham Shipley (London: Routledge,

have argued that this marriage was permissible because the wife had undergone a process similar to conversion: "she [the war captive] shall shave her head, pare her nails, discard her captive's garb, and shall remain in your house a full month, mourning for her father and mother; after that you may go in to her and be her husband" (Deut 21:12–13).[27] Caryn Reeder, for example, understands these rituals as marking the captive's transition: "the woman was transformed into an Israelite wife," thus legitimizing the marriage.[28] However, this proposal is unlikely for several reasons. First, the argument presumes that the act of shaving one's head, paring one's nails, and discarding one's captive garb relates to a conversion process in ancient Israel, which is unsubstantiated. Second, and more importantly, the process of conversion is a post-exilic phenomenon, unfounded in pre-exilic literature.[29] While some scholars have argued that the rituals undergone by the captive woman represent her "transition from her native community to that of her captors,"[30] M. I. Rey has challenged this traditional reading by highlighting the

1993), 25–44, 39. However, see Judg 21:8–12.

[27] According to Feinstein, men were permitted to have numerous sexual partners, whereas women were "permitted only to her husband" (Feinstein, *Sexual Pollution in the Hebrew Bible*, 48). To explain this inequality, she argues that women were perceived to the extension of the husband's body, thus functioning as his property: "Her sexuality was…effectively his. Upon marriage, rights to a woman were transferred from the father who 'gave' (נתן) her to the groom who 'took' (לקח) her, whereupon the groom became her 'master' (בעל)" (Feinstein, *Sexual Pollution in the Hebrew Bible*, 48). See also Harold C. Washington, who argues that the woman possessed "no personhood or bodily integrity apart from the determination of men." Harold C. Washington, "'Lest He Die in Battle and Another man Take Her': Violence and the Construction of Gender in the Laws of Deuteronomy 20–22" in *Gender and Law in the Hebrew Bible and the Ancient Near East,* ed. V. Matthews, et al. (New York: T&T Clark, 1998), 185–213, 205.

[28] Caryn A. Reeder, "Deuteronomy 21.10–14 and/as Wartime Rape," *JSOT* 41 (2017): 313–336, 322. See also Maurice H. Farbridge, *Studies in Biblical and Semitic Symbolism* (Oregon: Wipf & Stock, 1923), 238 and Craigie, *The Book of Deuteronomy*, 281. See Tg. Ps.–J. Deut 21:13.

[29] Jacob Milgrom correctly states that "religious conversion is neither attested nor possible in ancient Israel before the Second Temple period." Jacob Milgrom, "Religious Conversion and the Revolt Model for the Formation of Israel," *JBL* 101 (1982): 169–176. Male foreigners who attached themselves to the nation of Israel, for example, remained foreigners (see Ittai the Gittite; 2 Sam 15:19–21); as mentioned above, the sole exception is Caleb the Kenezzite (Num 32:12) who became part of the clan of Judah (Num 34:19). There are few cases of females who joined themselves (willingly or unwillingly) to Israel through marriage or as slaves. However, there is no evidence that they were subsequently identified as Israelites. According to Tigay, "In pre-exilic times, foreigners became Israelites only by the informal, generations long process of ethnic assimilation that resulted from living in the land of Israel or marrying Israelites" (Tigay, *Deuteronomy*, 480).

[30] Washington argues, based on anthropological studies, that rituals involving bodily markings (shaving, cutting) symbolize "the liminal status of the individual in transition from one social identity to another" (Washington, "Lest He Die," 205). See also Carolyn Pressler, who argues that the law "provides a way for the foreign woman to be

importance of the war-captive's ethnic identity. Rey writes: "the captive's ethnic identity serves as a continued means of targeting, marginalization, and oppression."[31] In other words, her ethnic identity justified her maltreatment at the hands of her husband. This union was acceptable since Israelites were not prohibited from marrying non-Canaanite foreigners. Unlike the prohibition in Deut 7:1–4, Israelites were permitted to marry those who resided "very far from you," (Deut 20:15; cf. Josh 9:22).[32] Foreigners from distant lands did not present the same threat for idolatrous activity. Evidently, ethnic mixing alone was not a concern for the author(s) of these laws.

In the text, the status of the war captive is opaque. On the one hand, she is not treated as an Israelite spouse since her husband was not required to give her a certificate of divorce if he sent her away (Deut 21:14; cf. 24:1–4; see also Deut 22:13–14). On the other hand, the war captive was not considered a slave since Israelites are not permitted to send slaves away empty-handed (cf. Deut 15:12–14). Therefore, the female war captive remained a foreigner who may have been integrated into Israelite culture in some capacity, yet evidently did not benefit from the laws applicable to other Israelites.[33]

Some scholars have argued that an underlining concern in this law relates to both sexual intercourse and progeny. Rey, for example, posits that genocidal rape was an intrinsic part of

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assimilated into an Israelite household." Carolyn Pressler, *The View of Women Found in the Deuteronomic Family Laws* (Berlin: de Gruyter, 1993), 13–14.

[31] M. I. Rey, "Reexamination of the Foreign Female Captive: Deuteronomy 21:10–14 as a Case of Genocidal Rape," *JFSR* 32 (2016): 37–53, 38.

[32] Harrison proposes that the rationale for this distinction between foreign nations relates to proximity and social boundaries: "the most elaborate and extreme forms of ethnic 'other' are more likely to occur in relationships that are in some sense close, rather than in distant ones." See Simon Harrison, "Cultural Difference as Denied Resemblance: Reconsidering Nationalism and Ethnicity," *Comparative Studies in Society and History* 45 (2003): 343–361, 345. See also Epstein, *Marriage Laws in the Bible*, 157.

[33] Rey corrects states that "[t]he term *enemies* in Deut 21:10 becomes an ethnic signifier denoting the out-group, which is subject to sexual captivity through genocidal rape" (Rey, "Reexamination of the Foreign Female Captive," 39).

plundering in ancient Israel: "the Israelite taking of the foreign captive and the sexual affliction she endures [ענה] was an act of victory and violence against foreign enemies."[34] According to Harold Washington, the puzzling regulation for the captive to "remain in your house a full month" pertains to her ability to procreate (Deut 20:13): "An obvious solution is that by waiting a 'full month', that is, long enough for the woman's menstrual cycle to be completed, the man is assured his paternity of any children resulting from intercourse with her."[35] Similarly, Reeder argues that the month-long delay "would thus act in part as a primitive pregnancy test."[36] In addition, based on literary parallels between Deut 21 and other laws, Reeder posits that the unsatisfaction mentioned in Deut 21:14 relates to the captive's inability to procreate. The verb חפץ in "But if you are not satisfied [חפץ] with her" is only found in one other law from Deuteronomy, which outlines the regulations for a levirate marriage: "But if the man has no desire [יחפץ] to marry his brother's widow, then his brother's widow shall go up to the elders at the gate" (Deut 25:7). In addition to the literary connection between both laws, Reeder argues that there is a thematic one as well: just as the purpose of the levirate marriage was procreation (Deut 25:7), so the reason the Israelite would send the captive away was because of her inability to procreate.[37] This emphasis on sexual intercourse in Deut 21 is further substantiated by the use of the verb ענה ("you have dishonored [ענה] her"), which is used elsewhere to depict sexual

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[34] Rey, "Reexamination of the Foreign Female Captive," 39. The use of ענה (Deut 21:14) is often found in cases of rape (Deut 22:28–29; Judg 19:24; 20:5; 2 Sam 13:12–32). Feinstein writes "a wife's consent to sex within marriage has been regarded as irrelevant in most societies throughout history," and thus the use of ענה may be related to her status as a captive (Feinstein, *Sexual Pollution in the Hebrew Bible*, 70).

[35] Washington, "Lest He Die," 206. Although the immediate context may imply that the 30 days was a time for morning, most periods of mourning in the Hebrew Bible took place over a period of seven days (see Gen 50:10; 1 Sam 31:13; 1 Chron 10:12). However, see where all Israel mourned the death of Aaron and Moses for a period of thirty days (Num 20:29; Deut 34:8).

[36] Reeder, "Deuteronomy 21.10–14," 319.

[37] Ibid.

dominance and penetration (cf. Gen 34:2). Therefore, the war-captive must be able to procreate, or otherwise be sent away.

Immediately following the pericope about the war captive (Deut 21:12–13), we find another law addressing inheritance regulations for offspring from different wives (Deut 21:15–17). This pericope mandates that a man with two wives is prohibited from favouring the offspring of his preferred spouse: "If a man has two wives, one of them loved and the other disliked, and if both the loved and the disliked have borne him sons… he is not permitted to treat the son of the loved as the firstborn in preference to the son of the disliked, who is the firstborn" (Deut 21:15–16). Due to the proximity of both laws, it is possible that the second pericope protects the rights of children anticipated in the first pericope. Jeffrey Tigay, for example, argues that the second pericope "echoes the end of Part 1[Deut 21:10–14], which deals with the possibility of the captive wife's husband disliking her (note the contrasting phrases 'desire … no longer want' in Part 1 and 'loved … unloved' in Part 2)."[38] Similarly, Reeder correctly states "the grouping of the law [of the foreign war captive] with laws concerning sons and inheritance in vv. 15-21 may point to a desire for legitimate children."[39] In this section of Deuteronomy, pericopes juxtaposed together sometimes share thematic parallels. For example, Deut 21:18–21, which immediately follows the regulations of children in Deut 21:15–17, outlines punishments and executions for insubordinate children. Considering these parallels, Carolyn Pressler reads three of these pericopes together (Deut 21:10–14, 15–17, 18–21): "The three laws taken together thus express a concern for a hierarchical structure of authority within the family and a concern

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[38] Tigay, *Deuteronomy*, 456. He further writes in a footnote that the loved wife in the second pericope may be the war-captive (Tigay, *Deuteronomy*, 456 n. 37).
[39] Reeder, "Deuteronomy 21.10–14," 319.

for the status and rights of dependent family members."[40] Furthermore, the pericope following

that one (Deut 21:22–23) provides miscellaneous laws concerning executions, revealing yet

another shared theme.

While proximity of legal rulings do not always imply a thematic connection (see Deut

21:1–8), Calum Carmichael argues that the editorial redactor in the latter part of Deuteronomy

was intentional about the placement of most laws: "The laws are all assembled by one hand and

demonstrate a remarkable system of order and presentation."[41] Therefore, when reading Deut

21:10–14 and 21:15–17 together, the inheritance laws from the second pericope mandate that the

mixed progeny between the war captive and the Israelite will be considered a legitimate

inheritor. This is the case whether the war-captive is loved or not.

2.2.3   Deuteronomy 23:2

A third and final law to examine is Deut 23:2: "Those born of an illicit union [ממזר] shall

not be admitted to the assembly of the Lord."[42] Although the meaning of *mamzer* is unclear,

Jacob Milgrom proposes that it may refer to genealogically mixed offspring who were born from

a union between an Israelite and either a Moabite or Ammonite.[43] If so, Deut 23:2 would be the

only law where a mixed offspring was ostracized because of their genealogy.

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[40] Pressler, *The View of Women*, 9.
[41] Calum M. Carmichael, *The Laws of Deuteronomy* (Eugen, Oregon: Wipf & Stock, 1974), 67.
[42] The noun *mamzer* has been translated several ways, including 'misbegotten' (JPS), 'illegitimate birth' (NASB; NET), 'one born of a forbidden union' (ESV; NIV), and 'illicit union' (NRSV).
[43] In the Mishnah, this law was only applied to Moabite and Ammonite men, thus vindicating King David's genealogy (m. Yebam. 8:3). However, Cohen properly notes that "the exclusion of female Ammonites and Moabites from the Deuteronomic prohibition violates the simple meaning of the text and contradicts 1 Kings 11:1 and Nehemiah 13:23" (Cohen, *The Beginnings of Jewishness*, 249). Since there is no clear gendered language in Deut 23:2 (see 2 Chron 24:26) the law likely applied to Moabite and Ammonite women and men equally. Similarly, the prohibition against the *mamzer* is not gender-specific either.

Deut 23:1–8 lists several groups who were forbidden from entering the assembly of the Lord: eunuchs, *mamzerim,* Ammonites, Moabites, Edomites, and Egyptians.[44] The precise meaning of "assembly of the Lord" (קהל יהוה) is debated; generally, it is understood to be the Israelite community, or the sanctuary. One reason for interpreting it as the "sanctuary" is due to its use in Lam 1:10, where קהל and מקדש are in parallel form:

> "she has even seen the nations invade her sanctuary [מקדש],
>
> those whom you forbade to enter your congregation [קהל]" (Lam 1:10; cf. Isa
>
> 56:3–7; Ezek 44:7–9).[45]

However, this argument presumes a synonymous parallelism, whereas a synthetic parallelism, which advances the thought and broadens the scope of the content, fits well in the Lamentations context. Additionally, the noun קהל is never explicitly used for "sanctuary" elsewhere in the Hebrew Bible.

The second proposal, that קהל refers to the Israelite community, is more likely for several reasons. First, the construct phrase קהל יהוה found elsewhere refers to the Israelite community. For example, when Korah and other Israelites rebelled against Moses and Aaron, they exclaimed: "You have gone too far! All the congregation are holy, every one of them…So why then do you exalt yourselves above the assembly of the Lord [קהל יהוה]?" (Num 16:3; cf. Num 20:4).[46] Second, the exclusion of certain groups from the Israelite community coincides well

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[44] This law is often dated to the pre-exilic era because of the nations mentioned as well as the positive disposition towards Edom. See Gary N. Knoppers, "Sex, Religion, and Politics: The Deuteronomist on Intermarriage," *HAR* 14 (1994): 121–141, 123. Richard Nelson agrees, but posits that anti-Moabite and anti-Ammonite rhetoric could be placed in a pre- or post-exilic setting. See Richard D. Nelson, *Deuteronomy: A Commentary* (London: Westminster John Knox Press, 2004), 278. In this section, I presume an intentional structure to Deut 23:1–9. See Carmichael, *The Laws of Deuteronomy*, 67.

[45] See Saul M. Olyan, *Disability in the Hebrew Bible: Interpreting Mental and Physical Differences* (Cambridge: Cambridge University Press, 2008), 27–28 and Cohen, *The Beginnings of Jewishness*, 250, who claims that קהל is the sanctuary.

[46] See also Mic 2:5; see 1 Chr. 28:8, where קהל יהוה is in parallel form with כל ישראל. See also Tigay, *Deuteronomy,*

with the context of Deuteronomy, which seeks to discourage "Israelites' interactions with non-

Israelites."[47] For this reason, later Jewish interprets understood the prohibition in Deut 23:1–8 to

be a ban against intermarriage.[48]

While the laws listed in Deut 23:1–8 are relatively clear, one point of contention is the

meaning of *mamzer*. There are three common proposals: (a) an offspring from an incestuous

marriage, (b) an offspring born out of wedlock, (c) an offspring between an Israelite and a non-

Israelite.[49]

The most common interpretation is that a *mamzer* is an offspring from an incestuous

union.[50] One supporting argument is the literary proximity and thematic similarities between the

mamzer (Deut 23:2) and the Ammonites or Moabites: each group is mentioned together, and all

three were banned "to the tenth generation" (Deut 23:3–4).[51] Considering this, Carmichael

proposes that the *mamzer* law should be read in light of Genesis 19, which recounts Lot's

incestuous relations with his daughters, and the subsequent birth of Moab and Ammon (Gen

19:30).[52]

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480 for a short discussion on the reception of this passage, where קהל יהוה refers to native-born Jews.

[47] Crouch, *The Making of Israel*, 187. See Milgrom, "Religious Conversion," 173; Nelson, *Deuteronomy*, 278; Knoppers, "Sex, Religion, and Politics," 127.

[48] The argument that Deut 23:1–8 relates to intermarriage is also based on the broader legal structure. Deut 22:13–23:1, for example, deals with marriage laws. Additionally, the Deuteronomistic historian connected the prohibition against intermarriage from Deut 7:3–4 with 23:4–9 in 1 Kgs 11:1–2 (see also Ezra 9:1). In later rabbinic literature, Deut 23:1–8 was understood as a prohibition against exogamy (see m. Qidd. 4:3).

[49] Epstein has argued that mamzer "seems to represent a certain primitive tribe whose identity is not known" (Epstein, *Marriage Laws in the Bible*, 160). However, Deut 23:1–8 includes nations as well as people of a certain status (e.g., crushed testicles), and thus there is no reason to automatically conclude that *mamzer* refers to a nation.

[50] See S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, ICC, 3rd ed. (Edinburgh: T&T Clark, 1902), 260; Nelson, *Deuteronomy*; Michael A. Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon Press, 1988), 120.

[51] The phrase "ten generations" may imply "forever" (see Gen 31:7; Num 14:22). However, Winslow argues that these groups will eventually be able to re-enter Israel (Winslow, "Mixed Marriage in Torah Narrative," 136).

[52] See Carmichael, *The Laws of Deuteronomy*, 175. Gillihan argues that the ban for ten generations is the reason why David was unable to build the temple: "In light of the Deuteronomic prohibition against mamzerim entering the sanctuary… it is interesting that David represents the tenth generation of the offspring of Judah and Tamar (1 Chr 2:3–3:9; Ruth 4:18–22[)]." Yonder Moynihan Gillihan, "Jewish Laws on Illicit Marriage, the Defilement of Offspring, and the Holiness of the Temple: A New Halakic Interpretation of 1 Corinthians 7:14," *JBL* 121 (2002):

The issue with this proposal, however, is that Deut 23:3–4 provides the reason for excluding the Ammonites and Moabites: "because they did not meet you with food and water on your journey out of Egypt, and because they hired against you Balaam son of Beor, from Pethor of Mesopotamia, to curse you" (Deut 23:4).[53] Their incestuous origins appear to be insignificant. If their exclusion from the Israelite community is unrelated to incest, it is unclear why the *mamzer* should be interpreted that way. Furthermore, while D contains certain injunctions against incestuous unions (Deut 27:20–23), none of these prohibitions address cases between a father and daughter, which was the situation in Genesis 19.

A second option is to interpret *mamzer* as one born out of wedlock.[54] However, this proposal is hard to justify considering other idealized laws presented in Deuteronomy. For example, Deut 22:28–29 mandates that unmarried people who engaged in sexual intercourse must marry: "Because he violated her he shall not be permitted to divorce her as long as he lives" (Deut 22:29). If a child was conceived out of wedlock, but born to two wedded parents, there is no evidence that the child would be considered illegitimate.[55] Since laws often present the idealized structure of society, it is unlikely that Deut 23:2 is specifically addressing an offspring born out of wedlock.

A third proposal is that a *mamzer* is the offspring of an exogamous union.[56] Geiger, for example, proposes that the etymology of ממזר is מעם–זר, meaning an offspring from a 'strange

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711–744, 726 n. 48.

[53] The negative presentation of the Ammonites and Moabites stands in contrast with Deut 2:29, where Moabites are viewed positively (see Mayes, *Deuteronomy*, 317 for a short discussion).

[54] Both Deut 23:2 LXX and Tg. Ps–J Deut 23:2 interpret *mamzer* as one born from a prostitute.

[55] Craigie proposes that the *mamzer* is one born from a mother who was a cultic prostitute. He argues that ממזר is a *hiphil* participial form of נזר, signifying that the child was dedicated to a foreign god. However, in that case, the placement of Deut 23:2 would be odd, since the regulations against temple prostitution are dealt with in a different section of the chapter (Deut 23:18–19; Craigie, *The Book of Deuteronomy*, 297).

[56] See Crouch, *The Making of Israel*, 189; Eduard Nielsen, *Deuteronomium* (Tübingen: Mohr Siebeck, 1995), 221; Mayes, *Deuteronomy*, 316.

nation.'[57] This interpretation coincides well with the use of *mamzer* in Zech 9:6, where it refers to either a foreigner or the offspring of a mixed union: "a mongrel [ממזר] people shall settle in Ashdod, and I will make an end of the pride of Philistia."[58]

In Fröhlich's assessment of Deut 23:2, she appeals to the surrounding laws, such as the prohibitions against improper mixing (Deut 22:9–11) and matters regarding sexual relations (Deut 22:13–30), to argue that the *mamzer* refers to an offspring from an intermarried couple.[59] Additionally, Deuteronomy shares various themes with the book of Hosea, which also contains an expressed concern about mixed unions.[60] For example, when commenting on the phrase "for they have borne illegitimate children [כי בנים זרים ילדו]" (Hosea 5:7), Wolff writes that the בנים זרים "are the children conceived through 'sexual relations with strangers' in the foreign cult," particularly since זר exclusively means "foreign" in Hosea.[61] Therefore, based on the etymology

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[57] Geiger writes "Ein Kind, welches aus einer Ehe mit einem fremden Volke erzeugt ist." Abraham Geiger, *Urschrift Und Ubersetzungen Der Bibel: In Ihrer Abhangligkeit von Der Innern Entwicklung Des Judentums* (Frankfurt am Main: Verlag Madda, 1928), 52. See Ephraim Neufeld, *Ancient Hebrew Marriage Laws* (Toronto: Longmans, Green & Co, 1944) who argues that the noun comes from מזר, meaning 'half-caste' (cf. Zech 9:6). He appeals to Akkadian meaning 'to mix,' or 'to adulterate.'

[58] Nelson, *Deuteronomy*, 275. Since the LXX translates *mamzer* in Zech 9:6 as "another race" [LXX, αλλογενείς], the expectation is that Philistine women would become the wives of the victors, thus producing, in the eyes of the Philistines, illegitimate or "mixed" offspring.

[59] Ida Fröhlich, "'Mamzer' in Qumran Texts - The Problem of Mixed Marriages From Ezra's Time: Law, Literature and Practice," *Transeuphratène* 29 (2005): 103–115, 105. See also Calum M. Carmichael, *Law and Narrative in the Bible: The Evidence of the Deuteronomic Laws and the Decalogue* (London: Cornell University Press, 1985), 191, who argues that the regulations for mixed seeds represents the children of Judah (cf. Deut 22:13–30).

[60] See E. R. McCurley, Jr., "The Home of Deuteronomy Revisited: A Methodological Analysis of the Northern Theory," in *A Light unto My Path: Old Testament Studies in Honor of Jacob M. Myers*, ed. Howard N. Bream et al., (Philadelphia: Temple University Press, 1976), 295–317, 305 for thematic and verbal parallels between Deuteronomy and Hosea. See also Moshe Weinfeld, "The Emergence of the Deuteronomic Movement: The Historical Antecedents," in *Vas Deuteronomium; Entstehung, Gestalt und Botschaft*, ed. N. Lohfink (Leuven: University Press, 1985), 76–98, 89. Deuteronomy is sometimes called "the spiritual heir of Hosea" (Driver, *A Critical and Exegetical Commentary on Deuteronomy*, xxvii).

[61] See Hosea 5:7, 7:9; 8:7, 12. Hans Walter Wolff, *Hosea: A Commentary on the Book of the Prophet Hosea*, ed. Paul D. Hanson, trans. Gary Stansell, Hermeneia (Philadelphia: Fortress Press, 1974), 101. Gruber proposes that בנים זרים are alien children and represent the rejection of the priesthood. Mayer I. Gruber, *Hosea: A Textual Commentary* (New York: T&T Clark, 2017), 255. However, the antecedent of the pronoun "they" in "they have borne illegitimate children" reaches back to Hosea 5:5, which mentions Ephraim and Judah, not the priesthood. See also Alice A. Keefe, "Family Metaphors and Social Conflicts in Hosea," in *Writing and Reading War: Rhetoric, Gender, and Ethics in Biblical and Modern Contexts*, ed. Brad E Kelle and Frank Richtel Ames (Atlanta: SBL Press, 2008): 113–128, 123. For comparisons between Hosea and Deuteronomy, see G. T. Manley, *The Book for the Law:*

of *mamzer*, the surrounding laws, and the correlations between Deuteronomy and Hosea, a plausible understanding of *mamzer* in Deut 23:2 is an offspring from an intermarried couple.

The issue with this proposal, however, is that other laws in Deuteronomy permit unions with foreigners (e.g., Deut 21:10–14), and subsequently provide a full inheritance to the offspring. Therefore, it is unlikely that Deut 23 is forbidding all offspring from intermarried couples. Instead, Milgrom provides an alternative reading, arguing that a *mamzer* is an offspring between an Israelite and either a Moabite or an Ammonite.[62] Not only does this fit well with Geiger's proposed etymology, but it explains why the *mamzer* and the two nations share the same punishment; while other groups are banned from the community (e.g. the eunuchs, Edomites, etc.) only the *mamzer*, the Ammonite, and the Moabite are expelled for 10 generations (Deut 23:3).[63] Why, then, would a law target mixed offspring from Ammon or Moab specifically?

Both groups are associated with the southern dynasty: the grandmother of David was a Moabite, and the mother of Rehoboam was an Ammonite. Indeed, according in Deuteronomistic literature, the national split between the north and south identified Rehoboam with David: "When all Israel saw that the king [Rehoboam] would not listen to them, the people answered the king, 'What share do we have in David? We have no inheritance in the son of Jesse. To your tents, O Israel! Look now to your own house, O David" (1 Kgs 12:16). Since both figures are instrumental in the Southern Kingdom, Milgrom has argued that Deut 23:2–3 was a northern polemical regulation to delegitimize the ancestry of the Davidic dynasty, since it maintains that

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Studies in the Date of Deuteronomy (London: Tyndale Press, 1957), 143–49.

[62] See Milgrom, "Religious Conversion."

[63] According to Fröhlich, "The Deuteronomic source connects it [*mamzer*] explicitly to two peoples, the Moabites and the Ammonites" (Fröhlich, "'Mamzer' in Qumran Texts," 104).

"every occupant of the throne of Judah is a bastard to the second power!"[64] In support of this reading, Christiana van Houten demonstrates how other laws from Deuteronomy originated in the north: "The northern origin of the book is demonstrated by its designation of Shechem as a site for covenant renewal; the affinities between Deuteronomy and Hosea on cultic matters, and the connections between its laws and the laws of the book of the Covenant."[65]

This polemical understanding of Deut 23:2 also helps explain why the other foreign nations, who were equally guilty of neglecting Israel during their desert wanderings, were not mentioned in the Deut 23:1–8 banishment: the Edomites (Num 20:14–21), the Amorites (Num 21:33–35), and the Amalekites (1 Sam 15:2).

Milgrom's argument presupposes that the north was aware of David and Rehoboam's lineage.[66] Surprisingly, David's lineage is never explicitly mentioned in the Deuteronomistic History, which likely signifies the author's discomfort with David's connection with Moab. The record of David's genealogies, for example, never goes beyond his father, Jesse, which stands in stark contrast with the longer genealogies provided for other important figures in Israel's history (1 Sam 16:1; 1 Sam 17:58).[67] One of the distinguishing features between the genealogies of the Northern and the Southern kings is how the mothers of the Southern kings are almost always

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[64] See Milgrom, "Religious Conversion," 174. See also Christensen who writes "From the perspective of a writer in the Northern Kingdom of Israel this lineage demonstrates the illegitimacy of Judah, whose founding kings are thus both "misbegotten" (ממזר) and should have been excluded from the assembly of YHWH's people." Duane L. Christensen, *Deuteronomy 21:10–34:12*, WBC 6B (Dallas: Word, 2002), 535.

[65] Christiana van Houten, *The Alien in Israelite Law: A Study of the Changing Legal Status of Strangers in Ancient Israel* (Sheffield: Sheffield Academic Press, 1991), 76. Houten places the migration of many Levites to the south during the reign of Jeroboam (1 Kgs 12.31; 2 Chron 11.13, 14). See also Edelman "Ethnicity and Early Israel," 39 for theories on how the south received northern texts. Na'aman argues that Judah adopted the northern texts to claim the prestigious heritage of Israel following the Assyrian captivity. Nadav Na'aman, "The Israelite-Judahite Struggle for the Patrimony of Ancient Israel," *Biblica* 91 (2010): 1–23, 17.

[66] While David was initially the ruler over all of Israel, the Deuteronomistic historian associated him with the south during the divided monarchy (2 Sam 2:10; 3:1).

[67] See Saul's genealogy (1 Sam 9:1; 14:47–51). While intermarriage was relatively common in the monarchial era, the absence of David's lineage may have been intentional (Judg 3:12–30; 2 Sam 8:2; 2 Kgs 3:4–27; 13:20; 24:2).

mentioned.[68] The fact that David's lineage is never provided, then, is uncharacteristic in the Deuteronomistic History. Additionally, there are narratives which connect David with Moab. For example, David sent his mother and father to seek refuge in Moab when they needed a haven, similar to Absalom, who sought refuge in Geshur, the homeland of his mother (1 Sam 22:3; see 2 Sam 3:3; 13:38).[69]

The clearest text presenting David's lineage is the book of Ruth, which some argue originated in the pre-exilic period.[70] Although the inclusionary approach of Ruth is sometimes viewed as a response to Ezra's exclusionary agenda towards foreigners, the book of Ruth is not a polemical work, nor does it ever address purity matters central to Ezra.[71] The main themes of the book likely originated during the Solomonic era, and its purpose was to vindicate David's heritage.[72] Indeed, Ruth's dedication to the God of Israel appears to have alleviated any stigmatization concerning her background.[73] Therefore, the lineage of David may have been

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[68] See 1 Kgs 14:21, 31; 15:2, 10; 22:42; 2 Kgs 8:26; 12:1; 14:2; 15:2, 33; 18:2; 21:1, 21:19; 22:1, 23:31; 23:36; 24:8; 24:18. King Jehoram is the only exception (2 Kgs 8:16–19).

[69] See Levenson and Halpern, "The Political Import of David's Marriages," 507–518.

[70] Campbell, for example, dates the book of Ruth sometime between 950–700 BCE. Edward F. Campbell, Jr. *Ruth: A New Translation with Introduction, Notes and Commentary*, AB 7 (New York: Doubleday, 1975), 28. Paul Joüon argues that the language of Ruth also supports a pre-exilic date: "La langue du livre de *Ruth* se rapproche beaucoup du type classique, celui des récits du Pentateuque et des Rois…Les aramaismes qui indiqueraient une époque postérieure sont également peu nombreux." P. Paul Joüon, *Ruth: Commentaire Philologique et Exegetique* (Rome: Institut Biblique Pontifical, 1986), 11. See also Jean-luc Vesco, "La date du livre de Ruth," *RB* 74 (1967): 235–247.

[71] See Melanie Kohlmoos, *Ruth*. Das Alte Testament Deutsch (Göttingen: Vandenhoeck & Ruprecht, 2009), xiv. Collins correctly states that "Ruth does not read like a polemic, and that the point of the story is not to affirm mixed marriages." J. J. Collins, *Introduction to the Hebrew Bible*, 2nd ed. (Minneapolis: Fortress Press, 2014), 551.

[72] See Jeremy Schipper, *Ruth: A New Translation with Introduction and Commentary*, AB (New Haven: Yale University Press, 2016). See also Kirsten Nielsen, who proposes that the book was written at a time when "David's origins were under discussion and where there was a need for a defense of his family." Nielsen, *Ruth A Commentary* (Louisville, Ky.: Westminster John Knox Press, 1997), 99.

[73] See Robert L. Hubbard, Jr. *The Book of Ruth*, NICOT (Grand Rapids, MI: Eerdmans, 1988), 39–43. Campbell, Jr. *Ruth*, 29. Cynthia R. Chapman has recently argued that some kinship relations in the Hebrew Bible were established through breastfeeding: "[breast milk] is a substance understood to transmit ethnicity and social/ritual status from mother to child." Cynthia R. Chapman, "'Oh that you were like a brother to me, one who had nursed at my mother's breasts.' Breast Milk as a Kinship-Forging Substance," *JHS* 12 (2012): 1–41, 26. In turn, she has proposed that the lineage of David was preserved because Obed, his grandfather, was breastfed by Naomi (Ruth 4:16). Although Chapman makes a convincing argument in her treatment of other figures in the Hebrew Bible (e.g., Isaac, Moses, and Samuel), her theory about Ruth 4 is less clear. First, in the preceding cases, the birthing mothers were always the ones who fed the child. While breastfeeding may have reinforced the transmission of ethnic identity, it is unclear

well-known during the divided monarchy era, thus explaining the expulsion of these three groups from the northern community.

If Milgrom's interpretation is correct, Deut 23:2 presents the only condemnation of mixed offspring in the book of Deuteronomy due to their pedigree. However, the reason for this prohibition is not a deep-seated belief in genealogical purity, but it was politically motivated to delegitimize the kings of the Southern Kingdom.

2.2.4   Conclusion

In conclusion, Deuteronomy generally does not stigmatize mixed offspring with an Israelite father based on their genealogy. Through an analysis of Deut 7:1–4 and Deut 21:10–17, it is likely that these mixed offspring would have been considered full participants in the Israelite community, despite their mixed status. While mixed offspring may have been disproportionately exposed to foreign cultic traditions in the household, they were not treated differently than other Israelites who engaged in idolatry. Deut 23:2, which prohibits the *mamzer* from entering the community of God, is the sole passage which excludes an offspring with either an Ammonite or Moabite mother or father based on the child's mixed genealogy. However, this regulation is limited to an offspring with one Israelite parent and one Ammonite or Moabite parent; the law was driven by a political motivation, not a conviction for genealogical purity.

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whether Naomi's alleged feeding of Obed would have *changed* his ethnic or kinship affiliation. Second, the title used for Naomi is "nurse" (אמן), which does not necessarily imply that she breastfed the child. See André LaCoque, *Ruth*. A Continental Commentary, trans. K. C. Hanson (Minneapolis: Fortress Press, 2004), 143. The noun אמן is used both for men (Num 11:12; Isa 49:23) and women (2 Sam 4:4), and it typically reflects a person's responsibility to care for another. The common verb for "suckling" used in the Chapman's other examples (ינק; see Gen 21:7; Exod 2:7-9; 1 Sam 1:23) is absent from the Ruth narrative. Finally, it is unclear how Naomi would have even been able to breastfeed, given her age and the absence of any supernatural intervention. Considering this, it is unclear whether Naomi's status as a nurse transferred Jewish ethnicity to the child. Instead, the foreign status of Ruth did not appear to be problematic for Obed's ethnic status.

2.3   The Deuteronomistic History

In this next section, we will examine narratives from the Deuteronomistic History (DtrH) to determine whether mixed offspring endured any social or political consequences due to their mixed pedigree.[74] Like Deuteronomy, intermarriage was prohibited in DtrH because of apostasy; according to the Deuteronomistic historian, exogamous unions had negative repercussions for the spiritual state of the nation (e.g., Josh 23:7–13; 1 Kgs 3; 16).[75] However, there is no evidence that mixed offspring were ostracized in any way because of their mixed genealogy alone. While genealogy remained a primary way of constructing Israelite identity in DtrH, it is evident that a child born in Israel with at least one Israelite parent was considered an Israelite.[76] Another important facet for constructing identity in DtrH was geographical residency, as we will see with Hiram of Tyre (1 Kgs 7). The cases of mixed progeny here are divided into two sections, based on the gender of their parents. The first section will look at Tamar and Absalom, and then Rehoboam; these mixed offspring are said to have an Israelite father and a foreign mother. The second section will examine Amasa and Hiram from Tyre, who are mixed offspring with an

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[74] The "Deuteronomistic historian" is a moniker attributed to the authors/compilers/editors of Joshua–Kings, who constructed Israel's history through the lens of laws from Deuteronomy. Although the precise relationship between the Deuteronomistic History (DtrH) and Deuteronomy is debated, it is generally conceded that DtrH was redacted "under the influence of Deuteronomy" (Levenson *Deuteronomy*, viii). See Robert R. Wilson, "Who was the Deuteronomist? (Who Was Not the Deuteronomist?): Reflections on Pan-Deuteronomism," in *Those Elusive Deuteronomists: The Phenomenon of Pan-Deuteronomism*, ed. Linda S. Schearing and Steven L. McKenzie, JSOTsup 260 (Sheffield: Sheffield Academic Pres, 1999), 68–82, 71. In order to differentiate between both works, "Deuteronomic" will be reserved for contents found in the book of Deuteronomy, whereas "Deuteronomistic" will refer to "thought-forms associated with the work of the Deuteronomists…in [DtrH]" (Richard Coggins, "What Does 'Deuteronomistic' Mean?" in Schearing and McKenzie, *Those Elusive Deuteronomists,* 23). The portrayal of mixed progeny in DtrH is only a reflection of the Historian's viewpoint.

[75] See Knoppers, "Sex, Religion, and Politics." Sweeney remarks how, despite D's relatively welcoming stance towards foreigners, "DtrH is so adamant about Israel's need to separate itself from foreigners who lead it into apostasy (Deut 7:1–6; Judg 2; 1 Kings 11; 12–13; 2 Kings 17)." Marvin A. Sweeney, *I & II Kings: A Commentary* (London: Westminster John Knox Press, 2007), 121. See also Josh 23:7–13; Jud 3:5–6; 12:9.

[76] Alien sojourners who practiced Israel's cultic traditions were not considered Israelites (2 Sam 11:3; 15:19–21).

Israelite mother and a foreign father.[77] By juxtaposing these two groups, we will better understand how the DtrH used gender to construct identity.

While a thorough analysis of the provenance of DtrH would go beyond the scope of our study, I follow Richard D. Nelson, who argues that the composition of the DtrH was pre-exilic, although the content underwent redactions in the exilic/post-exilic era.[78] Therefore, while it will be hard to determine precise dating for this literature, DtrH illuminates our understanding of mixed progeny during the pre-exilic and early exilic era in Israelite history.

2.3.1   Absalom and Tamar

The first case to consider is David's son, Absalom, whose mother was "Maacah, daughter of King Talmai of Geshur" (2 Sam 3:3). According to DtrH, Absalom killed his brother, Amnon, for having defiled Tamar, Absalom's sister (2 Sam 13:23–38; see 14:1–33). After David absolved him of guilt, however, Absalom sought to usurp the throne from David. Although this attempt was portrayed negatively in Deuteronomistic literature, there is no indication that the author attempted to delegitimize Absalom as a king because of his mixed lineage; in Deuteronomistic literature, many Israelites followed Absalom (2 Sam 15:1–12), including some

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[77] Tamar and Absalom will be treated together because they share the same father and mother (2 Sam 3:3; 13:1).

[78] See Richard D. Nelson, *The Double Redaction of the Deuteronomistic History*, JSOTSup 18 (Sheffield: JSOT Press, 1981). The dates proposed for the Deuteronomistic History generally range between the 8th century and the 3rd century BCE. See P. R. Davies, *In Search of Ancient Israel*, JSOTSup, 148 (Sheffield; JSOT Press, 1992), 131. Mordechai Cogan, *1 Kings,* AB (Doubleday: Yale University Press, 2001), 97. Provan writes "The theory of a pre-exilic compilation of the DtrH with exilic redaction has thus won widespread acceptance in the scholarly world, and continues to provide a starting point for much of the research which is presently being done on Deuteronomy and the historical books." Iain W. Provan, *Hezekiah and the Books of Kings*: *A Contribution to the Debate About the Composition of the Deuteronomistic History*, BZAW 172 (New York: Walter de Gruyter, 1988), 14. See also Thomas Römer, *The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction* (London: T&T Clark, 2007) who argues that the work of the Deuteronomistic school was constructed in three redactional layers: at the time of Josiah, the Babylonian exile, and during the restoration of the Persian period.

from the house of Benjamin (2 Sam 16:5–8). From a polemical standpoint, Absalom acted

against the interests of the house of David, and God sought to judge him (2 Sam 17:14).

However, there is no indication that his mixed status limited his ability to rule politically, or that

his inheritance or position as David's son was jeopardized (see 2 Sam 14:7). Unlike Jepthah, for

example, who was refused his inheritance because he was "the son of a prostitute" (Judg 11:2–

3), there is no evidence that the DtrH considered Absalom's mixed status to be a reason that he

was unfit to rule. Instead, in the broader narrative of 2 Samuel, the defeat of Absalom served to

highlight David's status as God's elect (see 2 Sam 18:13).

      In DL, it is also evident that mixed offspring with an Israelite father were able to marry

other Israelites. In 2 Sam 13:1, for example, Tamar was identified as Absalom's sister: "David's

son Absalom had a beautiful sister whose name was Tamar" (2 Sam 13:1). Like Absalom, she

was a mixed offspring. However, when Amnon, the son of David and Ahinoam of Jezreel (see 1

Sam 25:43; 2 Sam 3:2), sought to rape Tamar, she pled for him to inquire of David to marry her

instead: "Now therefore, I beg you, speak to the king; for he will not withhold me from you" (2

Sam 13:13). It is not clear if such a union was possible, considering the common prohibition

against incest in the Hebrew Bible (see Deut 27:22; see also Lev 18:9-11; 20:7). However, A. A.

Anderson argues that, "in the light of Gen 20:12, we see no reason to doubt the words of Tamar

(13:13b) that marriage between Amnon and her was legally possible."[79] Similarly, McCarter

proposes that the restrictions against incest may have been a later development in Israelite law,

and that such a prohibition may have only applied to children from the same mother in light of

Gen 20:12.[80]

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[79] A. A. Anderson, *2 Samuel*, WBC 11 (Dallas, TX: Word Publisher, 1989), 172.
[80] P. Kyle McCarter Jr. *II Samuel: A New Translation with Introduction and Commentary*, AB 9 (Garden City, NY: Doubleday, 1984), 324

Whether or not such laws were in place at the time of David, there is no evidence from the DtrH that Tamar was attempting to trick Amnon in this short pericope.[81] Just as Tamar correctly warned Amnon of the pending shame that would ensue if he raped her (see Deut 22:28–29), her request that David may give her to Amnon in marriage appears valid.[82] If Tamar was telling the truth, then her mixed status evidently did not hinder her ability to marry other Israelites. Therefore, the cases of Absalom and Tamar demonstrate that male and female mixed offspring with an Israelite father were not hindered socially or politically in DtrH.[83]

2.3.2   Rehoboam

The third case to examine is Rehoboam, the son of King Solomon and Naamah the Ammonite (1 Kgs 11:43). In DL, there is no evidence from the author that Rehoboam's mixed genealogical status was problematic or should have prevented him from reigning over the Southern Kingdom following the death of Solomon.[84]

While Rehoboam was initially portrayed as foolish by DtrH for disregarding the advice of his father's wise men (1 Kgs 12:13–14), his actions were interpreted to be the fulfillment of God's judgment against Solomon due to Solomon's exogamous unions (1 Kgs 11:11–13). There is no evidence that Rehoboam's mixed genealogy itself was problematic, as though he was an illegitimate king; indeed, according to DtrH, Rehoboam preserved the Davidic line: "Yet to his

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[81] At times, the author includes parenthetical comments to inform the readers when characters were being deceived (see 2 Sam 17:14b; 1 Kgs 13:18b).

[82] Tamar's request may coincide with Exod 22:16–17, which stipulates that a rapist must pay a bride-price to make his victim his wife, although the father may refuse to give him permission to marry.

[83] Although these viewpoints reflect DtrH's opinion of offspring from the royal line, there is no reason to assume that mixed offspring among the general public were held to a different standard.

[84] According to Epstein, purity of descent was important for aristocracy: "The priestly and the royal families were particularly given to this distinctiveness" (Epstein, *Marriage Laws in the Bible*, 185). However, the example of Rehoboam challenges this supposition in the case of royal families.

[Solomon's] son I will give one tribe, so that my servant David may always have a lamp before me in Jerusalem, the city where I have chosen to put my name" (1 Kgs 11:36). The DtrH later presented Rehoboam as obedient to the Lord (1 Kgs 12:21–24) and recorded his burial with his ancestors in the city of David (1 Kgs 14:31).

Despite the absence of any condemnation in DtrH, some scholars argue that Rehoboam's mixed pedigree obstructed his status in some manner. For example, Lou H. Silberman argued that Judah's idolatry under Rehoboam's reign was because of his foreign mother: Silberman posits that Judah's actions were the "social reprobation of exogamy" (1 Kgs 14:23).[85] While DtrH undoubtedly demonstrates the negative influence of intermarriage, there is no clear indication that Rehoboam himself took part in the idolatrous activities, unlike his father Solomon, who followed "Astarte the goddess of the Sidonians, and Milcom the abomination of the Ammonites" (1 Kgs 11:5).[86] Furthermore, there is no evidence that Rehoboam's mixed pedigree was a point of contention for the author of DtrH. For example, the biographical summaries of Rehoboam (1 Kgs 14:21, 29–30) are like those of other kings who had two Israelite parents (see Abijam; 1 Kgs 15:1–3). Mixed offspring with an Israelite father were treated the same as full Israelites in Deuteronomistic literature; DtrH did not attribute Judah's idolatry to Rehoboam's mixed status, nor did his mixed genealogy negatively impact his ability to reign.[87]

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[85] Silberman, "Reprobation, Prohibition, Invalidity," 180.

[86] See Cogan, *1 Kings*, 386. See also 1 Kgs 12:25–35, which highlights Jeroboam's direct involvement in leading Israel into idolatry. This is absent from DtrH's account of Rehoboam.

[87] Carmichael is another scholar who highlights Rehoboam's mixed status; he identifies him as a "half-Israelite, half-Ammonite," a "mixed seed." However, this language is anachronistic since Rehoboam was never called a "half-Israelite," nor did he suffer any social repercussions as though he was an illegitimate offspring. Carmichael, *Law and Narrative in the Bible*, 182.

The reign of Rehoboam stands in contrast with other figures who were ostracized from positions of ruling because of their pedigree in Deuteronomistic literature. For example, Abimelech's reign was challenged because he was the son of Gideon and a Shechemite concubine (Judg 8:31; cf. Josh 21:20–21). When Jotham sought to rebuke the Shechemites for following Abimelech, Jotham appealed to Abimelech's lineage: "but you [the leaders of Shechem] have risen up against my father's house this day…and have made Abimelech, the son of his slave woman, king over the lords of Shechem" (Judg 9:18). While illegitimate offspring were prevented from ruling in DL, the case of Rehoboam demonstrates that a mixed offspring did not endure such consequences. Indeed, DtrH never placed such a critique of his pedigree on the lips of Rehoboam's enemies (1 Kgs 12:16–17). Therefore, a mixed offspring with an Israelite father could have leadership positions in the community.

2.3.3 Amasa

A fourth example to consider is Amasa, "the son of a man named Ithra the Ishmaelite [MT: הישראלי], who had married Abigal daughter of Nahash, sister of Zeruiah" (2 Sam 17:25). Based on the MT, Amasa is depicted as a mixed offspring with an Israelite father. However, there are certain textual critical issues in 2 Sam 17:25 which requires attention and may illuminate our understanding of Amasa's origins.

First, the use of the gentilic noun הישראלי for Ithra in the MT is questionable.[88] This gentilic noun is never used elsewhere in DL, and Israelites themselves were generally not

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[88] Elsewhere, Ithra is known as Jether (see 1 Kgs 2:5, 32; 1 Chr 2:17); in Chronicles, Jether is identified as an Ishmaelite, not an Israelite.

provided gentilic nouns.[89] For example, in a list of David's military leaders, neither Joab nor Abishai have a gentilic noun, whereas Ittai was known as the Gittite: "And David divided the army into three groups: one third under the command of Joab, one third under the command of Abishai son of Zeruiah, Joab's brother, and one third under the command of Ittai the Gittite" (2 Sam 18:2). For this reason, M. Broshi and A. Yardeni write: "In Samuel he [Ithra] is described as an Israelite but in Chronicles as an Ishmaelite. It seems that the latter version is to be preferred, because there is no point in the appellation 'Israelite' for a man who resides among Israelites."[90] There is also textual support for this understanding in 2 Sam 17:25, since codex Alexandrinus preserves the gentilic noun Ισμαηλειτης in place of הישראלי.[91] In the book of Chronicles, Ithra/Jether is called an Ishmaelite: "the father of Amasa was Jether the Ishmaelite" (1 Chr 2:17). Although Chronicles was composed after DtrH, the author of Chronicles likely used content from DtrH, or a similar source, to reconstruct Israel's history. For this reason, Chronicles may testify to an earlier tradition about Ithra's origins as an Ishmaelite.[92] If הישראלי was original, it is difficult to defend the use of this gentilic noun in DL, and to explain how Ithra/Jether came to be

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[89] While there are no gentilic nouns for Ishmaelites either, this this is likely due to the absence of Ishmaelites in Deuteronomistic literature generally (see Judg 8:24; 2 Kgs 25:23, 25).

[90] In M. Broshi and A. Yardeni "4Qlist of Netinim" in *Qumran Cave 4, XIV: Parabiblical Texts Part 2,* ed. Emanuel Tov, DJD 19 (Oxford: Clarendon, 1995), 82. Similarly, Frank Cross et al. write "Were יתרא an Israelite, it would be unnecessary to use the gentilic." Frank Moore Cross et al., *Qumran Cave 4, XII: 1–2 Samuel*, DJD 17 (Oxford: Calrendon, 2005), 163. Levenson and Halpen also write: "The term 'Israelite' as a gentilic for an individual makes no sense at all" (Levenson and Halpern, "The Political Import of David's Marriages," 512). However, they propose reading "the Jezreelite" (see Levenson and Halpern, "The Political Import of David's Marriages," 511-12), which is supported in Codex Coislinianus. However, see McCarter Jr., *II Samuel*, 394 for an assessment of that view.

[91] The earliest attestation to 2 Sam 17:25 is 4Q51 126–127, although the fragmentary manuscript does not preserve the gentilic noun. F. M. Cross et al reconstruct it as "Ishmaelite" (see DJD XVII, 162–163). Other early manuscript traditions on 2 Samuel are divided on Jether's origins. In LXX^A (Codex Alexandrinus) Jether is called an Ishmaelite, whereas Codex Vaticanus and Lucianic (LXXB^L) describe him as "the Israelite" (see also Targum of Samuel). The early attestation of both the Ishmaelite and Israelite reading is found in early rabbinic literature, where both national origins are harmonized (e.g., Midr. Tehillim 9:11; Ruth Rab. 4.1). While Alexandrinus may preserve an attempt to harmonize DtrH with Chronicles, it is unclear why the writers would have chosen Ishmaelite.

[92] In Isaac Kalimi's assessment of changes between DL and CH, he demonstrates that it was uncommon for the chronicler to change specific names. See Isaac Kalimi, *Zur Geschichtsschreibung des Chronisten Literarisch-historiographische Abweichungen der Chronik von ihren Paralleltexten in den Samuel- und Königsbüchern*, BZAW 226 (Berlin: de Gruyter, 1995), 92–100.

known as an "Ishmaelite" in Chronicles. For this reason, Anderson writes "Most scholars follow

1 Chr 2:17 and G^A in reading הישמעאלי 'the Ishmaelite'" in 2 Sam 17:25.[93] Indeed, the

identification of Ithra as an Ishmaelite makes better sense in the broader context.

Considering the above information, Amasa may have been born to two non-Israelite

parents. However, the content regarding Abigal's origins also requires attention.[94] In this

genealogy, Abigal is said to be the daughter of Nahash, which is an Ammonite name (1 Sam

11:1).[95] The difficulty with this interpretation, however, is that Abigal's son, Amasa, is treated as

part of David's family: "Are you [Amasa] not my [David's] bone and my flesh?" (2 Sam 19:13;

see also Gen 29:14; Judg 9:2; Sam 5:1).[96] Additionally, Abigal is the sister of Zeruiah, the

mother of Joab, Abishai, and Asahel; all three men are all presented as Israelites in DL since no

gentilic noun is provided for them (2 Sam 17:25; see 1 Sam 26:6; 2 Sam 10:11–12), and Asahel

was buried in the tomb of his father in Bethlehem (2 Sam 2:32).

The kinship association between David and Abigal fits well with David's genealogy in

Chronicles, where Abigal and Zeruiah are both sisters of David, and descendants of Jesse (1 Chr

2:13–16).[97] Additionally, several LXX manuscripts read "Jesse" in place of Nahash in 2 Samuel

17:25.[98] In this case, Amasa would be David's nephew.

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[93] Anderson, *2 Samuel*, 219.

[94] It is generally conceded that this name should be read as Abigail. See McCarter Jr. *II Samuel*, 392.

[95] Names compounded with נחש are found in Israelite genealogies, such as Nahshon son of Amminadab (see Exod 6:23; Num 1:7; 2:3; 7:12, 17; 10:14; Ruth 4:20; 1 Chr 2:10) and Ir-Nahash (1 Chr 4:12). However, נחש in DtrH is exclusively an Ammonite name (1 Sam 11:1; 12:12; 2 Sam 10:2; 17:27).

[96] McCarter writes how Amasa was "[a] ranking military officer, a member of David's own family (cf. 19:13) and evidently a leading citizen in Judah" (McCarter Jr. *II Samuel*, 394). See Chapman, "'Oh that you were like a brother to me,'" 2 who identifies "bone and flesh" (עאם ובשר) as an ambiguous term of kinship relatedness, which may pertain to marriage (see Gen 2:22–23), immediate family ties (Gen 29:14–15; Judg 9:1–3) or tribal relations between all Israel (2 Sam 5:1). She defines the relationship between David and Amasa as "men of the same tribe," although the precise relationship between David and Amasa is not immediately clear in the text (see ibid. 2 n. 8).

[97] Levenson and Halpern write concerning David's genealogy in 1 Chr 2:17 "It is best to assume its historical accuracy: there appears to have been no political utility in its fabrication" (Levenson and Halpern, "The Political Import of David's Marriages," 508).

[98] See Lucianic manuscripts, Codex Coislinianus, and Codex Basiliano-Vaticanus. McCarter Jr. *II Samuel*, 392.

To explain the discrepancy between Nahash in 2 Sam 17:25 and Jesse in 1 Chron 2:13–17, some interpreters have suggested that Nahash was either Abigail and Zeruiah's mother, or that Nahash was the first husband of Jesse's wife.[99] Another alternative, however, is that the name Nahash was an accidental duplication from 2 Sam 17:27: "When David came to Mahanaim, Shobi son of Nahash from Rabbah of the Ammonites."[100]

In light of the information above, it is possible that Amasa was the son of an Israelite mother [Abigal, the sister of David] and foreign father [Ithra the Ishmaelite]. Since David called Amasa "my bone and my flesh" (2 Sam 19:13), it is evident that Amasa was counted amongst the tribe of Judah. Additionally, he was able to lead in a military capacity in DL: "Now Absalom had set Amasa over the army in the place of Joab" (2 Sam 17:25). Considering this, his mixed status was unproblematic.

According to McCarter, the reason Amasa was considered an Israelite may be found in the unique language used to describe Ithra's union with Abigal: "Ithra the Ishmaelite, who had married [אשר בא אל] Abigal daughter of Nahash" (2 Sam 17:25). This phrasing is unconventional for marriages, and typically describes geographical movements. For this reason, McCarter argues that Amasa resided with his mother: "[Amasa] was the child of a special type of relationship…the woman remained with her children in her parents' home and received periodic visit from the man… Amasa's father was an Ishmaelite, but Amasa himself was in fact a member of his mother's family, the house of Jesse."[101]

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[99] See Jan Ruckl, "Abigail (Sister of David)," *Encyclopedia of the Bible and Its Reception*, ed. Constance M. Furey, et al. (Berlin: de Gruyter, 2009), 81–82. "The text as it stands makes sense only if Nahash is the *mother* of Abigail and Zeruiah, which is improbable…or if Nahash is the name of an earlier, deceased husband of Jesse's wife" (McCarter Jr., *II Samuel*, 392).

[100] See Anderson, *2 Samuel*, 223.

[101] McCarter Jr. *II Samuel,* 394. This phrasing is found 20 times in the Hebrew Bible, and it often refers to geographical movement (Gen 19:5; 33:14; Exod 29:30; Deut 1:22; Judg 19:22). Amasa was still known as the son of Jether; he was not identified as the son of his mother, unlike his cousins (1 Kgs 2:5; 2:32).

In this case, the example of Amasa demonstrates how DtrH perceived identity to be ambilineal, and that one may associate as an Israelite through either an Israelite mother or an Israelite father. Additionally, this example demonstrates the importance of residential locations in constructing identity for mixed progeny.[102] Next, we will examine Hiram of Tyre who was also a mixed progeny with an Israelite mother and non-Israelite father, yet since he did not reside in Israel, his status is less clear in Deuteronomistic literature.

2.3.4   Hiram from Tyre

The final case to examine is Hiram from Tyre, an artisan who helped construct Solomon's temple (1 Kgs 5–7): "Now King Solomon invited and received Hiram from Tyre [חרים מצר]. He was the son of a widow of the tribe of Naphtali, whose father, a man of Tyre, had been an artisan in bronze; he was full of skill, intelligence, and knowledge in working bronze" (1 Kgs 7:13–14). Since DtrH rarely provides any genealogical information for foreigners, such as the Queen of Sheba or Doeg the Edomite, the inclusion of Hiram's lineage was likely an attempt to connect him genealogically with the nation of Israel through his mother. This is evident for three reasons.

First, according to 1 Kings 5–7, foreigners did not play a vital role in the construction of the temple; they were relegated as slave workers in the building process (1 Kgs 9:20–21). By contrast, leadership positions were reserved for Israelites who worked as commanders and captains (1 Kgs 9:22).[103] The rationale for this division may be grounded in the association of

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[102] Cohen correctly writes "offspring of Israelite women and foreign men were judged matrilineally only if the marriage was matrilocal — that is, only if the foreign husband joined the wife's domicile or clan… [if not], I assume that the fellow nationals of both the husband and the wife would have considered the children to be of the same nationality as their father," (Cohen, *The Beginnings of Jewishness*, 266–267).

[103] In contrast to 1 Kgs 9:22, which states that no Israelites underwent forced labor, 1 Kgs 5:13–18 and 12:4 signify that they had. However, no foreigners were placed in a leadership position in the construction of the temple.

foreigners with idolatrous worship (cf. 1 Sam 26:19).[104] In contrast to the minor role foreigners played in constructing the temple, the work of Hiram from Tyre was described at great length and detail (cf. 1 Kgs 7:13–47). He was also instrumental in creating "pots, the shovels, and the basins" (1 Kgs 7:40), which were used in the tabernacle for priestly cultic rituals (Exod 27:3). Therefore, based on the important role Hiram played in constructing the temple, his genealogy likely served to distinguish him from the foreign workers.

Second, Hiram's biographical information associates him with the Israelites: "He was the son of a widow of the tribe of Naphtali" (1 Kgs 7:14a). Although ancient Israel was largely patrilineal, the mother's lineage also played an important role for the offspring in DL. For example, when the author listed the southern kings in Judah, the mother's name and birth location was almost always included as well (see 2 Kgs 8:16–19 for the exception). Furthermore, when Abimelech, the son of Jerubbaal, sought to establish his own monarchy, he approached his "mother's kinsfolk and said to them and to the whole clan of his mother's family, 'Which is better for you, that all seventy of the sons of Jerubbaal [Abimelech's father] rule over you, or that one rule over you?' Remember also that I am your bone and your flesh" (Judg 9:1–2). Considering the significance of mothers in Deuteronomistic literature, DeVries proposes that the reference to Hiram's mother was an attempt to portray him as an Israelite: "The narrator wants to tell us that Hiram had all the skill of the Tyrian copper-workers, one of whom had been his father; but in order to ease troubled consciences, he emphasizes, by bringing [his genealogy] forward, the fact that this man was nonetheless a true Israelite, the son of a widow woman from

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[104] Precisely *why* Hiram's connection with Israel was important remains debated. Christine Hayes has argued that gentiles were not considered ritually impure in ancient Israel: "The appointment of foreign temple servants (the so-called *netinim* and the servants of Solomon) would be complicated at the very least were we to suppose an automatic and intrinsic ritual impurity for Gentiles" (Hayes, *Gentile Impurities*, 21).

Naphtali."[105] Although DeVries does not explain what "a true Israelite" means, nor why the readers would have had a troubled conscience if Hiram was a foreigner, he is likely correct that Hiram's lineage was provided to present him as an Israelite.

Third, the description of Hiram from Tyre associates him with Bezalel, who was instrumental in the creation of the tabernacle (Exod 31:1–6). For example, the statement "he [Hiram] was full of skill, intelligence, and knowledge in working bronze [וימלא את החכמה ואת התבונה ואת הדעת לעשות כל מלאכה]" in 1 Kgs 7:14b closely parallels the description of Bezalel, who was also filled with intelligence and knowledge in all craftsmanship [ואמלא אתו רוח אלהים בחכמה ובתבונה ובדעת ובכל מלאכה] in Exod 31:3 (c.f. 35:31; 36:1).[106] Based on this literary parallel, Hiram from Tyre was depicted as one filled with the Spirit of God and as a new Bezalel, which further solidifies his important role in DL.[107]

While Hiram was never called an Israelite specifically, he had some type of kinship association with the Israelites. His status may be comparable to the treatment of the "Hebrews" in DL. The moniker "Hebrew," "Israel," and "Israelite" are sometimes used synonymously (1 Sam 13:3–4; 13:19–20), though they are periodically distinguished from one another. For example, during Jonathan's attack on the Philistines, it reads: "Now the Hebrews who previously had been with the Philistines and had gone up with them into the camp turned and joined the Israelites who were with Saul and Jonathan" (1 Sam 14:21). According to McCarter, "'Hebrews' is an *ethnic* term distinct from *religiopolitical* designations such as 'Israel,' 'sons of Israel'… they are different from Israelites only insofar as they have been aligned politically with the

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[105] Simon J. DeVries, *1 Kings*, 2nd ed. WBC 12 (Dallas: Word, Inc, 2003), 110.
[106] Bezalel, however, was said to be from the tribe of Judah (Exod 31:2).
[107] Lissa Beal acknowledges the correlation with Bezalel, but then states "Bezalel was a full Israelite and his work was in silver and gold as well as bronze. By contrast, Hiram is a half-Israelite and his work is limited to bronze work." Lissa Wray Beal, *1 & 2 Kings*, ApOTC 9 (Downers Grove, IL: IVP Academic, 2014), 122–123. However, the categories of 'full' or 'half' Israelite are anachronistic.

Philistines."[108] David Tsumura agrees, arguing that "*Hebrews* is used both as a pejorative term for the Israelites by the Philistines (v. 3) and as a designation for a group of Israelites who had sided with the Philistines."[109] Therefore, the noun "Hebrew" is generally understood as an ethnic designation, based on kinship relations, whereas the term "Israelite" carries religious-political connotations.[110] While Hiram is not called a Hebrew or an Israelite, it is evident that his kinship associations with the community was being highlighted by the DtrH vis-à-vis his mother's status.

Hiram's ambiguous status in DL may be related to his residential location. Indeed, the description of Hiram in 1 Kgs 7:14 (חירם מצר) is unique; unlike typical gentilic nouns in DL, which are often connected by an article (e.g., אתי הגתי) or the use a gentilic suffix (e.g., אישׁ צרי),[111] the preposition מן used in 1 Kgs 7:14 is more commonly employed to identify a place of origin.[112] Considering this, Hiram from Tyre is not being identified as a Tyrian, but as one who resides in Tyre. Therefore, his biographical information depicts him as a resident of Tyre who is genealogically connected to the Israelite community through his mother.

In sum, Hiram from Tyre was a mixed offspring, and by virtue of his mother's affiliation with Israel, he was connected in some capacity to the Israelite community. However, since he was never explicitly called an Israelite or a Hebrew, his exact status in the community is unclear.

When we juxtapose the case of Amasa and Hiram from Tyre, who likely both had an Israelite mother and a foreign father, it becomes evident that land and residential location played a role in constructing the identity for mixed offspring. Indeed, Amasa resided in Israel and was

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[108] McCarter, Jr., *I Samuel*, 241.

[109] See Tsumura, *First Book of Samuel*, 368. See Ralph W. Klein, *1 Samuel*, 10, WBC 10 (Dallas, TX: Word, 1983), 137–38 who makes a similar argument.

[110] Tsumura, *First Book of Samuel*, 194. See Deut 15:12.

[111] H. F. W. Gesenius, *Gesenius' Hebrew Grammar*, ed. E. Kautzsch, 2nd ed. (Oxford: The Clarendon Press, 1956), §127.d. See Judg 3:16; 1 Sam 11:3, 16:1; 1 Kgs 16:34.

[112] See Judg 4:6; 1 Sam 30:13; 2 Sam 17:27; 23:21, 29, 36; 1 Kgs 2:8; 19:16; 2 Kgs 12:2; 15:2; 21:19; 22:1; 23:31; 23:36; 24:8, 18.

considered an Israelite, a military ruler, and a member of the community. Hiram from Tyre lived

in Tyre, and while his genealogical connection with Israel was acknowledged, he was never

explicitly identified as a Hebrew or Israel.

2.3.5   Conclusion

Based on the cases above, mixed offspring with an Israelite father and a foreign mother in

DtrH were not delegitimized or disadvantaged socially or politically. They were considered

Israelites and thus did not endure any social ramifications that were applicable to illegitimate

children. Based on the case of Amasa, a mixed offspring with an Israelite mother and foreign

father was equally able to partake in the community. The description of Hiram from Tyre also

demonstrates the important role that the mother's lineage played in establishing kinship relations.

Despite being a mixed offspring and residing outside of the land of Israel, Hiram appears to have

been considered part of the community in some capacity. From the above analysis, it is evident

that mixed offspring were able to trace their descent either through the mother or the father in the

Deuteronomistic History. However, land and residential location also played important roles in

constructing identity for mixed offspring.

2.4   Genesis and Exodus: Introduction

In this next section, we will examine narratives that include mixed offspring in Genesis and

Exodus. Victor Matthews argues that both Genesis 12–49 and Exodus 1–19 are foundational

stories for the nation of Israel, forming cultural memories and creating a shared history that

helped establish Israel's political and religious identity.[113] In turn, an examination of these stories

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[113] Victor H. Matthews, *The History of Bronze and Iron Age Israel* (New York: Oxford University Press, 2019), 25.

may illuminate our understanding of mixed offspring in ancient Israel. Within these texts, which center around the transmission of the Abrahamic covenantal promises, two elements are often emphasized: lineage and the possession of Canaan.[114] For our purposes, we will examine what, if any, repercussions mixed offspring endured in relation to their identity and their inheritance. Each of the mixed offspring examined below had an Israelite father and a foreign mother; unfortunately, there are no cases of progeny with an Israelite mother and foreign father.

2.4.1   Intermarriage in Genesis

In the patriarchal narratives of Genesis, endogamy was defined as marriage within the Terahite line (Gen 15:3–4).[115] There are two consequences mentioned for exogamous unions in Genesis: moral stress and loss of land. Conczowoski argues that the author of Genesis was concerned with the moral influence of foreigners, although it is not exactly clear what this implied.[116] For example, when Rebekah feared that Jacob would follow in Esau's footsteps and marry a Hittite woman, she asked: "If Jacob marries one of the Hittite women such as these…what good will my life be to me?" (Gen 27:46). Indeed, the author of Genesis recounts how Esau's wife "made life bitter for Isaac and Rebekah" (Gen 26:35). Unfortunately, no further explanation is provided, and thus the reason why Isaac and Rebekah's life became bitter is

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[114] "The stories about each of these founding fathers and mothers provide a genealogical framework for both the tribes as well as the nation of Israel. In this way all members of the covenantal community are able to trace their lineage back to a common ancestor and can lay claim to the promise of land and children as expressed in the original covenant agreement with Abram/Abraham" (Matthews, *The History of Bronze and Iron Age Israel*, 25).

[115] See Steinberg, "The World of the Family in Genesis," 288. *Contra* Martha Himmelfarb, *A Kingdom of Priests: Ancestry and Merit in Ancient Judaism* (Philadelphia: University of Pennsylvania Press, 2006), 70, who writes "Of course, the concept of intermarriage does not apply very well to the narrative of Genesis; until the generation of Jacob's grandchildren, it would have been impossible for Israelites to marry other Israelites." However, see Gen 24:3; Gen 27:46.

[116] Conczowoski, "All the Same?" in Frevel, *Mixed Marriages*, 93.

unknown. Unlike D, which prohibits mixed unions because of foreign cultic influence, "the emotional bias [in Genesis] seems to be sufficient to mark down the exogamous marriages."[117]

A second rationale to prohibit exogamy in Genesis was the potential loss of inheriting the land; intermarriage would jeopardize Israel's ownership of Canaan (Gen 12). For example, when Hamor the father of Shechem proposed to Jacob that their children should intermarry, he claimed that their descendants would share the land: "You shall live with us; and the land shall be open to you; live and trade in it, and get property in it" (Gen 34:10).[118] This proposal is antithetical to the covenant made to Abraham, namely that his descendants would be given exclusive ownership of Canaan: "To your [Abraham's] offspring I [God] will give this land" (Gen 12:7). Therefore, exogamous unions potentially jeopardized Israel's inheritance.

The emphasis on land ownership was likely the reason Abraham required Isaac to marry somebody from Abraham's family: "I [Abraham] will make you swear by the Lord…that you will not get a wife for my son [Isaac] from the daughters of the Canaanites, among whom I live, but will go to my country and to my kindred and get a wife for my son Isaac" (Gen 24:3–4). Even if Isaac did not find a wife, he was forbidden from leaving the land of Canaan: "See to it that you do not take my son back there" (Gen 24:6). Indeed, some early narratives of Genesis served as a cautionary tale against leaving Canaan; when Abraham and his descendants left, they were oppressed.[119] Therefore, possession of Canaan was central in Genesis, and exogamy

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[117] Frevel "Introduction," 8.

[118] Inheritance laws were an important factor in deciding marriage partners. See Naomi Steinberg, "Alliance or Descent? The Function of Marriage in Genesis," *JSOT* 51 (1991): 45–55 who argues that inheritance law, not alliances, drives endogamy/exogamy in Genesis. For an alternative view, see Mara E. Donaldson, "Kinship Theory in the Patriarchal Narratives: The Case of the Barren Wife," *JAAR* 49 (1981): 77–87, 78.

[119] Abraham and Sarai left Canaan twice; the first time, Sarai was taken by Pharaoh (Gen 12:10–20), and the second time, she was taken by king Abimelech (Gen 20:1–2). Isaac and Rebekah also left Canaan, and Rebekah was taken by king Abimelech (Gen 26:1–16). Jacob left Canaan, and was deceived and maltreated by Laban (Gen 29:13–35). All of Jacob's descendants eventually left Canaan with God's permission, but they were enslaved by the Egyptians (Gen 48:1–2). Conczorowski writes "the emphatic commandment not to leave the land is a new focus and maybe a

jeopardized their inheritance. The role of land for identity formation and covenant inheritance played a prominent role in the Jacob cycle, as we will see below.[120]

In conjunction with these two rationales for prohibiting exogamy (moral and inheritance), it remains unclear if mixed offspring were considered a third reason to ban intermarriage. Since Canaan and his descendants were cursed to be slaves (Gen 9:20–27), it may follow that intermarriage with Canaanites would result in cursed offspring. However, this concern is never articulated. Indeed, as we examine the cases of mixed offspring in Genesis and Exodus below, it will become evident that one's mixed status alone did not result in any social repercussions.

In our study, I will first examine Ishmael, the son of Abraham and Hagar. Following this, I will juxtapose and compare the mixed offspring of Judah and Joseph in the Jacob cycle. Here, it will become evident that, like the case of Hiram from Tyre, land as well as genealogy were important factors in constructing identity. Finally, we will consider Gershom and Eliezer in Exodus, whereby it will become evident that their mixed status did not inhibit their ability to work as Levites.

2.4.2 Ishmael

The first offspring with a mixed pedigree in the book of Genesis is Ishmael, the son of Abraham and Hagar the Egyptian. In Genesis 16, Ishmael was initially presented as the future

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real historical problem within a community of *golah* returnees, where probably not everyone was successfully settling into the new homeland" (Conczowoski, "All the Same?" 97).

[120] Blenkinsopp writes that "possession of the land of Canaan is the basic component in the theme of the ancestral history." Joseph Blenkinsopp, *The Pentateuch: An Introduction to the First Five Books of the Bible* (London: Yale University Press, 1992), 110–11. See James Mckeown, "The Theme of Land in Genesis 1–11 and Its Significance for the Abraham Narrative," *IBS* 19 (1997): 51–64. The promise of land became closely associated with the covenant promise to Abraham, which was a "motif that compensates for Israel's landless existence in Exodus-Deuteronomy within the overall context of the Pentateuch." Konrad Schmid, "Genesis in the Pentateuch" in *The Book of Genesis: Composition, Reception, and Interpretation.* ed. Craig A. Evans, Joel N. Lohr, and David L. Petersen (Leiden: Brill, 2012): 27–50, 31.

heir of Abraham, and Sarah's adopted son (Gen 16:2).[121] According to Sarna, "Abraham… undoubtedly recognized Ishmael as his legitimate son… [t]here is no doubt that Ishmael was entitled to a share of Abraham's estate."[122] However, following the birth of Isaac (Gen 21:1–7), Ishmael was subsequently expelled from Abraham's household (Gen 21:8–14), and as a result, did not receive Abraham's covenantal promises or any inheritance (see Gen 25:1–6).[123] My goal is to examine whether Ishmael's mixed status was a factor in his expulsion. In other words, did the author attribute Ishmael's maltreatment to his mixed genealogy, or to his status as the son of a slave?[124] Based on several factors, including the description of Hagar and Ishmael in Gen 16:1–6 and 21:1–21, as well as parallel cases of surrogate mothers in Genesis (e.g., Bilhah and Zilpah), I posit that Sarah was able to expel Ishmael because he was the son of a slave; Ishmael's mixed lineage appears to be irrelevant in the Genesis narrative.

In Genesis 16, Sarah volunteered Hagar to bear Abraham's son with the expectation that the child would belong to Sarah: "You see that the Lord has prevented me from bearing children; go in to my slave-girl [Hagar]; it may be that I [Sarah] shall obtain children by her" (Gen 16:2). A similar account of surrogacy is found in Genesis 30, when Rachel, the barren wife of Jacob, gave

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[121] Although the names of Abraham and Sarah are changed later in the Genesis narrative (Gen 17:5, 15), I will use them here for continuity.

[122] Nahum M. Sarna, *Genesis: The JPS Torah Commentary* (Philadelphia: The Jewish Publication Society, 2001), 147. See Gen 16:15; 17:23, 25; 21:11–13; cf. 25:9–12.

[123] However, in the expulsion narrative, Ishmael was blessed by God *because* he was Abraham's son (Gen 21:13, 18).

[124] In the Hebrew Bible, slavery, gender, and ethnicity are distinct categories, yet interrelated. For example, Exod 21:1–11 contains laws that treat Hebrew male slaves and Hebrew female slaves differently, thus drawing a distinction between the two based on gender. Additionally, laws from the Holiness Code forbid enslaving Israelites entirely, while owning slaves from other nations was permissible (Lev 25:39–40). Hagar's own slave status and her foreign origins are not necessarily synonymous in Genesis; I treat them separately here. One element that complicates the Hagar narratives are the diverse statuses attributed to Hagar. For example, she is identified as a slave-girl (שפחה; Gen 16:1, 8; 25:12), a wife (אשה; Gen 16:3), and a slave (אמה; Gen 21:10, 12, 13). According to Philip Y. Yoo, "Hagar the Egyptian: Wife, Handmaid, and Concubine," *CBQ* 78 (2016): 215–235, the different depictions of Hagar derive from different traditions that were stitched together. By contrast, these title changes may signify that Hagar's social status was malleable.

Bilhah to him in order to bear children on her behalf: "Here is my maid Bilhah; go in to her, that she may bear upon my [Rachel's] knees and that I too may have children through her" (Gen 30:3). The phrase "I may have [children] through her" (אבנה ממנה) is used by Sarah (Gen 16:2) and Rachel (Gen 30:3) in relation to their slaves, thus connecting both narratives.[125] These concubines functioned as surrogates for their mistresses, which was a practice established in other ancient communities.[126] Indeed, following Bilhah's birth of Dan, Rachel proclaimed her own vindication, as though she had given birth: "God has judged me, and has also heard my voice and given me a son" (Gen 30:6). Rachel then named both Dan and Naphtali, the children born to Bilhah (Gen 30:6–8). Although the ethnic origins of Bilhah and Zilpah are not provided, they were likely local Aramean women, and thus, outside the Terahite line (Gen 29:29).[127] Therefore, the cases of Hagar, Bilhah, and Zilpah are parallel examples of foreign slave-women who provided surrogate births for their mistresses. However, unlike Rachel's acceptance of Dan and Naphtali, and their ability to inherit from Jacob (see Gen 35:25), Sarah rejected Ishmael once she bore Isaac; Ishmael's status as the son of a slave was evidently malleable.[128] A comparison

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[125] In Gen 30, Rachel includes the additional phrase: "she may bear upon my knees," which is absent from Gen 16. According to Sarna, this phrase "signifies legitimation, whether in acknowledgment of physical parenthood or by adoption" (see also Gen 48:12)" (Sarna, *Genesis*, 207).

[126] See Ephraim A. Speiser, *Genesis,* AB (New Haven: Yale University Press, 1963), 120, who compares Gen 16 with a marriage contract from Nuzi, where the child between a slave/concubine and a husband will belong to the husband's wife: "But if Gilimninu fails to bear children, Gilimninu shall get for Shennima [her husband] a woman from the Lullu country (i.e., a slave girl) as concubine. In that case, Gilimninu herself shall have authority over the offspring." See also Raymond Westbrook, *Law From the Tigris to the Tiber: The Writings of Raymond Westbrook. Volume 2: Cuneiform and Biblical Sources*, ed., Bruce Wells and Rachel Magdalene (Winona Lake: Eisenbrauns, 2009), 165 and his treatment of the Old Babylonian law: "If she [wife 2] bears ten children, they are the children of [wife 1]."

[127] Moshe Reiss and David J. Zucker, "Co-opting the Secondary Matriarchs: Bilhah, Zilpah, Tamar, and Aseneth," *Biblical Interpretation* 22 (2014): 307–324, 309.

[128] Garroway argues that the Ishmael narrative demonstrates how the socioeconomic status for children was fluid in the ANE (Garroway, *Children in the Ancient Near Eastern Household*, 163). See also Code of Hammurabi §170–171, which stipulates that if a man declares the children of the slave as "my children," they will inherit, yet if he does not declare them as "my children," "the children of the slave woman will not divide the property of the paternal estate with the children of the first-ranking wife" (Code of Hammurabi § 171). This is another example of the malleable status of children born from slaves.

between Ishmael and the sons of other foreign concubines in Genesis renders it unlikely that Ishmael's mixed lineage was problematic for the author.[129] Instead, the rationale for expelling Ishmael related directly to his status as the son of a slave.

Following Abraham's conception with Hagar (Gen 16:1–16), Sarah proclaimed to him: "May the wrong done to me be on you! I gave my slave-girl [שפחתי] to your embrace, and when she saw that he had conceived, she looked on me with contempt" (Gen 16:5). The issue presented here draws a close parallel with a case law from the Code of Hammurabi, which stipulates that if a slave woman bears a child and then seeks to attain equal status with her mistress, her mistress may subjugate her among the other slaves: "because she [the slave woman] bore children, her mistress will not sell her; (but) she may place upon her the slave-hairlock and reckon her with the slave women" (Code of Hammurabi §146).[130] In response to his wife, Abraham confirmed Sarah's authority over Hagar, and Hagar's slave status: "Your slave-girl [שפחתי] is in your power, do to her as you please" (Gen 16:6). Due to Sarah's harsh treatment, Hagar fled for some time (Gen 16:6).

In Hagar and Ishmael's expulsion narrative (Gen 21:8–20), their slave status was again the main reason Sarah was able to send them away: "[Sarah] said to Abraham, 'Cast out this slave woman with her son; for the son of this slave woman [בן האמה] shall not inherit along with my son Isaac'" (Gen 21:10).[131] Sarah was concerned that Ishmael would receive a portion of Isaac's

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[129] See also Gen 35:26, which lists the children of Zilpah.

[130] "The Laws of Hammurabi," trans. Martha Roth (*COS* 2.131: 345). For other ANE law codes that pertain to the Hagar-Sarah conflict, see Ephraim Landau, "What Does I Will be Built From/Through Her in Genesis 16:2 and 30:3 Mean?" *JBQ* 48 (2020): 40–56. Sarah's subjugation was likely to overturn the elevated status Hagar earned by becoming Abraham's wife (Gen 16:3).

[131] According to Garroway, Sarah's expulsion suggests she embraced a lineal/vertical heirship model whereby "one son's line was privileged over other sons" (Garroway, *Children in the Ancient Near Eastern Household*, 163). However, Garroway also acknowledges a horizontal heirship that threatened Isaac's inheritance: "In [horizontal heirship], the portion of inheritance rests on birth order. As long as the children all have the same father, it does not

inheritance, and so she sent him away from the community. This expulsion was possible because of his status as the son of a slave (בן האמה).[132] Similarly, in Lipit-Ishtar, there are stipulations which allow a father to send away his slave and her children to ensure that they do not inherit property: "If a man marries a wife and she bears him a child… and a slave woman also bears a child to her master, the father shall free the slave woman and her children; the children of the slave woman will not divide the estate with the children of the master."[133] Although Abraham was grieved with Sarah's decision, the author of Genesis used the divine voice to justify this act: "God said to Abraham, 'Do not be distressed because of the boy and because of your slave woman; whatever Sarah says to you, do'" (Gen 21:12). Considering the emphasis placed on Hagar and Ishmael's social standing, Ishmael's expulsion is best explained by his status as a son of the slave, not his mixed pedigree.[134]

Alongside Ishmael's status as the descendant of a slave, another factor that contributed to Ishmael's disqualification was the requirement for eighth-day circumcision. Matthew Thiessen demonstrates how the qualification of eighth-day circumcision excluded Ishmael as a viable candidate for the Abrahamic promise (see Gen 17:12), since he was circumcised later in life.[135]

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matter who their mother is; all are able to inherit" (ibid). Since Ishmael was the first born, it was imperative for Sarah that he leave.

[132] Yoo writes how Ishmael's expulsion (Gen 21:9–21) revolved around inheritance rights: "With this בן האמה in the household, Sarah's concerns lies in the uncontested rights of her own son to Abraham's inheritance," (Yoo, "Hagar the Egyptian," 225–226). For more information on the status of a בן האמה, see F. Charles Fensham, "The Son of a Handmaid in Northwest Semitic," *VT* 19 (1969): 312–21. Fensham concludes that this term from Gen 21 "is used for the son of a second-wife who has a claim on part of the property of his father. Gen. xxi shows also that in certain circumstances the son can be disinherited" (ibid., 321). Evidently, in Gen 16, Ishmael had rights to Abraham's inheritance, but due to his status as the son of a slave, those rights were not guaranteed.

[133] "The Laws of Lipit-Ishtar," trans. Martha Roth (*COS* 2.154:412). It is unclear whether the authors of Genesis were aware of these law codes specifically. However, it is evident that issues like those recounted in Gen 16, 21 took place in other communities as well.

[134] This is *contra* Karalina Matskevich, who writes "Hagar's foreign origin is the reason her son is excluded from the lineage (Gen. 21.10)." Karalina Matskevich, *Construction of Gender an Identity in Genesis: The Subject and the Other* (London: T&T Clark, 2019), 87 n. 17. Unfortunately, it is unclear how Matskevich came to this conclusion.

[135] Thiessen, *Contesting Conversion* about the placement of Gen 17 and how it disqualified Ishmael from the covenant inheritance made by God in Gen 12.

Based on the information above, there is no clear evidence that Ishmael's mixed status negatively affected him, or that it was an issue for the author. By contrast, Ishmael's mixed status benefitted him in the Genesis narrative, since his kinship link with Abraham resulted in a blessing: "As for the son of the slave woman, I [God] will make a nation of him also, because he is your offspring" (Gen 21:13). While there is some debate regarding the narrative function of Hagar's Egyptian origins within the Genesis story, it did not appear play a large part in determining Ishmael's status.[136]

2.4.3 The Jacob Cycle

The second example of mixed offspring in Genesis is found in the Jacob cycle (Gen 37:2–50:26) which deals with two prominent people from Jacob's progeny: Judah and Joseph. In this literary unit, specific attention is allotted to their mixed offspring as well.[137] There are numerous similarities between the Judah and Joseph account: (a) both brothers marry women outside the Terahite line, (b) both brothers have mixed offspring, and (c) Judah and Joseph become representatives of the two kingdoms during the divided monarchy era: the North (Ephraim) and the South (Judah). One significant difference between their stories, however, centers on the status of their mixed offspring in the Jacob cycle: Judah's children (Shelah, Perez, and Zerah) were considered legitimate heirs of the Abrahamic covenant immediately, whereas Joseph's

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[136] One literary use for highlighting Hagar's foreign origins in the Genesis account may be to provide hope for Israel in their enslavement: just as Hagar was cast away yet blessed by the Angel of the Lord, so Israel will be redeemed in their enslavement. According to Tikva Simone Frymer-Kensky, "The story of Hagar parallels the story of Israel; she is the archetype." Tikva Simone Frymer-Kensky, *Reading the Women of the Bible* (New York: Schocken Books, 2002), 233.

[137] See Naomi Steinberg, "The Genealogical Framework of the Family Stories in Genesis," *Semeia* 46 (1989): 41–50, 44. The phrase "These are the generations of" appear 10 times in Genesis, providing the structure for the book (see Gen 2:4; 5:1; 6:9; 10:1; 11:10; 11:27; 25:12; 25:19; 36:1; 37:2). Gen 37:2 begins the so-called Jacob cycle.

children, Ephraim and Manasseh, needed to be adopted into Jacob's family prior to inheriting the Abrahamic promise of land. The reason for this distinction is not immediately evident in the text.

I posit that the purpose for Ephraim and Manasseh's adoption relates to two factors: their mixed lineage in conjunction with their foreign residency. As mentioned above, lineage and land are important identity markers in Genesis, and central themes of the Abrahamic Covenant.[138] In the case of Ephraim and Manasseh, they were born to an Egyptian mother and they resided in Egypt, which placed them outside of the covenant line. By contrast, Judah's children (Selah, Perez, and Zerah) had a mixed genealogy as well, but were born in Canaan, and thus were considered legitimate heirs of the covenant immediately.

To explore this thesis, we will first examine the Judah narrative (Gen 38:1–30) followed by an analysis of Ephraim and Manasseh's adoption (Gen 48:1–22). Considering the emphasis on land and lineage in these texts, the author of the Jacob cycle likely considered both lineage and geographical residence to be vital factors for including mixed children in the Abrahamic community.

2.4.3.1   Intermarriage in the Jacob Cycle

The Jacob cycle was likely a pre-exilic or exilic narrative that was formulated in light of Deuteronomistic law codes.[139] Contrary to earlier narratives in Genesis, the prohibition against

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[138] See Oliver Artus, who argues that land is especially central in the Jacob cycle: "The narrative in its 'final' form underlines the irreversible and irreplaceable nature of the link which unites the people of Israel to its land of origin: the different journeys back and forth between Egypt and Canaan (Gen 42–46), the attachment of Jacob to his land where he is buried (50:12–13), the final perspective which anticipates the return of the bones of Joseph (Gen 50:25) are also the narrative elements which serve to relativize, or even challenge the perspective of a happy settlement in Egypt, of which Gen 41:14–56 represents undoubtedly one of the established affirmations." See Oliver Artus, "The Literary Tensions and Conflicts of Identity in the 'Story of Joseph' (Gen 37,2–50,26)," *ITS* 46 (2009): 73–90, 86.
[139] See Speiser, *Genesis,* XXIV–XXVII. Daniel Seth Kunin, *The Logic of Incest: A Structuralist Analysis of Hebrew Mythology* (Sheffield: Sheffield Academic Press, 1995), 50. See Hans-Christoph Schmitt, "Die Josephsgeschichte und das deuteronomistische Geschichtswek: Genesis 38 und 48–50" in *Deuteronomy and Deuteronomistic*

intermarriage disappears in the Jacob Cycle. There is no clear condemnation of Judah's union

with a Canaanite woman or with Tamar, nor is there any negative comment about Joseph's

marriage with Aseneth. Sarah Shectman proposes that the permissibility of exogamous unions in

the Jacob cycle is grounded in Gen 31:14, which marks a break with the Terahite line.[140]

Considering the apparent ambivalence towards intermarriage in the Jacob cycle, some have

argued that the stories of Judah and Joseph were a response to the exclusionary approach of some

post-exilic Jewish communities towards foreigners.[141] Yaiarah Amit, for example, upholds

Tamar as the penultimate example for why foreigners should be accepted into the

Israelite/Judean community. He posits that the story of Tamar teaches how "loyalty to the law,

not ethnic origin, is the leading and decisive criterion for belonging to the people."[142] However,

if the author of the Jacob cycle sought to validate Tamar as an example of including foreigners

based on their loyalty to the law, it remains unclear how Tamar's insistence on sleeping with

Judah was a sign of her dedication to the Torah. According to the levirate laws (Deut 25:5–10),

only the brother of the deceased was required to impregnate his sister-in-law; the law never

permitted the father of the deceased to fulfill this role. Furthermore, if the purpose of Genesis 38

was to endorse exogamous unions, it is curious that the ethnic origins of Tamar are not

mentioned.

Literature. Festschrift C. H. W. Brekelmans, ed. M. Vervenne and H. Lust (Peeters: Leuven University Press, 1997), 391–405 for detecting Deuteronomistic themes in Gen 37–50. For example, there are pledges which precede payments (Exod 22:25–26; Deut 24:6, 10–13, 17), punishments for sexual activities (Lev 20:12, 14; 21:9; Deut 22:13–22, 23–24), and procedures for a trial (Num 35:29–34; Deut 19:15–21; 17:2–7).

[140] Sarah Shectman, "Rachel, Leah, and the Composition of Genesis" in *The Pentateuch: International Perspective on Current Research,* ed. Thomas B. Dozeman, et al.FAT 78 (Tübingen: Mohr Siebeck, 2011): 207–22.

[141] See Megan Warner "'Therefore a Man Leaves His Father and His mother and Clings to His Wife': Marriage and Intermarriage in Genesis 2:24" *JBL* 136 (2017): 269–288 and Mark G. Brett "The Politics of Marriage in Genesis" in *Making A Difference: Essays on the Bible and Judaism in Honor of Tamara Cohn,* ed. David J. A. Clines, Kent Harold Richards, and Jacob L. Wright (Sheffield: Sheffield Phoenix Press, 2012): 49–59, 53.

[142] Yaiarah Amit, "Narrative Analysis: Meaning, Context, and Origins of Genesis 38," in *Method Matters: Essays in the Interpretation of the Bible in Honor of David L. Petersen*, ed. Joel M. LeMon and Kent Harold Richards (Atlanta: SBL Press, 2009): 271–291, 279.

According to Wunch, the reason for the Jacob cycle was not to endorse or condemn exogamy, but to clarify whether Joseph or Judah was the true inheritor of Abraham, which would have been a major point of contention during the divided monarchy era.[143] Baden has argued that the Jacob cycle comprises woven sources from J and E, which would include political literature from both the Northern and the Southern Kingdoms.[144] With this in mind, it is evident that the offspring of Judah and Joseph were central to the story line in the Jacob cycle, and thus we will explore the depiction of mixed progeny in these narratives.

2.4.3.2 The Judah and Tamar Narrative

The Judah narrative in Genesis 38 is sometimes considered a disruption to the Joseph story (Gen 37; 39–50).[145] Various proposals have been put forward to explain its intrusion: (a) to describe the change in Judah's character, since he initially sold Joseph to the Midianites (Gen 37:28) but later sought to protect Benjamin from imprisonment (Gen 44:18–34); (b) to build suspense for the Joseph narrative following Joseph's arrival in Egypt; (c) because there was nowhere else to place the story.[146] Due to the thematic and syntactical parallels between Genesis

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[143] See Hans-Georg Wunch, "Genesis 38: Judah's Turning Point: Structural Analysis and Narrative Techniques and their Meaning for Genesis 38 and its Placement in the Story of Joseph," *Old Testament Essays* 25 (2012): 777–806. See also Donald Redford, "A Study of the Biblical Story of Joseph (Genesis 37–50)," VTSupp 20 (Leiden: Brill, 1970), who argues that the purpose of this section was initially to demonstrate the Northern supremacy over the South during the divided monarchy. However, the text later underwent a second redaction, placing Judah in the center.

[144] Joel S. Baden, *The Composition of the Pentateuch: Renewing the Documentary Hypothesis* (London: Yale University Press, 2012), 1–55, 72–74.

[145] Gerhard von Rad, *Genesis: A Commentary* (Philadelphia: Westminster John Knox Press, 1972), 351. See Redford, "A Study of the Biblical Story of Joseph," 16.

[146] See Richard J. Clifford, "Genesis 37–40: Joseph Story or Jacob Story?" in Evans, *The Book of Genesis*, 320–321 where he argues that narrative in Genesis 38 helps explain Judah's change of character. Amit correctly responds that Judah is not seen as a villain prior to the Judah narrative (Amit, "Narrative Analysis," 277). Victor P. Hamilton, *The Book of Genesis: Chapters 18–50*, NICOT (Grand Rapids, MI: Eerdmans, 1995), 431 argues that the story was randomly placed.

38 and the surrounding chapters, the placement of this story should be viewed as intentional and strategic.[147]

I propose that the purpose for Genesis 38 was to identify the progeny of Judah. The first pericope of Genesis 38 (Gen 38:1–11) quickly raises tensions surrounding the survival of Judah's lineage, since his children were being killed prior to procreating. The uncertainty regarding Judah's lineage is only resolved in the second portion of the story through Tamar's heroic actions (Gen 38:12–30). There are numerous syntactical parallels between both pericopes that underscore the focus on Judah's offspring.

In Gen 38:1–3, Judah married a Canaanite woman, Shua, and had three children with her: Er, Onan, and Shelah. Esther Marie Menn has identified a sequence of five verbs used in the first three verses that established a pattern for the remainder of the story: Judah *took* Shua (לקח; Gen 38:2), *entered* her (בוא; Gen 38:2), she *conceived* (הרה; Gen 38:2), *bore* a child (ילד; Gen 38:3), who was later *named* (קרא; Gen 38:3).[148]

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[147] Thematic parallels include the presentation of an item followed by an accusation (Gen 37:32–3; 38:25–6); a kid from a flock (Gen 37:31; 38:17); the theme of deception (Joseph's brother against their father; Tamar against Judah; Potiphar's wife against her husband); the theme of seduction (Tamar and Judah; Potiphar and Joseph); and the primogeniture blessing (Perez and Zerah, Manasseh and Ephraim). Syntactical parallels include statements like "please examine" (37:32; 38:25) and the verb ירד (Gen 37:1; 38:1; 39:1; see Sarna, *Genesis*, 264).

[148] Esther Marie Menn, *Judah and Tamar (Genesis 38) in Ancient Jewish Exegesis: Studies in Literary Form and Hermeneutics* (Leiden: Brill, 1997), 18. For a similar sequence of verbs, see Gen 16:3–4.

Table I: Judah and Shua Verbal Sequence

Judah and Shua
Judah took Shua (לקח; Gen 38:2)
Judah entered Shua (בוא; Gen 38:2)
Shua conceived (הרה; Gen 38:2)
Shua delivered (ילד; Gen 38:3)
The children were *named* (קרא; Gen 38:3).

In Gen 38:5, the verbal sequence restarts when Judah finds a wife for Er: "Judah *took* (לקח) a wife for Er his firstborn; her name was Tamar" (Gen 38:6). However, before Er could *enter* (בוא) Tamar (thus following the next verb of the sequence), Er was killed for his wickedness. In turn, Onan, his brother, was commanded to *enter* (בוא) Tamar and fulfill the levirate law: "Then Judah said to Onan, 'Go [בא] in to your brother's wife and perform the duty of a brother-in-law to her'" (Gen 38:8). While Onan did "enter" Tamar (בוא; Gen 38:9), he "spilled his seed on the ground," and therefore did not provide Tamar a chance to *conceive*, which is the third verb in the sequence (הרה; Gen 38:8). Once Onan was killed for his actions, Judah sent Tamar to her father's house (Gen 38:11), and the pericope ends without resolving the dilemma of how Tamar will conceive (הרה). Since Tamar's impregnation is imperative for Judah's lineage to continue, Wenham correctly states that "the central problem of chap. 38 is childlessness."[149]

In the second pericope (Gen 38:12–30), Tamar deceived Judah by presenting herself as a prostitute so that Judah would sleep with her, thus enabling her to conceive: "So he [Judah] gave

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[149] Gordon J. Wenham, *Genesis 16–50*, vol 2. WBC (Dallas: Word, 1994), 365.

them [the pledges] to her [Tamar], and went in [בוא] to her, and she conceived [הרה] by him (Gen 38:18). The author of Genesis 38 closely juxtaposed Judah's act of impregnating Tamar with his act of impregnating the Canaanite woman, using the same verbal sequence: ויבא אליה ותהר (Gen 38:2–3; 38:18). Indeed, this verbal parallel demonstrates how the tension of childlessness established in the first pericope was now rectified. Eventually, Tamar *bore* Perez and Zerah (ילד; Gen 38:27), who were later *named* (קרא; Gen 38:28–29), thus completing the verbal sequence. Therefore, Tamar singlehandedly preserved the progeny of Judah, and Perez and Zerah are the solution to the tension of childlessness. Thus, the main purpose of the story was to establish Judah's lineage.

Table II: Judah and Shua/Judah and Tamar Verbal Sequence

Judah and Shua	Judah and Tamar
Judah took Shua (לקח; Gen 38:2)	Judah took Tamar (לקח; Gen 38:6)
Judah entered Shua (בוא; Gen 38:2)	Judah entered Tamar (בוא; Gen 38:18)
Shua conceived (הרה; Gen 38:2)	Tamar conceived (הרה; Gen 38:18)
Shua delivered (ילד; Gen 38:3)	Tamar delivered (ילד; Gen 38:27)
The children were *named* (קרא; Gen 38:3).	The children were *named* (קרא; Gen 38:29–30)

Throughout Genesis 38, it is evident that the mixed status of these offspring was not problematic for their inheritance rights or their participation in the Abrahamic promise. Shelah, who was born of a Canaanite woman, was listed among Jacob's genealogy of Israelites who traveled to Egypt (Gen 46:8, 12). Some scholars incorrectly attribute the wickedness of Er and Onan (and their subsequent judgment by God) to their Canaanite mother, implying that their

mixed status negatively influenced their moral character.[150] Considering the survival and success of Shelah, this proposal seems unlikely. Additionally, Tamar was likely a Canaanite as well since there is no mention of her genealogical background.[151] As a result, Perez and Zerah were mixed offspring with an Israelite father. Later, in the list of Jacob's genealogy (Gen 46), Shaul, the son of Simeon, is identified as the son of a Canaanite woman, and yet he also became a clan leader (see Gen 46:10; Num 26:12–13; see Exod 6:15).[152] Therefore, mixed lineage alone was not problematic for the author of the Jacob cycle.

One element in the Judah narrative that is often overlooked, however, is the frequent reference to geographical markers, thus reassuring readers that the offspring of Judah were born in Canaan: "Yet again she [Shua] bore a son, and she named him Shelah. She was in Chezib when she bore him" (Gen 38:5). Unlike Er and Onan, the narrator includes the specific location of Shelah's birth, likely because he was the only surviving son from the Canaanite woman (Gen 38:5; c.f. Josh 15:44). The geographical details are also provided in the retelling of Judah and Tamar's sexual activity: "When Tamar was told, 'Your father-in-law is going up to Timnah to shear his sheep,' she …sat down at the entrance to Enaim, which is on the road to Timnah… He [Judah] went over to her at the roadside… and went in to her, and she conceived by him" (Gen 38:13–19). Presumably, Perez and Zerah were born in that same location (cf., Gen 46:11–12).

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[150] Menn writes that "the divine judgment of Judah's offspring with the Canaanite…seems to confirm the external indications that this marriage was less than ideal" (Menn, *Judah and Tamar,* 54). While this may be true, the issue was likely the *influence* of a Canaanite mother upon her children, not their mixed genealogy per se.

[151] John Skinner, *A Critical and Exegetical Commentary on Genesis*, ICC (New York: Scribner, 1910), 449–451; von Rad, *Genesis*, 357; Speiser, *Genesis,* 300; See J. A. Emerton, "Judah and Tamar," *VT* 29 (1979): 403–415, 409–413. Wright writes "Tamar of unspecified ancestry but, by implication of the story, also a daughter of the land." G. R. H. Wright, "The Positioning of Genesis 38," *ZAW* 94 (1982): 523–529, 524. See Bervard Childs, *Introduction to the Old Testament* (London: SCM Press Ltd, 1979) who also argues that Tamar was a Canaanite. Kunin argues against this: "Unlike Judah's first wife, Tamar's origins are not mentioned by the text. This suggests that the text is trying to intimate that she is Israelite rather than Canaanite" (Kunin, *The Logic of Incest*, 148). However, it is unclear how he comes to this conclusion. As mentioned above, the early patriarchal narratives required endogamous unions within the Terahite line (Gen 24:15, 47; Gen 28:5; 29:10, 16); this was not the case in the Jacob cycle.

[152] It is possible that that Simeon had two wives, so the author is clarifying which one came from the Canaanite wife.

Sarna highlights the importance of these geographical markers: "It cannot be an accident that all the places mentioned…are contained within the later territory of the tribe of Judah."[153]

Therefore, considering the emphasis on land and progeny, I posit that the geographical birthplace of Judah's offspring played a role when constructing their identity, given their mixed lineage. Shelah, Perez, and Zerah were all considered legitimate offspring and heirs of Judah since they were born in Canaan. By contrast, Ephraim and Manasseh were mixed offspring born outside of Canaan, signifying that their inheritance would have been jeopardized, as we will see below.

2.4.3.3 The Adoption of Ephraim and Manasseh

Genesis 37 preserves the beginning of Joseph's story, who was tricked by his brothers and sold as a slave to Egypt. According to the Genesis narrative, Joseph was the first figure who left the land of Canaan (albeit, unwillingly) without any guarantee that he would return.[154] Berman convincingly argues that Joseph's descent into Egypt resulted in his assimilation into Egyptian culture. For example, Joseph accepted a royal position (Gen 41:40–44), he adopted a new name (Gen 41:45a) and he took an Egyptian wife, Aseneth (Gen 41:45b); such a marriage "cement[ed] Joseph's participation in and identity with Egyptian society."[155] Furthermore, when his brothers came to Egypt in search of food, Joseph refrained from eating with them, per

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[153] Sarna, *Genesis*, 263. For example, see "Adullamite" (see 1 Sam 22:1; Mic 1:15), Chezib (Josh 15:44; Mic 1:14) and Enaim (Josh 15:17).

[154] In the patriarchal narratives, when Abraham (Gen 12:10–20), Isaac (Gen 26:3) and Jacob (Gen 28) left Canaan, they were instructed to return soon after. The only location where the characters are given permission to leave the land is Gen 46:3, prior to their descent into Egypt.

[155] Joshua Berman, "Identity Politics and the Burial of Jacob (Genesis 50:1–14)," *CBQ* 68 (2006): 11–31, 14.

Egyptian customs (Gen 43:32).[156] Richard J. Clifford concludes "In Joseph's eyes, his brothers belong to a past he has erased. Now he is an Egyptian, a son of Pharaoh, not of Israel."[157]

Joseph's assimilated status was also exemplified in the names he gave to his offspring: his firstborn was named Manasseh, since "God has made me forget all my hardships and all my father's house" (Gen 41:51); this explanation may signify the erasure of Joseph's family. Joseph named his second son Ephraim, "For God has made me fruitful in the land of my misfortunes," (Gen 41:52), which may denote Joseph's negative disposition against Canaan.[158] Waltke argues that, based on these names, Joseph's priority was the land of Egypt (see Gen 41:50–52).[159]

Against this backdrop, namely Joseph's intermarriage, assimilation, and permanent residence in Egypt, the status of his mixed offspring was opaque: were Ephraim and Manasseh heirs of the Abrahamic promise, or were they Egyptians?

The ambiguity surrounding Ephraim and Manasseh's status was clarified in Jacob's adoption narrative (Gen 48:1–7) when they became equal inheritors alongside Jacob's other sons. The first adoption narrative of Ephraim and Manasseh is found in Gen 48:1–7.[160] In this pericope, Jacob proclaimed that Ephraim and Manasseh "are mine" (לי הם), which was common language in adoption contracts, and it guaranteed that Ephraim and Manasseh would inherit from

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[156] Although Joseph was concealing his identity from his brothers, the Egyptian servants treated him as an Egyptian. For an analysis of Gen 43:26–34, see Eberhard Bons, "Manger ou ne pas manger avec les étrangers? Quelques observations concernant Genèse 43 et le roman Joseph et Aséneth," *PHPR* 93 (2013): 93–103.

[157] Clifford, "Genesis 37–40: Joseph Story or Jacob Story?" 222.

[158] For other aetiologies in Genesis, see Gen 3:20; 4:25; 11:9; 16:11; 17:15; 21:31; 29:32–33; 32:38.

[159] See Bruce K. Waltke, *Genesis: A Commentary* (Grand Rapids, MI: Zondervan, 2016), 595.

[160] For information on adoption in the ancient world, see Garroway, *Children in the Ancient Near Eastern Household*, 48–112. It is generally conceded that there are two different adoption narratives stitched together in Gen 48; Gen 48:1–7, which Biden attributes to P, is considered a later and clearer form of the adoption narrative (Baden, *The Composition of the Pentateuch*, 49). William H. C. Propp also attributes Gen 48 to P: "We also find contact with Priestly portions of Genesis, in which God Shadday promises the land of Canaan to the Patriarchs (Gen 17:1; 28:3; 35:11; 48:3)." William H. C. Propp, *Exodus 1–18*: *A New Translation with Introduction and Commentary*, AB (New Haven: Yale University Press, 1999), 266.

Jacob, not Joseph.[161] Therefore, Jacob provided Ephraim and Manasseh with an equal status alongside his own biological sons, Reuben and Simeon (Gen 48:5b); this status would be qualitatively different than the status of Joseph's other, or future, offspring (Gen 48:6).[162]

What is less clear, however, is *why* Ephraim and Manasseh were in need of being adopted at all. According to Garroway, the purpose of adoption in ancient Israel was generally to "obtain an heir, create family unity, legitimize illegitimate children (those born to auxiliary wives, slaves, or concubines), provide elder care, or manumit a faithful slave."[163] Which of these, if any, explains Jacob's adoption of Ephraim and Manasseh?

One proposal for why they were adopted is to explain Israel's eventual tribal land division. Hamilton writes: "This [adoption] is…the event that explains why…the descendants of Joseph held two tribal allotments, rather than Joseph himself."[164] While it is true that Ephraim and Manasseh's possession of tribal allotments is a *result* of the adoption, this proposal does not explain why the adoption itself was necessary in the Jacob cycle. Furthermore, it is unclear why such an etiological narrative was necessary; there is no evidence in DtrH or elsewhere that Ephraim and Manasseh's tribal inheritance was a point of contention among the Israelite communities. Additionally, just as the sons of Judah gave Caleb the Kenezzite a portion of land to own, so Joshua could have given his own descendants portions of land without issue (Josh

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[161] For example, in the Code of Hammurabi, if a father calls a child of a slave "my children," then "he reckons them with the children of the first-ranking wife — after the father goes to his fate, the children of the first-ranking wife and the children of the slave woman shall equally divide the property of the paternal estate" par 170–171 (Roth, "Laws of Hammurabi (2.131)," 346). Furthermore, par. 185 states that an adoptee will "be called by [the adopter's] name" (Ibid. 347; see Gen 48:16). See I. Mendelsohn, who states "None of the adoption cases recorded in the historical books of the Old Testament contains such precise Babylonian legal terminology as the case of Ephraim and Manasseh." I. Mendelsohn, "A Ugaritic Parallel to the Adoption of Ephraim and Manasseh," *IEJ* 9 (1959): 180–183, 180. M. Schorr, *Urkunden des Altbabyonischen Zivil und Prozessrechts* (Leipzig: Wentworth Press, 1913)*,* 16–42 for Babylonian contracts. See also Ruth 4:16 and Esth 2:7.

[162] Vawter argues that the phrase "the ones born to you after them" means that Joseph did not yet have other children. See Bruce Vawter, *On Genesis: A New Reading* (London: Doubleday, 1997), 453.

[163] Garroway, *Children in the Ancient Near Eastern Household*, 48.

[164] Hamilton, *The Book of Genesis*, 629; see Baden, *The Composition of the Pentateuch*, 50; Speiser, *Genesis*, 359.

15:13). In some narratives, Ephraim and Manasseh were still identified as the sons of Joseph: "The allotment of the Josephites went from the Jordan by Jericho… The Josephites—Manasseh and Ephraim—received their inheritance" (Josh 16:14; 17:1; cf. Num 1:32; 34:23; 11Q19 xliv 14). Evidently, Ephraim and Manasseh were still capable of inheriting land when identified as descendants of Joseph. Therefore, the adoption of Jacob would have been unnecessary if its sole purpose was to ensure that Ephraim and Manasseh could inherit two tribal lots in the land.

A second proposal to explain why Ephraim and Manasseh were adopted is because their mixed genealogy compromised their ability to inherit from Jacob. Speiser, for example, proposes that Aseneth's Egyptian background placed Ephraim and Manasseh outside the covenant line: "What is new now is the adoption of Ephraim and Manasseh as Jacob's own sons. The genealogical reason for this extraordinary fact might be traced to the circumstance that the boys' mother was an Egyptian."[165] However, there is no indication that a mixed genealogy alone would exclude a child from the covenant promises in the Jacob cycle, as demonstrated above. In Jacob's genealogy, for example, foreign mothers were mentioned without issue: "The children of Simeon…Shaul, the son of a Canaanite woman…The children of Judah: Er, Onan, Shelah, Perez, and Zerah" (Gen 46:10–12). There was no adoption narrative for these children, despite their Canaanite mothers. Additionally, in Ephraim and Manasseh's adoption narrative, Jacob identifies Ephraim and Manasseh as the sons of Joseph: "your two sons" (שני בניך; Gen 48:5). Therefore, mixed lineage alone does not explain the necessity for adoption.

A third reason for Ephraim and Manasseh's exclusion from Jacob's inheritance is their foreign birth location. For example, Ephraim and Manasseh's place of birth was mentioned

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[165] Speiser, *Genesis*, 359. See also Arnold, who writes "This is not simple adoption, since they are already his grandsons, but it stresses their inclusive and equal status in spite of their Egyptian mother." Bill T. Arnold, *Genesis* (Cambridge: Cambridge University Press, 2014), 375.

frequently in the Jacob cycle: "Therefore your two sons, who were born to you in the land of Egypt before I came to you in Egypt, are now mine" (Gen 48:5b; cf. 46:20, 27). Not only is possession and residence in Canaan a major theme in Genesis, but the first adoption narrative of Gen 48:1–7 begins and ends with an emphasis on the land of Canaan. For example, the pericope begins with Jacob recounting his vision from Luz, when God promised that Jacob would possess Canaan (Gen 48:3–4; cf. Gen 35:11–12). While Gen 35:11–12 and Gen 48:3–4 share numerous syntactical parallels, the author adds one significant detail in Gen 48:4: "I [God] will…give this land to your offspring after you *for a perpetual holding*" (Gen 48:4b, cf. Gen 35:12). The addition "for a perpetual holding" underscores Jacob's eternal ownership of Canaan. Immediately following Jacob's account of his vision, Gen 48:5 begins with the disjunctive clause ועתה ("therefore"), which segues into the adoption of Ephraim and Manasseh. This conjunction thematically connects the perpetual holding of Canaan with the adoption of Joseph's offspring.[166] The presumption, then, is that Ephraim and Manasseh would not have had an inheritance in Canaan without Jacob's adoption. Ephraim and Manasseh may have initially been considered Egyptians, but Jacob's adoption naturalized them "as Israelites."[167]

Gen 48:7 ends with another reference to Canaan: "'For when I came from Paddan, Rachel, alas, died in the land of Canaan on the way, while there was still some distance to go to Ephrath; and I buried her there on the way to Ephrath' (that is, Bethlehem)" (Gen 48:7). The placement of v. 7 is often considered enigmatic since its connection to the broader context is unclear. Hamilton argues that Jacob's reference to Rachel's burial location was to count Ephraim and Manasseh as her sons since she was only able to bear two children: "we should see some

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[166] See von Rad, *Genesis*, 409; Hamilton, *The Book of Genesis*, 629. The particle ועתה is used 11 times in the Jacob cycle, and is best translated as 'therefore." See Gen 37:20; 41:33; 44:30; 44:33; 45:5; 45:8; 47:4; 50:5; 50:17; 50:21.
[167] Vawter, *On Genesis*, 451.

connection between Jacob's appropriation of Joseph's children as his own and his recall of his wife's death. Had Rachel lived longer, she would have given birth to other children."[168] However, there are no examples elsewhere where children were attributed to a different mother post-mortem. Furthermore, Ephraim and Manasseh are never identified as the children of Rachel. A second proposal to explain the placement of v. 7 is that the phrase is part of "an uncompleted fragment of a direction which Jacob gave for his burial in a family tomb."[169] Although that is possible, I propose that v. 7 should also be viewed in the context of Gen 35:16–19, which serves as a reminder that Joseph's mother was buried in Canaan, their homeland.[170] Once again, the author reiterates how Canaan, not Egypt, is the destination for Israel.

Therefore, the proposal that Ephraim and Manasseh were considered outsiders of the covenant line because of their birth and residence in Egypt fits well in the immediate context of Gen 48:1–7. However, this alone does not explain their adoption, since the Jacob cycle mentions other children who were born outside of Canaan, and yet were not required to be adopted: "The children of Zebulun: Sered, Elon, and Jahleel (these are the sons of Leah, whom she bore to Jacob in Paddan-aram, together with his daughter Dinah" (Gen 46:14–15a; see Gen 28:4; Gen 30:25; 31:13).

Considering the above information, as well as the emphasis on lineage and land in Genesis, I posit that the reason Ephraim and Manasseh were required to be adopted was two–fold: their mixed genealogy *in conjunction with* their foreign residency. In other words, because Ephraim and Manasseh were from a mixed union and were born and raised outside of the land of

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[168] Hamilton, *The Book of Genesis*, 630; Robert Alter, *The Five Books of Moses: A Translation with Commentary* (New York: W. W. Norton & Company, 2004), 278. See also Speiser, *Genesis*, 359.

[169] Vawter, *On Genesis*, 452.

[170] Just as Gen 48:3–4 quotes from Gen 35:11–12, so Gen 48:7 summarizes Gen 35:16–19. Gen 35:16–19 reads: "Then they journeyed from Bethel; and when they were still some distance from Ephrath, Rachel was in childbirth, and she had hard labor…So Rachel died, and she was buried on the way to Ephrath (that is, Bethlehem)."

Canaan, they were placed outside of the covenant line.[171] Not only is their foreign mother and foreign birth location mentioned throughout the Jacob cycle (Gen 46:20, 27; 48:5), but once we juxtapose Ephraim and Manasseh with Jacob's other children and grandchildren, this distinction becomes evident. In the Jacob cycle (Gen 37–50), mixed genealogy alone did not disqualify children from the Abrahamic promise, since Shelah and Shaul were inheritors of the covenant. Similarly, foreign birth and residency alone did not disqualify offspring from their inheritance, since almost all of Jacob's offspring were born outside of the land.[172] However, Ephraim and Manasseh were the "perfect storm": they were mixed offspring who were born outside of the land, and these factors together placed them outside of the covenant promise. Once they were adopted, however, they were able to inherit from Jacob. Therefore, birth location and residence were important factors in constructing identity for mixed progeny.

Table III: Jacob's Progeny Venn Diagram

Jacob's Progeny from Mixed Marriages

Jacob's Progeny born Outside Canaan

Shaul
Er
Onan
Shelah
Perez
Zerah

Ephraim
Manasseh

Reuben
Simeon
Levi
Judah
Dan
Naphtali
Gad
Asher
Isaachar
Zebulun
Joseph

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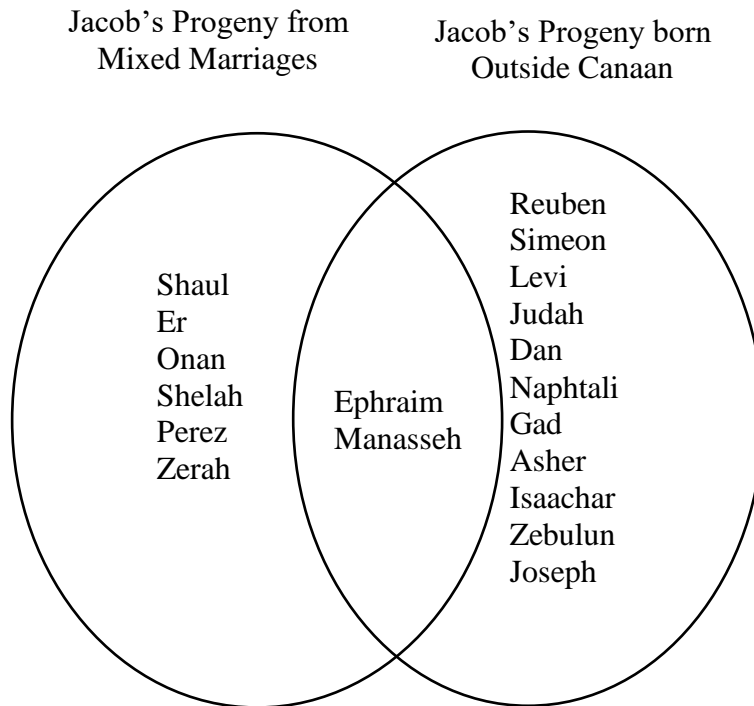
[171] In this context, "mixed union" refers to an Israelite father and a foreign mother.
[172] While Dan and Naphtali were born to Bilhah, who may have been a foreigner, they were adopted by Rachel.

2.4.3.4 Conclusion

The purpose of this section was to explain the reason Ephraim and Manasseh were required to be adopted by Jacob. I posit that a close analysis of the Jacob cycle elucidates a two-fold reason: mixed genealogy and birth-location. While each matter on its own was insufficient to exclude somebody from the covenant, both identity markers together were adequate to delegitimize them. In the patriarchal narratives, geographical residency was a means of establishing identification with the covenant of Abraham. Following Gen 12:10, and the promise of Canaan to Abraham and his descendants, inheritance of God's covenant along with dwelling in Canaan were closely connected. Those deemed outside of the covenant line were sent away from the land (e.g., Ishmael in Gen 21:20–21; Esau in Gen 32:3–4; Abraham's children from Keturah in Gen 25:5). By contrast, the inheritance and possession of the land was a central promise for the patriarchs (see Gen 28:4–5), and leaving the land generally resulted in unfortunate events (Gen 12:10–20; 20:1–18; 26:1–16; 29:21–29; 31:1–9).[173] Land functioned as a source of establishing identity because of the close association between land inheritance and the transmission of covenantal promise through lineage.

Within to the biblical narrative, however, this two-fold criteria of land and genealogy was no longer pertinent for the descendants of Jacob's grandchildren in Egypt. This becomes apparent by the author's use of the divine voice to bless the nation in their descent to Egypt: "Then he said, 'I am God, the God of your father; do not be afraid to go down to Egypt, for I will make of you a great nation there. I myself will go down with you to Egypt, and I will also bring

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[173] It is difficult to precisely describe the borders of the land. However, Matskevich correctly states that the emphasis is not so much on certain borders, but what the land represents: "In the Genesis narrative, as we have seen above, the land receives prominence not as a specific territory, but as a spatial metaphor for the emergent identity of the subject" (Matskevich, Construction of Gender and Identity, 102). She highlights the varying territorial definitions of the land in Genesis (Gen 12:6–7; 13:14–17; 15:18–20; 17:8).

you up again; and Joseph's own hand shall close your eyes'" (Gen 46:3–4). For this reason, this two-fold model does not apply to our following case of mixed offspring in Exodus: Gershom and Eliezer.

2.4.4 Gershom and Eliezer

The next case to examine is Gershom and Eliezer, the children of Moses and Zipporah the Midianite.[174] In the book of Exodus, Moses was identified as a Hebrew from the tribe of Levi (see Exod 2:1; 6:17–27), and although he was adopted into an Egyptian household, Moses remained a Hebrew (Exod 2:11–12).[175]

Once Moses fled from Egypt, he married Zipporah, the daughter of the Midianite priest (Exod 2:19–21). Despite the prohibition against exogamy later in Exodus (Exod 34:15–16), there is no condemnation of Moses's union with Zipporah in the text (cf. Num 12:1).[176] William Propp proposes that the author accepted this union because of Zipporah's father, Reuel/Jethro: he resided near Mount Horeb (Exod 3:1, 18), he confessed that Israel's God was great (Exod 18:10–11), and he sacrificed to God (Exod 18:12). However, Jethro only acknowledged God's supremacy *after* God redeemed Israel from Egypt: "Now I know that the Lord is greater than all gods, because he delivered the people from the Egyptians" (Exod 18:11; cf. 18:27). It is unclear why the author did not criticize Moses's union with Zipporah prior to the exodus.

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[174] Seth Kunin correctly writes that Zipporah's "very genealogical background is the opposite of expectation…Daughters of the Midianites were not seen as acceptable brides [for Israelites]." Seth D. Kunin, "The Bridegroom of Blood: A Structuralist Analysis," *JSOT* 70 (1996): 3–16, 12.

[175] See Flynn, *Children in Ancient Israel*, 86–94, who writes that Exod 1:15–2:10 "is an adoption contract based in exposure and all its common features produced in narrative form, illuminated by breast-feeding and wet-nursing contracts" (Flynn, *Children in Ancient Israel*, 89).

[176] While the tradition preserved in Num 12:1 recounts Moses's siblings criticizing him "because of the Cushite woman whom he had married," it is unclear if Zipporah is this Cushite woman, or even if Aaron and Miriam were angry because the Cushite woman was a foreigner. See Propp, who argues against the theory that Zipporah was the Cushite. Propp, *Exodus 1–18*, 280.

Moses's mixed children, Gershom and Eliezer, are only mentioned twice in the book of Exodus: Gershom is first introduced in Exod 2:22, and both are mentioned together in 18:2–4. In each passage, the author provided an aetiology for their names: "The name of the one was Gershom (for he said, 'I have been an alien in a foreign land'), and the name of the other, Eliezer (for he said, 'The God of my father was my help, and delivered me from the sword of Pharaoh')"; no other information is provided about them. In some later Israelite traditions, these offspring were listed within the priestly class. In DL, for example, Gershom's son was allegedly a priest in Dan: "Jonathan son of Gershom, son of Moses, and his sons were priests to the tribe of the Danites until the time the land went into captivity" (Judg 18:30).[177] Similarly, the narrator of 1 Chronicles listed Gershom and Eliezer among the tribe of Levi: "as for Moses the man of God, his sons were to be reckoned among the tribe of Levi" (1 Chron 23:13–14).[178] However, the editor of Exodus did not place Gershom and Eliezer among the "heads of the ancestral houses of the Levites" (Exod 6:25). Rather, there is hardly any information provided about Moses's mixed offspring in the Torah.

One pericope that may shed light on their status is the cryptic account in Exod 4:24–26: "On the way [to Egypt], at a place where they spent the night, the Lord met him and tried to kill him. But Zipporah took a flint and cut off her son's foreskin and touched Moses' feet with it, and said, 'Truly you are a bridegroom of blood to me!' So he let him alone. It was then she said, 'A bridegroom of blood by circumcision'." This pericope is often listed "among the most difficult in

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[177] It is generally agreed that the scribal addition of the raised *nun* in "Moses" in some early manuscripts of Judg 18:30 was an attempt to disassociate the lineage of Moses from the idolatrous activity in the North. See Susan Niditch, "Judges, Kingship, and Political Ethics: A Challenge to the Conventional Wisdom" in *Thus Says the Lord: Essays on the Former and Latter Prophets in Honor of Robert R. Wilson*, ed. John H. Ahn and Stephen L. Cook (New York: T&T Clark International, 2009): 59–70, 68 n. 29.

[178] This is the only genealogy of the Levites which mention Gershom and Eliezer in the Hebrew Bible.

the book of Exodus" due to the complexity of its meaning.[179] There are two main questions that arise from this passage: Who did the Lord intend to kill, and why did the Lord intend to kill him?[180] Although there are no definitive answers to either question, I posit that a strong case can be made that the Lord sought to kill Gershom because Gershom was uncircumcised.[181]

One reason Gershom may be the one whom the Lord sought to kill ("the Lord met him and tried to kill him" [Exod 4:24]) is because, immediately preceding this pericope, the narrator anticipated the death of Pharaoh's firstborn son: "you [Pharaoh] refused to let him [Israel] go; now I will kill your firstborn son" (Exod 4:23). Considering the theme of the death of the firstborn, this context may illuminate our reading of Exod 4:24. Since Moses's sons were already travelling with him (Exod 4:20), it is plausible that the figure in question was Moses's firstborn son, Gershom. According to Sarna, "The sequence of verses strongly suggests that it was Moses' first-born, Gershom, whose life was imperiled."[182]

Although the reason for attempting to kill Gershom is not immediately evident either, it likely related to his foreskin, since Gershom's circumcision eventually assuaged God's wrath

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[179] John I. Durham, *Exodus,* WBC 3 (Dallas, TX: Word, 1987), 56. See also Brevard Childs, *The Books of Exodus* (Louisville: Westminster Press, 1974), 103; and Propp, *Exodus 1–18*, 233. For an analysis of how this text has been interpreted and modified in Jewish history, see Geza Vermes, *Scripture and Tradition in Judaism*, StPB (Leiden: Brill, 1973), 178–192.

[180] There are other unclear details, including why Moses did not circumcised his son, whose feet Zipporah touched with her son's foreskins, and the meaning of חתן דמים. See Christopher B. Hays, "'Lest Ye Perish in the Way': Ritual and Kinship in Exodus 4:24–26," *HS* 48 (2007): 39–54 for a more detailed treatment of this passage.

[181] Propp argues that Moses was the one attacked since he was never punished for his murder of the Egyptian; see William H. Propp, "The Bloody Bridegroom (Exodus IV 24–6)," *VT* 43 (1993): 495–518. See also Thiessen, *Contesting Conversion*, 81; Durham, *Exodus*, 59. Hays argues that vv. 21–23, which anticipate the death of Pharaoh's son, are an insertion "that interrupts the flow of the narrative, and they will therefore be set aside here" (Hays, "'Lest Ye Perish'," 40–41). If this were the case, then Moses would clearly be the antecedent. However, there is no clear evidence that vv. 21–23 was a later insertion. Childs correctly writes how J and E sources "are not easily disentangled," as in the case here (see Childs, *The Books of Exodus*, 94).

[182] Sarna, *Genesis*, 25. See also Adam J. Howell, "The Firstborn Son of Moses as the 'Relative of Blood' in Exodus 4.24–26," *JSOT* 35 (2010): 63–76. Other traditions have proposed that Eliezer, Moses's second son, was at risk because he was not yet circumcised (*Exod Rab*. 5:8).

(Exod 4:26).[183] The importance of circumcision is demonstrated elsewhere in Exodus, where it is listed as a required practice for Israelites (Exod 12:43–49).

Gershom's pending death in Exod 4:24–26 draws a close parallel with the regulations found in Gen 17, which warn that the Abraham's descendants who are not circumcised will be cut off: "Any uncircumcised male who is not circumcised in the flesh of his foreskin shall be cut off from his people; he has broken my covenant" (Gen 17:14). Since Gen 17 is often attributed to P, which is later than J/E, it is unlikely that the author of Exodus was aware of this specific passage, especially since there was no concern for eighth-day circumcision elsewhere in the narrative.[184] However, both Exod 4 and Gen 17 share a similar tradition about judgment for the non-circumcised, and thus it is possible that the authors were influenced by a similar source/tradition. The surrounding context of Exodus 4 mentions God's covenant with Abraham several times (Exod 2:24; 3:6, 15), and it is evident from earlier J and E narratives that circumcision was a well-known and identifiable mark for the sons of Jacob (Gen 34).[185] Therefore, it is plausible that Gershom was the one who was going to be killed because he was uncircumcised. Once Zipporah circumcised him, his life was preserved.

In light of this reading, Exod 4:24–26 may demonstrate that the author of Exodus considered Moses's mixed children to be under the regulations of the Abrahamic covenant, thus indicating that their mixed status with a Hebrew father did not jeopardize their status in the

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[183] Hays writes "But while the text *allows* for the conclusion that the attack was related to a failure to circumcise, it does not *support* it much" (Hays, "'Lest Ye Perish'," 43; see also Propp, "The Bloody Bridegroom," 500). However, since circumcision was the solution, it follows that the issue in the passage revolved around Gershom's foreskin. Another interpretive option is that circumcision was apotropaic, although there is no evidence in Israelite literature that circumcision was understood this way. See Hans Kosmala, "The 'Bloody Husband'" *VT* 12 (1962): 14–28.
[184] The assertion that P is later than J and E has been challenged in recent years, although it remains a common view. See G. J. Wenham, "The Priority of P," *VT* 49 (1999): 240–58. See Propp, "The Bloody Bridegroom," 500.
[185] Joel Baden identifies Gen 34 as a composite of J and E. See Baden, *The Composition of the Pentateuch*, 233.

community; they remained part of the covenant and were required to abide by their covenantal responsibilities.[186]

2.5   The Holiness Code

In this final section, we will examine a short legal pericope in the Holiness Code (H). The compositional history of H (Lev 17–26), which comprises regulations for cultic and moral purity, is difficult to determine with any precision.[187] Scholarly consensus relegates most laws from H to the pre-exilic period, since the regulations require Israel to be an autonomous nation.[188]

2.5.1   Leviticus 24:10–16

Lev 24:10–16 recounts an unknown dispute between an Israelite and a mixed offspring with an Israelite mother: "[a] man whose mother was an Israelite and whose father was an Egyptian" (Lev 24:10).[189] During this dispute, the mixed offspring blasphemed God's name: "and the Israelite woman's son and a certain Israelite began fighting in the camp. The Israelite woman's son blasphemed the Name in a curse" (Lev 24:10–11).[190]

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[186] See y. Ned. 3:14, for example, where Moses was attacked because he failed to circumcise his son. See also Geza Vermes, "Baptism and Jewish Exegesis: New Light from Ancient Sources," *NTS* 4 (1957): 308–319.

[187] H has often been dated to the pre-exilic era; D. M. Haran, "Behind the Scenes of History: Determining the Date of the priestly Source," *JBL* 100 (1981): 321–333, 326. However, see Julian Morgenstern, "The Decalogue of the Holiness Code," *HUCA* 26 (1955): 1–27, 18 who dates it between the years 519–516 BCE.

[188] Michael A. Lyons, *From Law to Prophecy: Ezekiel's Use of the Holiness Code* (New York: T&T Clark, 2009), 29; Graf Henning Reventlow, *Das Heiligkeitsgesetz* (Neukirchen: Beykirchener Verlag, 1961), 165. Jacob Milgrom claims that H is pre-exilic and earlier than D for the following reasons: (a) there is no ban on intermarriage in the text; (b) the language for repentance in H predates that of D; (c) H ignores cultic abuses but focuses on impurity, unlike D, where cultic abuses was a major point of discussion; (d) in H, there are multiple sanctuaries, unlike the attempt to establish a centralized worship location in D. Jacob Milgrom, *Leviticus 17–22: A New Translation and Commentary*, vol 3a, AB (New York: Doubleday, 2000), 1361.

[189] The use of narratives to establish laws is only found a handful of times in the Torah (Num 9:6–14; 15:32–36; 27:1–11). See Simeon Chavel, "'Oracular Novellae' and Biblical Historiography: Through the Lens of Law and Narrative," *Clio* 39 (2009): 1–27, 17. In each case, a similar structure is employed: there was an issue, Moses asked God what the judgment should be, and God provided a new law.

[190] H never uses the term "mixed offspring." However, see Milgrom, who calls him a "half-Israelite." Jacob Milgrom, *Leviticus 23–27: A New Translation and Introduction with Commentary*, vol 3b, AB (London: Doubleday,

According to the short pericope, the leaders in the community were unaware of the appropriate penalties to impose on the mixed offspring: "And they brought him [the mixed offspring] to Moses…and they put him in custody, until the decision of the Lord should be made clear to them" (Lev 24:11b–12).[191] Although death is listed a consequence for blasphemy elsewhere (see Exod 20:7; 22:28; 1 Kgs 21:13), the dilemma in Lev 24 likely pertains to how this judgment should be applied to a mixed offspring. Jonathan Vroom correctly writes that "the ethnicity of the offender was the issue, rather than the nature of his crime or penalty."[192] While Israelites and foreigners were generally required to follow the same regulations in H, and thus experience the same consequences for disobedience (Lev 17:8, 10, 13, 15; 24:16–22), there are some exceptions to this mandate (Lev 23:42–43).[193] Evidently, the leadership was unsure whether the mixed offspring should be condemned for blasphemy like an Israelite. Michael Fishbane correctly writes that Lev 24:10–16 revolves around the status of the mixed offspring: "the fact that the person who is accused of blaspheming 'the Name'…is of mixed parentage must have raised the question as to whether the normative covenantal prohibition 'Do not blaspheme Elohim nor curse a prince of your people' (Exod 22:28) was applicable to the non-Israelite."[194]

2000), 2107. See also John E. Hartley, *Leviticus*, WBC 4 (Dallas: Word, 1992), where he is called a half-breed. There is no condemnation against the exogamous union in the text, and the marriage may be a result of the "mixed multitude" who came out of Egypt (Num 2:2; 26:55). Shaul Bar argues that the ערב רב in Exod 12:38 refers to the mercenaries who intermarried with the Israelites. Shaul Bar "Who Were the 'Mixed Multitude'" *HSJ* 49 (2008): 27–39.

[191] See Milgrom, *Leviticus 23–27*, 2108–2109 and Hartley, *Leviticus*, 408 for a discussion of the blasphemy.

[192] See Jonathan Vroom, "Recasting Mishpatim: Legal Innovation in Leviticus 24:10–23," *JBL* 313 (2012): 27–44 n. 3. See also Martin Noth, *Leviticus* (London: S.C.M. Press, 1965), 178–80.

[193] Weinfeld writes "The real explanation for freeing the *ger* from dwelling in booths is that this is not a ritual regulation concerned with the purity or impurity of the land, but constitutes like the Sabbath, circumcision, and Pesach, a special duty commemorating events from Israel's special heritage." Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Winona Lake, Indiana: Eisenbrauns, 1992), 231.

[194] Fishbane, *Biblical Interpretation in Ancient Israel*, 101.

Within H, Israelites are distinguished from foreigners on genealogical grounds.[195] For example, the regulations pertaining to slaves in Lev 25:39–46 prohibit Israelites from owning other Israelites; in the year of Jubilee, they must release their Israelite "workers" along with the workers' children so that they could "return to their ancestral property" (Lev 25:41). By contrast, Israelites were permitted to own slaves from the surrounding nations indefinitely (Lev 25:46). Therefore, to which group did this mixed offspring belong?

The conclusion to the legal case in Lev 24:10–14 reveals that the redactor likely considered the mixed offspring to be a foreigner: "One who blasphemes the name of the Lord shall be put to death; the whole congregation shall stone the blasphemer. Aliens as well as citizens, when they blaspheme the Name, shall be put to death" (Lev 24:16). The clarification that aliens would be equally punished alongside Israelites answers the point of confusion among the leadership: the mixed offspring was considered an alien, and he must undergo the same punishment as the Israelite. According to Saul Olyan, the final redactor understood "the story to be about a foreign resident outsider who commits a capital crime and is justly executed for it."[196] Indeed, the mixed offspring ("son of an Israelite" בן הישראלית; Lev 24:10, 11) was never called an Israelite himself, but was juxtaposed and contrasted with a full Israelite (איש הישראלי; Lev 24:10).[197] Therefore, a mixed offspring with an Israelite mother and a gentile father in H was considered an outsider.

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[195] Milgrom argues that "the Priestly Code makes a precise legal distinction between the gêr and the Israelite, implying that the gêr was indeed distinguishable from the Israelite, i.e., he possessed his own ethnic identity" (Milgrom, "Religious Conversion," 171).

[196] Saul M. Olyan, *Rites and Rank: Hierarchy in Biblical Representations of Cult* (Princeton: Princeton University Press, 2000), 86.

[197] According to Baruch A. Levine, the contrast between the two men was to highlight that the blasphemer was not considered a full Israelite: "The point is made that the blasphemer was not a full–fledged Israelite, but was of mixed parentage, in contrast to the person with whom he fought, 'the Israelite man.'" Baruch A. Levine, *Leviticus*: *The JPS Torah Commentary* (Philadelphia: The Jewish Publication Society, 1989), 166.

However, this conclusion begs the question: why was the mother's genealogy even provided ("Now his mother's name was Shelomith, daughter of Dibri, of the tribe of Dan" [Lev 24:11])? One possible reason for providing the mother's lineage was to portray the tribe of Dan negatively (Lev 24:11). According to Levine, "His Israelite mother came from the tribe of Dan, associated with the northern cult at the temple of Dan, which the Jerusalemite priesthood considered illegitimate."[198] Similarly, Milgrom wrote: "the mention of Dan was clearly intended as a slur against the tribe."[199] While this is possible, Lev 24:11 would be the only attempted slur in the entire book. If the redactor sought to discredit the tribe of Dan, such claims would likely have been inserted elsewhere.

A second explanation for including the mother's tribal affiliation is to explain how the mixed offspring knew God's name, thus enabling him to blaspheme. The issue with this view, however, is that foreigners were able to take part in Israel's cultic practices in H. Therefore, it is likely that foreigners were able to learn God's name for themselves.

While the purpose for the mother's lineage is not clear, it is evident that the author sought to underscore her Israelite heritage: "The man's mother's name, her family's name, and her tribe are given to demonstrate her unquestionable Israelite lineage."[200] In turn, this challenges the simple designation that the mixed offspring is merely an alien. Like Ephraim and Manasseh prior to their adoption, the status of the mixed offspring in Lev 24:10–14 may have been opaque or mutable. It is possible that his puzzling status relates to the intersection between genealogy and land in H.

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[198] Levine, *Leviticus*, 167. See 1 Kgs 12:25; 13:33–34.
[199] Milgrom, *Leviticus 23–27*, 2110. See Judg 14:1–20; 16:1–4; 2 Chron 2:13–14; cf. 1 Kgs 7:13–14
[200] Hartley, *Leviticus*, 408.

Like Genesis, lineage as well as geographical residence were important factors for constructing Israelite identity in priestly literature. In H, a distinction was drawn between those within the camp of Israel, and those outside (חוץ מחנה). For example, Lev 18:9 prohibits sexual unions with one's close kin: "You shall not uncover the nakedness of your sister… whether born at home or born abroad [מולדת חוץ]." Considering the clear prohibition against sexual relations with one's sister, interpreters have questioned the importance of mentioning her residential location. Some have proposed that the meaning of "abroad" (חוץ) is "half-sister."[201] However, if this is the case, then the qualification "abroad" would be redundant, since her kinship link was already established: "You shall not uncover the nakedness of your sister, your father's daughter or your mother's daughter" (Lev 18:9a). Instead, the general use of חוץ in H refers to that which is outside the camp of Israel (Lev 17:3; 24:14, 23). Therefore, the redactor of Lev 18 had to clarify that kinship unions were prohibited, whether one's family member was born and resided inside the community, or outside the community. Evidently, birth location and residence played an important role in constructing identity. Weinfeld correctly writes that the perception of holiness in H is "contingent upon physical proximity to the divine presence and the preservation of that proximity through ritual means."[202]

In the short pericope about the mixed offspring, the opening phrase may signify that he resided outside of the community of Israel: "A [mixed offspring] … came out among the people of Israel [ויצא...בתוך בני ישראל]." The verb יצא is used three times in this legal pericope (Lev 24:10, 14, 23), and the latter two times, the verb signifies leaving the camp and community:

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[201] Neufeld, *Ancient Hebrew Marriage Laws*, 197.

[202] Weinfeld, *Deuteronomy and the Deuteronomic School*, 227. Weinfeld identifies "concentric circles" in P, namely that the lay Israelites who were "situated in the outer ring of the cities and their holiness is consequently of an inferior nature" (Weinfeld, *Deuteronomy and the Deuteronomic School*, 229 n. 3). See also Houten, *The Alien in Israelite Law*, 139.

"Take the blasphemer outside the camp (הוצא...אל מחוץ למחנה)… and they took the blasphemer outside the camp (ויוציאו את המקלל אל מחוץ למחנה)" (Lev 24:14, 23). Just as the verb יצא represents leaving the camp, so the opening phrase ויצא...בתוך בני ישראל may indicate that the mixed offspring entered the camp prior to his dispute with the Israelite. Additionally, the phrase בתוך בני ישראל is only found two other times in H, representing the entire community of Israel: "You shall not profane my holy name, that I may be sanctified among the people of Israel [בני ישראל]" (Lev 22:32; see 25:33). Therefore, the mixed offspring may not have resided within the community, which aligns with the patrilocal society in the Hebrew Bible.[203] This factor, alongside his mixed progeny, may have been the reason he was not considered an Israelite.[204]

Like Ephraim and Manasseh, the mixed lineage of the offspring, in conjunction with his residency outside of the community of the sons of Israel, may have resulted in his foreign status. However, such a reading of Lev 24:10–16 is not conclusive. It is clear from this pericope that the mixed offspring with an Israelite mother in H was not considered an Israelite.

2.5.2 Summary

Lev 24:10–16 provides an interesting case of a mixed offspring who was depicted as a foreigner, yet was also connected with the tribe of Dan through his mother. Considering the importance of both genealogy and land in H, the identity of the mixed offspring may have been constructed using both boundaries, which draws a connection between H and the Jacob cycle. Indeed, the Jacob cycle and H already share a number of other similarities: both texts prohibit

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[203] However, this reading is not definite. See Milgrom, *Leviticus 23–27*, 2107; Noth, *Leviticus*, 179; and C.F. Keil and F. Delitzsch, *Commentary on the Old Testament* (Massachusetts: Hendrickson Publishers, 1971), 622 who disagree, claiming that the mixed offspring lived among the Israelites.

[204] As stated above, Cohen proposes that mixed offspring with Israelite mothers in the Hebrew Bible were judged matrilineally "only if the marriage was matrilocal" (Cohen, *The Beginnings of Jewishness*, 266).

sexual activity between a woman and her father-in-law (Gen 38:26; Lev 18:15; 20:12); women are instructed to return to their father's household if they do not bear children (Gen 38:11; Lev 22:13), and the punishment of fornication for the woman is burning (Gen 38:24; Lev 20:14; 21:9).[205] Similarly, both group of texts share a similar construction of identity for mixed progeny: lineage and land. While one is unable to draw definitive conclusions about the function of land in Lev 24:10–16, this short pericope provides an example of one born from an Israelite mother and a foreign father who was not considered an Israelite.

2.6   Conclusion

This chapter explored the perception of mixed offspring in the pre-Persian narratives of the Hebrew Bible. The construction of identity in each text differed, and thus there was a diversity in how these offspring were perceived. In Deuteronomy and the so-called Deuteronomistic History, most mixed offspring with an Israelite father or an Israelite mother were generally considered Israelites if they resided in Israel (ambilineal descent). This was the case whether the mixed offspring was male (see Absalom and Amasa) or female (see Tamar). The only clear example of a mixed offspring who was excluded from the community because of their ethnic status is found in Deut 23:2; as argued above, the *mamzer* was likely a descendant of an Israelite and either an Ammonite or a Moabite. It is unclear whether gender played a role in this law.

In DtrH, two examples of mixed progeny with an Israelite mother and a non-Israelite father are listed: Amasa and Hiram from Tyre. In the case of Amasa, he was considered part of David's tribe, despite his mixed status. By contrast, I argued above that the status of Hiram from

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[205] Amit argues that Gen 38 was influenced by H (Amit, "Narrative Analysis," 271–91).

Tyre remains opaque; while the author sought to identify Hiram from Tyre with Israel through his mother's genealogy, as well as his comparison with Bezalel, he was never explicitly called a Hebrew or an Israelite. It is possible that his genealogy was provided to justify his work in the temple, although this is not definite. Unfortunately, Hiram from Tyre's status remains unclear. While he shared the same lineage structure as Amasa, one reason he may not have been considered an Israelite was because of his place of origin (Tyre). In DtrH, then, land and geographical residency played an important role in constructing identity for mixed progeny.

Next, I examined two groups of mixed offspring in the Jacob cycle: the children of Joseph and Judah. Here, I explored why Joseph's children were adopted by Jacob. As argued above, a distinguishing feature between these mixed offspring was their birth-location: the sons of Joseph were born in Egypt and had to be adopted by Jacob to inherit land, whereas the inheritance of Judah's children, who were born in Canaan, was never compromised. I posit that the reason for Jacob's adoption was because Ephraim and Manasseh were born in Egypt. In this case, the Jacob cycle also placed an emphasis on land in constructing the identity of mixed offspring. The importance of land, however, was not applied to Moses's children, particularly since all of Israel was enslaved by Egypt at the time.

The only case of exogamy in H is found in Lev 24:10–16, where a mixed offspring with an Israelite mother and an Egyptian father blasphemed against God. The purpose of this legal pericope was to reinforce that both Israelites and aliens must be judged for blasphemy; in turn, it is evident that the author considered the mixed offspring to be a non-Israelite. Like Hiram from Tyre, this offspring had an Israelite mother, and he likely lived outside of the Israelite community. However, while Hiram's status was ambiguous in DtrH, the mixed offspring of Lev

24:10–12 was considered a sojourner. The reason for this difference may be the result of varying emphases on land as a determining marker of identity between DtrH and H.

Therefore, in light of the information above, the two major factors that played a role in constructing the identity of mixed offspring in the pre-Persian narratives of the Hebrew Bible were lineage and land. In the next chapter, I will examine literature from the Hebrew Bible and other Judean literature composed during the Persian period. Like pre-Persian narratives of the Hebrew Bible, there are differing criteria between how communities treated offspring from intermarried couples. My goal is to outline and explore these varying factors.

CHAPTER 3: THE PERSIAN PERIOD (538–323 BCE)

3.1   Introduction

The Persian era (538 BCE to 323 BCE) marks a significant development in the formation of Judean identities.[1] Following the Babylonian Exile (586 BCE to 538 BCE), Judeans were dispersed across the Levant and Mesopotamian region, resulting in the formation of numerous independent Judean enclaves.[2] The texts recovered from these Judean communities, which comprise histories, narratives, and legal contracts, provide insight into the varying identity markers that differentiated these Judean groups, one from another.

One distinction between these communities was their response to exogamous unions and mixed offspring. For example, the contracts recovered from the Judean community in Elephantine do not contain any condemnation against exogamous unions; additionally, mixed

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[1] The Persian period begins with the dominance of the Persian empire (539 BCE) and ends with the rise of the Greek empire (332 BCE). See David Goodblatt, *The Monarchic Principle: Studies in Jewish Self-Government in Antiquity* (Tübingen: Mohr Siebeck, 1994), 7. Lester Grabbe appropriately notes that the Persian era marks the greatest developments in Jewish thought. Lester L. Grabbe, *A History of the Jews and Judaism in the Second Temple Period, Volume 1: Yehud: A History of the Persian Province of Judah*, LSTS 47 (London: T&T Clark, 2004), 2. See also Bob Becking, "Continuity and Community: The Belief System of the Book of Ezra," *The Crisis of Israelite Religion: Transformations of Religious Tradition in Exilic and Post-Exilic Times*, ed. Bob Becking and Marjo C.A. Korpel (Boston: Brill, 1999): 256–76, 268–75.

[2] Zeev Herzog and Ofer Bar-Yosef posit that the rise of independent Judean identities reflects "social structures constructed in specific situations to serve economic, political, or cultural needs." See Ze'ev Herzog and Ofer Bar-Yosef "Different Views on Ethnicity in the Archaeology of the Negev" in *Aharon Kempinski Memorial Volume: Studies in Archaeology and Related Disciplines*, ed. E. D. Oren and S. Ahituv (Beer-Sheva: Ben-Gurion University of the Negev Press, 2002), 151–181, 169. In the literature composed during the Persian era, the gentilic noun "Judean" (יהודי) was used in a variety of ways, including kinship relations (Jer 34:8–9; Neh 5:8), cultic traditions (Zech 8:32; TAD A4.7), or ancestral homeland (Jer 44:1; TAD A4 7.18–19). See Yehoshua Grintz, "Jew," *EJ* 11:253–254. Cynthia Baker appropriately defines the use of "Jew" in the Persian era as an "ethno-geographic term" (Baker, "A 'Jew' by Any Other Name?" 152–180). See Jon L. Berquist, *Judaism in Persia's Shadow: A Social and Historical Approach* (Oregon: Wipf and Stock, 1995), 14–15 for information about Judeans who remained in Judea following the Babylonian exile. See also Jill A. Middlemas, "Going Beyond the Myth of the Empty Land: A Reassessment of the Early Persian Period" in *Exile and Restoration Revisited: Essays on the Babylonian and Persian Periods in Memory of P.R. Ackroyd*, ed. G. N. Knoppers, et al. LSTS 73 (London: T&T Clark, 2009), 174–194 for a discussion of theories regarding the people of the land.

offspring were identified as Judeans and were treated as members of the community.[3] By contrast, the account of Ezra's religious reforms in Judea (Ezra 9–10) unequivocally condemned exogamous unions within the community and expelled all foreign wives with their mixed offspring. To better understand the diverse ways mixed offspring were portrayed in the Persian period, we will examine pertinent sections of available literature which deal specifically with children from intermarried couples in Judean communities.

3.1.1 Judean Texts in the Persian Era

The texts that will be examined in this chapter contain at least one of two criteria: the community represented in the text is either identified as "Judean" (יהודי), or the texts contain onomastic evidence of Yahwistic/Judean names.[4]

The onomastic evidence is helpful in identifying potential cases of intermarriage as well as the presence of mixed offspring in these communities.[5] For example, one papyrus recovered in

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[3] While one must be cautious not to draw firm conclusions based on silence, the absence of any critique against exogamous unions stands in contrast with other contemporaneous Jewish literature (e.g., Ezra and Nehemiah). Admittedly, the nature of these texts differs significantly: the Elephantine papyri comprise contracts, whereas Ezra and Nehemiah contain genealogies and historical narratives.

[4] According to Lauren Pearce, "Yahwistic names typically contain Hebrew or Aramaic predicate(s) and object(s)." See Lauren Pearce, "Cuneiform Sources of Judeans in Babylonia in the Neo-Babylonian and Achaemenid Periods: An Overview," *Religion Compass* 10 (2016): 230–243, 231. See also Bezalel Porten, *Archives from Elephantine: The Life of an Ancient Jewish Military Colony* (Los Angeles: University of California Press, 1968), 133. According to Tero Alstola, Yahwistic names, which are "personal names with the divine name Yahweh — are the main criterion for identifying people of Judean origin in Babylonian sources." Tero Alstola, *Judeans in Babylonia: A Study of Deportees in the Sixth and Fifth Centuries BCE*, CHANE 109 (Leiden: Brill, 2019), 49. Considering the lack of evidence that other groups worshiped Yahweh, "the use of Yahwistic names was generally indicative of a person's Judean or Israelite origin in the first millennium" (ibid., 54). However, since some Judeans adopted Babylonian and non-Yahwistic West Semitic names, they are only identified as Judeans through genealogical records. Additionally, there are some non-Yahwistic names that are generally accepted as representing one's Judean origin, such as Hoshea and Šillimu; "[these] were used predominantly, if not exclusively, by Judeans in Babylonia in the mid-first millennium" (Ibid., 56).

[5] Porten states "If both praenomen [first name] and patronymic [last name] are non-Hebrew, the bearer is most likely a pagan." Bezalel Porten, *Archives from Elephantine: The Life of an Ancient Jewish Military Colony* (Los Angeles: University of California Press, 1968), 148. Based on the onomastic evidence from Āl-Yāhūdu, the Murasu documents, the Elephantine documents, and Idumean ostraca from southern Judah, Marsh and Levine write that the "phenomenon of Judeans marrying members of other groups was extremely wide-spread." I. Marsh and Y. Levine,

Elephantine contains the names of two couples that were ethnically different: "Rami wife of Hodo, Isireshwet wife of Hosea" (TAD A4.4:5). In each case, the wife had an Egyptian name, and the husband had a Judean name, signifying that they may have been a mixed couple. Onomastic evidence is also helpful in attempting to determine the identity of a mixed offspring: in cases of mixed marriages, was the offspring given a Judean name, or a non-Judean name? As we will see below, offspring with at least one Judean parent were often given a Judean name, regardless of which parent was Judean: "les listes de témoins [en Elephantine] attestent que les parents judéens donnent le plus souvent à leurs enfants des noms hébreux (B2.2 17)."[6]

Any conclusions derived from the onomastic evidence alone, however, remain tentative for several reasons. First, Judean and West Semitic names share numerous similarities, and therefore it is not always possible to determine with certainty that a name is Judean. Second, there are examples of people who bear both a Judean and a Babylonian or Egyptian names. For example, in a legal contracted from Elephantine, one Meshullam b. Nathan (בר נתן למשלם; *CAP* 44.2) is later identified as the son of Pamsi in the same contract: "Pamsi your father" (פמסי אנוך; *CAP* 44.7). Therefore, Meshullam's father was identified as both Nathan and Pamsi. According to Abraham Cowley, this "may be another case of a man bearing an Egyptian as well as a Jewish name" (see also Dan 1:7).[7] Third, children from the same family are sometimes given different ethnic names. One cuneiform tablet from Yāhūdu provides the genealogy of a Judean father who

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"Mixed Marriages in the Book of Chronicles — A Reflection of Social Attitudes in Persian-Period Yehud," *Transeuphratène* 50 (2018): 124–140, 128.

[6] Hélène Nutkowicz "Les mariages mixtes à Éléphantine à l'époque perse," *Transeuphratène* 36 (2008): 125–139, 126. As we will see below, the gender of the Jewish parent did not play a major role in giving Jewish names to mixed offspring.

[7] Abraham Cowley, *Aramaic Papyri of the Fifth Century B.C.* (Oxford: Clarendon Press, 1923), 147.

bore five sons, two of whom had Judean names, while the other three had Babylonian names.[8]

Considering this, Pierre Briant correctly warns that "personal names are not an absolute guide to

ethnic origin."[9] Therefore, any conclusions based on onomastic evidence alone remain

tentative.[10]

3.1.2 Mixed Offspring in the Persian Era

Prior to examining mixed offspring in Judean literature, I will first provide a brief

overview of the status of mixed offspring in the Persian era more broadly; the purpose of this

section is to better understand the similarities and differences between the depiction of mixed

offspring in Jewish texts and their wider historical setting. Most of our information about the

Persian empire derives from later Hellenistic authors, and as a result, the figures discussed are

typically upper class or royal families. Therefore, the conclusions drawn from this data are not

applicable to all mixed offspring in the empire, and thus I am unable to draw any generalized

conclusions.[11]

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[8] According to Tero Alstola, "a more accurate transcription of *uru ia-hu-du* [which is commonly rendered "Āl-Yāhūdu" ('town of Judah')] might simply be 'Yāhūdu'" (Alstola, *Judeans in Babylonia*, 102 n. 63). See t. Giṭ. 6:4 where Israelites were said to sometimes bear gentile names.

[9] Pierre Briant, *From Cyrus to Alexander: A History of the Persian Empire,* trans Peter T. Daniels (Indiana: Eisenbrauns, 2002), 724. Similarly, Annalisa Azzoni warns against assuming one's cultic traditions based on onomastic evidence. See Annalisa Azzoni, *The Private Lives of Women in Persian Egypt* (Indiana: Eisenbrauns, 2013), 105. Since the texts in question are mostly internal Judean texts, one would suspect that Judean names will often be used.

[10] For an assessment of onomastic evidence in the Hebrew Bible and how it may illuminate our understanding of Israelite monotheism in the Late Bronze and Iron Age, see Jeffrey H. Tigay, *You Shall Have No Other Gods: Israelite Religion in the Light of Hebrew Inscriptions*, HSS 31 (Atlanta: Scholars Press, 1986). Tigay concludes: "our evidence implies that there was not much polytheism of any kind, mythological or fetishistic" (Ibid 38). His study incorporates an analysis of Yahwistic personal names, theophoric elements in names which may be Hebrew or Canaanite, as well as names in inscriptions.

[11] Marsh and Levine properly warn to "differentiate between mixed marriages between elites that serve political, diplomatic or economic purposes, and mixed marriages between private individuals that often have no ulterior motives, but may have overreaching consequences" (Marsh and Levine, "Mixed Marriages in the Book of Chronicles," 126).

Exogamous unions among the upper class were perceived positively in the Persian era since they helped establish foreign alliances.[12] Although only a handful of accounts include details about mixed offspring, it is evident that these children were not ostracized because of their mixed genealogy; they were able to identify with the nationality of either their father or their mother.

For example, Amyntas II was a mixed offspring who ruled over Macedon for a short period of time (393 BCE). His father, Bubares, was a Persian general, and his mother, Gygaea, was the sister of Alexander the Great.[13] Despite having a Persian father, Amyntas II was named after his maternal grand-father, and he ruled in Macedon as a Persian subject.[14] In light of Amyntas's name and position, Briant appropriately asserts that Amyntas II "was not recognized as a Persian";[15] instead, he was "a protector and benefactor to the Athenians," like his maternal grand-father.[16] Considering his role as a political ruler, there is no evidence that Amyntas II's mixed status was perceived negatively, or that he was critiqued by either Greeks or Persians because of his mixed lineage. In his case, Amyntas II adopted the national identity of his mother.

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[12] See Maria Brosius, *Women in Ancient Persia, 559–331 BC* (Oxford: Clarendon Press, 1998), 45–64 and Elizabeth Donnelly Carney, *Women and Monarchy in Macedonia* (Norman: University of Oklahoma Press, 2000), 101. Lisbeth Fried, however, argues that foreign alliances were rare, since "these [unions] could create alliances that would exert a centrifugal force away from the central power base in Susa and threaten the status quo" (Fried*, Ezra: A Commentary*, 372–73).

[13] Gygaea was given to Bubares as a bribe by Alexander: "No long time afterwards the Persians made a great search for these men [who were killed], but Alexander had cunning enough to put an end to it by the gift of a great sum and his own sister Gygaea to Bubares, a Persian and the general of those who were looking for the slain men. It was in this way, then, that the death of these Persians was kept silent" (Herodotus, *Hist.* 5.21). All quotations of Herodotus derive from A. D. Godley's translation in the Loeb edition.

[14] According to Herodotus, "Bubares, a Persian, had taken to wife Gygaea Alexander's sister and Amyntas's daughter, who had borne to him that Amyntas of Asia who was called by the name of his mother's father, and to whom the king gave Alabanda a great city in Phrygia for his dwelling" (Herodotus, *Hist.* 8.136).

[15] See Briant, *From Cyrus to Alexander*, 350.

[16] In 512 BCE –511 BCE, Amyntas I surrendered to the Persians: "As a Persian vassal, Amyntas I retained a broad scope of autonomy." Marek Jan Olbrycht, "Macedonia and Persia," in *A Companion to Ancient Macedonia*, ed., Joseph Roisman and Ian Worthington (New Jersey: Wiley–Blackwell, 2010), 342–370, 343.

A second example is Metiochus, the Athenian military leader who was captured by the Persians and was subsequently given a Persian wife by king Darius: "when the Phoenicians brought…Metiochus before him [Darius], Darius did him no harm but much good, giving him a house and possessions and a Persian wife, who bore [Metiochus] children who were reckoned as Persians [ἐκ τῆς οἱ τέκνα ἐγένετο τὰ ἐς Πέρσας κεκοσμέαται]."[17] Like Amyntas II, these mixed offspring adopted the nationality of their mother, and were considered Persians.

By contrast, there are other cases of mixed offspring in the Persian empire who identified with the nationality of their father. For example, according to Plutarch, Barsine was "the first woman whom Alexander [the Great] knew in Asia, and by whom he had a son, Heracles."[18] Barsine was the daughter of Artabazus, the Persian satrap, and an unknown Greek woman.[19] Despite Barsine's mixed lineage, Plutarch considered her a Persian: "This was at the time when he [Alexander] distributed the other Persian women [Barsine's sisters] as consorts among his companions."[20] By virtue of calling Barsine's sisters "other Persians," it is evident that Barsine herself was considered a Persian.[21] Therefore, Barsine was identified with the nationality of her father. Evidently, Barsine's mixed status did not deter Alexander from having sexual relations or bearing children with her.

Considering the examples above, there is no evidence that mixed offspring in the Persian empire were ostracized because of their mixed status; they were able to attain high-ranking positions in the political sphere, and they were evidently capable of identifying with the nationality of either their mother or father. However, it remains unclear what determined which

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[17] Herodotus, *Hist*. 6.41.
[18] Plutarch, *Eum.*, 1.3. The word "knew" is supplemented in the English translation.
[19] See Plutarch, *Alex.*, 21.8–9; Carney, *Women and Monarchy in Macedonia*, 101.
[20] Plutarch, *Eum.*, 1.3.
[21] See also Carney, *Women and Monarchy in Macedonia,* 101 for an analysis of Barsine's life.

nationality they would follow. One possibility is that their birth-location played an important role. For example, Gygaea (Alexander's sister) was given to Bubares upon his travels to Macedonia; according to Carol King, "Bubares stayed in Macedonia for some time."[22] As a result, Amyntas II was born in Macedon, and in turn identified as a Greek. By contrast, Metiochus was brought to Persia and was given a Persian wife, and thus his children identified as Persians.[23] Therefore, location likely played a role in forming the identity of mixed progeny.

There is one case in the Persian period where a mixed offspring was considered illegitimate, though it is unclear if his illegitimate status was due to his mixed genealogy.[24] Herodotus recounts a dispute between the Egyptian leadership and the Persian authorities that took place around the 6th century BCE concerning the Persian King Cambyses. According to the leaders in Egypt, Cambyses was the son of King Cyrus and Nitetis, the daughter of the Egyptian Pharaoh. Herodotus, however, commented that such a scenario was implausible due to Persian customs: "They [the Egyptians] are certainly not unaware…firstly, that it is not their [the Persian's] custom for illegitimate offspring (νόθον) to rule when there are legitimate offspring" (Hdt. *Hist*. 3.2). In other words, if the Egyptians were correct, Cambyses would have been an illegitimate offspring in the eyes of the Persians, and thus he would not have been able to reign. The allegation that Cambyses was illegitimate, however, may not have been because of his

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[22] Carol J. King, *Ancient Macedonia* (New York: Routledge, 2018), 27.

[23] However, geography was not always a determining factor. According to Herodotus, Egyptians in the Persian empire considered mixed offspring with an Egyptian mother to be Egyptian, regardless of the offspring's birth-location (see Herodotus, *Hist*. 3.2).

[24] The term "illegitimate" (νοθόω) is generally reserved for children born out of "wedlock or of servile origin and therefore without legal status or rights, illegitimate, baseborn" (LSJ 675). Further limitations on illegitimate offspring include their inability to inherit from their fathers, unless there were no viable legitimate offspring available (see Briant, *From Cyrus to Alexander*, 278). Illegitimate offspring still enjoyed luxuries of life: Herodotus recounts how "[Xerxes] had some bastard sons [νόθοι] with him" on his military campaigns (Herodotus, *Hist*. 8.103). Some illegitimate offspring also became military leaders (Diodorus Siculus, *The Library of History*, 11.60; cf. Herodotus, *Hist,* 8.103).

mixed genealogy (cf. Hdt. *Hist.* 3.2), but because Nitetis would have been treated as a concubine by king Cyrus. According to the Persian version of the story, it was not Cyrus who took Nietetis, but Cambyses himself, and "Cambyses was not going to take her [Nitetis] as his wife but as his concubine" (Hdt. *Hist*. 3.1). According to Briant, concubines are the ones who bore illegitimate offspring: "The wives bore legitimate children (*gnesioi*), the concubines illegitimate (*nothoi*). In principle, only the former entered into the legitimate circle of potential heirs."[25] Therefore, Cambyses's illegitimate status is better understood in light of his mother's concubine status, not her foreign origins.

Considering the cases above, there is no clear evidence that mixed offspring were ostracized from their communities or were considered illegitimate (νοθόω) because of their genealogy in non-Judean literature from the Persian era. While illegitimate offspring were prohibited from ruling when legitimate offspring were available, such a regulation did not apply to mixed offspring, such as Amyntas II, who ruled over Macedonia. Therefore, mixed offspring were not considered illegitimate offspring, nor did they endure any social repercussions because of their mixed genealogy. With this broader understanding of mixed offspring in mind, I will look more closely at the place of mixed offspring in Judean communities during the Persian era.

3.2   Judeans in Elephantine

The Judean Aramaic papyri recovered in Elephantine are dated between 498 BCE and 399 BCE, and consist primarily of legal contracts, such as divorce documents and business

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[25] Briant, *From Cyrus to Alexander*, 278. In the Persian period, only children born from legal wives were legitimate: "Mistresses we keep for the sake of pleasure, concubines for the daily care of our persons, but wives to bear us legitimate children" (Demosthenes, *Against Neaera,* 59.122).

transactions.[26] The Judean community likely settled in the Elephantine region around 650 BCE
(cf. TAD A 4.7:13–14; *CAP* 30:13); around 399 BCE, the Egyptians rebelled against their
Persian overlords, and any evidence from the Judean settlement ceased at that point (403 BCE to
399 BCE).[27] The Aramaic papyri at Elephantine testify to a multi-cultural society, where Judeans
regularly had business transactions with neighbouring Arameans, Egyptians, Persians, and
Caspians (cf. TAD B1.1).[28]

In this section, we will examine the portrayal of mixed offspring in the Judean papyri of
Elephantine; there are two groups of siblings that will be surveyed. The first group is Jedaniah
and Mahseiah, who were born to Mibtahiah (Judean mother) and Ashor (Egyptian father). The
second group is Pilti and Ananyah, the offspring of Ananiah (Judean father) and Tamut (Egyptian
mother). These two cases provide a diverse set of examples to consider, since the genders of the
non-Judean parent are switched: in the first case, the mother is Judean, whereas in the second
case, the father is Judean. This allows us to examine how the gender of the parents played a role
in determining the status of the mixed offspring. As we will see below, both groups of mixed

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[26] In this section, I will follow Annalisa Azzoni in translating the Aramaic gentilic noun יהודי as "Judean." See Annalisa Azzoni, "Women of Elephantine and Women in the Land of Israel," in *In the Shadow of Bezalel: Aramaic, Biblical, and Ancient Near Eastern Studies in Honor of Bezalel Porten,* ed. Alejandro F. Botta, CHANE 60 (Leiden, Brill: 2013), 3–12, 3 n. 1.

[27] See Azzoni, *The Private Lives of Women*, 3; Tamara C. Eskenazi, "Out of the Shadows: Biblical Women in the Postexilic Era," *JSOT* 54 (1992): 24–43, 27–28. The actual date of Judean settlements in Egypt is debated. Porten proposes three distinct phases: (a) between 735–701 BCE which marked the Syro-Ephraimitish War; (b) the middle of the seventh century during the coalition between Manasseh and Egypt; (c) sometime after the ascension of Jehoiakim (609 BCE) and the flight to Egypt led by Johanan b. Kareah (see Porten, *Archives from Elephantine*, 13; Bezalel Porten, "Settlement of Jews at Elephantine and Arameans at Syene," in *Judah and the Judeans in the Neo-Babylonian Period,* ed. Oded Lipschits and Joseph Blenkinsopp (Indiana: Eisenbrauns, 2003), 451–70, 458. Toorn argues that the Judean temple in Elephantine had to have been built prior to 525 BCE, when Cambyses II turned Egypt into a Persian territory (van der Toorn, *Becoming Diaspora Jews*, 115).

[28] See Nutkowicz "Les mariages mixtes," 125 where she demonstrates how Judeans shared in numerous cultural and economic customs with their neighbours. Similarly, Azzoni writes "[t]he picture we derive from the ostrich and the letters is that of an urban community in which Judeans, Arameans, Persians, Caspian, Kwarezmians, Greeks and other ethnics groups coexisted and interacted" (Azzoni, *The Private Lives of Women*, 6).

offspring were identified as Judeans, illustrating that Judean kinship was transferred ambilineally in the Elephantine community.[29]

3.2.1 Jewish Identity in Elephantine

Based on the contracts recovered in Elephantine, the Judean community in Egypt maintained their social boundaries in three ways: cultic activities, theophorous names, and self-imposed ethnic demarcations. The importance of cultic activity in the Judean community is evidenced by the temple to YHW, which was demolished by Egyptians in 410 BCE; the temple was likely a point of contention between the Judeans and their neighbours (TAD A4.7:8, 17–22).[30] Following its destruction, a letter by one Jedaniah was sent to the governor in Judea, requesting permission to rebuild the temple.[31] Therefore, the temple likely played an important role in the lives of the Judean community. A second letter that testifies to the religious practices of the Judeans is the so-called Passover papyrus (TAD A4.1). This document provided regulations for observing the Passover, including the prohibition against eating leavened between the 15th and the 21st day of the month (see Lev 23:6). John Collins argues that TAD A4 was not introducing its recipient to the feast itself, but providing detailed regulations for continued observance. Thus, Passover may

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[29] According to Eusebius, *Hist. eccl.,* 1.7, Herod burned the Jewish archives that kept track of families descended from proselytes and "mixed families which had come out of Egypt." If this is the case, then we only have a very small portion of their texts, thereby limiting our ability to understand their worldview.

[30] Specific details regarding religious life in Elephantine are unknown. See Collins, *The Invention of Judaism*, 49. According to Gard Granerød, religion in the Elephantine documents should be describes as Yahwism since the community revolved around the temple of YHW: "Etymologically, there is no doubt that YHW is identical with the biblical god YHWH." Gard Granerød, *Dimensions of Yahwism in the Persian Period: Studies in the Religion and Society of the Judaean Community at Elephantine* (Berlin: de Gruyter, 2016), 4. The Temple of Yahu was likely destroyed by Egyptian priests (TAD A4.7.4–13; A.4.8.3–12).

[31] Considering Jedaniah's request to rebuild the temple, it is evident that neither the Elephantine community nor those in Judea were aware of, or concerned with, the Deuteronomistic command for centralized worship. See Michael L. Satlow, *How the Bible Became Holy* (London: Yale University Press, 2014), 97–99. See also Lester L. Grabbe, "Elephantine and the Torah" in Botta, *In The Shadow of Bezalel*, 125–136.

have been a well-established tradition in the community (cf. TAD A4.10).[32] Lemaire notes that "religion was one of the main aspects of ethnicity for the Judeans of Elephantine."[33]

The second way the Judean community distinguished itself was through theophorous names in the Judean contracts, as we will see below. According to Michael Silverman, "'Jewish names' [in Elephantine] are those appellatives whose etymological language is Hebrew or Aramaic (the two languages spoken by Jews) and whose theophorous/divine elements… are employed only by Jews."[34] These names demonstrated Judean participation in the Yahwistic religion.[35]

A third identity marker is the use of "Judean" (יהודי) as an ethnic title and self-designation (see TAD B2.2).[36] Gard Granerød argues that Jedaniah's use of "Judean" for his community in Elephantine as well as for those residing in Judea (see TAD A4.7:1, 18–22) suggests that "the community of Yahwists at Elephantine identified itself with the inhabitants of Jerusalem and Judah — regardless whether or not this was a 'historically correct' designation."[37] However, one point of contention is how to best understand the dual identity of various Judeans in Elephantine, who were called Judean *and* Aramean. For example, Mahseyah b. Jedaniah is identified as an Aramean in one text (למחסיה בר ינדיה ארמי זי סון; TAD B2.1:2–3; see also *CAP* 5.2; 6.3), and a

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[32] See Collins, *The Invention of Judaism*, 50.

[33] André Lemaire "Judean Identity in Elephantine: Everyday Life According to the Ostraca," in Lipschits, *Judah and the Judeans,* 368. See also Esko Siljanen, "Judeans of Egypt in the Persian period (539–332 BCE) in light of the Aramaic Documents" (PhD diss., University of Helsinki, 2017), 132.

[34] See Michael H. Silverman, "Hebrew Name-Types in the Elephantine Documents," *Orientalia* 39 (1970): 465–491, 467. Similarly, Porten writes "The theophorous name was composed of at least two elements; one was the name of the deity and the other told something about the deity" (Porten, *Archives from Elephantine*, 133).

[35] See Ibid. According to Porten, "Of the more than 160 different names borne by Elephantine Jews…only a handful were non-theophorous" (Porten, *Archives from Elephantine*, 134). See Porten, *Archives from Elephantine*, 134–135 for the detailed list of names.

[36] Granerød writes "the self-definition of the community in question shows that it considered itself a Judaean community" (Granerød, *Dimensions of Yahwism in the Persian Period*, 3).

[37] Ibid., 3 n. 3.

Judean in another text (למחסיה בר ידניה יהודי זי בבירת יב; TAD B2. 2:3–4; cf. B2. 3:1–2).[38] This alleged dual identity has raised questions regarding the historical origins and syncretistic nature of the Judean community, particularly since the Judeans in Elephantine adopted various Aramean practices: they spoke Aramaic, some incorporated Aramean gods into their cultic traditions (TAD B.2 8:8), and some used the names of Aramaic gods for personal names.[39]

There have been several proposals to explain this dual identity. First, Cowley argues that this "may be due to mere carelessness" on the part of the scribe.[40] In other words, the attribution of both ethnicities (Aramean and Judean) to one figure was a scribal error. However, considering that at least seven people have such dual identities in the Elephantine documents, this proposal is unlikely.[41] Additionally, an analysis of scribal habits in Elephantine testify to the scribe's careful treatment of the contracts, including scribal corrections, dates, ethnic statuses, witnesses, etc.[42] A second proposal is that the designation "Aramaean" refers to the language used by Judeans, not their ethnic status. Porten argued that the dual-identity "was probably due to the fact that the Jews were considered members of the larger Aramaic-speaking group."[43] Karel Van der Toorn, however, properly acknowledges that other mercenaries in Egypt spoke Aramaic, yet they were never referred to as Arameans.[44] A third proposal is that the title "Aramean" was used in administrative/legal settings, whereas "Judean" was used in private letters between Jews:

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[38] Mahseyah b. Jedaniah is called an "Aramaean of Syene" in *CAP* 5.2–3 (471 BCE), a Judean in the fortress of Yeb in *CAP* 6.3–4 (465 BCE), and an Aramean of Syene in *CAP* 13:1 (447 BCE). For other examples of figures with dual identities, see van der Toorn, *Becoming Diaspora Jews*, 31–34.

[39] See TAD B6. 4, where one witness is named Heremnathan son of Bethelnathan; Herem and Bethel are the names of Aramean deities (see Porten, *Archives from Elephantine*, 333). Judeans also swore by Aramean gods in legal contracts, and donated money for the worship of Eshem-Bethel and Anat-Bethel (C3.15.123–125).

[40] Cowley, *Aramaic Papyri,* xvi.

[41] See Karel van der Toorn, "Ethnicity at Elephantine: Jews, Arameans, Caspian," *Tel Aviv* 43 (2016): 147–164, 148–151 for other examples.

[42] van der Toorn, *Becoming Diaspora Jews*, 35.

[43] See Porten, *Archives from Elephantine*, 33.

[44] See van der Toorn, "Ethnicity at Elephantine," 153. The Iranian community also spoke Aramaic yet were not called Arameans (see also van der Toorn, *Becoming Diaspora Jews*, 38).

"'Aramaean' [was] an ethnic-administrative term used by the Persian administration while 'Jew' [was] an ethnic-communitarian term."[45] Although this is possible, it is not entirely clear what constitutes administrative and legal texts in contrast to private letters. For example, there are legal documents where the people are identified as Judeans, not Arameans (TAD B2.9; B3.1). Additionally, this proposal does not fully explain the use of the Aramean language or Aramean deities in the Judean community.

A fourth proposal, presented by van der Toorn, is that some in the Judean community in Elephantine were originally Samarians who eventually identified as Judeans: "These Samarians may have thought of themselves as Arameans due to their integration into the Aramaic-speaking society of Palmyra, where they had lived for several generations."[46] Van der Toorn argues that the destruction of the Elephantine temple solidified their identity with other Judeans in the region: "it was their experience at Elephantine that turned them into Jews."[47] This proposal helps elucidate why the community spoke Aramaic, and incorporated Aramean gods into their traditions. Considering that the Elephantine community placed themselves under the jurisdiction of the leadership from both Judea and Samaria (TAD A4.7.4), it is evident that they had ties to both communities. If this is the case, the designation "Aramean" does not imply that the Judeans were assimilated or syncretistic; rather, part of the community was originally Aramean, but they later

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[45] Alejandro F. Botta, *Aramaic and Egyptian Legal Traditions at Elephantine*: *An Egyptological Approach*, LSTS 64 (London: T&T Clark, 2009), 54. See also J. Johnson, "Ethnic Considerations in Persian Period Egypt," *Gold of Praise: Studies in Ancient Egypt in Honor of Edward F. Wente* eds. E. Teeter and J. Larson (Chicago: University of Chicago Press, 1999), 218.

[46] van der Toorn, *Becoming Diaspora Jews*, 115–117. See Porten, *Archives from Elephantine*, 16–17, for details on how Northern Israel became predominantly Aramaic-speaking following the Assyrian exile.

[47] See van der Toorn, *Becoming Diaspora Jews*, 20, where he argues for a three-step process where the Samaritans eventually identified as Jews.

identified themselves with the Judeans.[48] Therefore, the dual identity was a result of the community's historical origins from northern Israel.

3.2.2 Offspring in Elephantine

Offspring are mentioned throughout the Elephantine papyri, and they played an active role in the community. For example, they partook in the communal religious practices.[49] In a letter from Jedaniah to Bagohi, the governor of Judah, Jedaniah wrote: "[W]e shall pray for you at all times — we and our wives and our children and the Jews, all (of them) who are here" (TAD A4. 7:26–27). Additionally, in Jedaniah's description of Judean life following the destruction of the Elephantine temple, he wrote: "When this was done, we with our wives and our children put on sack-cloth and fasted and prayed to Ya'u the Lord of Heaven" (*CAP* 30:15).[50]

Offspring were especially prominent in legal contracts dealing with inheritance issues (TAD B2 3:9–11).[51] They were capable of acting legally on behalf of their parents, and they were even liable for debts incurred by their parents.[52] In some marriage contracts, a stipulation

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[48] Aramean deities does not necessarily imply that the Judean were syncretistic. See Ian Stern, "The Population of Persian-Period Idumea according to the Ostraca: A Study of Ethnic Boundaries and Ethnogenesis," in *A Time of Change: Judah and its Neighbours in the Persian and Early Hellenistic Periods*, ed. Yigal Levin (London: T&T Clark, 2007), 205–38, 223.

[49] See TAD A2.4:3; 7:3; A3 4:2; D7.6:2–5.

[50] See also *CAP* 30:25–28. Additionally, the mention of children in the Passover ostracon (TAD D7.6) may demonstrate their involvement in the celebration of the Passover. See Bezalel Porten, "Instructions Regarding Children and Inquiry Regarding Passover" (*COS* 3.87a: 208–209).

[51] See also *CAP* 4:16–19. Both sons and daughters were said to have equal rights to inheritance (TAD B2.2:32–34).

[52] In a loan agreement between Meshullam and Jehohen, Jehohen stipulates: "And if I die and have not paid you this

was included which regulated that, if a spouse died childless, their inheritance will go to the surviving spouse: "And i[f] Ananiah dies not having a child, male or female, by [Je]ho[i]shma his wife, it is Jehoishma (who) [hol]ds on to him in (regard to) to his house and his goods and his property [and his money and every]thing [which] h[e has]" (TAD B3.8:27–30; see also B2.6:17–19; B3.3:10–11).[53] Considering this stipulation, it follows that if Ananiah *did* have a child, male or female, the child would inherit the estate belonging to Ananiah following his death, even if the surviving spouse was still alive. This demonstrates how offspring were active in both cultic and legal matters in the community. With this in mind, we will examine whether mixed offspring were in some way disadvantaged, unable to take part in religious or legal cases of the community.

3.2.3 Intermarriage and Mixed Offspring in Elephantine

The first group of mixed offspring is Jedaniah and Mahseiah, the sons of Mibtahiah and Ashor. Mibtahiah was a Judean woman of great wealth and status in the Elephantine community, and Ashor was an Egyptian wall-maker, which was likely a government position (ארדיכל זי מלכא; *CAP* 15.2; TAD B2 6:2).[54] Sometime during their marriage, however, Ashor changed his name to Nathan. In a contract dated to 420 BCE, Jedaniah and Mahseiah were identified as sons of

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silver and its interest it will be my children (who) shall pay you this silver and its interest. And if they not pay this silver and its interest, you, Meshullam, have right to take for yourself any food or security which will find (belonging) to them until you have full (payment) of your silver and its interest" (TAD B 3.1:14–18; see also TAD B2.8:9; B2.10; B3 13:8–10).

[53] Another example is found in the case of Nahu-ahhe-iddin, who "specified in a written document that the yield of his share should go to his wife during her lifetime. Only after her death could his three sons take possession of the property." See Cornelia Wunsch, "The Egibi Family," in *The Babylonian World*, ed. Gwendolyn Leick, trans. Gwendolyn Leick (Milton Park: Taylor and Francis Group, 2009), 236–250, 237.

[54] Mibtahiah's union with Ashor was likely her second marriage. See Azzoni, *The Private Lives of Women*, 6. Mibtahiah was first married to Jezaniah (TAD B2.3), although it is unclear whether they divorced, or Jezaniah passed away: "[Jezaniah], who bears a Jewish name, disappears form the records, presumably because he died" (Eskenazi, "Out of the Shadows," 28; see also Cowley, *Aramaic Papyri*, 44).

Ashor b. Zeho (TAD B2.9:2–3), yet in a later contract, dated 416 BCE, they were identified as the sons of Nathan: "to [J]edoniah son of Nathan and Mahseiah son of Nathan his brother, their mother (being) Mibtahiah" (TAD B2.10:3). This name change implies that Ashor assimilated in some fashion into the Judean community, although he was never identified as a Judean or an Aramean (TAD B2.6; 9).[55] Therefore, Jedaniah and Mahseiah were mixed offspring with a Judean mother and a non-Judean father.

There is no indication from the papyri and ostraca from Elephantine that Jedaniah and Mahseiah endured any social repercussions because of their mixed genealogy. First, both sons were unequivocally identified as Judeans. In a legal settlement claim against Jedaniah and Mahseiah (420 BCE), it reads: "to Jedaniah and Mahseiah, all (told) 2, sons of [A]shor son of Djeho from Mibtahiah daughter of Mahseiah, Jews [יהודין] of the same detachment" (TAD B2 9:2–4). In another contract dated 411 BCE, where the brothers were dividing their mother's Egyptian slaves between themselves, they were identified as Arameans: "said Mahseiah b. Nathan (and) Yedoniah b. Nathan, in all 2, Aramaeans of Syene" (*CAP* 28:2). Despite their mixed lineage and their father's origins, Jedaniah and Mahseiah were only identified as Judeans and Arameans, not as Egyptian or any other ethnic title. In the legal case where Jedaniah and Mahseiah were explicitly identified as "sons of [A]shor son of Djeho from Mibtahiah" above, they were sued on behalf of their father ("But he [Ashor] took hereditary possession and did not

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[55] See Eskenazi, "Out of the Shadows," 29; Porten, *Archives from Elephantine*, 251–52. Similarly, Briant points out how, "[f]rom the beginning of the fifth century on, we observe the practice of intermarriage and the consequent adoption of Iranian names by Babylonians and vice versa" (Briant, *From Cyrus to Alexander*, 486). However, the degree of assimilation is unknown. Lemaire comments on a published ostracon which contains a benediction and the name of YHW and HNM, the Egyptian god. Lemaire proposes "there would only be one probable mention of Khnum associated with Yaho, and it could likely be explained by some marriage of a Judean with an Egyptian" (Lemaire, "Judean Identity in Elephantine," 369).

return (them) to him. And consequently, we brought (suit) against you" [TAD B.2 9.2–7]), yet they were still identified as Judeans.

Second, Jedaniah and Mahseiah were given Judean names in accordance with their mother's lineage. For example, "Mahseiah" was the name of Mibtahiah's father, and "Jedaniah" was the name of her grandfather. The practice of naming offspring according to the mother's lineage was rare in Elephantine; it was a practice often relegated for slaves (cf. *CAP* 28:4–5,11).[56] In this case, the names of Jedaniah and Mahseiah demonstrate a concerted effort by Mibtahiah to preserve their Judean identities.

Third, the mixed status of Jedaniah and Mahseiah did not jeopardize their ability to inherit from their parents, nor to represent their parents in legal cases. For example, as mentioned above, both brothers were able to divide their inheritance from Mibtahiah equally amongst themselves (see *CAP* 28). Jedaniah and Mahseiah were also able to inherit property from their mother's first husband, Jezaniah b. Uriah (*CAP* 25), since presumably he did not have any children.[57] Jezaniah's estate was cared for by his nephew, Yedoniah b. Hoshaiah b. Uriah, following Jezaniah's passing. However, Jedaniah and Mahseiah sued Yedoniah b. Hoshaiah for the property, prompting him to legally transfer ownership: "This house, whose boundaries are described above, is yours, Yedoniah and Mahseiah both sons of Nathan, for ever, and your children's after you. To whom you will, you may give it. I shall have no power, I Yedoniah, or

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[56] "For the son of the handmaiden is not described as son of his begetter but rather as a son of his slave mother and is himself a slave. Even when liberated and acknowledged by his father, he bears his mother's name…[O]ne can see readily that to set up a pedigree of all-male ancestral names was not merely a matter of curiosity and interest, but a proof of descent from a line of freemen." Emil G. Kraeling, *The Brooklyn Museum Aramaic Papyri: New Documents of the Fifth Century B.C. from the Jewish Colony at Elephantine* (Yale University Press: New Haven, 1953), 224. See also Botta, *Aramaic and Egyptian Legal Traditions*, 51 who argues that naming after the mother's genealogy was practiced in Egypt. See Kraeling, *The Brooklyn Museum,* 229 for an example of a son with a Judean name is said to be born from a mother with an Egyptian name.

[57] See Cowley, *Aramaic Papyri*, 84.

my sons" (*CAP* 25:8–9). Therefore, Jedaniah and Mahseiah enjoyed the same legal privileges as other offspring in Elephantine. Based on the ethnic titles attributed to Jedaniah and Mahseiah, their Judean names, as well as their ability to legally inherit from their parents, there is no indication that they suffered any social or legal ostracization by virtue of having a Judean mother and an Egyptian father. Instead, they appear to have been treated as other Judeans in the community.

The second group of mixed offspring to examine is Pilti and Jehoishma, the son and daughter of Ananiah, a Judean male, and Tamut, a former Egyptian slave (TAD B3:2).[58] Unlike Jedaniah and Mahseiah, Pilti and Jehoishma had a Judean father and an Egyptian mother. Although Ananiah is never explicitly identified as a Judean, he bears a theophoric name and works in the temple of YHW as a servitor (לחן).[59] Tamut, like Ashor, assimilated into the Judean community to some extent since she was later identified as a לחנה, a servitor in YHW's temple (TAD B3 12.2). This title is the female counterpart to her husband's profession, and it may imply that Tamut even worked in the Temple of Yaho.[60]

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[58] In the Elephantine community, slaves were considered property (K 5:7), and thus were inherited by children (*CAP* 28) and taken as a pledge for a debt (*CAP* 10:8ff). Throughout the Judean papyri, all slaves were Egyptian. Nutkowicz appropriately remarks that "Les noms de l'un, Eshor fils de Djeho, et de l'autre, Tamut, ne laissent pas de doute sur leur origine égyptienne," (Nutkowicz "Les mariages mixtes," 125).

[59] In lieu of mentioning Ananiah's ethnic association, his profession is listed in the contracts: "a servitor of YHH the God who is in Elephantine the fortress" (K 2; cf. K 3; TAD B 3 5:5). See Sebastian Grätz "The Question of 'Mixed Marriages' (Intermarriage): The Extra-Biblical Evidence," in Frevel, *Mixed Marriages*, 195. "The fact that Ananiah was not attached to a degel may mean that he was solely occupied with his Temple duties" (Porten, *Archives from Elephantine*, 202). For a discussion of the term לחן, see Stephen A. Kaufman, *Akkadian Influence on Aramaic* (Chicago: University of Chicago Press, 1975), 66. See Ernst Vogt S.J., *A Lexicon of Biblical Aramaic: Clarified by Ancient Documents*, rev. and trans by J. A. Fitzmyer S. J. Biblical Subsidia 42 (Roma: Gregorian & Biblical Press, 2011), 93. It may be a loanword from Akkadian, *laḫḫi/anatu,* which is defined as Kebsweib (concubine) (*AHw*, 528).

[60] Eskenazi, "Out of the Shadows," 31. However, she appropriately notes "One cannot claim that Tapmut is an official in her own right. More likely she receives the title because she is the wife of an official" (Eskenazi, "Out of the Shadows," 31 n. 1). See Azzoni, "Women of Elephantine," 9; see Neh 6:14; 2 Chron 34:22.

An examination of Pilti and Jehoishma's status as mixed offspring is slightly complicated since Tamut, their mother, was a former slave. While she was liberated by her owner, Meshullam b. Zaccur, Meshullam evidently maintained some type of jurisdiction over Tamut's offspring. For example, one stipulation in the marriage contract between Ananiah and Tamut required that, in the event of their divorce, Meshullam would be able to claim Pilti (their child) as his own son: "And I, Meshullam, tomorrow or (the) next day, shall not be able to reclaim Pilti from under your heart unless you [Ananiah] expel his mother Tamut" (TAD B 3:13–14).[61] Additionally, it is unclear whether Jehoishma was the daughter of Meshullam son of Zaccur or Ananiah, since the manumission contract between Meshullam and Tamut reads "(To be) free I released you at my death and I released Jeh(o)ishma by name your daughter, whom you bo(r)e me" (TAD B3 6:4; cf. B3.5:18). Furthermore, when one Ananiah son of Haggai sought to marry Jehoishma, he approached Zaccur son of Meshullam: "I came to y[ou in] your [hou]se and asked you for the lady Jehoishma by name, your sister, for wifehood and you gave her to me" (TAD B3 8:3–4).[62]

However, Jehoishma was likely the biological daughter of Ananiah; her allegiance to Meshullam was a form of *paramone*, meaning that the freed slave remained faithful to their previous owner in some capacity (see TAD B3 10.17; cf. TAD B3 7.8).[63] Whether she was born to Ananiah or Meshullam, both Pilti and Jehoishma were mixed offspring with a Judean father and an Egyptian mother. Both offspring were considered Judeans, and there is no evidence that they suffered any social repercussions for their mixed genealogy.

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[61] One possible explanation for Meshullam's continued jurisdiction over Pilti is that Pilti was conceived and born prior to Tamut's marriage with Ananiah (see Azzoni, *The Private Lives of Women*, 136).

[62] One potential explanation for this is that, since Jehoishma was born while Tamut was a slave, she remained under the authority of her Meshullam, even after her liberation (Azzoni, *The Private Lives of Women*, 19).

[63] See Kraeling, *The Brooklyn Museum*, 178. Indeed, both Tamut and Jehoishma promised to serve Meshullam (TAD B3.6:11–13).

First, Pilti and Jehoishma both bore Judean names, thus following the ethnic status of the father.[64] Second, both offspring were able to inherit from their parents equally: "But if you [Tamut] die at the age of 100 years, it is my [Ananiah's] children whom you bore me (that) have right to it after your death. And moreover, if I, Anani[ah], die at the age of 100 years, it is Pilti and Jehoishma, all (told) 2, my children, (who) have right to my other portion" (TAD B 3:17–20; see also TAD B3.7:9–12; K 5). According to this stipulation, the gender of the mixed offspring did not impact their legal standing in the community. Third, Jehoishma later married one Ananiah son of Haggai, a Judean, thus signifying that her mixed status did not jeopardize her ability to marry other Judeans (see TAD B3 7:3–4). Ananiah son of Haggai was identified both as an Aramean (TAD B3.8:1; 12:1–2) and a Judean (TAD B3 13:1–2).

Furthermore, in Jehoishma's marriage contract to Ananiah son of Haggai, she was allotted the same rights as other free women (K 7).[65] For example, she was financially protected in the event that Ananiah divorced her: "Tomorrow or (the) next day, should Ananiah stand up in an assembly and say: 'I hated my wife Jehoishma; she shall not be to me a wife,' silver of ha[tr]ed is on his head. All that she brought in in(to) his house he shall give her — her money" (TAD B3 8:21–22). Additionally, if Ananiah were to die without having children by Jehoishma, she would inherit everything he owned (TAD B3 8:29–30). These standard stipulations demonstrate that Jehoishma was treated like other Judean women. Therefore, while there is some ambiguity regarding Pilti and Jehoishma's exact status in relation to their mother's previous owner, it

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[64] Grätz, "The Question of 'Mixed Marriages'," 195. See Porten, *Archives from Elephantine*, 148 n. 132 where Pilti is listed as a Judean name.

[65] "Yehoyishma's legal position is in fact somewhat in between that of Tamut and that of Miptaḥyah. At the time of her marriage with ʿAnani she is a free woman, and her document of wifehood records that her dowry is valued even higher than Miptaḥyah's" (Azzoni, *The Private Lives of Women*, 9).

remains clear that their mixed status did not jeopardize their ability to inherit, to marry other Judeans, or be considered part of the Judean community.

Apart from the two groups of children listed above, it has been argued that there are a handful of other traceable cases of mixed offspring in Elephantine based on the onomastic evidence, where the father's name appears to be of a different ethnic origin than that of the child.[66] Porten, for example, argues that the name "Hosea son of Petekhnum" may imply that "Petekhnum father of Hosea had married into a Jewish family" (TAD B2 2.17).[67] He has identified fifteen potential examples of a parent with a non-Judean name and an offspring with a Judean name.[68] According to Stern, the fifteen cases of one parent with a non-Hebrew name and a child with a Hebrew name "were probably non-Judahites who married Judahites and assimilated into the Jewish community."[69]

Porten has also provided a list of twelve instances where fathers had a Judean name, but the offspring had a non-Judean name; this may imply that in some cases the offspring identified with the ethnic status of the non-Judean parent.[70] However, through a careful analysis of the twelve examples provided, it is not entirely clear that the offspring's name was not Judean, since most of the examples are reconstructed due to textual damage. For example, Porten lists Azibu b. Berechiah (*CAP* 56.3; אזיבו בר ברכיא), though the precise spelling of Azibu is uncertain.[71] Even if

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[66] See Porten, *Archives from Elephantine*, 134; Stern, "The Population of Persian-Period Idumea," 234. Generally, the mother's name is excluded from the genealogy. While Egyptian documents tend to include the mother, this is not the case with the Aramaic documents in Elephantine. See Botta, *Aramaic and Egyptian Legal Traditions*, 51. See TAD B2.9–10 for an exception.

[67] Bezalel Porten, *The Elephantine Papyri in English: Three Millennia of Cross-Cultural Continuity and Change* (Leiden: Brill, 1996), 85.

[68] Porten, *The Elephantine Papyri in English*, 148–149.

[69] Stern, "The Population of Persian-Period Idumea," 234. Nutkowicz also writes that "environ une quinzaine de person ne portent pas des noms hebrew, aux contraire de leurs enfants...La plupart qui ne sort pas probablement des Judeens, se seraient mariés avec des Judéennes" (Nutkowicz "Les mariages mixtes," 126).

[70] See Porten, *Archives from Elephantine*, 148–149.

[71] Azibu may be אזבי (1 Chron 11:37) or ארבי (2 Sam 23:35), which would have both been well-attested Judean names. See Cowley, *Aramaic Papyri*, 162. See also Asvadata b. Jonathan: אסודת בר יהנתן (*CAP* 2:21) or בר יהנתן

the name is clear, however, it is not always evident that it is a non-Judean name. For example, Porten lists Asori, the daughter of Gemariah, as another example of a non-Judean name (AP 43:2–3; לאסורי ברת גמ[רי]ה). However, Asori was the sister of Miphtahiah, which itself was a common Judean name, likely signifying that Asori came from a Judean family (AP 43:2, 13).[72] Additionally, some names were used by both Judean as well as Egyptian communities.[73] Therefore, based on the onomastic tradition, offspring with mixed parentage typically identified as Judean. However, one must be cautious about deriving overgeneralized conclusions from this data, since our content originates from Judean communities, or by scribes hired by Judeans; this may explain why most offspring have Judean names.[74]

3.2.4 Conclusion

The comparison of Jedaniah and Mahseiah on the one hand, with Pilti and Jehoishma on the other, is helpful for several reasons. First, Jedaniah and Mahseiah had a Judean mother and an Egyptian father, whereas Pilti and Jehoishma had an Egyptian mother and a Judean father. Since both groups of offspring identified as Judeans, it is evident that the Judean Elephantine community did not hold to either a patrilineal or matrilineal model of descent, but ambilineal

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ארורת (TAD B4 4:21). Furthermore, the name "Jonathan" is also misspelled (see TAD B6 4.10). Therefore, we are unable to conclusively state that this was a foreign name. This is also the case of Wktn b. Shillem, where only a final נ is apparent. According to Cowley, "וכֹתֹן [is] very uncertain. It might be וכסן, but neither is known to me as a name" (Cowley, *Aramaic Papyri*, 57). Porten also lists Pakhnum b. Zaccur (AP 23:12; פחנם בר זכור), though TAD renders the father's name as נחום, which is a Judean name (TAD C4.6:12).

[72] The name Asori may also be a derivative of אסיר, meaning "prisoner" (Gen 39:22; Isa 14:17; Zech 9:11–12).

[73] See Bethelnathan b. Jehonathan (TAD B6 4:9; TAD A4 3:4). Porten also lists Sinkisir b. Shabbethai as one of the cases with a Judean father and an Egyptian son (K 8:10; TAD B3 9:10), but Shabbethai is elsewhere identified as the son of Shug (TAD A2 1:10) and the son of Kibda (TAD B4.4:21; cf. C3A 28:86), which are both Egyptian names. Therefore, Shabbethai was evidently used by both the Judean and the Egyptian community. Additionally, there is not always a direct correlation between a name and their ethnic identity. Porten highlights how Hadadnuri had an Aramaic name yet was called a Babylonian (TAD B2.2:19), and Pakhnum son of Besa, who had an Egyptian name, was called an Aramean (TAD B3.13.2) (Porten, *The Elephantine Papyri in English*, 84)

[74] Azzoni, *The Private Lives of Women*, 108.

descent. Additionally, it is likely that the ethnic affiliation of the offspring was influenced by their residency since, in both cases mentioned above, the non-Judean spouse resided in the Judean community. Second, although we are unable to examine the mixed offspring's involvement in the cultic traditions of the community, it is evident that mixed offspring were able to marry other Judeans and inherit property without issue. These cases reveal that, like the pre-exilic Judean literature, these mixed offspring were not ostracized from their community because of their mixed genealogy.

3.3 Judeans in Mesopotamia

Following the Babylonian exile and the dispersion of the inhabitants of Judea, various small Judean communities formed throughout the Mesopotamian region.[75] Recent discoveries of legal cuneiform tablets, such as business transactions and marriage contracts from the 6th and 5th century BCE, have illuminated our understanding of Judean life in Našar, Bīt-Abī-râm, and Āl-Yāhūdu; the ostracon "preserve a unique imprint of an actual Judean/Jewish community living in central Babylonia."[76] According to Pearce, Judeans settled in Āl-Yāhūdu around 20 years following the destruction of the first temple, and were able to maintain a distinct identity in the midst of a multicultural and multilingual setting.[77] Unfortunately, it is unclear what specific

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[75] I follow Alstola's definition of "Judeans" when discussing communities in the Mesopotamian region: "people who or whose ancestors had arrived in Babylonia from the Kingdom of Judah" (Alstola, *Judeans in Babylonia*, 23).

[76] Caroline Waerzeggers and Jonathan Stokl, "Introduction," in *Exile and Return: The Babylonian Context,* ed. Jonathan Stökl et al., BZAW 478 (Berlin: de Gruyter, 2015), 1. The Murashu archive was excavated in 1893 in Nippur, and it contained "seven hundred and thirty tablets dating from the reigns of Artaxerxes I (464–424 B.C.) and Darius II (424–404)." See Michael David Coogan, "Life in Diaspora: Jews at Nippur in the Fifth Century B.C.," in *The Biblical Archaeologist* 37 (1974): 6–12, 6. See Laurie E. Pearce and Cornelia Wunsch, *Documents of Judean Exiles and West Semites in Babylonia in the Collection of David Sofer*, CUSAS 28 (Bethesda, MD: CDL Press, 2014). Pearce and Wunsch divide the ostraca into three groups: texts from Yāhūdu, texts from Našar, and texts from Bīt-Abī-râm. However, see Alstola, *Judeans in Babylonia*, 111–112 for why the division is potentially problematic.

[77] Laurie E. Pearce, "Identifying Judeans and Judean Identity in the Babylonian Evidence," in Stökl, *Exile and Return*, 13. According to Alstola, the dates of the tablets range between 591 to 413 BCE (Alstola, *Judeans in*

identity markers set the Judean communities apart from their neighbours. To date, there is no published evidence of any cultic activity that took place in the Judean community, nor is there any indication that, like the Elephantine community, the Judeans in Mesopotamia corresponded with, or were under the leadership of, those residing in Judea.[78] Nevertheless, "it is clear that the Judeans in Āl-Yāhūdu were perceived by the Babylonians as an identifiable group of people, namely 'the people from Judah.'"[79]

One main way to identify the presence of Judeans in the Mesopotamian region is through the onomastic evidence in contracts and other legal documents; the preservation of Judean/Yahwistic names found in these tablets reveal an attachment of the communities to the Judean homeland and to their cultic traditions.[80] Wunsch and Pearce assert that the onomastic tradition "emphasize [the Judeans'] origin and religious tradition…Divine names carry associations with geographic locations…[and] [p]eople whose names contain those divine elements may be assumed to have a personal, familial, or cultural affinity to those places."[81] Therefore, the onomastic evidence may be a strong indicator that the Judean community

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Babylonia, 2), though the "village of Yāhūdu ('Judah') is only attested from the thirty-third year of Nebuchadnezzar ii (572 bce) until the ninth year of Xerxes (477 bce)" (Alstola, *Judeans in Babylonia*, 125).

[78] Similarly, it is unknown whether the Judean communities in Mesopotamia had any texts they considered sacred. Since Judeans owned other Judeans as slaves in Babylon, the community was either unaware of the slave regulations in H, or unconcerned with them. See CUSAS 5 and 45; cf. WDSP 1.2; 3.1; 19.2. According to the book of Ezra, there was allegedly a temple in Casiphia, Babylon (Ezra 8:17).

[79] Kathleen Abraham, "Negotiating Marriage in Multicultural Babylonia: An Example from the Judean Community in Al-Yahudu," in Jonathan Stökl, *Exile and Return,* 34.

[80] Abraham writes that "Yahwistic, Hebrew and Aramaic names persisted among them even after decades of exile. This adherence to names from the homeland should most likely be interpreted as a sign of attachment to tradition" (Abraham, "Negotiating Marriage in Multicultural Babylonia," 34). Paul-Alain Beaulieu correctly writes that the Yahwistic names "may have become, in some cases, strictly indexical utterances with no religious or cultural referent, although we cannot exclude that they also represented for some dispersed Judeans a means of asserting their ethnic origin and cultural identity." Paul-Alain Beaulieu, "Yahwistic Names in Light of Later Babylonian Onomastics," in Lipschits, *Judah and the Judeans in the Achaemenid Period*, 253.

[81] Pearce and Wunsch, *Documents of Judean Exiles*, 8–10. See also Pearce, "Identifying Judeans and Judean Identity," 19.

maintained an attachment to their homeland and to their Yahwistic traditions, whatever those traditions may have been.

However, as noted above, conclusions about mixed unions and mixed offspring drawn from onomastic evidence (namely, if one spouse has a Judean name while his/her partner does not) are tentative for at least two reasons. First, names are not always representative of one's ethnic origins; some names are shared between Judean and non-Judean communities. In the Yāhūdu archive, for example, the Akkadian name Mukkêa is found a number of times in Judean lineages: Mukkêa son of Ahu-Edu (CUSAS 28 49:1), Mukkêa son of Yāhû-azza (CUSAS 28 80:12), and Mukkêa father of Ṭūb-Yāma (CUSAS 28 8:2–3; cf. Ezra 2:60; Neh 2:10; 3:3).[82] Therefore, one is not able to determine ethnic origins from names alone.

Second, there are cases where Judean males bore both a Yahwistic name *and* a Babylonian name simultaneously. According to Filip Vukosavovic, "it is not uncommon for a person [in the Yāhūdu archive] to have two different personal names, each one representing a different culture/religion."[83] In the Yāhūdu tablets, one Bēl-šar-uṣur son of Nubâ (CUSAS 28 2:2–3 and 3:2) was also identified as Yāhû-šar-uṣur son of Nubâ (CUSAS 28 4:2). Alstola argues that Judeans adopted Babylonian names to better assimilate into their new country, especially if they were government officials.[84] For example, a recovered seal dated to 540 BCE reads: "Belonging to Yehoyishma, daughter of Sawas-šar-uṣur" (ליהוישמע בת שושראצר). The daughter had a Yahwistic name ("Yahu will hear") while the father had a common, neo-Babylonian name,

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[82] Pearce and Wunsch, *Documents of Judean Exiles*, 87. See also Šalāmān, which is a name that appears to have been used in both Babylonian and Judean families (ibid 74:4; 75:4; 77:12; 78:17).

[83] Filip Vukosavovic, "The Family Tree of Samak-Yama From the Al-Yahudu Archive" *Revue d'assyriologie et d'archéologie orientale* 113 (2019): 159–163, 160.

[84] See Alstola, *Judeans in Babylonia*, 48; see also ibid 160 for his treatment of Bēl-/Yāhû-šar-uṣur. See Pearce and Wunsch, *Documents of Judean Exiles*, 26–27 for examples of dual names, and Nahman Avigad, "Seals of Exiles," *IEJ* 15 (1965): 222–233, 229. This comports well with evidence from Daniel (Dan 1:6–7).

meaning "Shamash protect the king!"[85] However, šar is a Beamtennamen, thus implying that the

father used his Babylonian name because of his "involvement in the Babylonian administrative

hierarchy."[86] Therefore, dual/multiple names must be factored into our assessment.

Third, offspring from Judean families may have Babylonian names. The lineage of Ariḫ,

for example, provides a unique example. He had four sons: Basiya (BM 75434), Mardukā (BM

68420), Aḫi-Yāma (BM 65149; BM 68921), and Amušê (BM 65149; BM 68921; BM 74411).[87]

While Bisaya and Mardukā are Babylonian names, Aḫi-Yāma is an explicitly Yahwistic name,

and Amušê (Hosea) is a Judean name.[88] It was uncommon for non-Judean families to adopt

Judean names, and thus Bloch concludes "it is just those names, Aḫi-Yāma and Amušê, that

identify the whole family of Ariḫ as being of Judean origin."[89] Contrary to the Elephantine

papyri, the preservation of Judean/Hebrew names was evidently not as strong of a social

boundary marker for Judeans in Babylon.[90] Therefore, a Babylonian name alone does not

necessarily signify that the person was not a Judean.

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[85] See Avigad, "Seals of Exiles," 229.

[86] Pearce, "Identifying Judeans and Judean Identity," 31. The title šar "express loyalty to the ruler and are indicative of persons who seek a career in the royal administration" (Pearce and Wunsch, *Documents of Judean Exiles*, 101). See Yigal Bloch, "Judeans in Sippar and Susa during the First Century of the Babylonian Exile," *JANEH* 2 (2014): 119–172, 138 for examples of Judeans in official courts who had a courtier name and a Judean name.

[87] See Kathleen Abraham "West Semitic and Judean Brides in Cuneiform Sources from the Sixth Century BCE: New Evidence from a Marriage Contract from Āl-Yahudu," *AfO* 51 (2006): 198–219, 208. Bloch proposes that the name Ariḫ derives from the noun "Orach" in Aramaic (Bloch, "Judeans in Sippar," 128 n. 20).

[88] According to Granerød, "In the Āl-Yāḫūdu archive… one frequent way of expressing the name of the deity YHWH in Yahwistic theophoric names was by means of Yāma" (Granerød, *Dimensions of Yahwism in the Persian Period*, 203).

[89] Bloch, "Judeans in Sippar," 129. Alstola writes: "[t]here is no evidence that any other population group borrowed Judean names [in Babylon], but foreign names of higher status, including Persian, Egyptian, and later Greek names, were attractive to other population groups as well" (Alstola, *Judeans in Babylonia*, 49). Coogan further notes that "after the exile the use of Babylonian names by Jews became more and more common not only in Babylonia but in Judah as well" (Coogan, "Life in the Diaspora," 11; e.g., Shealtiel and Zerubbabel).

[90] Coogan concludes: "it was not considered a serious compromise of one's Jewish identity to give a child a name which was not Yahwistic, nor even of Hebrew or Aramaic linguistic stock" (Coogan, "Life in the Diaspora," 11.). According to Pearce, in the Yāḫūdu corpus, "Of the 140 individuals with Yahwistic names documented in the Al-Yahudu texts, seventy-six have either a father or son who also bears a Yahwistic name. Some forty individuals who bear Yahwistic names have fathers or sons who are not so named," (Pearce, "Identifying Judeans and Judean Identity," 29).

In light of these points, the best way to assess whether a person is Judean would be to consider longer genealogical records, which span at least one generation.[91] For example, one marriage contract from Yāhūdu between Nanaya-Nanâ-kanāta (bride) and Nabû-bān-aḫi (groom), dated around 534 BCE, is often understood to be an example of intermarriage, since Nanaya-Nanâ-kanāta and her mother, Dibbî, had West-Semitic names,[92] whereas Nabû-bān-aḫi and his father bore Babylonian names.[93] Alongside genealogies, another factor that may reveal the ethnic origins of those mentioned in contracts is the list of witnesses placed at the end of the legal document: "as the document was witnessed by several Judeans, at least the milieu where the contract originated was distinctly Judean."[94] Indeed, if the witnesses mostly bear Yahwistic/Judean names, this may signify that the participants of the contract were Judean as well.

Despite the difficulties involved in identifying clear cases of mixed unions, we will consider two marriage contracts recovered from Judean communities in Mesopotamia which involve mixed offspring. One marriage contract is between a mixed offspring and a Babylonian, and the other marriage contract was written for a mixed offspring and a Judean; in both cases, the bride is the mixed offspring.[95] My goal is to examine whether the standard formulae for marriage

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[91] However, even more extensive genealogies do not always provide clear data. For example, in the case of Aḥīqar's family, his own name was non-Yahwistic and both his wife and father bore Akkadian names, yet he gave a Yahwistic name to his son (Nīr-Yāma). See Alstola, *Judeans in Babylonia*, 120 for a short discussion.

[92] See Pearce and Wunsch, *Documents of Judean Exiles*, 57, 58, 61; Ezra 3:2; 5:2; Neh 12:1

[93] Abraham "West Semitic and Judean Brides," 206. By virtue of having a Babylonian-style contract, Pearce and Wunch conclude that "they [the Judean family] proved to have assimilated the contemporary Babylonian practices and absorbed the standard legal jargon" (Pearce and Wunsch, *Documents of Judean Exiles*, 50). By contrast, T. M. Lemos has argued "The fact that the bridegroom and his father both bore Babylonian names would not compel one to conclude that they were themselves Babylonian — they could have merely taken or been given these names." T. M. Lemos, *Marriage Gifts and Social Change in Ancient Palestine*: *1200 BCE to 200 CE* (Cambridge: Cambridge University Press, 2010), 240. See also Alstola, *Judeans in Babylonia*, 130–131.

[94] Alstola, *Judeans in Babylonia*, 162.

[95] In the second contract, it is possible that the groom was also a mixed offspring. See below.

contracts were altered due to the mixed status of the bride, and whether there are any stipulations or repercussions for the expected children from said unions because of the mother's mixed genealogy.

3.3.1 Offspring in Mesopotamia

Offspring were commonly mentioned in neo-late Babylonian marriage contracts because of their role as inheritors to their parent's estate (see BMA 8.15-19).[96] The extent of the offspring's inheritance was sometimes contingent on the mother's status; if a father had children from two different wives, the child from the second wife would receive a smaller inheritance than the offspring from the first wife. For example, in BMA 3 (624 BCE), Nabû-zēr-kitti-līšir (groom) propositioned Bēl-iqīša for the hand of Kulla, his daughter, stating "I have no sons; I desire a son. Please give me Kulla, your daughter" (BMA 3.2–4). Since Nabû-zēr-kitti-līšir was already wed to Esagil-banāta (BMA 3:10–15), the marriage contract stipulated that, if both wives bore children, the children of Esagil-banāta would receive two-thirds of the father's property as an inheritance whereas Kulla's child would only receive one-third. However, if Kulla is the only one who bore offspring, then all the inheritance "will belong to Kulla and her children" (BMA 8.15). Therefore, the mother's status was important; if one's genealogically mixed status negatively impacted their ability to inherit, it would likely have been reflected in the marriage contract as well.

Bearing offspring also provided an added benefit for mothers; if a wife did not bear any children, she may not have been able to inherit her own parent's estate. For example, in a 6th

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[96] See Martha Tobi Roth, *Babylonian Marriage Agreement: 7th–3rd Centuries B.C.* Alter Orient und Altes Testament 222 (Kevelaer: Butzon & Bercker, 1989).

century neo-Babylonian contract, Nabû-šum-ibi (groom) asked Nupta (mother of the bride) for her daughter, Tupqitu, in marriage. In the contract, it was stipulated: "As long as Nupta lives, Tupqitu will not have the authority to dispose of the property; she may not give any of it to anyone; she may not use it as collateral…When she [Tapqitu] bears a male or female child, all (the above mentioned properties) will belong to Tupqitu, her daughter" (BMA 10.20–28; 553–539 B.C.E). In turn, if Tupqitu could not bear any offspring, she would have been forbidden from keeping her inheritance.[97] Therefore, offspring were very important for inheritance in the Mesopotamian region, and the expectation of having children was often included in legal contracts. With this in mind, we will examine two cases a mixed offspring to determine whether there is any evidence that they endured legal or social repercussions due to their lineage.

3.3.2 Mixed Offspring in Mesopotamia

There are only a few clearly documented cases of exogamous unions between Judeans and non-Judeans in the Mesopotamian region. Considering the onomastic evidence, mixed children from these unions were given either Judean or non-Judean names, regardless of which parent was Judean.[98] For example, in a contract from Bit-Našar, one Ahīqar married a woman with a Babylonian name, Bunnannītu. All five of their children, however, bore Judean and Yahwistic names: Nīr-Yāma (CUSAS 28; 24, 25, 27, 32 37), Haggâ (CUSAS 28; 2, 29, 30), Yāhû-azza (CUSAS 28; 45), Yāhû-izrī (CUSAS 28;30, 45), Yāhûšu (CUSAS 28; 45). By

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[97] There are cases, however, where the husband presents his property to his wife. In turn, this circumvents any need for the wife to have an offspring to inherit (BMA 1.13–18).

[98] See Abraham, "Negotiating Marriage in Multicultural Babylonia," 48. She argues for three types of marriage contracts found in neo-Babylonia: marriage contracts between members of the same ethnic group (e.g., Egyptians BMA nos 34–35, Babylonians BMA no. 17, and West Semitic BMA 17), exogamous contracts between individuals of similar social status (see BaAr 2 no. 5), and exogamous unions between those of different social status (e.g., BMA no. 26) (Abraham, "Negotiating Marriage in Multicultural Babylonia," 44–47). We will focus on the latter two categories.

contrast, Amušê (Hosea), the son of Ariḫ mentioned above, married Gudaddadītu, which is also a Babylonian name (BM 65149; BM 68921).[99] However, each of their children bore Babylonian names: "Four sons of Amušê – Bēl-uballiṭ, Šamaš-iddin, Nabû-ittannu and Bēl-iddin – bear names with theophoric elements mentioning Babylonian deities."[100] Therefore, it is unclear what factors determined whether the offspring would receive a Judean or non-Judean name, and what this implied about their identity more broadly.[101]

The first case to examine is BMA 26, a contract between Guzānu (Babylonian groom) and Kaššāya, the daughter of Amušê (Hosea) and Gudaddadītu.[102] Like her brothers mentioned above, Kaššāya bore a Babylonian name.[103] Since Amušê was likely Judean, and Gudaddadītu a Babylonian, Kaššāya would have been a mixed offspring with a Judean father and a Babylonian mother. Based on the marriage contract between Kaššāya and Guzānu, however, there is no indication that Kaššāya's mixed genealogical status was problematic. Indeed, the contract follows the conventional structure of other Babylonian marriage contracts: a summary of the groom's request to marry the bride (BMA 26.1–9), the consequences for adultery or divorce (BMA 26.10–15), and details pertaining to the dowry (BMA 26.15–16). Contracts also generally conclude with an appeal to the gods (BMA 26.23–26) and a list of witnesses (BMA 26.27–40), both of which are included in BMA 26.[104] There are no stipulations included in the contract which would insinuate that Kaššāya was treated differently because of her mixed genealogy.

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[99] See Roth, *Babylonian Marriage*, 94–95.

[100] Bloch, "Judeans in Sippar," 129. Each of the children from Amušê and Gudaddadītu bore Babylonian names, reflecting "a profound assimilation of the family into the native Babylonian society" (Bloch, "Judeans in Sippar," 129).

[101] See Abraham, "Negotiating Marriage in Multicultural Babylonia," 43.

[102] According to Abraham, "he [Guzānu] was certainly a Babylonian because of his surname — Ararru" (Abraham "West Semitic and Judean Brides," 208).

[103] Kaššāya was also the name of Nebuchadnezzar's daughter. See Paul-Alain Beaulieu "Ba'u-asitu and Kaššāya, Daughters of Nebuchadnezzar II," *Orientalia* 2 (1992): 173–201.

[104] According to Abraham, BMA 26 "follows the known Neo-Babylonian practices in every respect" (Abraham,

Bloch has proposed that Gudaddadītu (Kaššāya's mother) may have been a Judean name, signifying that Kaššāya was not a mixed offspring.[105] However, there is still no indication that Kaššāya and Guzānu's offspring would suffer any social repercussions. Other contemporary marital contracts included regulations pertaining to prospective children. For example, in a marriage contract between Nabe-hinni and Aqra (BaAr 2 no. 5), one stipulation reads "Seine männlichen Kinder werden mit Aqra in das Haus Ihres Vaters gehen" (BaAr 2 no. 5. 8.10–12).[106] However, there is no evidence in BMA 26 that Kaššāya's status or that of her children would be problematic. It appears that Kaššāya was even able to marry a Babylonian who had a higher social status than herself; Bloch writes "[t]he groom belonged to an upper level of the native Babylonian society, as can be seen from the fact that he bears a Babylonian family name, Ararru."[107]

A second contract to consider is BMA 17, written in Ālu-ša-banê around 542 BCE.[108] In this contract, Nabû-ah-uṣur (groom) approached the brother of Tallâ-Uruk (bride), Il-natan son of Barā-il, all of whom have West Semitic names.[109] Although these are not Yahwistic names per se, "names containing the theophoric element *el* were certainly not uncommon among Judean worshippers of Yahweh, and so it is highly possible that the bride's father was a Judean."[110] The

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"Negotiating Marriage in Multicultural Babylonia," 44). Abraham writes that, among the nineteen witnesses listed, five men were of Judean descent. While the rest had Babylonian names, "their fathers had either a Yahwistic or an Aramaic name" (Abraham "West Semitic and Judean Brides," 208). Therefore, Amušê's family was likely Judean.

[105] See Bloch, "Judeans in Sippar," 146.

[106] Wunsch proposes that this may imply that the couple did not reside together, or it could be a reflection on the spouses having different ethnic origins. "Ihre Name klingen nicht babylonisch, sonder überwiegend westsemitisch." See Cornelia Wunsch, *Urkunden zum Ehe-, Vermögens- und Erbrecht aus verschiedenen neubabylonischen Archiven* (Dresden: Islet, 2003), 23. The precise ethnic identification of those involved in this contract is unknown.

[107] See Bloch, "Judeans in Sippar," 145.

[108] See Alstola, *Judeans in Babylonia*, 131–132 for a short discussion of Ālu-ša-banê.

[109] Ibid., 32.

[110] Lemos, *Marriage Gifts,* 242. Pearce and Wunsch understand the name "Il-Natannu" to be West Semitic, meaning "God has given," (Pearce and Wunsch, *Documents of Judean Exiles*; see 2 Kgs 24:8; Jer 26:22; 36:12; Ezra 8:16). The final "nu" "may reflect a Babylonian scribe" (Pearce and Wunsch, *Documents of Judean Exiles*, 58). According to Alstola, "An interesting feature in the non-Yahwistic names borne by Judeans is their religious neutrality: the

mother of Tallâ-Uruk was named Bānītu, which was an Akkadian theophoric name, thus signifying that Tallâ-Uruk was likely a mixed offspring.[111] Similarly, the groom may have been a mixed offspring; according to Abraham, he was "a member of a non-Babylonian, West-Semitic group," since his father had a Yahwistic name, Hatā-Yāma.[112] In the marriage contract, there is no indication that, like Kaššāya, Tallâ-Uruk-Uruk's mixed status jeopardized her position in the community. Indeed, "[t]he text closely follows the general structure of Babylonian marriage agreements. The single deviation from the standard formulas is the splitting of the divorce clause in two, although this does not seem to alter its meaning in any significant way."[113] While Tallâ-Uruk-Uruk was not allotted a dowry, this not uncommon in Babylonian marriage contracts.[114]

3.3.3 Conclusion

Based on the above information, there is no evidence that mixed offspring from Judean communities in Mesopotamia suffered any repercussions because of their genealogical status. The examples of Kaššāya, Tallâ-Uruk, and Nabû-ah-uṣur reveal that mixed offspring were capable of marrying others and enjoyed legal rights in their respective communities. However, considering the scarce information recovered from these communities, and our reliance on onomastics for determining ethnic origins, these conclusions remain tentative.

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great majority of them do not pertain to any divinity but are non-theophoric…There are only four examples of Babylonian theophoric names borne by people who can be identified as Judeans" (Alstola, *Judeans in Babylonia*, 161).

[111] Pearce and Wunsch, *Documents of Judean Exiles*, 43. Similarly, Alstola writes "her [Tallâ-Uruk] mother Bānītu had an Akkadian name" (Alstola, *Judeans in Babylonia*, 132).

[112] Abraham "West Semitic and Judean Brides," 208. Alstola writes "The groom Nabû-ah-uṣur was of Judean descent, judging by the name of his father, Hatā-Yāma" (Alstola, *Judeans in Babylonia*, 132).

[113] Alstola, *Judeans in Babylonia*, 132.

[114] Although not all contracts include a dowry (BaAr 2 no. 5), dowries represented the socio-economic status of the families. See Lemos, *Marriage Gifts*, 237–244.

3.4. Judeans in the Judean Region

The land of Judea was devastated following the Babylonian exile, and though a portion of the population was removed from the region, smaller Judean communities remained both in the northern and southern areas surrounding Jerusalem.[115] Following the victory of the Persian empire against the Neo-Babylonians in 539 BCE, Cyrus the Great permitted dispersed Judeans to return to their homeland and rebuild their temple.[116] The works of Ezra and Nehemiah recount the return and subsequent religious reforms that took place among the returnees in Judea; one issue addressed in these texts was the exogamous unions and mixed offspring in the community. The rationale for why mixed offspring were problematic, and the proposed solution to rectify the issue, differed between Ezra and Nehemiah.

Alongside Ezra and Nehemiah, a third historiographic work is Chronicles, which is a rewriting of Israel's history leading up to the Babylonian exile. Since Chronicles was composed after the exile, the retelling of Israel's history provides insight into the author's worldview and interpretation of events. Unlike Ezra and Nehemiah, the author of Chronicles (the Chronicler) appears much less concerned with exogamous unions and mixed offspring, as we will see below. Therefore, the three historiographic texts that will be explored in this section will all exemplify varying approaches to mixed unions and mixed offspring amongst Judean communities in the Persian era.

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[115] Determining the population of Judea both before and after the return of the exiles is contentious. According to Ezra 2 and Neh 7, there were approximately 42,000 who returned (see Grabbe, *A History of the Jews and Judaism*, 200). However, Oded Lipschits argues that there were only 30,000 inhabitants during the Persian-period based on the archeological data. Oded Lipschits, "Demographic Changes in Judah between the Seventh and the Fifth Century BCE" in Lipschits and Blenkinsopp, *Judah and the Judeans in the Neo-Babylonian Period*, 323–76. See also Hans M. Barstad, *The Myth of the Empty Land: A Study in the History and Archaeology of Judah During the 'Exilic' Period* (Oslo: Scandanavian University Press, 1996).

[116] Pearce and Wunsch correctly posit that it was likely "the heirs of the elite Judean families of old who could claim (or hoped to claim) landed property and eventually restore their entitlement to Temple service and income" (Pearce and Wunsch, *Documents of Judean Exiles*, 5).

3.4.1 Chronicles

First and Second Chronicles is a post-exilic account of Israel's national history, likely composed sometime between the 5th and 4th century BCE for the Yehud community.[117] The Chronicler likely used several sources to reconstruct Israel's history, including DtrH and priestly literature (see 1 Chron 29:29).[118] Evidence of priestly influence is found throughout Chronicles; for example, the Chronicler adopts the priestly hierarchical structure in P, subjugating the Levites to the priestly class (cf. 1 Chron 23:26–32; see Lev 8–9). Also, the Chronicler condemned the enslavement of Israelites by other Israelites (2 Chron 28:8–11; cf. 8:9) which was an act permitted in law codes found in Exodus and Deuteronomy (Exod 21:7–11; Deut 15:12–18) but forbidden in H (Lev 25:39–46).[119]

In the retelling of Israel's history, the Chronicler emphasized the importance of Davidic kingship and the Jerusalem cult (2 Chron 3:1–5:1); in turn, narratives that reflected poorly on King David and the Southern kingdom were omitted.[120] In light of the author's tendency to

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[117] The earliest date possible for Chronicles is 538 BCE, since Cyrus's decree is mentioned in 2 Chron 36:22–23. Knoppers proposes that the mid-third century is the latest reasonable time due to the later translations of Chronicles into Greek, as well as subsequent quotations of this work in Jewish-Hellenistic literature. Gary N. Knoppers, *1 Chronicles 1–9*, AB (New York: Doubleday, 2003), 106. Others have argued that the work was composed in the Hellenistic era (Martin Noth, *The Chronicler's History*, trans. H.G.M. Williamson [Sheffield: Sheffield Academic Press, 2001], 69–73), though considering the common use of Persian words and absence of Greek words, a date around 400 BCE is preferable. See Sara Japhet, *I and II Chronicles: A Commentary* (Louisville: Westminster John Knox Press, 1993), 533–534. It is generally agreed that "the book was primarily addressed to an inner-Yehudite audience, and that it contributed to an inner-Yehudite discourse." Louis C. Jonker, "The Chronicler's Portrayal of Solomon as the King of Peace within the Context of the International Peace Discourses of the Persian Era," *OTE* 21 (2008): 653–669, 667. For the authorship of Chronicles, see Steven L. McKenzie, "The Chronicler as Redactor," in *The Chronicler As Author*: Studies in Text and *Texture,* ed. M. Patrick Graham and Steven L. McKenzie, JSOTS 263 (Sheffield: Sheffield Academic Press, 1999), 70–90.
[118] See Kai Peltonen, "Function, Explanation and Literary Phenomena: Aspects of Source Criticism as Theory and Method in the History of Chronicles Research," in Graham and McKenzie, *The Chronicler as Author*, 19–20. Due the similarities between DtrH and CH, some of the same characters will be addressed here as well.
[119] Unlike DtrH, there is no mention of Solomon's forced slavery of Israelites during the construction of the temple.
[120] For example, the narratives of David and Bathsheba (2 Sam 11), the rape of Tamar (2 Sam 13), Solomon's apostasy (1 Kgs 11), and his forced labour (see 1 Kgs 5:27–28 and 2 Chron 8:9). See Collins, *Introduction to the Hebrew Bible*, 469–470 for other examples of exclusions.

exclude narratives that do not serve his ideological worldview, it is curious that cases of exogamous unions and mixed offspring are included in the text, and are mentioned without any editorial comment or condemnation.[121] This is particularly interesting considering how "the writers of Chronicles are keenly concerned with genetics," given the lengthy genealogies provided in the first nine chapters.[122] Evidently, intermarriage and the presence of mixed children was not perceived as a threat for Israel's cultic activity or national identity. For example, Solomon's union with the daughter of Pharaoh is mentioned without any criticism or comment, which is surprising considering that Solomon's exogamous unions were the catalyst for his idolatry in the DtrH (1 Kgs 11:1–8).[123]

Based on the narratives in Chronicles, mixed offspring with either an Israelite mother or Israelite father were considered Israelites as well. The first group to consider are mixed offspring with an Israelite father. The first case is Shelah, the son of Judah and Shua the Canaanite: "The sons of Judah: Er, Onan, and Shelah; these three the Canaanite woman Bath-shua bore to him" (1 Chron 2:3). Despite his mixed lineage, Shua is listed in Chronicles as the head of his clan: "The sons of Shelah son of Judah: Er father of Lecah, Laadah father of Mareshah, and the families of the guild of linen workers at Beth-ashbea" (1 Chron 4:21). There is no evidence that the author

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[121] See 2 Chron 24:7; 30:3 for editorial comments. See Ralph W. Klein, *1 Chronicles: A Commentary*, Hermeneia (Minneapolis: Fortress Press, 2006), 108, who writes "The Chronicler's openness to outsiders can be seen in that he included six instances in which a Judahite had married a foreigner, but none of these liaisons is judged or condemned."

[122] Gary N. Knoppers, "'Married into Moab': The Exogamy Practiced in Judah and His Descendants in the Judahite Lineages," in Frevel, *Mixed Marriages*, 173. The tribes of Judah, Levi and Benjamin received the most attention.

[123] Solomon's Egyptian wife is mentioned in 2 Chron 8:11, where she was removed from the city of David when the ark was placed there. Since Chronicles mentions a continued presence of foreigners in the land (2 Chron 8:7–8), it is unlikely that Solomon's wife was removed from the city because of her foreign origins. Instead, the issue likely related to ritual purity. Klein, for example, highlights how menstrual uncleanness resulted in ritual impurity (see Lev 12–15; Num 5:2). See Ralph W. Klein, *2 Chronicles: A Commentary*, Hermeneia (Minneapolos: Fortress Press, 2012), 124–125. Cohen argues that Solomon's statement "my wife" signifies that she was moved because of the impurity from intercourse and ejaculation (see Exod 19:15; Deut 23:10-12; 1 Sam 20:26; 21:5-6). Shaye J. D. Cohen, "Solomon and the Daughter of Pharaoh: Intermarriage, Conversion, and the Impurity of Women," *JANES* 16-17 (1984–1985): 23–37, 26. See 11QT 65:11–12, which prohibited sexual relations in the city of the sanctuary.

considered Shelah or his offspring to be non-Israelites because of their lineage; instead, their occupation as linen workers [בית עבדת הבץ] at Beth-ashbea likely implies that they created fabrics for the kings, priests, and the temple.[124] In turn, they may have been involved in creating cultic objects for the temple.

A second example of a mixed offspring is the descendant of Mered, son of Ezrah. Significantly, Mered had two wives, one Egyptian and one Judean, and the offspring of both women were listed together in his genealogy. There is no indication that the children from the Egyptian mother were treated differently: "These are the sons of Bithiah, daughter of Pharaoh, whom Mered married; and she conceived and bore Miriam, Shammai, and Ishbah father of Eshtemoa. And his Judean wife bore Jered father of Gedor, Heber father of Soco, and Jekuthiel father of Zanoah" (1 Chron 4:17–18).[125] Considering the juxtaposition of both offspring, there is no evidence that their mixed lineage inhibited their status in the post-exilic Yehud.

A third example is Gershom and Eliezer, the children of Moses and Zipporah, the Midianite. Unlike the cases listed above, Gershom and Eliezer's foreign mother is not mentioned in Chronicles. However, the Chronicler included Gershom and Eliezer in the tribe of Levi: "As for Moses the man of God, his sons were to be reckoned among the tribe of Levi. The sons of Moses: Gershom and Eliezer" (1 Chron 23:14–15). There may be some evidence that the author's association of Gershom and Eliezer with the Levitical line was contentious. First, in contrast to the other parallel lists of the Levitical clans (see Exod 6:17–25; Lev 23:6–23; Num

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[124] The noun בוץ is found five times in the book of Chronicles and signifies linens made for the kings, priests (1 Chron 15:27), and fabrics for the temple (2 Chron 2:13; 3:14; 5:12). See Avi Hurvitz, "The Usage of שׁשׁ and בוץ in the Bible and Its Implication for the Date of P," *HTR* 60 (1967): 117–21, where he argues that the noun בוץ replaced שׁשׁ, which typically referred to linens in the tabernacle.

[125] There are different ways to construct this genealogy. See Klein, *1 Chronicles*, 136. Whether Mered was married to both the Judean and Egyptian or not, it remains evident that the offspring from the Egyptian mother were considered equal to the children with the Judean mother.

3:17–37; 1 Chron 6:16–30), this is the only location where Moses's children are considered Levites.[126] Second, the Chronicler wrote that Gershom and Eliezer "were to be reckoned among the tribe of Levi [יקראו על שבט הלוי]" (1 Chron 23:14a), which was not said for any other figures. The *niphal* verb קרא followed by the preposition על is found 8 times in the Hebrew Bible, and it typically signifies a change in status. For example, Ezra 2:61 reads "Also, of the descendants of the priests: the descendants of Habaiah, Hakkoz, and Barzillai (who had married one of the daughters of Barzillai the Gileadite, and was called by their name [ויקרא על שמם])." In this passage, the priest Barzillai adopted the name of his wife, presumably to "become the family's heir" since priests were forbidden from receiving land as an inheritance.[127] The author, then, made it clear that Gershom and Eliezer's status had changed in some capacity to be included among the Levites. The contention surrounding Gershom and Eliezer's priestly status may have been related to their foreign mother, particularly since she is not mentioned (see 1 Chron 2:3).[128] Whether this is the case or not, Gershom and Eliezer were mixed offspring who were listed in tribe of Levi, thus demonstrating that they were still able to take part of the cultic life in the Yehud community according to the Chronicler.

A fourth example of a mixed offspring with an Israelite father and a foreign mother is Absalom, the son of David and Maacah, the daughter of Talmai king of Geshur (1 Chron 3:2; cf. 1 Chron 3:1). Like in DtrH, there is no indication that Absalom's mixed status was problematic in CH. Absalom is only mentioned three times in Chronicles (1 Chron 3:2; 2 Chron 11:20–21), though his daughter, Maacah, eventually married king Rehoboam (2 Chron 11:20). According to

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[126] To some degree, however, Gershom and Eliezer are treated differently than the other Levitical clans in Chronicles since each genealogy is traced to three generations, which is not the case for Moses's children.

[127] H. G. M. Williamson, *Ezra, Nehemiah,* WBL 16 (Dallas: Word, 1985), 37.

[128] The Chronicler was likely aware of the marital regulations for the priestly class in H, namely that a priest must marry a woman from his own kin so that "he [the priest] may not profane his offspring among his kin" (Lev 21:15). Such a regulation evidently did not apply to general Levites.

the Chronicler, then, children of mixed offspring were able to marry other Israelites, signifying that they were not considered genealogical unfit.[129] There is no evidence that the children of mixed offspring suffered any repercussions socially; they were able to marry others in the Israelite community.

A second group of mixed offspring to consider are those with an Israelite mother and a foreign father. Like the examples listed above, there is no evidence that the Chronicler considered these offspring problematic. For example, Amasa, King David's nephew, was the son of Abigail and Jether the Ishmaelite (1 Chron 2:17).[130] Although Amasa is not mentioned again in Chronicles, it is evident by his inclusion that the Chronicler was not embarrassed by his mixed genealogy, or his association with the Davidic line: "The Chronicler…who certainly does not spare any praise, saw no problems in allowing such elements [such as foreigners and mixed marriages] to stand…even within his [David's] family."[131]

A second example of an offspring with an Israelite mother and a foreign father was Attai: "Now Sheshan had no sons, only daughters; but Sheshan had an Egyptian slave, whose name was Jarha. So Sheshan gave his daughter in marriage to his slave Jarha; and she bore him Attai" (1 Chron 2:34–35). This example is more complicated than the previous cases since the Egyptian father of Attai was also a slave; the implications of his slave status for the child are unclear. According to the slave laws in Lev 25:44–45, non-Israelite slaves remained slaves perpetually; details are not provided concerning their children, particularly if the foreign slave married an

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[129] A similar example is found with the marriage between Hezron, the grandson of Judah (1 Chron 2:5), and the daughter of Machir, the father of Gilead, who himself was a mixed offspring: "Asriel, whom his Aramean concubine bore; she bore Machir the father of Gilead" (1 Chron 7:14).

[130] See J. Stanley McIvor, *The Targum of Chronicles: Translated, with Introduction, Apparatus, and Notes*, The Aramaic Bible 19 (Collegeville: The Liturgical Press: 1994) for an explanation of why Jether was called an Ishmaelite, even though the author(s) of the Targum considered him an Israelite.

[131] Marsh and Levine, "Mixed Marriages in the Book of Chronicles," 135.

Israelite.[132] How, then, should Attai's status as an Israelite be explained? Garroway proposes that "Sheshan may have even adopted Jarha as his son, thereby making Jarha the person through whom he would continue his name and line."[133] However, as Garroway herself acknowledges, such an adoption is nowhere mentioned in the text.

A second possibility is reading 1 Chron 2:34–35 in light of the slave laws from Exodus: "If his master gives him [the slave] a wife and she bears him sons or daughters, the wife and her children shall be her master's" (Exod 21:4).[134] While this is possible, Exod 21:4 was a mandate for Hebrew slaves, not foreign slaves. Unfortunately, the text in Chronicles does not explain the situation. It is evident, however, that the Egyptian status of Attai's father was inconsequential; the dilemma revolves around Jarha's status as a slave. Despite Jarha's Egyptian origins, Attai was considered an Israelite: "The writer provides a 13-generation linear genealogy of the couple's descendants [Jarha and the daughter of Sheshan], which is one of the longest genealogies in the book."[135] According to Knoppers, a long lineage "is itself a sign of status in the ancient world."[136]

A third example to consider is Huram-abi, "the son of one of the Danite women, [and] his father a Tyrian" (2 Chron 2:14). In DL, Huram-abi was named Hiram from Tyre, and he was described as "the son of a widow of the tribe of Naphtali, whose father [was] a man of Tyre" (1

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[132] Milgrom correctly notes that the phrase "to inherit as property [לרשת אחזה לעלם]" in Lev 25:46 "clearly demonstrates that the *gēr* was not admitted into the peoplehood of Israel for generations" (Milgrom, *Leviticus 23–27*, 223). Kristine Garroway reads the law from Lev 25:24–25 as applying to the children of the slave as well; this is not explicitly stated in Leviticus, though it is a logical conclusion (Garroway, *Children in the Ancient Near Eastern Household*, 153).

[133] Garroway, *Children in the Ancient Near Eastern Household*, 153.

[134] See Japhet, *I and II Chronicles*, 84. Japhet appeals to cases in the book of Genesis where the child of a slave was considered the descendent of the slave's owner (Gen 16:2; Zilpah and Bilhah): "Just as the offspring of Hagar, Zilpah and Bilhah are regarded in every way as the master's sons, so here the descendants of the Egyptian slave are fully–fledged Israelites" (Japhet, *I and II Chronicles*, 84). However, in each case, the "master" was also the father.

[135] Marsh and Levine, "Mixed Marriages in the Book of Chronicles," 137.

[136] Knoppers, "Married into Moab," 182.

Kgs 7:14). Scholars have attempted to explain the change in his mother's tribal affiliation (from a Naphtalite to a Danite). Raymond Dillard, for example, proposes that perhaps the mother's own lineage was "through parents of two different tribes," or that the territory of Dan was in the district of Naphtali.[137]

A better explanation, however, is that the Chronicler sought to identify Huram-abi with both Bezalel and Oholiab, who built the tabernacle (Exod 31:6). While DtrH already depicted Hiram as a new Bezalel by describing him as "full of skill, intelligence, and knowledge in working bronze" (1 Kgs 7:14; see Exod 31:3), the Chronicler made his own adaptation and comparison. First, unlike 1 Kgs 7:14, where the skills of Hiram of Tyre were limited to bronze work, the Chronicler expanded Huram-abi's skills: "He is trained to work in gold, silver, bronze, iron, stone, and wood…and to do all sorts of engraving and execute any design" (2 Chron 2:14). This broadened skillset draws a closer parallel with Bezalel, who had "ability, intelligence, and knowledge in every kind of craft, to devise artistic designs, to work in gold, silver, and bronze, in cutting stones for setting, and in carving wood, in every kind of craft" (Exod 31:3–5). Second, Huram-abi was requested by Solomon at the beginning of the temple's construction, similar to Bezalel and Oholiab, who were involved in building the tabernacle from the start. By contrast, Hiram of Tyre in Kings was only summoned by Solomon after the temple and palace were built (1 Kgs 6–7).[138] Finally, the change of Huram-abi's lineage from a Naphtalite to a Danite was intentional, to "giv[e] Huram-abi the same tribal ancestry as Oholiab."[139] Considering the author's attempt to closely associate Huram-abi with Oholiab the Danite (Exod 35:34), it is

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[137] Raymond B. Dillard, *2 Chronicles*, WBC 15 (Dallas: Word, 1987), 20. For additional options, see Klein, *2 Chronicles*, 38.

[138] See Japhet, who also states "Huram the craftsman is given greater significance in Chronicles than in Kings: his appointment is the first of Solomon's request of the king of Tyre" (Japhet, *I and II Chronicles*, 557).

[139] Dillard, *2 Chronicles*, 5. Dillard further argues that the Chronicler casted Solomon as the new Bezalel and Huram-abi was the new Oholiab based on their tribal origins.

evident that Huram-abi's mixed lineage was not viewed negatively, but his mother's tribal affiliation was imperative for the Chronicler to portray Huram-abi positively.

Based on these examples, the Chronicler maintained an ambilineal approach to kinship, permitting mixed offspring to associate with Israelites through either their mother or their father.[140] According to Grabbe, "It may have been that in the case of marriage the spouse simply lived in the community, had children, and in time the descendants were accepted as Jews."[141]

There is one passage in Chronicles, however, which has been used to argue that mixed offspring were problematic for the community. In the account of Joash's assassination in DtrH, the ethnic origins of his assassins are unknown: "It was Jozacar son of Shimeath [שמעת] and Jehozabad son of Shomer [שמר], his servants, who struck him down, so that he died" (2 Kgs 12:21). By contrast, in Chronicles, the ethnic origins of their mothers as well as their mothers' names are provided: "Those who conspired against him were Zabad son of Shimeath [שמעת] the Ammonite, and Jehozabad son of Shimrith [שמרית], the Moabite" (2 Chron 24:26). According to Japhet, these names identify the assassins' mothers: "In Chronicles…the form 'Shimrith' for 'Shomer' and the feminine titles 'Moabitess' and 'Ammonitess' surely indicate that the Chronicler himself identifies the two names with the mothers of the conspirators."[142] Considering this change by the Chronicler, Edward Curtis posits that the assassins were mixed offspring: "Here they [the assassins] have become their mothers and their descent is made half heathen. Thus, the fate of Joash is made still more opprobrious, and the Chronicler likewise

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[140] Armin Lange is correct in stating that "1–2 Chronicles is not just disinterested in the issue of intermarriage, it accepts intermarriages in several cases." Armin Lange, "The Significance of the Pre-Maccabean Literature from the Qumran Library for the Understanding of the Hebrew Bible: Intermarriage in Ezra/Nehemiah — Satan in 1 Chr 21:1 — the Date of Psalm 119" in *Congress Volume Ljublijana 2007*, ed. André Lemaire, VTSup 133 (Leiden: Brill, 2010), 171–218, at 181.

[141] Grabbe, *A History of the Jews and Judaism*, 171.

[142] Japhet, *I and II Chronicles*, 854.

expresses thus his aversion to the marriage of Hebrews with foreigners — their offspring are murderers."[143] However, there are two issues with this argument. First, it is unclear if Zabad and Jehozabad were mixed offspring, since the Chronicler simply changed their fathers' names from 2 Kgs 12:21 to their feminine counterparts, and added feminine ethnic titles (Ammonites and Moabitess).[144] There is no indication that the women listed in 2 Chron 24:26 were the wives of Shimeath and Shomer from 2 Kgs 12:21. Therefore, the assassins were identified in CH as Moabites and Ammonites, not mixed offspring. Second, the ethnic or national origins of Shimeath and Shomer in 2 Kgs 12:21 are never provided, and thus it is unknown if they were even Israelites. Peter Ackroyd correctly writes "Joash was murdered…by two men of alien birth, connected with Ammon and Moab; the implications of this point…would appear to be that when king (or people) turn to alien gods, their judgment will be at the hands of alien instruments of divine wrath."[145]

Therefore, since the genealogies of mixed offspring are provided in the text of Chronicles without any editorial comment or condemnation, there is no reason to assume that their mixed genealogy negatively impacted their status in the community. Even the mixed genealogy of Machir, the father of Gilead who became "the eponymous ancestor of an important Transjordanian Israelite group" was mentioned without alteration (1 Chron 7:14).[146] Based on the evidence listed above, mixed offspring were able to take part in the cultic community, marry

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[143] Edward Lewis Curtis and Albert Alonzo Madsen, *The Books of Chronicles,* ICC (Edinburgh: T&T Clark, 1910), 439. See also William Elmslie, *The Books of Chronicles; with Maps, Notes and Introduction* (Cambridge: Cambridge University Press, 1916), 279.

[144] There are a few differences with the genealogies from 2 Kgs 12:21 and 2 Chron 24:26. First, Jozacar in DtrH is called Zabad in Chronicles. Second, only the name of Jehozabad's father, Shomer, was changed to Shimrith.

[145] Peter R. Ackroyd, *I and II Chronicles, Ezra, Nehemiah*, Torch Bible Paperbacks (Bloomsbury: SCM Press, 1973), 161. Both Chronicles and the Deuteronomistic literature mention foreigners in Israelite's courts (e.g., 1 Chron 11:39–41; see 1 Chron 29:5; 2 Sam 8:18; 20:7; 23:39).

[146] Olyan, *Rites and Rank*, 85.

other Israelites, and serve in the royal courts. Therefore, Chronicles represents a worldview in post-exilic Yehud where mixed offspring with either an Israelite father or an Israelite mother were included in all facets of Israelite life.

3.4.2 Nehemiah

The canonical books known as Ezra and Nehemiah were composed sometime during the 5th or 4th century BCE, though the precise relationship between each text is difficult to establish.[147] These books share various similarities: they contain the same genealogical list (see Ezra 2; Neh 7), they recount two religious reforms, and they each addressed exogamous unions in the community (Ezra 10:44; Neh 13:23–31).[148] However, Ezra 9–10 and Neh 13:23–26 preserve different traditions for how mixed offspring were treated in post-exilic Yehud.

Ezra and Nehemiah provide some of the first cases where Judean leaders took issue with mixed offspring in the community. One reason to explain this newfound emphasis on mixed children may be the important role lineage played for admission into the post-exilic Judean community. For example, in Nehemiah's account of the returnees, certain families were excluded from the community because they were unable to trace their lineage back to Israel: "The following were those who came up from Tel-melah, Tel-harsha, Cherub, Addon, and Immer, but they could not prove their ancestral houses or their descent, whether they belonged to Israel" (Neh 7:61). While priestly families who were unable to trace their lineage were instructed to

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[147] See Williamson, *Ezra, Nehemiah,* xxxv–xlviii for theories on the various stages of composition. Most early traditions treated Ezra and Nehemiah as a singular work; the narratives were first separated in the Greek tradition, sometime around the third century CE. See ibid xxi for evidence that they were treated as one literary work. See also Jacob Myers, *Ezra, Nehemiah*, AB 14 (Garden City: Doubleday, 1965), XXXVIII.

[148] There is some archaeological evidence that the post-exilic Judean community was syncretistic, which may explain why intermarriage was practiced by some in the community. See Ephraim Stern, "Seal-Impressions in the Achaemenid Style in the Province of Judah," *BASOR* 202 (1971): 6–16.

refrain from "the most holy food, until a priest with Urim and Thummim should come," such a

contingency plan was never offered to lay Israelites (Neh 7:65). Jonathan E. Dyck correctly

writes "[m]embership in one of these [citizen-temple] communities, which were organized along

kinship lines, determined access to the cult and established one's right to land."[149] Therefore, in a

social context where lineage became a central identity marker for the returnees, there was also a

growing concern about mixed offspring: should they be included in the community? However, as

mentioned above, Ezra and Nehemiah dealt with children from mixed unions differently.[150]

In the book of Nehemiah, exogamy was condemned for three reasons.[151] First, it defiled (גאל)

the priesthood; priests who intermarried were likely disqualified from their cultic duties (Neh

13:29).[152] For example, the grandson of Eliashib the high priest was chased away by Nehemiah

because he married the daughter of Sanballat the Horonite.[153] Following Jehoiada's expulsion,

Nehemiah prayed: "Remember them, O my God, because they have defiled [גאל] the priesthood,

the covenant of the priests and the Levites" (Neh 13:29). Scholars generally explain this alleged

defilement by appealing to the prohibition against exogamy in H (Lev 21:14).[154]

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[149] Jonathan E. Dyck, *The Theocratic Ideology of the Chronicler* (Leiden: Brill, 1998), 104. See also C. E. Carter, "The Province of Yehud in the Post-Exilic Period: Soundings in Site Distribution and Demography," in *Second Temple Studies: Vol 2, Temple and Community in the Persian Period,* ed. T.C. Eskenazi and K. H Richards (Sheffield: JSOT Press, 1994), 106–45. Stern argues that the early re-established community "resembled the conditions of a society with low ethnic boundary maintenance" (Stern, "The Population of Persian-Period Idumea," 229), although Ephraim Stern, *Archaeology of the Land of the Bible, Vol II: The Assyrian, Babylonian, and Persian Periods* (New York: Doubleday, 2001), 332–39 suggests that, in the following centuries after the return, Judea became more distinct from their neighbours, which he attributes to the context of Samaritan-Jewish tensions.

[150] The focus on offspring and their status in the Yehud community may have also been motivated by concerns for inheritance. Lisbeth S. Fried, "The Political Struggle of Fifth Century Judah," *Transeuphratène* 24 (2002): 9–21, 18, who argues that inheritance was a point of contention between the Judeans and Samaritans.

[151] Nehemiah used Deut 7:3 (see Neh. 10:30; 13:25) and Deut 23:3–4 (Neh. 13:1–1) to condemn exogamy.

[152] The form גאל is used twice in Nehemiah; first in a verbal form: "These [descendants of Hobaiah, of Hakkoz, of Barzillai] sought their registration among those enrolled in the genealogies, but it was not found there, so they were excluded [ויגאלו] from the priesthood as unclean" (Neh 7:64). The second use is in a nominal form (Neh 13:29).

[153] Myers notes "It is possible that the son of Joiada refused to divorce his wife…and so was ostracized, or that he was chased out by virtue of Nehemiah's feelings toward Sanballat" (Myers, *Ezra Nehemiah,* 218).

[154] According to Olyan, "The models for the idea that intermarriages defile the priestly lineage are not entirely clear due to a lack of direct textual allusions in Neh 13:28–30, but I suspect that they included the holiness source's list of 'morally' polluting sexual unions found in Leviticus 18 and 20 read together with Ezek 44:22, which proscribes

The second reason exogamous unions were prohibited was because they resulted in idolatrous activity. Following Nehemiah's rebuke of the Judeans who married foreign women, Nehemiah underscored the danger of intermarriage by referring to Solomon: "Did not King Solomon of Israel sin on account of such women? Among the many nations there was no king like him…nevertheless, foreign women made even him to sin" (Neh 13:26). According to Nehemiah, therefore, exogamy resulted in moral impurity.

A third reason exogamous unions were prohibited was because they created political affiliations with foreigners, which was problematic for the Yehud community. When Nehemiah recounted how Tobiah and Sanballat hired prophets to intimidate him (Neh 6:10, 14), he mentioned that people in Judea were indebted to Tobiah because of Tobiah's alliance with the priestly class through intermarriage: "For many [nobles] in Judah were bound by oath to him [Tobiah], because he was the son-in-law of Shecaniah son of Arah: and his [Tobiah's] son Jehohanan had married the daughter of Meshullam son of Berechiah" (Neh 6:18). This concern regarding political associations likely fueled Nehemiah's distress about mixed offspring.

Mixed offspring are only addressed in Neh 13:23–25. In this short pericope, Nehemiah expressed his concern that some of the mixed offspring were unable to speak the Judean language: "In those days also I saw Jews who had married women of Ashdod, Ammon, and Moab; and half of their children spoke [ובניהם חצי מדבר] the language of Ashdod, and they could not speak the language of Judah [ואינם מכירים לדבר יהודית]" (Neh 13:23–24).[155] The phrase "half of

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priestly intermarriages in contrast to Lev 21:7, which does not." Saul M. Olyan "Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community," *JSJ* 35 (2004): 1–16, 7. See also Williamson, *Ezra, Nehemiah,* 401; Myers, *Ezra Nehemiah,* 219; and F. Charles Fensham, *The Books of Ezra and Nehemiah*, NICOT (Grand Rapids, MI: Eerdmans Publishing, 1983), 268.

[155] According to Jacob Wright, the nations of Ammon and Moab were later inserted into the text to draw a closer parallel with Deut 23:2. Jacob L. Wright, *Rebuilding Identity: The Nehemiah-Memoir and Its Earliest Readers*, BZAW 348 (Berlin: de Gruyter, 2005), 244–248; see also Christophe Pichon, "La Prohibition des Mariages Mixtes Par Néhémie (XIII 23–31)" *VT* 47 (1997): 168–199, 196.

their children spoke the language of Ashdod" may either imply that half of the population of

mixed offspring spoke the Ashdod language, or that the children spoke half-Ashdodite alongside

another language.[156] Lemaire, for example, favours the latter reading: "Et leurs fils parlaient *a*

moitié ashdodien."[157] Ingo Kottsieper, however, convincingly argues for the former: "[b]ecause

מדבר is singular, חצי cannot be taken as an adverb…but must be the subject of מדבר."[158] In other

words, חצי is functioning as the subject of the participle מדבר.[159] Therefore, the syntax of Neh

13:24 better supports the reading that a subset of the mixed offspring in the community were

unable to speak the Judean language.[160]

If this were the case, however, Nehemiah's anger appears disproportionate to the problem

at hand. Based on archaeological evidence, Myers posits "there was very little difference

between the language of Judah and that of Ashdod. Perhaps it was only a matter of dialectical

variation, or merely of accent and pronunciation."[161] Considering this, it seems implausible that

the mixed offspring were unable to either speak or learn the language in Judea. Indeed, the

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[156] In Neh 13, the "language of Ashdod" may be representative of any foreign language (Williamson, *Ezra, Nehemiah,* 398), or an Aramaic dialect. See Katherine E. Southwood, "'And They Could Not Understand Jewish Speech': Language, Ethnicity, and Nehemiah's Intermarriage Crisis," *JTS* 62 (2011): 1–19, 14.

[157] André Lemaire, "Ashdodien et Judeen a l'epoque Perse: Neh 13:24," in *Immigration and Emigration Within the Ancient Near East,* ed. K. van Lerberghe and A. Schoors (Leuven: Peeters Publishers, 1995) 153–164, 154.

[158] See Ingo Kottsieper, "'And They Did Not Care for Speak Yehudit': On Linguistic Change in Judah During the Late Persian Era," in *Judah and the Judeans in the Fourth Century B.C.E.* ed. Oded Lipschits et al. (Winona Lake, IN: Eisenbrauns, 2007), 95–124, 98.

[159] While חצי would normally precede בניהם, see Zech 14:8 for a similar structure.

[160] The antecedent of the first pronominal suffix in ואינם מכירים לדבר יהודית may refer back to the plural form בניהם, although the closest referent is the grammatically singular subject חצי. Lemaire properly questions the broader implications of this view: "Elle [l'interprétation] laisse dans l'attente de précisions sur ce que faisait l'autre « moitié » des fils" (Lemaire, "Ashdodien et Judeen a l'epoque Perse," 154). Similarly, Joseph Blenkinsopp writes "it is not surprising that many of the children spoke her language, though why the other half did not remains unexplained." Joseph Blenkinsopp, *Ezra-Nehemiah,* OTL (Philadelphia; Westminster Press, 1988), 363. Unfortunately, no answer is available.

[161] Myers, *Ezra, Nehemiah,* 217. Myers proposes that the Ashdodite language could have been a dialect of Aramaic or the Philistine language. Kottsieper proposes that the language was a dialect of Aramaic but was not called ארמית because "the dialects spoken in Judah and the neighboring areas were different [than the Aramaic dialects used in Mesopotamia]…Thus, probably Ashdodit was a name for these vernacular dialects of Aramaic" (Kottsieper, "'And They Did Not Care for Speak Yehudit'," 101).

dilemma highlighted by Nehemiah could have easily been rectified: these mixed children would learn the Judean language. Indeed, Wolfgang Oswald writes: "[t]he problem [for Nehemiah] is not the foreign language as such—since this could have been remedied by teaching them Judean."[162]

Instead, the verb נכר in the phrase ואינם מכירים לדבר יהודית (Neh 13:24b) may better be understood to mean that the offspring were uninterested in speaking the Judahite language.[163] The *hiphil* form of נכר, which is often translated as "recognize" (Gen 27:23; Judg 18:3), "identify" (Gen 37:32), or "acknowledge" (Is 63:16; Ruth 2:10), "denotes an attitude towards something or someone, to examine it and to get to know the facts."[164] In other words, the issue for Nehemiah was not that a subset of mixed offspring were unable to understand "Jewish speech," but that the offspring were indifferent towards the Judean language, and hence unconcerned about maintaining Judean identity.[165] Nehemiah's ire, then, stemmed from his understanding of "how essential language was for the maintenance of national identity and, especially, religion."[166] Similarly, Jon Berquist proposes that Nehemiah's condemnation related to their inability to serve in the community: "without a knowledge of Hebrew or Aramaic, they [the mixed children] would not be capable of assuming leadership positions within the community."[167]

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[162] Wolfgang Oswald, "Foreign Marriages and Citizenship in Persian Period Judah," *JHS* 12 (2012): 1–17, 4.
[163] See Kottsieper, "'And They Did Not Care for Speak Yehudit'," 98.
[164] Ibid. The *hiphil* form is used also in Neh 6:12: "Then I perceived [נכר] and saw that God had not sent him at all."
[165] Southwood, "'And They could not Understand Jewish Speech'," 16. Kottsieper argues that, in the late Persian and early Hellenistic era, Hebrew was largely superseded by Aramaic in the Jewish community, though "Hebrew was [still] used as a kind of religious lingo in religious circles" (Kottsieper, "'And They Did Not Care for Speak Yehudit'," 97). "Jewish speech" in Neh 13:24, then, may refer to the cultic language of the community.
[166] Myers, *Ezra, Nehemiah*, 217. Williamson also writes: "For a religion in which Scripture plays a central part, grasp of language is vital… When religion and national culture are also integrally related, as they were for Judaism at this time, a knowledge of the community's language was indispensable" (Williamson, *Ezra, Nehemiah,* 397)
[167] Berquist, *Judaism in Persia's Shadow*, 118.

Katherine Southwood has explored the sociological function of language as an identity marker in small communities, and she convincingly argues that language was a symbol of ethnic association in Neh 13:23–25, and in turn, representative of one's ability to preserve the group/national identity.[168] Therefore, Nehemiah was likely concerned that the mixed children were unable or uninterested to preserve the Judean identity of the community, demonstrated by their inability or refusal to speak the Judean language.[169]

Nehemiah, then, was primarily concerned with the political ramifications of having a foreign parent; he was not troubled by the offspring's mixed lineage per se, as though he mandated genealogical purity for all Judeans. This is evident for a couple of reasons. First, Nehemiah only condemned half of the mixed offspring: "half of their children spoke the language of Ashdod, and they could not speak the language of Judah" (Neh 13:24). If their mixed lineage was problematic, he would have condemned all of them equally.

Second, after Nehemiah physically attacked the fathers who engaged in exogamous unions, he forced the fathers to swear an oath: "You shall not give your daughters to their sons, or take their daughters for your sons or for yourselves" (Neh 13:25; cf. Deut 7:3–4).[170] Although this was common covenantal language in Nehemiah (see Neh 10:30), Nehemiah evidently prohibited Judean fathers from allowing their own mixed children to intermarry with foreigners; this

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[168] Southwood, "'And They could not Understand Jewish Speech'," 17. See also Joshua A. Fishman, "Language and Ethnicity" in *Language, Ethnicity and Intergroup Relations*, ed. Howard Giles (London: Academic Press, 1977), 15–52, 25 who highlights the importance of language as a symbol of identity.

[169] Paul Heger goes so far to claim that the foreign language of the mixed offspring symbolized their rejection of Judea's cultic tradition. According to Heger, the refusal of the children to learn the Judean language indicates "their reluctance to adhere to the Jewish people and fulfill the Torah laws" (Heger, *Women in the Bible*, 321).

[170] The form of punishment imposed on the fathers is also recorded in a cuneiform tablet from the Murasu archive, and was the consequence for breaking a contract (420 BCE). Michael Heltzer "The Flogging and Plucking of Beards in the Achaemenid Empire and the Chronology of Nehemia," *Archäologische Mitteilungen aus Iran* 28 (1996): 305–307, 306.

implies that the mixed children were under the same covenant regulations as the rest of the Judean community.

Third, there is no evidence that Nehemiah commanded the fathers to send their mixed offspring away from the community. This stands in contrast to the descendants of Delaiah, of Tobiah, of Nekoda, who were unable to prove their ancestral connection to Israel, and were thus excluded from the community (Neh 7:62; see also Neh 13:28–29). Therefore, patrilineal descent was sufficient to include the mixed offspring into the community.

It is unclear if Nehemiah even required the Judean men to divorce their foreign women, *contra* Lena-Sofia Tiemyer: "As we learn from Neh 10:28, the rest of the people…followed suit and divorced their foreign wives."[171] Tiemyer's reading is contingent on the meaning of בדל (separate), which is found only three times in Nehemiah; however, it is unclear if it means divorce. The first command to separate is found after a celebration of Sukkot, during Israel's national confession of sins: "Then those of Israelite descent separated [בדל] themselves from all foreigners, and stood and confessed their sins and the iniquities of their ancestors" (Neh 9:2). There is nothing in this context about foreign women or mixed marriage. Instead, since foreigners were permitted to celebrate Sukkot (see Deut 16:14), the Israelites likely separated from them prior to their national confession of sin: "[foreigners] could not be expected to identify with the collective and cumulative sin of Israel confessed in the prayer which follows."[172] Therefore, there is no evidence that בדל should be understood to mean "divorce" in this context. The second use is during the covenant-renewal ceremony, when "The rest of the

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[171] Lena-Sofia Tiemeyer, *Priestly Rites and Prophetic Rage: Post-Exilic Prophetic Critique of the Priesthood*, FAT 2 (Tübingen: Mohr Siebeck, 2006), 183.

[172] See Blenkinsopp, *Ezra-Nehemiah,* 296. Considering that the separation takes place following the sukkot celebration (Neh 8:13–18), it is likely that the foreigner wives were celebrating the feasts as well (see Neh 8:17).

people, the priests, the Levites, the gatekeepers, the singers, the temple servants, and all who

have separated [בדל] themselves from the peoples of the lands to adhere to the law of God" (Neh

10:28). Myers argues that a separation was made with those "who were regarded as unclean

through intermarriage and other relationships."[173] However, this is not explicit in the context.

Instead, like the previous example, the separation precedes a national confession. Considering

Nehemiah's command to refrain from purchasing merchandise or grain on the holy days and

Sabbaths (Neh 10:30), the Judeans were likely being called to limit their interactions with the

foreigners.[174] The third use of בדל is found in Neh 13:3: "When the people heard the law, they

separated [בדל] from Israel all those of foreign descent [כל ערב]" (Neh 13:3).[175] Once again, this

separation was tied directly with the reading of the law (Neh 13:1) and the ban against trades and

purchases on the Sabbath (Neh 13:15–22). Therefore, the implications of separation generally

relate to covenant renewal, and thus Williamson argues that בדל was necessary for engaging in

cultic activity: "There is nothing to suggest that the break-up of mixed marriages was involved

on this particular occasion. The context is suggestive rather of an exclusion from sacral

gatherings."[176] Therefore, it is unclear if the foreign wives were sent away from the

community.[177] This does not imply that exogamous unions were accepted. However, in contrast

to Ezra, Nehemiah was evidently more inclusive of mixed offspring in the community.

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[173] Myers, *Ezra, Nehemiah*, 178.

[174] See TAD D7, where evidently Judeans were accustomed to trading and making purchased on the Sabbath in Elephantine. "Now, behold, legumes I shall dispatch tomorrow. Meet the boat tomorrow on Sabbath [בשבה]. Lest, if they get lost, by the life of YHH, if not, yo[ur] life I shall take" (TAD D7.16:1–4). It is evident that business transactions still took place on the Sabbath (cf. Neh 10:31; 13:15–22; Isa 56:2–6).

[175] The term ערב is not common in the Hebrew Bible. It often refers to a mixed multitude (Exod 12:38), foreign nations (Jer 25:20), or an ethnic people group (Ezek 30:5). For this reason, Williamson argues that ערב should be translated as "all who were of mixed descent" (Williamson, *Ezra, Nehemiah*, 386). However, since כל ערב is contrasted with ישראל, "the context seems to require 'foreigners'" (Myers, *Ezra, Nehemiah*, 206).

[176] Williamson, *Ezra, Nehemiah*, 385–86.

[177] Furthermore, if Nehemiah sought to expel all foreigners, it is curious that Nehemiah broadened the application of Deut 23:3 to prohibit all forms of exogamous unions, yet he did not use the latter half of the passage, which prevents

Nehemiah's concern for mixed offspring, therefore, likely centered on whether they were able to preserve Judean political and religious priorities.[178] Since Nehemiah did not mandate Judeans to divorce their foreign wives, or to send away their offspring, the prohibition against exogamy likely related to established foreign alliances. These mixed children were likely considered Judean and part of the community by virtue of only having one Judean father, which is different than Ezra's treatment of mixed offspring, to which we now turn.

3.4.3 Ezra

Ezra is depicted as a priestly reformer who interpreted and applied the law of Moses for the early Judean community of returnees (Ezra 7:11; 9–11).[179] While Nehemiah's religious reforms addressed an array of issues, including intermarriage, cultic impurity, and Sabbath observance (Neh 10:31), Ezra dealt solely with exogamous unions. In Ezra 9, following his return to Jerusalem, the officials of the community informed him: "the people of Israel, the priests, and the Levites have… taken some of their [foreign] daughters as wives for themselves and for their

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these foreigners from entering the community. In other words, Nehemiah was capable of using the Torah to justify his expulsion of foreigners, and yet there is no mention of this.

[178] See Neh 2:20 Blenkinsopp, *Ezra-Nehemiah,* 226–27 argues that this was a matter of political, economic and religious independence.

[179] See Fried, *Ezra and the Law*, 45–46 and Lester L. Grabbe, *Ezra–Nehemiah* (New York: Routledge, 1998), 143–150 for a synopsis of the Torah in Ezra 7–10. For a survey on the composition of Ezra 9–10, see Philip Y. Yoo, *Ezra and the Second Wilderness* (Oxford: Oxford University Press, 2017), 159–163. The relationship between Nehemiah and Ezra's reforms are difficult to pinpoint. Williamson argues that Ezra 9–10 is an expanded form of Nehemiah 13, whereas Pakkala asserts that Ezra 10 is earlier, and that it influenced Neh 13:23–31. See Juha Pakkala, "The Disunity of Ezra–Nehemiah," *Unity and Disunity in Ezra–Nehemiah: Redaction, Rhetoric, and Reader,* ed. Mark J. Boda and Paul L. Redditt (Sheffield: Sheffield Phoenix Press, 2008), 200–215. Generally, the so-called Ezra memoir stands behind Ezra 7–10 and Nehemiah 8–9, and the so-called Nehemiah memoir is behind Nehemiah 1–7, 11:1–2; 12:31-43; 13:4-31. The chronology of both figures is disputed; Ezra allegedly returned to Judea in the seventh year of king Artaxerxes (Ezra 7:7-8), while Nehemiah returned during the twentieth year; however, it is unclear whether it was during the reign of Artaxerxes I (465-424 BCE) or Artaxerxes II (404-359 BCE). Miller and Hayes argue that Nehemiah preceded Ezra. J. Maxwell Miller and John H. Hayes, *A History of Ancient Israel and Judah* (Louisville: Westminster John Knox Press, 1986), 468–69.

sons. Thus the holy seed has mixed itself" (Ezra 9:1–2).[180] In turn, Shecaniah son of Jehiel

encouraged Ezra to expel the foreign wives and their children from the community: "So now let

us make a covenant with our God to send away all these wives and their children" (Ezra 10:3).

Ezra justified this expulsion by broadening several laws from the Torah to his community,

including Deut 7:1–4 and 23:4–6 (Ezra 9:1–2). For example, when Ezra lists the nations with

whom the Judeans intermarried (Ezra 9:1b), five of the names (Canaanites, Hittites, Perizzites,

Jebusites, Amorites) are drawn from Deut 7:1, whereas the Ammonites, Moabites, and Egyptians

were listed in Deut 23:4–6, where they are explicitly barred from entering the assembly of God.

Although several of these nations were no longer in existence, Ezra applied these laws to all

foreign women: "The ban on intermarriage with the Canaanites in Deut 7:3 is recast here as a

proscription of all intermarriages."[181] Therefore, Ezra's expulsion was conducted "according to

the law" (Ezra 10:3). It remains unclear, however, why the mixed offspring were expelled as

well; this is the first time in Jewish literature where a mixed offspring with a Judean father was

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[180] The precise identity of the "peoples of the land" is debated. Cohen argues that "peoples of the land" comprises all foreigners. Shaye J. D. Cohen, "From the Bible to the Talmud: The Prohibition of Intermarriage," *Hebrew Annual Review* 7 (1983): 23–39, 36. See also Yoo, *Ezra and the Second Wilderness*, 167. Grabbe, however, posits that the "peoples of the land" were Judeans who remained in land during the exile. See Lester L. Grabbe, "Triumph of the Pious or Failure of the Xenophobes? The Ezra-Nehemiah Reforms and their *Nachgeschichte*," in *Jewish Local Patriotism and Self-Identification in the Graeco-Roman Period*, ed. Sian Jones and Sarah Pearce (Sheffield: Sheffield Academic Press, 1998), 50–65; see also Daniel L. Smith-Christopher, "The Mixed Marriage Crisis in Ezra 9–10 and Nehemiah 13: A Study of the Sociology of the Post-Exilic Judaean Community," in *Second Temple Studies: 2. Temple Community in the Persian Period*, ed. Tamara C. Eskenazi and Kent H. Richards (Sheffield: Sheffield Academic Press, 1994), 243–65. Fried claims that they were Samaritans, and proposes a difference between "people of the land" and the "peoples of the land" (Fried, *Ezra: A Commentary*, 191). In Ezra, the "peoples of the land" worshiped the God of Israel (Ezra 4:1–4), but they were not included in the Judean community.
[181] Olyan, *Rites and Rank*, 88–89. Cohen correctly writes "Whoever these women may have been, they certainly were not real Canaanites, Hittites, Perizites, and Jebusites, none of whom had been seen in Israel for centuries" (Cohen, *The Beginnings of Jewishness*, 244). Michael Fishbane writes that the fusion of Deut 7:1–3, 6 and 23:4–9 was an "intentional exegetical attempt to extend older pentateuchal provisions to the new times" (Fishbane, *Biblical Interpretation in Ancient Israel*, 116). Ezra further merges Deut 7:1 and 23:7 together in his opening prayer (Ezra 9:11–12). See Michael Gabizon, "The Development of the Matrilineal Principle in Ezra, Jubilees, and Acts," *JSP* 27 (2017): 143–160, 149, n. 17.

considered an outsider based solely on genealogy.[182] Indeed, some have argued that the close association between the mother and the child testify to an early form of the matrilineal principle.[183]

One explanation for why Ezra may have expelled the children was to ensure that they would not inherit land from Judea.[184] However, marriage contracts from the Persian period often included stipulations protecting divorcees, who were entitled to receive land, as well as the offspring, who remained qualified to receive an inheritance (TAD B 2.5; 2.6; 3.8). Considering this, Janzen writes: "if the temple community of the Persian period was concerned with the loss of land, the last thing it would do would be to force its members married to foreign women to divorce them without just cause and so send these women away holding the ownership to the land as a divorce settlement in order to support the children."[185] Indeed, expelling all the foreign women and their children would have been disastrous for the economic stability of Judea.[186]

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[182] Oswald correctly writes: "[o]ne aspect which deserves certain attention [in Ezra 9–10] is the concern for the children of these mixed couples," (Oswald, "Foreign Marriages," 2). While there are Israelite case laws where foreign women may be sent away (Deut 21:10–14), such legal stipulations did not include sending away the offspring as well (see also Ezra 7:26; 10:8 for other rationales to expel people from the community).

[183] See Lawrence H. Schiffman, *Who Was a Jew? Rabbinic and Halakhic Perspectives on the Jewish Christian Schism* (Hoboken, New Jersey: Ktav Publishing House Inc, 1985), 16. However, see Cohen, *The Beginnings of Jewishness*, 289–90 for a response. Each time the mixed children are mentioned in Ezra, they are identified with their mothers: "So now let us make a covenant with our God to send away all these wives and their children [והנול מהם]" (Ezra 10:3; cf. 10:44). In the Hebrew Bible, the *niphal* form of ילד is often followed by the preposition ל to identify the father (see Gen 4:18; 21:3; Num 26:60; 2 Sam 3:2; 14:27). However, in Ezra 10:3, the form is followed by the preposition מן, a preposition of source, noting a "person from whom something has come" (e.g. see 1 Sam 24:14; 1 Kgs 2:15; see also Ezra 10:44). See Christo H. J. van der Merwe et al., *A Biblical Hebrew Reference Grammar* (Sheffield: Sheffield Academic, 2002), 287. See Southwood, *Ethnicity, and the Mixed Marriage Crisis,* 174–175 who makes a similar point about the obscure phrasing in Ezra 10:3.

[184] See Sara Japhet, "The Expulsion of the Foreign Women (Ezra 9–10): The Legal Basis, Precedents, and Consequences for the Jewish Identity," in *Sieben Augen auf einem Stein*, ed. Friedhelm Hartenstein and Michael Pietsch (Neukirchen-Vluyn: Neukirchener Verlag 2007), 141–161, 144–52. See Berquist, *Judaism in Persia's Shadow*, 118.

[185] David Janzen, *Witch–Hunts, Purity and Social Boundaries: The Expulsion of the Foreign Women in Ezra 9–10* (Sheffield: Sheffield Academic Press, 2002), 17–18.

[186] See Fried, *Ezra: A Commentary*, 392; Southwood, *Ethnicity, and the Mixed Marriage Crisis*, 175. It is possible that Ezra did not consider these marriages to be valid, since the verb "send away" in Ezra 10:3 (the *hiphil* form of יצא) is never used for divorces elsewhere, and no divorce certificate was given. However, the women are called "wives" (אשה), and the marriages appear to be recognized by the community (see Neh 4:14).

Also, this proposal does not answer *why* the mixed offspring were not considered Judean, despite having Judean fathers.

A second proposal to justify the expulsion of the foreign women and their children was the fear of apostasy. For example, Paul Heger writes that Ezra's exclusionary regulations were "motivated by the precarious situation of the small Jewish community of returnees…in the midst of a multitude of idolatrous peoples and partly apostatized non-exiled Jews."[187] The decision to expel the mixed children, then, presumes that foreign mothers would have raised their offspring to be idolators and apostates.[188] However, Ezra never articulates any such concern. By contrast, in his two quotations of Deut 7:1–4, which originally prohibited intermarriage because of apostasy, Ezra removed the warning and provided two alternative consequences for exogamy: the mixture of the holy seed (Ezra 9:2), and the impurity in the land (Ezra 9:12; cf. Deut 21:10–14). Therefore, it is unlikely that apostasy was the purpose for their expulsion.[189]

A third proposal to explain the expulsion of the foreign women and the mixed children relates to Ezra's understanding of the community as the "holy seed" (Ezra 9:2). Ezra was concerned that the mixed lineage of the offspring rendered them profane, and no longer part of Israel's holy status.[190] Christine Hayes points out how families who were not found in the genealogical records (Ezra 2:61–62) were deemed impure [גאל], signifying their profane status: "Thus, in [Ezra's] genealogical context, the term 'pure' means unalloyed or free of

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[187] Heger, *Women in the Bible*, 313. See also Fensham, *The Books of Ezra and Nehemiah*, 124 n. 40 and Klawans, *Impurity and Sin*, 45 who argues that moral impurity was the main issue for Ezra.

[188] Fried, *Ezra: A Commentary*, 384.

[189] Additionally, if Ezra was concerned about apostasy, the foreign women could have simply worshipped the God of Israel (Ezra 4:2). See Conczowoski, "All the Same?" 106.

[190] "The genealogical purity promoted in Ezra-Nehemiah refers to biological descent from full Israelite parents, undergirded by the notion of Israel as a holy seed" (Hayes, *Gentile Impurities*, 27). Although Ezra never uses the term "profane" in Ezra 9:1–2, intermarriage is said to constitute מעל, "a technical term that connotes the desecration or profanation of a sanctum, for which an *asham* sacrifice is brought" (Hayes, *Gentile Impurities*, 29). Such a sacrifice was required (Ezra 10:19).

admixture…and the term 'impure' means of mixed lineage."[191] Therefore, Ezra was concerned with maintaining the community's genealogical purity.

Ezra justified his genealogical purity criterion by broadening the application of the priestly laws from H to his community; indeed, just as Ezra applied the regulations from Deut 7:1–4 and 23:3–4 to all foreigners, so he applied priestly marital regulations to the entire Judean community.[192] Within H, there are various mandates against improper mixing. Lena-Sofia Tiemeyer, for example, argues that Ezra's aversion to mixing stems from the law against blending different seeds: "You shall not let your animals breed with a different kind; you shall not sow your field with two kinds of seed; nor shall you put on a garment made of two different materials" (Lev 19:19).[193] While this is possible, the marital regulations from Lev 21:13–15 provide a closer comparison with mixed offspring. In H, the high priest was required to marry an Israelite, otherwise his children would be profane: "He [the priest] shall marry a virgin of his own kin, that he may not profane [חלל] his offspring among his kin" (Lev 21:14–15; cf. Ezek 44:22).[194] In other words, the offspring would no longer be part of the holy seed. Ezra applied these priestly marital regulations to all Judeans, providing himself with authority to expel all mixed offspring from their community due to their profane status. Hayes correctly writes "Just as the priest's holy seed is preserved by means of certain marriage restrictions, so also are marriage

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[191] Hayes, *Gentile Impurities*, 28.

[192] See Fishbane, *Biblical Interpretation in Ancient Israel*, 114–29, *Gentile Impurities*, 19–59. "The holiness for which Israel is ordered to strive in the Holiness Source becomes in Ezra-Nehemiah a matter of lineage. Israel is the 'holy seed'; it must be protected through separation from the nations (Ezra 9:1–2; cp. Neh 9:2)" (Olyan, *Rites and Rank*, 90). Similarly, Feinstein argues that the combination of Lev 18 and Deut 7 generates "a concept of inherited pollution that contaminates the corporate body of a people rather than individual bodies" (Feinstein, *Sexual Pollution in the Hebrew Bible*, 155). For Ezra's reliance on H elsewhere, see Gabizon, "The Development of the Matrilineal Principle," 149–50 and Hannah K. Harrington "The Use of Leviticus in Ezra-Nehemiah," *JHS* 13 (2013): 1–21.

[193] See Tiemeyer, *Priestly Rites,* 187–8. See also Milgrom, *Leviticus 17–22*, 1660–2.

[194] There is some debate whether the high priest was permitted to marry lay Israelites, or whether he was restricted to marrying women from priestly lines.

restrictions needed to preserve the holy seed of the ordinary Israelite."[195] Since the profane status of the mixed offspring stems from their genealogy, their status was unalterable; for Ezra, neither foreigners nor mixed offspring were able to become holy.[196] One repercussion of their status was likely their inability to marry any Israelites.[197] Therefore, mixed offspring were expelled because they were genealogically impure.

It is unclear what factors prompted Ezra (or Shecaniah) to adopt a more exclusionary approach to mixed offspring than his predecessors or contemporaries. Some scholars draw a connection between Ezra's expulsion narrative and Pericles's law regarding Athenian citizenship (451 BCE): "At about the time that Pericles was enacting a law restricting Athenian citizenship to those born of an Athenian woman lawfully wedded to an Athenian man…Ezra was promoting a similar reform in Judaea."[198] Pericles's law stipulated that children could only attain Athenian citizenship through two Athenian parents (bilineal descent).[199] The purpose for this law was to prevent foreigners from inheriting Athenian land: "[i]f Athenian men married abroad, their children would not inherit Athenian land."[200] Therefore, just as Pericles required bilineal descent,

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[195] Hayes, "Intermarriage and Impurity," 9; see also Hayes, *Gentile Impurities*, 68.

[196] Although Hayes writes "this kind of genealogical impurity appears to be diminished in successive generations by marriages with pure Israelites, presumably because the latter increased the relative quantity of native seed" (Hayes, *Gentile Impurities*, 69), this claim is not substantiated. If this were a possibility, then it is odd that Ezra would expel the offspring instead of mandating that they marry other Israelites, and thus purify their lineage.

[197] See Hayes, "Intermarriage and Impurity," 13 and Epstein, *Marriage Laws in the Bible*, 185.

[198] Cohen, *The Beginnings of Jewishness*, 267. See also Baruch Halpern, "Ezra's Reform and Bilateral Citizenship in Athens and the Mediterranean World," in *Egypt, Israel, and the Ancient Mediterranean World. Studies in Honor of Donald B. Redford,* ed. Gary N. Knoppers and Antoine Kirsch (Leiden: Brill, 2004), 439–453; Lisbeth S. Fried "The Concept of 'Impure Birth' in 5th Century Athens and Judea," in *In the Wake of Tikva Frymer-Kensky*, eds., Steven Holloway et al. (New Jersey: Gorgias Press, 2009), 121–141, 137.

[199] According to Plutarch, "he [Pericles] proposed a law that only those should he reckoned Athenians whose parents on both sides were Athenians," (Plutarch, *Pericles,* 37.3). "Pericles' law thus limited the class of γνήσιοι [legitimate sons, W.O.] who could succeed to their father's position in the community, and those affected by the limitation became νόθοι [illegitimate sons, W.O.]." Peter John Rhodes, *A Commentary on the Aristotelian Athenaion Politeia* (Oxford: Clarendon Press, 1981), 332.

[200] Fried, *Ezra and the Law*, 26. See also John K. Davies, "Athenian Citizenship: The Descent Group and the Alternatives," *CJ* 73 (1977): 105–21.

so Ezra did as well. This is possible, although there are some important differences between Ezra and Pericles.

First, Ezra makes no mention of expelling foreign men who were married to Judean women from the community, which calls into question his commitment to bilineal decent. Instead, Ezra is solely concerned with the offspring from foreign women.[201] While it is theoretically possible that there were no foreign men in Ezra's community, and that all Jewish women who intermarried were absorbed into non-Jewish communities, marriage contracts recovered from Elephantine and Mesopotamia testify that Judean women married non-Judean men and remained in Judean communities.[202] Furthermore, Neh 6:17–18 recounts the union between Tobiah the Ammonite and the daughter of Shecaniah son of Arah; therefore, there were likely some cases of exogamous unions between foreign men and Judean women.[203] Second, the law of Pericles not only impacted mixed offspring, but citizens born out of wedlock. Plutarch wrote: "when the king of Egypt sent a present to the people of forty thousand measures of grain, and this had to be divided up among the citizens…citizens of illegal birth by the law of Pericles…suffered at the hands of informers."[204] However, Ezra never mentioned regulations pertaining to children born out of wedlock. Lastly, illegitimate offspring were sold into slavery, in accordance with the law of Pericles; Ezra only expelled them from the community.[205] Considering these differences, it is

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[201] According to Demosthenes, foreign men in Athens were equally as problematic as foreign women (Demosthenes, *Against Neaera*, 59.16).

[202] Fried proposes that there were no cases of foreign men who returned with Judean women (Fried, *Ezra: A Commentary*, 393).

[203] Olyan notes that those who have been excluded in Ezra include "Yhwh–worshiping male foreigners," although he does not provide any supporting evidence (Olyan, "Purity Ideology in Ezra–Nehemiah," 2). Based on Ezra 9–10, one could argue that Ezra conceptualized Judean identity to transfer solely through the mother.

[204] Plutarch, *Pericles*, 37. Around 406 BCE, Pericles submitted an amendment to his law, asking "for a suspension of the law concerning children born out of wedlock" (Plutarch, *Pericles*, 37).

[205] Plutarch, *Pericles*, 37.

difficult to determine how closely one should parallel Ezra with Pericles. Evidently, both policies were based on a shared ethnic logic that constructed identity through lineage.

A second factor of influence to help explain Ezra's exclusionary approach was the need to enforce strong social boundaries for the community. Katherine Southwood appeals to "return migration" theory, which is an analysis of how forced and returned migrations impact group identity. Southwood posits that the Judean community needed to authenticate their claim to the homeland amidst political turmoil, which necessitated establishing strong social boundaries.[206] She convincingly argues that the mythic view of the homeland held by the exiles resulted in a culture-shock once they returned: "that is, the trauma resulting from the impossibility of re-entering their subjectively reconstructed, pre-displacement homelands…[This] may have provoked a sufficient sense of rootlessness to be interpreted by returnees as a threat to the core of their beliefs about identity."[207] As a result, the community of returnees, which comprise all Israel (see Ezra 10:5–8), defined their identity in strictly genealogical terms. Similarly, Stern argues that Ezra's exclusionary behaviour "reflects high ethnic boundary maintenance that was predicated on political tensions between the Judahites and their neighbors."[208] Since group identity became contingent on proper genealogies, mixed marriages and mixed offspring compromised the community's ability to maintain these social boundaries. Therefore, the exclusionary approach against foreigners was symptomatic of the Judeans' need to establish social boundaries based on lineage.

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[206] See Southwood, *Ethnicity, and the Mixed Marriage Crisis*, 41–44; see also Ian Hodder, who argues how conflict over resources forced communities to emphasize their ethnic differences. Ian Hodder, *Symbols in Action: Ethnoarchaeological Studies of Material Culture* (Cambridge: Cambridge University Press, 1982), 26. See Johnson, *The Holy Seed Has Been Defiled* for the role of ethnicity in the Ezra expulsion narrative.

[207] Southwood, *Ethnicity, and the Mixed Marriage Crisis*, 203–4.

[208] Stern, "The Population of Persian-Period Idumea," 230. "This society that is obsessed with defining itself against other social groups will quite naturally find the root of its problems as stemming from an illegitimate mixing with other people" (Janzen, *Witch-Hunts*, 23).

3.5 Conclusion

The early Judean literature examined in this chapter has illuminated the diverse ways offspring from intermarried couples were treated in the Persian era. The first group of texts considered were the legal contracts from Elephantine, which revealed that mixed offspring with either a Judean mother or a Judean father were considered Judeans. There is no evidence from the contacts that mixed progeny suffered because of their lineage; they were identified as Judeans, they were active in legal cases, they bore Judean names, and they were able to marry other Judeans. Similarly, mixed offspring mentioned in Judean communities in or around the Mesopotamian regions appear to have shared a similar reality: offspring with one Judean parent (whether the father or the mother) typically identified as Judean; there is no evidence that these mixed offspring endured any social ramifications because of their genealogy.[209] Therefore, these communities embraced a form of ambilineal descent.

When examining the Judean community in Judea, there are three bodies of literature to consider: Chronicles, Nehemiah, and Ezra. The Chronicler was generally inclusive towards foreigners. Unlike Ezra and Nehemiah, who considered Samaritans to be outsiders of the Judean community (Ezra 3:1–3; 4:1–24; Neh 2:19–20), the Chronicler included the Samaritans as part of the nation (2 Chron 30:7–8; cf. 1 Chron 12:30–31).[210] According to Knoppers, "the authors of

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[209] The implications of these conclusions are limited, however, considering that the texts in question originated in Judean communities. Presumably, Judeans who intermarried and lived in a non-Judean community assimilated.

[210] See Jonathan E. Dyck "The Ideology of Identity in Chronicles," in Brett, *Ethnicity and the Bible*, 89–116 where he examines the difference between identity in Chronicles and identity in Ezra-Nehemiah. See Roddy Braun, *1 Chronicles*, WBC 14 (Dallas: Word, 1998), xxxvi. For exclusionary approaches against the North by Chronicles, see C.C. Torrey, "The Chronicler as Editor and Independent Narrator," in *Ezra Studies* (New York: Ktav, 1970), 208. While the South was called Israel at some points (2 Chron 10:16 and 11:3), the Chronicler distinguishes between the North and the South elsewhere (e.g., 1 Chron 10:16). The Chronicler considered the North to be spiritually deficient and to have illegitimate priests (2 Chron 11:14; 13:10). Northern citizens in the South were considered aliens (2 Chron 15:9–10).

Chronicles define [their] identity much more broadly, intricately, and deeply than do the writers of Ezra–Nehemiah."[211] There is no evidence in Chronicles that mixed offspring were socially stigmatized. Instead, like the Judean community in Elephantine, mixed offspring with either a Judean mother or Judean father in the book of Chronicles were considered Israelites.

The book of Nehemiah, however, presents a greater concern about mixed offspring in the Yehud community. Although the precise implications of Nehemiah's condemnation against the language of a subset of mixed offspring is debated, it is likely that the mixed progeny with foreign mothers were indifferent towards Judean identity and politics. Their inability to speak the Judean language reflected their disinterest in preserving the Judean group identity. However, Nehemiah does not expel these offspring because of their genealogy; there is no evidence that they were considered foreigners by virtue of their mixed genealogy. Instead, they were considered Judeans on account of their Judean fathers.[212]

The book of Ezra marks the most drastic shift in attitude towards mixed offspring from any preceding or contemporary Jewish literature. Hayes correctly writes that "Ezra is the first to define Jewish identity in almost exclusive genealogical terms…Ezra advanced the novel argument that all Israel – not merely the priestly class – is a holy seed."[213] Like Nehemiah, Ezra broadened and applied numerous law codes from the Torah to justify his exclusion of foreigners: he "subordinate[d] the text of the Torah to the perceived need for a clearly articulated Judean identity."[214] However, Ezra also broadened and applied the priestly marital regulations from H to

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[211] Knoppers "Married into Moab," 176.

[212] "It is possible that in Nehemiah's view intermarriage desecrates holy seed only in the case of priest and Levites and not necessarily in the case of Israelites" (Hayes, "Intermarriage and Impurity," 11 n. 23).

[213] Hayes, *Gentile Impurities*, 10. However, Hayes maintains a distinction in Ezra between profane seed and impure seed; the former are mixed offspring between lay Israelites and foreigners, whereas the latter are offspring between actual priests and foreigner women (see Hayes, *Gentile Impurities*, 32).

[214] Collins, *The Invention of Judaism*, 59. See Fishbane, *Biblical Interpretation in Ancient Israel,* 114–29. See Nutkowicz "Les mariages mixtes," 129.

all Judeans, thus signifying that all mixed offspring were profane and no longer part of the holy seed. Ezra's constructed social boundaries for the post-exilic community encompassed genealogical purity, and as a result, the mixed offspring were likely "classed as aliens, set in rhetorical opposition to Israel and expelled from the Israelite community."[215] Therefore, for the first time, mixed offspring with a Judean father and a foreign mother were no longer considered part of the community due solely on their lineage. Based on Ezra's holy seed rationale, which mandated a form of bilineal descent, Hayes concludes that "[o]nly children of two Israelite parents may lay claim to Israelite status."[216] These various approaches to mixed offspring help illuminate how social boundaries and Judean identities were constructed in later Second Temple communities, to which we now turn.

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[215] Olyan, *Rites and Rank*, 88.

[216] Hayes, *Gentile Impurities*, 32. While the holy-seed rationale of Ezra required bilineal descent, it is odd that no foreign men were expelled from the community, alongside their offspring. It is possible that there were no foreign men in the community, although this is questionable in light of contemporary marriage contracts from Elephantine. Instead, it is also possible that the idealized criterion of genealogical purity was not enacted comprehensively in the early Yehud community.

CHAPTER 4: THE HELLENISTIC ERA (323–37 BCE)

4.1 Introduction

In this chapter, I will examine the portrayal of mixed offspring in Jewish literature composed during the Hellenistic era (323–67 BCE). Throughout these texts, there are diverse rulings on matters of ritual purity, calendrical issues, and other legal disputes. However, one central theme is the prohibition against exogamous unions: descendants of Jacob were forbidden from marrying those outside Jacob's lineage.[1] While scholars have written extensively on the topic of exogamy in the Second Temple period, less attention has been dedicated to exploring the portrayal of offspring from such unions. My intention is to examine pertinent texts involving mixed offspring to better understand how their lineage impacted their identity.

There are no homogenous rulings regarding mixed progeny in these texts; even single works include diverse interpretive traditions. For example, the book of Jubilees applies the marital regulations for priests (Lev 21:14–15) to all Israelites, signifying that any union between an Israelite and a non-Israelite would result in profane offspring. Such children, then, would no longer be part of the holy seed. However, in the narrative portions of Jubilees, mixed progeny such as Ephraim and Manasseh maintained their "holy seed" status and remained part of Jacob's

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[1] Although the prohibition against exogamy was ubiquitous, it is debated whether such unions were common. Martha Himmelfarb argues that Jubilees's condemnation against Jews marrying gentiles "is not a response to a widespread social practice…but rather an aspect of *Jubilees'* program for making the Jews a kingdom of priests." Martha Himmelfarb, "Levi, Phinehas, and the Problem of Intermarriage at the Time of the Maccabean Revolt," *JSQ* 6 (1999): 1–24, 2. Some scholars argue that such prohibitions were directed against priests who married Israelites, not gentiles. E. Qimron and J. Strugnell, *Qumran Cave 4: V, Miqsat Ma'ase Ha-Torah* (DJD 10; Oxford: Clarendon, 1994), 171–74. Considering the condemnations against priests for their unions with foreign women, it is possible that such unions took place (see T. Levi 9:10; cf., Tob 1:9; 3:15; 4:12; T. Jud. 10:1–2). See Lester L. Grabbe "4QMMT and Second Temple Jewish Society," in *Legal Texts & Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge, 1995: Published in Honor of Joseph M. Baumgarten*, ed. Moshe J. Bernstein, et al. (Leiden: Brill 1997), 89–108, at 103 n. 53 and 54.

lineage. Therefore, an investigation of mixed offspring will help elucidate how they were perceived in the Hellenistic era and illuminate the way lineage was used to construct social boundaries.

In this chapter, I will begin with a short analysis of exogamy and mixed offspring in the broader Greek world during the Hellenistic era, followed by a survey of these same topics found in Jewish literature. I will look specifically at the presentation of the giants in 1 Enoch 6–16, and then relevant works discovered in the Qumran caves, namely the Aramaic Levi Document (*ALD*), Testament of Qahat (4Q542), and *Miqṣat Maʿaśê ha-Torah* (4QMMT). Finally, I will examine the book of Jubilees, which is largely a retelling of the book of Genesis and the early portions of Exodus. Through this analysis, the goal is to better understand the diverse ways mixed offspring were portrayed in Jewish literature composed during the Hellenistic era. However, two points of caution must be made. First, it is impossible to determine whether the content found in these texts reflect the social reality of the communities to whom the texts were addressed. For example, while the author of Jubilees treated mixed offspring as Israelites, this does not necessarily imply that the intended audience adopted this same opinion. Therefore, our conclusions will only reflect the worldview of the authors, not the recipients of the text. Second, most examples of exogamous unions in this chapter are limited to Israelite fathers and foreign mothers, which restricts our understanding of how gender and lineage were used to construct identity. Unlike the Elephantine contracts, for example, there are no cases of a mixed offspring from a Jewish mother and a foreign father. Therefore, any conclusions derived from the content below must be made with these limitations in mind.

4.1.1 Hellenism and the Jewish World: Exogamy and Mixed Offspring

One theme reiterated throughout classical and Hellenistic Greek literature is the importance of legitimate offspring. Generally, three elements were necessary for an offspring to be a citizen: both parents were Greek citizens, both parents were free, and the child must have been conceived after marriage. Offspring born under different circumstances suffered social repercussions, including restrictions from inheriting property, or the inability to assume leadership roles.[2] According to Fayah Haussker, "A child born of a mixed or unequal parental union [e.g., if the mother was not a freeborn citizen] was perceived to be less legitimate, or rather inappropriately born, and was termed a νόθος [illegitimate offspring]."[3]

Despite the emphasis on legitimate offspring, however, models of descent were malleable in ancient Greece. The law of Pericles (451 BCE), for example, required a form of bilineal descent whereby both parents had to be citizens of Athens for the offspring to be a citizen as well.[4] By contrast, an inscription from the island of Thassos, dated to the 5th–4th BCE, reveals a model of descent akin to a matrilineal principle: "Pray to Herakles and to all the other gods; Good fortune, the inhabitants of Neapolis, who descend from Thasian women (ἐκ Θασίωγ γυωαικῶν εἰσιν), will be considered Thasians (τότος Θασίος εἶναι) and they can participate (μετεῖναι), themselves and their children, in everything that Thasians take part in; and when they

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[2] Fayah Haussker explains: "[illegitimate offspring] were allowed a patronymic and were not completely cut off from the paternal *oikos*, but from infancy such a child would have been subject to economic, social, and ritual separation from it, and [were]…not entitled to the rights and privileges of citizens' legal descendants." Fayah Haussker, "The Ekthesis of Cyrus the Great: A Case Study of Heroicity Versus Bastardy in Classical Athens," *CCJ* 63 (2017): 103–117, 111. See Susan Lape, *Race and Citizen Identity in the Classical Athenian Democracy* (New York: Cambridge University Press, 2010), 129–130; Daniel Ogden, *Greek Bastardy in the Classical and Hellenistic Periods* (Oxford: Clarendon Press, 1996).

[3] Haussker, "The Ekthesis of Cyrus the Great," 11. Lape alleges that a νόθος derive from either "two unmarried Athenian parents or…mixed (Athenian/non-Athenian) parents" (Lape, *Race and Citizen Identity*, 133). See Cynthia B. Patterson, "Those Athenian Bastards," *ClAnt* 9 (1990): 40–73. See also Demosthenes, who writes "If a woman be betrothed for lawful marriage…her children shall be legitimate [γνησίως]" (Demosthenes, *Speeches,* 46.18).

[4] Plutarch, *Pericles*, 37.

reach the same age as the other Thasians, they shall swear an oath (of allegiance) according to the law."[5] Furthermore, during Alexander the Great's conquests in the 4th century BCE, a form of patrilineal descent became widely accepted, as Greek soldiers began marrying non-Greek women at a higher rates. According to Angelos Chaniotis, "[Alexander] recognized the relationships of 10,000 soldiers with non-Greek, mostly Iranian, women as marriages and the children as legitimate."[6] At the time of Alexander, there is no evidence that mixed offspring had any social limitations; Alexander himself married Barsine, whose father was Persian and whose mother was Greek. Additionally, Alexander's son, Alexander IV, was a mixed offspring who wielded political power.

According to the Roman historian Quintus Curtius Rufus, who allegedly recounted Alexander's speech to his troops, Alexander considered exogamy to be advantageous for his political campaigns: "It is for this reason that I myself united in marriage with me Roxane, daughter of the Persian Oxyartes, not disdaining to rear children from a captive. Then later, when I desired to propagate the stock of my race more extensively, I took to wife a daughter of Darius and set the example of my nearest friends of begetting children from captives, in order that by this sacred alliance I might abolish all distinction between vanquished and victor."[7] For Alexander, mixed offspring erased distinctions and unified nations; they were not considered mixed, but Greek, thus revealing a form of either patrilineal descent, or hyperdescent in an ambilineal model.[8] Therefore, ancient Greece adopted diverse ways of constructing identity through lineage, which often changed based on the historical context.

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[5] Translation from Ilias Arnaoutoglou, *Ancient Greek Law: A Sourcebook* (Routledge: New York, 1998), 92–93.
[6] Angelos Chaniotis, *Age of Conquest: The Greek World from Alexander to Hadrian* (336 BC–AD 138) (Harvard University Press: Cambridge, 2018), 27; ibid., 291–93 for how citizenship became more accessible under Alexander.
[7] *Curtius*, *History of Alexander*, 10.3.
[8] See Plutarch, *Alexander,* 37.1.

4.1.2 Jewish Lineage and Mixed Offspring

Following Alexander's expansion of the Greek empire, the Jewish world became greatly influenced by the language and culture of Hellenism. However, in contrast to Alexander's seeming approval of exogamy, Jewish literature from this period shared a widespread condemnation against intermarriage. There are two main rationales provided for this ban, and each one impacted mixed offspring differently. One reason was the risk of idolatry.[9] To varying degrees, Second Temple Jewish sources reveal a concern "that contact with idolatrous non-Israelites will have a deleterious religious or moral effect on Israelites."[10] In the book of Jubilees, for example, Abraham warned Jacob to refrain from marrying gentiles "for their actions are something that is impure, and all their ways are defiled and something abominable and detestable" (Jub. 22:16). The influence of such activity sometimes had negative effects on the offspring. According to Ben Sira, "[t]he children of sinners are abominable children, and they frequent the haunts of the ungodly. The inheritance of the children of sinners will perish, and on their offspring will be a perpetual disgrace" (Sir 41:5–6; cf. 16:1). Like DtrH, exogamous unions with forbidden groups resulted in apostasy (cf. Deut 7:1–4). Additionally, the moral impurity generated through the illicit union may be transferred to the mixed offspring, rendering them inherently wicked as well.[11]

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[9] For an analysis of Herodotus's view on Persian gods, see Jon D. Mikalson, *Herodotus and Religion in the Persian Wars* (Chapel Hill: University of North Carolina Press, 2003). There is no evidence in Greek literature that exogamy was prohibited because of Persian/foreign gods.

[10] Hayes, *Gentile Impurities*, 47.

[11] Esau's mixed offspring in Jubilees were wicked. While Esau was able to turn from his evil ways (Jub. 36:6), there is no evidence that his children were capable of doing so (see Jub. 36:3; 37:8). James Kugel posits that genealogy explains the difference between Esau and his descendants: "if Esau's ancestry vouchsafes him a measure of virtue and filial piety, this is not true of his own sons, the children of 'foreign' women." James Kugel, *A Walk Through Jubilees: Studies in the Book of Jubilees and the World of Its Creation* (Leiden: Brill, 2012), 176.

A second rationale against exogamy is a concern for Israel's genealogical purity.[12] Like Ezra, some communities in the Second Temple period considered all Israelites to comprise the "holy seed" (Lev 21:15).[13] As a result, mixed offspring would be either profane or defiled, thus resulting in their exclusion from the community: "Ezra's holy seed ideology develops into a full-blown principle of Israelite genealogical purity, which must be preserved from not merely profanation but also defilement that arises from sexual unions with Gentiles."[14] In other words, Israel was considered ontologically distinct from gentiles, and any mixture would profane Israel's holy seed. For example, in the retelling of Dinah's rape by a gentile in the book of Judith, Dinah's womb was said to have become polluted: "O Lord God…take revenge on those strangers who had torn off a virgin's clothing to defile her…and polluted her womb to disgrace her" (Jdt 9:2). Betsy Halpern-Aramru interprets the phrase "pollute her womb" to mean "sexual intercourse with a foreigner as defilement of Israelite blood."[15] Similarly, Hayes understands "womb" to mean "offspring" in this passage.[16] Therefore, endogamy was necessary to preserve the genealogical purity of Israel.

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[12] Fröhlich, "'Mamzer' in Qumran Texts," 107.

[13] In some Second Temple communities, the priestly marital regulations from Lev 21:15 were modified in two ways: first, the law became more restricted, whereby priests were only allowed to marry other descendants from the priestly line (see LAB 9:9). Second, this regulation was applied to all Israelites, signifying that exogamous unions between Israelites and gentiles would profane Israelite offspring. There were some communities who maintained even stricter regulations for marriage, where lay Israelites were required to marry within their tribe: "do not marry a foreign woman, who is not of your father's tribe (ἣ οὐκ ἔστιν ἐκ τῆς φυλῆς τοῦ πατρός σου)" (Tob 4:12). Loader correctly writes how Tobias was not commanded to marry "just any Israelite, but one belonging to his own tribe, and then not just any descendant of Naphtali, but a woman belonging to his father's extended family" (Loader, *The Pseudepigrapha on Sexuality*, 152; see Tob 5:9).

[14] Hayes, *Gentile Impurities*, 68. Hayes distinguishes between two forms of genealogical impurity: genealogical impurity from an Israelite-gentiles union, which would render the offspring profane, or a genealogical impurity derived from a priest-gentiles union, which would render the offspring defiled. Hayes posits that the former is reversible (Hayes, *Gentile Impurities*, 69).

[15] Betsy Halpern-Amaru, "Judith" *Outside the Bible: Ancient Jewish Writings Related to Scriptures; 3 Vol*. eds L. H. Feldman and J. L. Kugel (Philadelphia: Jewish Publication Society, 2013), 2590–2630, 2610.

[16] "To the debasement of her offspring (surely the meaning of 'womb' in Jdt 9:2)" (Hayes, "Intermarriage and Impurity," 14 n. 31). See also Matthew Thiessen, "Protecting the Holy Race and Holy Space: Judith's Reenactment of the Slaughter of Shechem," *JSJ* 11 (2018): 165–188.

One innovation in the Second Temple period that impacts the discussion of mixed progeny was the possibility of gentile conversion; a gentile convert would have been integrated into the Israelite community, and their offspring would be Israelites as well.[17] As a result, the threat of having a mixed offspring was circumvented. However, the legitimacy of such conversions in the Second Temple period was contentious. On the one hand, *Joseph and Aseneth* accepted gentile converts as part of the people of Israel; Joseph was permitted to marry Aseneth once she turned from away her idols (Jos. Asen. 21:1–9).[18] On the other hand, some communities maintained that gentiles were unable to convert at all (e.g., Jubilees). A "middle ground" approach is found as well, whereby converts were welcomed into the Israelite community, yet Israel was still required to marry within their genealogical line. In this case, gentile converts were not considered part of the holy seed.[19] For example, the author of Tobit mentions converts as part of the Israelite community, and anticipated a future era when gentiles would worship the God of Israel (Tob 1:8; 14:6).[20] However, Tobit warns his son, Tobias: "marry a woman from among the descendants of your ancestors; do not marry a foreign woman, who is not of your

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[17] "Converts" refers to so-called Jews who had no claim of Jewish ancestry. For a summary of conversion in the Hebrew Bible and Second Temple period, see Matthew Thiessen, "Conversion, Jewish" *Oxford Classical Dictionary* (July 2017); see also Shaye Cohen, "Conversion to Judaism in Historical Perspective: From Biblical Israel to Postbiblical Judaism," *Conservative Judaism* 36 (1983): 31–45.

[18] Jill Hicks-Keeton, *Arguing with Aseneth: Gentile Access to Israel's Living God in Jewish* Antiquity (New York: Oxford University Press, 2018). Joseph and Aseneth is unique since the accounts of conversion in the Second Temple period typically revolve around male conversion, not female conversion. See Matthew Thiessen, "Aseneth's Eight-Day Transformation as Scriptural Justification for Conversion," *JSJ* 45 (2014): 229–49.

[19] See also the Animal Apocalypse, which anticipates a future ontological change in all foreigners whereby they will become part of the holy seed: "all their species were changed, and they all became white cattle" (1 En. 90:37).

[20] The Greek word προσήλυτος in Tob 1:8 (Codex Sinaiticus), which is translated "convert" in the NRSV, is not necessarily the technical term for those who submitted to circumcision and lived under the law. Instead, it may imply a resident alien (גר; see Deut 26:12). For a short discussion of this term, see Joseph A. Fitzmyer, *Tobit*, CEJL (New York: de Gruyter, 2003), 110–11. If προσήλυτος corresponds with גר in the Hebrew Bible, then it refers to one who associated themselves with Israel and was able to take part in the cultic duties (Lev 16:19; 17:10–15; Num 9:14) and to live under the same law as Israel (Lev 19:33–34; Num 15:29). Milgrom, "Religious Conversion," 169–176. See Daniel A. Machiela, "The Compositional Setting and Implied Audience of Some Aramaic Texts from Qumran: A Working Hypothesis" *Vision, Narrative, and Wisdom in the Aramaic Texts from Qumran: Essays from the Copenhagen Symposium, 14–15 August 2017*, ed. Mette Bundvad and Kasper Siegismund, STDL 131 (Leiden: Brill, 2019), 168–202, 181–189.

father's tribe; for we are the descendants of the prophets" (Tob 4:12; cf. 1:9; 3:15). Hayes

comments that "Tobit's advice to his son Tobias is couched in genealogical terms" (see Tob

4:12a).[21] Indeed, while endogamy is a major theme in Tobit, there is no warning against apostasy

or idolatry; the emphasis was on genealogical purity (Tob 6:13–16; 7:10). The inclusion of

converts, then, does not necessarily mean they could marry Israelites.

The ontological perception of Israel by Jewish communities greatly influences rulings on

exogamous unions and mixed offspring. If offspring were at risk of idolatry or apostasy due to

exogamous unions, conversion would serve to rectify this issue, and alleviate any risk to the

offspring. However, for communities who upheld an ontological distinction between Jews and

gentiles, mixed offspring were in danger of genealogical defilement, regardless of whether

gentiles embraced the God of Israel. In this chapter, we will focus on content from communities

who maintained the importance of genealogical purity, since such ideologies greatly impacted

mixed progeny.[22]

4.2 The Rebellion of the Watchers and Mixed Offspring: Introduction

1 Enoch is a collection of apocalyptic traditions, generally dated to sometime between the

4th century BCE and the turn of the Common Era, recounting Enoch's otherworldly journeys and

revelations (cf. Gen 5:18–24).[23] While Enoch is the purported author of these works (1 En. 12:3;

92:1), these compositions may have originated in a priestly group who were critical of the

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[21] Hayes, *Gentile Impurities*, 73. See also Harrington, "Intermarriage in Qumran Texts," 257.

[22] Hannah Harrington argues that exogamy was prohibited in some Dead Sea Scrolls because it defiled the sanctuary. Hannah Harrington, "How Does Intermarriage Defile the Sanctuary?" in *The Scrolls and Biblical Tradition: Proceedings of the Seventh Meeting of the IOQS in Helsinki*, ed. George J. Brooke, Daniel K, Falk, Eibert J.V. Tigchelaar, and Molly M. Zahn, STDJ 10 (Leiden: Brill, 2012), 177–195.

[23] All quotations from 1 Enoch come from Nickelsburg, *1 Enoch 1* unless indicated otherwise. On textual matters, evidence from the Dead Sea Scrolls will take precedence, followed by the Akhmim Manuscript (𝔊ᵃ), dated to the fifth or sixth century CE, and the Chronography of George Syncellus (𝔊ˢ), dated around the ninth century CE.

Zadokite priesthood.[24] The intended audience is not clearly defined, though the author

considered the recipients to be an eschatological community comprising "the elect."[25] Based on

various quotations and allusions to 1 Enoch in later Second Temple literature, this content was

likely authoritative for numerous Jewish communities.

The Book of Watchers (1 En. 1–36) recounts the union between celestial and terrestrial

beings, and the subsequent birth of the giants.[26] Two different myths are merged in 1 Enoch 6–

16, providing distinct accounts of the Watchers' interactions with humanity: the Shemihazah

myth and the Ahaziah myth. In the Shemihazah myth, the celestial being Shemihazah convinced

the Watchers to have sexual relations with human women, while in the Ahaziah myth, the

Watchers were guilty of transmitting forbidden knowledge to humanity. Although these two

myths are woven together in 1 Enoch 6–16, I will focus specifically on contents attributed to the

Shemihazah myth, which recounts the illicit sexual unions and birth of the giants.[27]

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[24] Due to the concern for calendrical issues and the criticisms directed against the Jerusalem priesthood, Benjamin G. Wright argues that the authors were "groups of priests and scribes who feel marginalized and even disenfranchised vis-à-vis the ruling priests in Jerusalem." Benjamin G. Wright "Fear the Lord and Honor the Priest: Ben Sira as Defender of the Jerusalem Priesthood" in *The Book of Ben Sira in Modern Research: Proceedings of the First International Ben Sira Conference 28–31 July 1996, Soesterberg, Netherlands*, ed. Pancratius C. Beentjes, *BZAW* 255 (Berlin: de Gruyter, 1997), 189–222, 218. See also Karina Martin Hogan, "The Watchers Traditions in the Book of the Watchers and the Animal Apocalypse" in *The Watchers in Jewish and Christian Traditions*, ed. Angela Kim Harkins, et al. (Minneapolis: Fortress Press, 2014), 107–120, 108–109 and Gabriele Boccaccini, *Roots of Rabbinic Judaism: An Intellectual History, from Ezekiel to Daniel* (Grand Rapids: Eerdmans, 2002), 99–100. For a critique of this view, see James C. VanderKam, "Mapping Second Temple Judaism" in *The Early Enoch Literature* (Leiden: Brill, 2007), 1–20, 15–20.

[25] Nickelsburg, *1 Enoch 1*, 64. See 1 En. 5:8; 6:7–8; 10:1–3; 46:8; 93:10; 104:12–13.

[26] The Watchers from 1 En. 6–16 are celestial beings who rebelled against the natural order (see 1 En. 1:5; 10:7; 12:3a; 10:7–16; 16:2). Their rebellion and condemnation is mentioned elsewhere in Second Temple literature (see 4Q532 2.7; 1QapGen ii 1–2, 15; CD ii 18–19; Jude 6). See Joseph A. Fitzmyer, *The Genesis Apocryphon of Qumran Cave 1* (1Q20): A Commentary. 3rd rev ed. Biblica et Orientalia 18B (Rome: Pontifical Biblical Institute, 2004), 124 for a proposed etymology of "Watchers" (עיר).

[27] The Shemihazah myth is dated to the early or middle third century BCE due to its widespread attestation in Second Temple literature (Nickelsburg, *1 Enoch 1*, 170, 230; see T. Mos. 5–10; Jub. 23;12–31). George W. E. Nickelsburg, "Apocalyptic and Myth in 1 Enoch 6–11," *JBL* 96 (1977): 383–405, 390. Hogan places the composition of the myth sometime in the late fourth century (Hogan, "The Watchers Traditions in the Book of the Watchers," 108). While it is not possible to distinguish the two myths with absolute certainty, we will deal solely with mentions of illicit unions and the depiction of the giants. See John J. Collins, "The Apocalyptic Technique: Setting and Function in the Book of Watchers," *CBQ* 44 (1982): 91–111, 95.

This myth is largely considered a rewriting of Gen 6:1–4, which is itself a short and cryptic account of a time when the sons of God descended to earth and had sexual relations with the daughters of men.[28] If we juxtapose both stories, it becomes evident that the Shemihazah myth placed a greater emphasis on illicit progeny. First, in the Shemihazah myth, the Watchers had sex with terrestrial beings with the intention of producing offspring: "Come, let us choose for ourselves wives from the daughters of men, and let us beget for ourselves children" (1 En. 6:2b).[29] By contrast, progeny were never mentioned in Gen 6:1–4 as a motivating factor for the sons of God: the sons of God "saw that they [the daughters of men] were fair; and they took wives for themselves" (Gen 6:1).[30] Second, the relationship between the Nephilim and the Watchers in the Shemihazah myth is clearer than their connection in Gen 6: "And they [the women] conceived from them [the watchers] and bore to them great giants. And the giants begat Nephilim, and to the Nephilim were born Elioud" (1 En. 7:2). In Gen 6:1–4, however, it is unknown whether the Nephilim were the offspring of the sons of God or an unrelated group: "The Nephilim were on the earth in those days—and also afterward—when the sons of God went in to the daughters of humans, who bore children to them" (Gen 6:4 MT).[31] Nickelsburg correctly acknowledges how the mixed progeny "are scarcely mentioned in Genesis, but who here [in the book of Watchers] become the devastators of humanity and the whole creation. It is

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[28] Due to the numerous parallels between both stories, as well as the shorter and more difficult reading of Gen 6:1–4, Stuckenbruck correctly states that "[i]t is more difficult…to explain Genesis chs. 6–9 on the basis of 1 En. chs. 6–11 than the other way around" (Stuckenbruck *The Myth of Rebellious Angels*, 3 n. 4). "Expansion" or "commentary" is the best way to understand the Shemihazah myth in relation to Gen 6:1–4. See also Ida Fröhlich, "Giants and Demons," in *Ancient Tales of Giants from Qumran and Turfan*: *Contexts, Traditions, and Influences* ed. Matthew Goff, et al. (Tübingen: Mohr Siebeck, 2016), 97–112, 97.

[29] The desire to produce offspring is absent in the Syncellus manuscript.

[30] Although it is possible that the act of taking a wife implies the desire for offspring, this is not explicit.

[31] Gen 6:4 begins with a disjunctive clause (הנפלים היו בארץ), signifying that their presence on the earth was not necessarily connected with the union between the sons of God and daughters of men. The LXX is clearer, identifying the Nephilim as the descendants of the sons of God (Gen 6:1–4 LXX).

around their actions that the whole story turns."[32] Therefore, the Shemihazah myth places a greater emphasis on the mixed progeny, which I will explore below.

There is some debate regarding the purpose of the Shemihazah and Ahaziah myths in 1 Enoch. One proposal is that these myths were an allegory of the Diadochi, the successors of Alexander the Great, due to the similarities between the Diadochi and the giants (323–302 BCE).[33] For example, the Diadochi allegedly claimed to have divine fathers;[34] the bloodshed spilled by the giants may refer to the Diadochi warfare;[35] and the spread of illicit information by the Watchers symbolized the spread of Hellenism in the Judean regions.[36] In light of these comparisons, the illicit mixing between Watchers and human women is not understood as a reference to exogamy, but the transgression of geographical boundaries: "because the angels forsook their proper abode and came into the land and, specifically, into Judea, the land is filled with violence."[37]

While this is a possible interpretation, the comparison between the giants and Diadochi results in mixed analogies. For example, the Diadochi are compared to the giants because they both caused bloodshed; yet the Watchers were the ones who spread illicit information, which

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[32] George W. E. Nickelsburg, "Reflections Upon Reflections: A Response to John Collins' 'Methodological Issues in the Study of 1 Enoch'," *SBLSP* 13 (1978): 311–314, 311. See also Matthew Goff, "Warriors, Cannibals and Teachers of Evil: The Sons of the Angels in Genesis 6, the book the Watchers and the book of Jubilees," *Svensk Exegestik Årsbok* 80 (2015): 79–97, 80.

[33] Alexandria Frisch alleges that the author of 1 Enoch used "historical eisegesis [of Gen 6:1–4] as he cast his present Greek imperial context back onto the text." Alexandria Frisch, *The Danielic Discourse on Empire in Second Temple Literature* (Leiden: Brill, 2016), 64.

[34] See Nickelsburg, *1 Enoch 1*, 170; C. F. Edson, "The Antigonids, Heracles, and Beroea," *HSCP* 45 (1934): 213–246, 221–22 and Eibert J. C. Tigchelaar, *Prophets of Old and the Day of the End: Zechariah, the Book of Watchers and Apocalyptic* (Leiden: Brill, 1996), 170.

[35] Nickelsburg, "Apocalyptic and Myth," 391. Similarly, just as the giants turn against one another in 1 En 6–11, so the Diadochi battled against each other (Frisch, *The Danielic Discourse*, 65).

[36] "The Greeks…were also committed to disseminating their way of life — their institutions, norms and ideas — to the world of the barbarians." Lee Levine, "The Age of Hellenism: Alexander the Great and the Rise and Fall of the Hasmonean Kingdom," in *Ancient Israel: From Abraham to the Roman Destruction of the Temple*, ed. Hershel Shanks (Washington DC: Biblical Archaeology Society, 1999), 231–264, 231.

[37] Frisch, *The Danielic Discourse*, 66.

draws a closer parallel with the Diadochi and their spread of Hellenism. Nickelsburg correctly writes that a connection between the giants and Diadochi is "probably not demonstrable."[38]

A second proposal is that the Shemihazah myth was a veiled critique against Zadokite priests, who were accused of having illicit unions with forbidden women, and bearing illegitimate offspring.[39] In other words, the Watchers represented the priests, and the giants symbolized the mixed progeny. This proposal fits well with the Book of Watchers for several reasons. First, the Watchers were accused of the same misdeeds leveled against the priestly class elsewhere. Both the priests and Watchers were accused of causing defilement through their sexual encounters with women (1 En. 7:1; see also 9:8; 10:11; Pss. Sol 8:12; T. Levi 9:9–10; 14.6; 16:4),[40] and both groups were accused of defiling themselves through the blood of women: "with the blood of women you [the Watchers] have defiled yourselves" (1 En. 15:4; see Lev 15:24). In the Damascus Document, for example, the Jerusalem priests were accused of a similar impurity: "And they [the priests] also defiled the temple…[and] lay with her who sees the blood of her menstrual flow" (CD 5:6–7). While it remains unclear whether "blood" symbolized menstrual blood, virginity, or something else, Nickelsburg argues how this accusation reveals that "the author of this [Shemihazah] mythic account is himself concerned about the pollution of

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[38] Nickelsburg, "Apocalyptic and Myth," 396.

[39] According to Coblentz Bautch, the fallen Watchers tradition "communicates a concern for intermarriage or sexual misdeeds" (Coblenz Bautch, "Amplified Roles, Idealized Depiction," 348). It is unclear whether 1 En. 6–11 condemned priestly unions with Israelites, gentiles, or both. Himmelfarb argues that the Watchers narrative condemns priestly unions with Israelites. Martha Himmelfarb, "Temple and Priests in the Book of the Watchers, and Animal Apocalypse and the Apocalypse of Weeks" in *The Early Enoch Literature*, eds. Gabriele Boccaccini et al. (Leiden: Brill, 2007), 219–235, 223; see also Tigchelaar, "Some Remarks on the Book of the Watchers," 144; Loader posits that the unions are between Levites and gentiles (Loader, *Enoch, Levi and Jubilees on Sexuality*, 42).

[40] While the Watchers defiled themselves, the priests defiled the virgins of Jerusalem. However, in both cases, they are accused of committing impurity [μιαίνω], a term often reserved for sexually illicit actions and moral impurity (cf. T. Reu 1.6; T. Lev 7:3; Ps.-Phoc. 1.177; Sib. Or. 2.279; LSJ 1132). See Himmelfarb, "Temple and Priests," 223. Coblentz Bautch writes that "[d]efilement…is the result of the watchers having sexual intercourse with people forbidden to them" (Coblenz Bautch, "Amplified Roles, Idealized Depiction," 350).

the temple and/or priesthood."[41] Second, the Watchers and the priesthood were both banished

from the sanctuary because of their illicit activity: "Why have you forsaken the high heaven, the

eternal sanctuary; and lain with women, and defiled yourselves with the daughters of men…

With the blood of women, you have defiled yourselves" (1 En. 15:3–5a).[42] Though writing later

in history, Josephus also mentions the banishment of priests who engaged in exogamous unions:

"whoever violates any of the above rules [among the priesthood regarding exogamy] is forbidden

to minister at the altars or to take any other part in divine worship" (*Ag. Ap.*, 1.36; cf. *Ant.*

9.308). Considering these similarities, Suter has argued that the Watchers myth was directed

against the illicit actions of the priesthood,[43] and thus the giants represent the hybrid offspring

from the celestial/terrestrial unions.[44] The negative depiction of the giants, I propose, provides

insight into the opinion of the author regarding mixed offspring with a priestly father. As

mentioned above, the giants are not mixed offspring between Judean and non-Judean unions, but

rather terrestrial and celestial unions.[45] Nevertheless, they are included in this study since the

criticism leveled against the giants relates to their hybrid and mixed status, which would be

analogous to mixed offspring between priests and non-priests.

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[41] Nickelsburg, *1 Enoch 1*, 231. For a discussion on various interpretations of blood, see Suter, "Fallen Angel," 118–119. While "menstrual period" is favoured due to the connection between ἀκαθαρσία and menstrual blood in the LXX (Lev 15:24, 30; 18:9; Ezek 22:10; 36:17; Ezra 9:11), Wright argues that this connection is "not clearly supported in the Greek or Ethiopic versions of BW." Archie T. Wright, *The Origin of Evil Spirits: The Reception of Genesis 6:1–4 in Early Jewish Literature* (Philadelphia: Fortress Press, 2015), 132. See ibid for four different ways to understand this impurity.

[42] See Martha Himmelfarb, *Ascent to Heaven in Jewish and Christian Apocalypses* (Oxford: Oxford University Press, 1993), 14–28. It remains unclear why the Watchers were banished (1 En 14:5) since the impurity that stems from semen emission only lasts until evening (Lev 15:18), and the ritual impurity derived from sleeping with a woman during her menstrual impurity lasts only seven days (Lev 15:24).

[43] Suter, "Fallen Angel." See also Jeremy Corley's study of the Watchers in Ben Sira: "Ben Sira's general suspicion toward the Watchers traditions doubtless represented the view of Jerusalem's priestly and educational aristocracy." Jeremy Corley, "The Enochic Watchers traditions and Deuterocanonical Literature" in Angela Kim Harkins, *Watchers in Jewish and Christian Traditions*, 66. See also Harrington, "Intermarriage in Qumran Texts," 272.

[44] See Collins, "The Apocalyptic Technique." 91–111. See also Fröhlich, "Giants and Demons," 100.

[45] The giants were "a symbol of a reality that is contaminated and impure" through the union of incompatible realities (Arcari, "Illicit Unions, Hybrid Sonship," 426).

4.2.1 1 Enoch 6–11

In 1 Enoch 6–11, one of the clearest condemnations against the giants is found in God's decree to Gabriel: "Go, Gabriel, to the bastards [τοὺς μαζηρέους], to the half-breeds [τοὺς κιβδήλους], to the sons of miscegenation [τοὺς υἱοὺς τῆς πορνείας]; and destroy the sons of the watchers from among the sons of men" (1 En. 10:9a). Each of the descriptions listed above underscores the mixed status of the giants, strengthening the identification between the giants and offspring from exogamous unions.[46]

The first noun, "bastards" (μαζηρέους), is generally considered to be a Greek transliteration of the Hebrew ממזר.[47] Scholars differ on the precise meaning of μαζηρέους in 1 Enoch. Suter, for example, posits that the description μαζηρέους means "offspring of a marriage contracted beyond the legitimate degrees of matrimony."[48] Similarly, Nickelsburg argues that it refers to an "offspring of a union forbidden in the law."[49]

However, I posit that the title μαζηρέους carries greater specification, namely, to identify progeny from a mixed union. This is a probable interpretation for two reasons. First, as stated above, μαζηρέους was likely a transliteration of the Hebrew term ממזר, which is only found twice in the Hebrew Bible (Deut 23:3; Zech 9:6). As I argued in chapter 2, ממזר in the Hebrew Bible is best understood as a designation for offspring from exogamous unions. As we will see with the term κιβδήλους below, the author of 1 Enoch 1–36 was aware of the legal codes in the Hebrew

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[46] Loader writes how these terms are reminiscent of language "applied to the offspring of illegitimate marriage or sexual relations" (Loader, *Enoch, Levi and Jubilees on Sexuality*, 46).

[47] Loader, *Enoch, Levi and Jubilees on Sexuality*, 22; See LSJ 1072; Suter, "Fallen Angel," 126. The title τοὺς μαζηρέους is only found in Codex Panopolitanus (𝔊ᵃ). The Syncellus copy reads ὁ γίγας instead. However, see 1 En. 9:9 in the Syncellus manuscript, where the giants are called "half-breeds" (κιβδηλος).

[48] Suter, "Fallen Angel," 119.

[49] Nickelsburg, *1 Enoch 1*, 223.

Bible and used terminology from them.[50] Therefore, it is probable that the author of 1 Enoch 6–11 adopted a similar interpretation of ממזר as the one found in the Hebrew Bible. Drawnel similarly connects the Greek noun μαζηρέους in 1 Enoch 10:9 with ממזר in Deut 23:3 and Zech 9:6 based on the similarity of both nouns, arguing that "[t]he Giants are called so because they are an offspring of heavenly and earthly creatures."[51]

Second, the context of 1 Enoch 6–11 deals with transgressing celestial-terrestrial boundaries, not sexual unions outside of marriage: "They [the watchers] have gone in to the daughters of the men of earth, and they have lain with them, and have defiled themselves…and now behold, the daughters of men have born sons from them, giants, half-breeds" (1 En. 9:8–9). As a result of this improper mixture, the giants are depicted as a hybrid, mixed species. Stuckenbruck notes that "the giants are by nature half angel and half human, and as such are regarded as an illegitimate mixture of spheres that should have been kept separate."[52] Therefore, based on the proposed transliteration of ממזר, the use of ממזר in the Hebrew Bible, as well as the emphasis on mixed unions in 1 Enoch 6–11, the description of the giants as "bastards" (μαζηρέους) is best understood as underscoring their hybrid status.

The emphasis on their mixed status is further demonstrated by the description "half-breeds" (τοὺς κιβδήλους). The noun κίβδηλος is used in other Second Temple literature to depict mixed or fraudulent items, particularly gold.[53] It is found twice in the Septuagint, in the so-called

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[50] See Veronika Bachmann "The Book of the Watchers (1 Enoch 1–36): An Anti-Mosaic, Non-Mosaic, or Even pro-Mosaic writing?" *JHS* 11 (2011): 1–23.

[51] Henryk Drawnel, *An Aramaic Wisdom Text from Qumran: A New Interpretation of the Levi Document*. SJSJ 86 (Leiden: Brill, 2004), 269.

[52] See Stuckenbruck, *The Myth of Rebellious Angels*, 82. See also ibid., 101. Nickelsburg concludes that the giants are depicted as illegitimate children (Nickelsburg, *1 Enoch 1*, 223; see Suter, "Fallen Angel," 119 and Arcari, "Illicit Unions, Hybrid Sonship," 420). For the designation of mamzer for the spirit of the giants in the Dead Sea scrolls, see 4Q511 2 ii, 3; 4Q444 2 1, l. 4; 4Q202 iv, 5.

[53] LSJ 950. This noun is also employed to depict "wickedness" (Philo, *Sacrifices*, 137; see Wis 2:15), something counterfeit (Wis 15:9) or mixed (Polybius, *Histories*, 33.4).

laws against forbidden mixtures: "You shall not breed your animals to those of a different kind, and you shall not sow your vineyard with something different, and you shall not put on yourself an adulterated [κίβδηλον] garment woven with two materials (Lev 19:19 LXX; cf. Deut 22:11 LXX).[54] While the contexts of Lev 19 and Deut 22 deal specifically with the prohibition against mixing two types of seeds, garments, or animals, the author of 1 Enoch 6–11 applied these law codes to the mixed progeny from celestial and terrestrial unions. For this reason, Nickelsburg translates the Greek term κίβδηλος as "a mixed origin forbidden by law" (cf. 1 En. 9:9).[55] Significantly, later texts in the Second Temple period quote Lev 19:19 to condemn improper unions and their progeny (כלאים; see 4QMMT B 76–78; 4Q271 3 9–10). 1 Enoch 9:9 is the first text to apply the term used in these passages to mixed offspring.

The definition of the third description, τοὺς υἱοὺς τῆς πορνείας, is broader in scope than the previous two. The Greek term πόρνη, which is a translation of the Hebrew זנה, is used in a variety of ways in Second Temple literature, including prostitution, incest, and adultery.[56] However, as mentioned above, the issue in 1 Enoch 6–11 was miscegenation. A parallel use, then, may be found in the Greek version of Tobit, where the noun πόρνη is used as a reference to intermarriage. For example, Tobit warned his son: "Beware, my child, of all immorality [ἀπὸ πάσης πορνείας]. And first of all take a wife from among the descendants of your ancestors, and do not take a foreign woman, who is not of the tribe of your father" (Tob 4:12). Tobit's

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[54] All English translations of the LXX derive from the NETS translation, unless indicated otherwise. In Lev 19:19 LXX, κίβδηλος is a translation of כלאים, and in Deut 22:11 LXX, it is a translation of שעטנז. See Ben Sirach 25:8 for an early quotation of Deut 22:9–12.

[55] Nickelsburg, *1 Enoch 1*, 223.

[56] Nickelsburg translates this phrase as "sons of miscegenation" because he is "following the technical Qumranic usage of זנות as intercourse in forbidden degrees" (Nickelsburg, *1 Enoch 1*, 223). Within the Testaments, זנות refers to adultery (T. Reu 4:8; T. Jos 3:8), illicit sexual activity (T. Ben 9.1), and incest (T. Reu. 1:6; T. Jud. 13:3). In the Dead Sea Scroll corpus, זנות may refer to incest, polygamy, intercourse with a menstruant, marriage with a gentile, or exogamous unions (CD 4:17, 20–21; 7:1; *ALD* 6:4; MMT B 48–49; 4Q203 viii 9). See Harrington, "How Does Intermarriage Defile the Sanctuary?" 177–195; *TDNT* 6:584 –587.

prohibition against πάσης πορνείας is clarified by his instructions to abstain from foreign

women. Based on this attestation, Wheeler-Reed argues that, in 1 Enoch, "[the noun πορνεία]

refers to exogamy or miscegeny."[57]

The three descriptions of the giants above underscore their hybrid status. If the giants

represent the offspring of priests who engaged in exogamous unions, as proposed above, then

offspring from mixed unions were considered to be a type of third, independent species; neither

priestly nor Israelite.[58] Suter, who also maintains that the giants represent mixed progeny from

the priestly class, writes: "like the giants of the myth…the double heritage of the illegitimate

priest placed him in a third category that excluded him from the first two. He could not be a

priest himself, and, unlike the Israelite, his daughter was ineligible for marriage to a priest."[59]

Indeed, like the Watchers who were banned from their priestly duties, the giants/mixed offspring

would have been considered profane, and equally excluded from any cultic duties. This treatment

of the giants in 1 Enoch draws a connection with the mixed offspring in Ezra 9–10, since both

groups lost their holy status in the community. Ida Fröhlich argues that in both cases, "[a]lleged

hybridization made them [the progeny] unclean."[60]

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[57] David Wheeler-Reed, Jennifer W. Knust, and Dale B. Martin, "Can a Man Commit πορνεία with His Wife?" *JBL* 37 (2018): 383–398, 388. For a summary of זנות in Second Temple literature, see ibid., 383–398.

[58] See Nickelsburg, *1 Enoch 1*, 167. The giants are depicted as "wild beasts rather than demigods" (ibid., 186). The idea that Watchers themselves produce mixed offspring is expressed in *Genesis Apocryphon*, when Lamech thought his son, Noah, was a descendant of a Watcher (1QapGen ar 2.1–5; cf. 1 En 106–107). In turn, Batenosh his wife promised him: "this seed is from you [Lamech]…not from any stranger [זר], nor from any of the Watchers" (1QapGen ar 2.15–16). Due to the comparison between "Watcher" and "stranger," Luca Arcari argues that the mixed offspring were considered akin to the hybrid giants: "if Lamech's wife had had intercourse with a Watcher…the seed originating from him would be the fruit of a contamination, like that which springs from a mixed marriage, a seed incapable of ensuring the survival of a cultural order sanctioned by tradition" (cf. 1QapGen ar 6.7–8). Arcari, "Illicit Unions, Hybrid Sonship," 444. For an analysis of the relationship between 1 Enoch and *Genesis Apocryphon*, see Daniel A. Machiela, *The Dead Sea Genesis Apocryphon: A New Text and Translation with Introduction and Special Treatment of Columns 13–17*, STDJ 79 (Boston: Brill, 2009), 9–13.

[59] Suter, "Fallen Angel," 123.

[60] Fröhlich, "'Mamzer' in Qumran Texts," 106. The author of 1 Enoch 6–11, however, go one step further than Ezra by portraying the giants as inherently wicked beings (1 En. 7:4–5; see 10:4–6, 11–15).

A similar approach regarding a hybrid status from forbidden mixtures is found in the Animal Apocalypse, which is dated around 165–160 BCE (1 En. 85–90).[61] It provides a synopsis of Israel's history by presenting the characters and nations as different animals. Similar to 1 Enoch 6–11, inappropriate unions resulted in the creation of new, hybrid species.[62] For example, the Watchers (stars) took on the form of bulls and "began to mount the cows of the bulls [human women], and they all conceived and bore elephants and camels and asses" (1 En. 86:4).[63] The mixture of two distinct species, namely the stars and cows, created a new, hybrid set of animals: elephants, camels, and asses.[64] Nickelsburg links the creation of new species in the Animal Apocalypse with the giants in 1 Enoch: "the appearance of new species suggests the bastardly mixture mentioned in 9:9 and 10:15, and at least the elephants and camels conjure up an image of grotesqueness."[65] These animals were un-kosher, and thus unclean for ancient Jewish communities. A similar mixture is found in the case of Ishmael, where Abraham (a white bull), and Hagar (a wolf) bore Ishmael, a wild ass (1 En. 89:11). The union between Abraham and

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[61] The Animal Apocalypse was likely written in light of 1 Enoch 6–11. Patrick A. Tiller, *A Commentary on the Animal Apocalypse of 1 Enoch*, EJL 4 (Atlanta: Scholars Press, 1993), 83–96.

[62] See Thiessen, *Contesting Conversion*, 91.

[63] See 1 En. 89:10–11; 86:4–6; T. Reu 5:6–7.

[64] Intermixing was not the only criteria in the Animal Apocalypse for creating new species (cf. 1 En. 89:10). See also Nickelsburg, *1 Enoch 1*, 377. Isaac (a bull), for example, "begat a black wild boar (Esau) and a white ram (Jacob) of the flock" from the same mother (89:12). Thiessen argues that these new distinct species from the same parents are a result of the divine will: "The differentiation in their natures at birth demonstrates that the divine will is at work here in creating distinctions within humanity" (Thiessen, *Contesting Conversion*, 91). See Matthew Thiessen, "Paul, the Animal Apocalypse, and Abraham's Gentile Seed" in *The Ways that Often Parted: Essays in Honor of Joel Marcus*, ed. Lori Baron, et al. (Atlanta: SBL Press, 2018), 65–78, 67–68. Similarly, unlike Abraham and Isaac who are both bulls, Jacob was born a sheep.

[65] Nickelsburg, *1 Enoch 1*, 374. See ibid for other parallels between the animals and the giants. See also Thiessen, *Contesting Conversion*, 93; J. T. Milik, *The Books of Enoch: Aramaic Fragments of Qumran Cave 4* (Oxford: Clarendon Press, 1976), 240 and Tiller, *A Commentary on the Animal Apocalypse,* 240. Due to the parallels, Nickelsburg proposes that, like the myth of the Watchers, "the Animal Apocalypse allegory relates to laws against exogamy" (Nickelsburg, *1 Enoch 1*, 395).

Hagar did not create either a wolf (Egyptian) or a white bull (Terahite), but a new breed.

Therefore, Ishmael's status also demonstrates how mixing creates hybrid species.[66]

Thiessen states that the author of the Animal Apocalypse "portrays intermarriage as the mixture of pure and impure animals, resulting in a chaotic animal world, replete with impure species."[67] Because of this ideological framework, Thiessen places the Animal Apocalypse "within the stream of Jewish ideology of exclusion that conceived of ethnic identity as something immutable and irrevocable."[68] Similarly, 1 Enoch 6–11 presents ethnic lines as immutable, and thus endogamy among the priestly class results in hybrid offspring.[69]

4.2.2 1 Enoch 12–16

1 Enoch 12–16 is widely considered an expansion or commentary on 1 Enoch 6–11.[70] Generally dated between 300 and 250 BCE, this literary unit purports itself to be an earlier account than 1 Enoch 6–11 since it begins with the phrase: "Before these things [Πρὸ τούτων τῶν λόγων]" (1 En. 12:1).[71] Unlike 1 Enoch 6–11, which contained the interwoven myth narratives of Shemihazah and Ahaziah, 1 Enoch 12–16 focuses almost exclusively on the

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[66] It is unclear whether the author intended to highlight Ishmael's hybrid status. Hagar, Ishmael's mother, is nowhere mentioned in the apocalypse; he may have been called a "wild-ass" in correlation with Gen 16:12.

[67] Thiessen, *Contesting Conversion*, 93. "Regardless of whether or not the Priestly School originally intended its readers to conclude that marriage between Israel and the Gentiles was tantamount to crossbreeding pure with impure animals, this is exactly what the Animal Apocalypse has evocatively portrayed" (ibid.).

[68] Thiessen, "Paul, the Animal Apocalypse," 69.

[69] See also the description of Mahaway in the Book of Giants (1Q23, 4Q203, 4Q530, 4Q531), which is generally dated around the second century BCE. Mahaway was commanded to fly "with his hands like an eagle" (4Q530 iii 4). According to Stuckenbruck, "*Mahaway's* features may be explained on the grounds that he is the offspring of a human mother, on the one hand, and especially of *Baraq'el* the disobedient watcher, on the other, from whom he may have derived his wings." Loren Stuckenbruck, *The Book of Giants from Qumran: Text, Translation, and Commentary*, TSAJ 63 (Tübingen: Mohr Siebeck, 1997), 43; Milik, *The Books of Enoch*, 141.

[70] See Suter, "Fallen Angel," 119; Collins, "The Apocalyptic Technique," 95.

[71] See Nickelsburg, *1 Enoch 1*, 230–31. According to Milik, the book of Watchers was already in its final shape by "the first half of the second century BCE" (Milik, *The Books of Enoch*, 22; see also Boccaccini, *Roots of Rabbinic Judaism*, 93).

forbidden union between Watchers and women. However, in this section, Ahaziah (not Shemihazah) was blamed for leading the Watchers to earth and engaging in illicit unions.[72] The figure Enoch also plays a more central role in this pericope, since the story is told from his perspective (see 1 En. 12:1–2).

Like 1 Enoch 6–11, the illicit mixing of terrestrial and celestial beings is perceived as a violation of the natural order, alongside their illicit progeny (1 En. 15:4–7).[73] However, unlike 1 Enoch 6–11, the death of the giants in 1 Enoch 12–16 resulted in their evil spirits going forth to terrorize the earth (1 En. 15:11–16:1).[74] The story of the giants was etiological, explaining the wickedness in the world. Unlike other spirits, whose domain was in the heavenly realms, these evil spirits were restricted to earth: "But now the giants who were begotten by the spirits and flesh — they will call them evil spirits upon the earth, for their dwelling will be upon the earth" (1 En. 15:8).[75] Although it is evident that the giants were malicious, there is less scholarly discussion as to *why* the giants were depicted as inherently wicked. There are generally two possibilities. The first is that the giants were morally reprehensible because they inherited the nature of their fathers: "as one can see from their activities, the giants have inherited the wicked, rebellious side of their fathers' nature."[76] In other words, the moral impurity of the fathers was passed down to the offspring, and they become wicked as well (1 En. 15:9).

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[72] However, see 1 En. 16:3 for a reference to the Watchers giving illicit information.

[73] See Nickelsburg, *1 Enoch 1*, 176; 4Q202 ii 2–3, where a similar distinction is made between their spheres. Stuckenbruck states "the sexual intermingling between spiritual, heavenly beings and earthly human beings of flesh and blood violates, by definition, the natural order (15:4, 9–10)" (Stuckenbruck, *The Myth of Rebellious Angels*, 14).

[74] See Scott M. Lewis, S.J. "'Because of the Angels' Paul and the Enochic Traditions," in Angela Kim Harkins, *The Watchers in Jewish and Christian Tradition*, 86. See also Jub 5–10; T. Sol 5:3; 17:1; 4Q510 1.5; 4Q511 35.7; Bar 3:26–28.

[75] For a discussion on the innately impure status of the demons, see Matthew Thiessen. *Jesus and the Forces of Death: The Gospels' Portrayal of Ritual Impurity within First-Century Judaism* (Grand Rapids: Baker Academic, 2020), 134–39.

[76] Nickelsburg, *1 Enoch 1*, 266.

A second option is that the moral impurity produced from the illicit union of the parents was inherited by the offspring, resulting in their wicked character. Stuckenbruck, for example, writes that "[s]ince these spirits were the products of a reprehensible union (a *mala mixta*), they are inherently evil."[77] Similarly, Kelley Coblentz Bautch quotes from 1 Enoch to explain how "forbidden unions result in troublesome offspring; in the Enochic literature the problematic progeny are giants who initiate violence and leave as a legacy their immortal spirits as demons (1 En 7:2–6; 9:7–8; 15)."[78] Therefore, the author of 1 Enoch 12–16 not only perceived that the mixed progeny were genealogically profane, and thus excluded from any priestly duties, but the moral impurity produced by the parents was transferred to the offspring as well, resulting in wicked progeny. In other words, not only are mixed offspring genealogically mixed, but they are morally dangerous as well.

4.2.3 Summary

Based on the above analysis of 1 Enoch 6–16, and the argument that the giants represented mixed offspring with a priestly father, we may draw several conclusions. First, the author of 1 Enoch 6–16 considered mixed progeny to be hybrid offspring.[79] Such a status calls into question whether they would have been welcomed into the Israelite community at all, or whether they would have been able to marry Israelites. Like Ezra, the author would have likely expelled these mixed offspring from his community. Second, the mixed offspring were considered inherently wicked, particularly in 1 Enoch 12–16.[80] For the author of 1 Enoch 12–16,

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[77] Stuckenbruck, *the Myth of Rebellious Angels*, 15; see also Arcari, "Illicit Unions, Hybrid Sonship," 420.
[78] Coblenz Bautch, "Amplified Roles, Idealized Depiction," 350.
[79] Nickelsburg, *1 Enoch 1*, 272.
[80] Arcari, "Illicit Unions, Hybrid Sonship," 426.

the moral impurity of the parents was passed down to the offspring, making them a threat to the community. Third, 1 Enoch 6–16 is the first pericope that applies the laws against forbidden unions (Lev 19:19; Deut 22:11) from the Hebrew Bible to cases of intermarriage, designating the offspring from such unions to be "adulterated" or "mixed." Such interpretations are found in later texts, as we will see below, potentially testifying to the influence of 1 Enoch in later Second Temple literature.

4.3 Dead Sea Scrolls: Part 1

In this section, I will examine relevant works from the Dead Sea Scrolls that are generally dated to the Hellenistic era.[81] These works provide insight into the interpretive methods and legal debates that took place between different Jewish communities at that time. An explicit concern regarding the progeny from exogamous unions is expressed most clearly in the Aramaic Levi Document (*ALD*) and the Testament of Qahat (4Q542). These two texts are typically dated to the third century BCE, and were possibly composed in the Judean region.[82] Both texts were written for the priestly class, and each underscores the importance of preserving their priestly lineage and heritage: "The biographical narratives…convey core ancestral virtues through the deeds and

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[81] In chapter 5, I will address two works from the Dead Sea Scrolls generally dated to the Roman period. The Dead Sea Scroll corpus is often divided into three categories: biblical, sectarian, and other literature from the Second Temple period (i.e., apocryphal or pseudepigraphal). Scholars have often associated the Qumran scrolls with an Essene community due to similarities between their beliefs and conduct. See Reinhard Gregor Kratz, "Introduction" in *Interpreting and Living God's Law at Qumran: Miqṣat Maʿaśe Ha-Torah, Some of the Works of the Torah (4QMMT)*, ed. Reinhard G. Kratz (Tübingen: Mohr Siebeck, 2020), 16. Although there is no universal ruling on exogamy or mixed offspring in the DSS, exogamous unions were often connected with idolatry and the defilement of the sanctuary in the Qumran collection (MMT B 48–49; CD 4:12–18). See Harrington, "How Does Intermarriage Defile the Sanctuary?" 177–195 for a discussion of exogamous unions in the DSS.
[82] Milik, *The Books of Enoch*, 24. For discussions of dating, see Drawnel, *An Aramaic Wisdom Text*, 71; Jonas C. Greenfield, Michael Stone, and Esther Eshel, *The Aramaic Levi Document: Edition, Translation, Commentary,* SVTP 19 (Leiden: Brill, 2004), 19. James Kugel argues that the earliest date for *ALD* is around 150 BCE, considering the anticipation that Levi's descendants will become rulers and kings, which was necessary to justify the Hasmonean reign. James Kugel, "How Old is the 'Aramaic Levi Document,'" *DSD* 14 (2007): 291–312, 295–96.

speech of their characters, and provide hope by placing the stories of individuals within a wider historical frame."[83] *ALD* and 4Q542 both make mention of the "mixed ones" (כילאין); in *ALD*, the mixed ones were expected to honor the priests, whereas in 4Q542, the readers were warned against giving their inheritance to the mixed ones. Although there is some debate regarding the meaning of כילאין, I take this noun to be an Aramaic borrowing of the Hebrew כלאים, meaning "two kinds," found in Lev 19:19 and Deut 22:9. Just as the author of 1 Enoch utilized language from these law codes to describe the hybrid giants, so these Aramaic texts borrowed similar language from the Torah to describe the offspring from exogamous unions. If the referent כילאין in the Aramaic documents refers to priests with questionable lineage, then it is evident that the author of *ALD* and 4Q542 considered such mixed offspring to be excluded from any cultic duty and prohibited them from marrying into the priestly class; they were treated akin to foreigners. In the following section, I will examine *ALD* and 4Q542 to consider this reading of the Aramaic texts.

Following our analysis of these Aramaic works, I will also consider 4QMMT, which is a later sectarian text. However, it will be discussed in this section due to the similar language used to describe mixed offspring (כלאים). I posit that the author of 4QMMT broadened the application of כלאים to describe all offspring from mixed unions, not just mixed descendants with priestly fathers.

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[83] Daniel Machiela, "Is the Testament of Qahat Part of the Visions of Amram? Material and Literary Considerations of 4Q542 and 4Q547," *JSJ* 52 (2020): 27–38, 28. According to Machiela, "A number of factors converge to suggest that priests composed most, if not all, of the Aramaic Qumran texts" (Machiela, "The Compositional Setting," 183).

4.3.1 The Aramaic Levi Document

The *Aramaic Levi Document* (*ALD*) recounts the elevation and blessing over Levi as the head of the priesthood (*ALD* 5:3) and includes instructions for Levi and his progeny.[84] One prominent theme in *ALD* is the preservation of their holy status. Isaac, for example, warned Levi: "First of all, be<wa>re my son of all fornication and impurity and of all harlotry [פחז וטמאה ומן כל זנות]. And marry a woman from my family and do not defile your seed with harlots, since you are holy seed [ולֹא תחל זרעך עם זניאן ארי זרע קדישׁ אנת]" (*ALD* 6:3–4). Scholars have largely understood this command to be an expansion of the marital priestly regulations found in H: "A widow, or a divorced woman, or a woman who has been defiled [וחללה], a prostitute [זנה], these he [the high priest] shall not marry. He shall marry a virgin of his own kin [מעמיו], that he may not profane [חלל] his offspring among his kin" (Lev 21:14–15).[85] The author of *ALD*, however, made at least two interpretive decisions with these marital regulations. First, as Drawnel writes, H required the high priest to marry a virgin from his people; he was unable to marry a widow, divorced woman, or a harlot from the priestly class. In *ALD*, however, the prohibition against profaning Levi's seed with harlots "is a statement in favor of endogamy. Any woman who does not belong to the

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[84] See Greenfield, Stone, and Eshel, *The Aramaic Levi Document*, 19–22. My analysis of *ALD* will incorporate the seven fragmentary copies of *Aramaic Levi* found at Qumran, the *Aramaic Levi Document* recovered in Cairo Geniza, and the Greek translation of Aramaic Levi at Mt Athos. Where the Aramaic text is clear, it will be used as the dominant witness. Unless indicated otherwise, all quotations and references will follow Greenfield, Stone, and Eshel, *The Aramaic Levi Document*. For a discussion of the recipients of *ALD*, see Devorah Dimant, "The Qumran Aramaic Texts and the Qumran Community" in *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino García Martínez*, ed. Anthony Hilhorst, et al., JSJSup 122 (Leiden: Brill, 2007), 197–206, 198–99. See Henryk Drawnel, "Priestly Education in the Aramaic Levi Document (Visions of Levi) and *Aramaic Astronomical Book* (4Q208–211)," *RevQ* 22 (2006): 548–74 who says it was intended only for priests.
[85] For the use of H in *ALD*, see Drawnel, *An Aramaic Wisdom Text*, 267; Lawrence H. Schiffman, "Sacrificial Halakhah in the Fragments of the Aramaic Levi Document from Qumran, the Cairo Genizah, and Mt. Athos Monastery," in *Reworking the Bible: Apocryphal and Related Texts at Qumran*, ed. Esther Chazon, Devorah Dimant, and Ruth A. Clements, STDJ 58 (Leiden: Brill, 2005), 177–202, 179–180. For other examples of interpretive expansions from the Torah in *ALD*, see Robert A. Kugler, *From Patriarch to Priest: The Levi–Priestly Tradition from Aramaic Levi to Testament of Levi* (Atlanta: Scholars Press, 1996), 104–105.

tribal family [משפחתי; *ALD* 6:4]…is a female outsider."[86] In other words, the emphasis of *ALD*

was not on the marital status of the woman, but strictly her ethnic origins and tribal affiliation.

According to Robert Kugler, "['harlots' should be understood] narrowly as a priest's marriage

with any woman who is not a virgin from the priestly line."[87] Some scholars have debated

whether "harlots" (זניאן) in *ALD* 6:4 refers to a prohibition against priestly unions with gentiles,

or with Israelites. Considering the requirement to marry within the family [ואנת אנתתא מן משפחתי],

Christine Hayes proposes that זניאן "designates any woman not of the priestly class—

unconverted Gentiles, converts, and native-born Israelite women alike."[88]

Second, Himmelfarb correctly argues that the author of *ALD* broadened these priestly

restrictions to all of Levi's descendants.[89] Indeed, the referent "holy seed" in *ALD* 6:4 is used

elsewhere for Levi's progeny: "for you [Levi] are a holy priest of the Lord, and all your seed will

be priests [καὶ ἱερεῖς ἔσονται πᾶν τὸ σπέρμα σου]" (*ALD* 10:2).[90] Therefore, *ALD* warns against

illicit unions with harlots (זניאן; i.e., women outside the priestly line) which defile (תחל) all

Levites, not just the progeny of high priests. In turn, mixed offspring from these unions would be

defiled, and disqualified from their cultic duties. Drawnel correctly writes that "the motivation to

observe endogamy is the same both in Ezra and in the *Levi Document* — the fear to profane the

holy seed."[91]

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[86] Drawnel, *An Aramaic Wisdom Text*, 267. Drawnel understands the זנה is representing those outside of the priestly clan (משפחתי).

[87] Robert A. Kugler, "Halakic Interpretive Strategies at Qumran: A Case Study," in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995. Published in Honour of Joseph M. Baumgarten*, ed. John Kampen, et al., STDJ 23 (Leiden: Brill, 1997), 131–140, 134.

[88] Hayes, *Gentile Impurities*, 72. This interpretation is possible, although *ALD* also recounts unions between the priestly class and the Israelite class (see *ALD* 11:1; 12:1). However, this may have been an exception considering that the Levitical clan had not yet procreated at that time.

[89] Himmelfarb, "Levi, Phineas, and the Problem of Intermarriage," 5–6.

[90] This passage is only attested in manuscript Athos, Monaster of Koutloumous, Cod. 39.

[91] Drawnel, *An Aramaic Wisdom Text*, 268. For other Second Temple texts where priests and Levites were permitted to marry Israelites, see Philo *Special Laws* 1.110; Josephus, *Ant.* 3.277.

In the final section of *ALD*, Levi instructed his descendants about the value of wisdom, and the importance of pursuing it: "may wisdom be eternal glory for you [חוכמתא עמכון ליקר עלם] (*ALD* 13:4). Kugler correctly acknowledges "the premium the author places on wisdom" in his final speech.[92] Such wisdom was intrinsic to the priestly calling: "Let there be shown to me [Levi], O Lord, the holy spirit, and grant me counsel and wisdom and knowledge and strength, in order to do that which is pleasing to you" (*ALD* 3:6).[93] In turn, Levi instructed his descendants that such wisdom will bring them honor and an elevated social status: "To every la[nd] and country to which he will go, he has a brother and a friend therein, he is [not a]s a stranger [נכר] in it, and he is not li[ke] a stranger [לנכרי] therein, and not like a scoundr[el] [לכילי] in it [...Since all of them wi]ll accord him honor (or: glory) because of it" (*ALD* 13:8–9).[94] The terms נכר and כילי are paired together here and in *4QTestament of Qahat* (4Q542 1 1:4–6); unlike the term נכר (stranger), which is better attested in Aramaic literature, scholars have debate the meaning of כילי in *ALD*.[95] Émile Puech, for example, was the first to connect the Aramaic noun כילי with the Hebrew noun כילי from the book of Isaiah: "A fool will no longer be called noble, nor a villain [כילי] said to be honorable" (Isa 32:5). This is a possible rendition, considering other Hebraisms found throughout *ALD*.[96] However, Puech later revised his interpretation of כילי due to the use of its plural form, כילאין, in *4QTestament of Qahat* (4Q542 1 i, 6), which we will examine below.[97]

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[92] Kugler, *From Patriarch to Priest*, 127.

[93] For an assessment of sapiential characteristics in *ALD*, see Greenfield, Stone, and Eshel, *Aramaic Levi Document*, 34–35.

[94] 4Q213 1 i, 15–17; cf. *CTL* col f. 10. Although the phrase "be like a scoundrel" is reconstructed in 4Q213, see Cairo Geniza Cambridge col. f line 10 for a clearer form of the noun לכילי. The final י in the form כילי in the Geniza text (Cambridge col. f, line 9) is reconstructed.

[95] See TAD C 1 1:139 where נכרי means "stranger" or alien.

[96] See Greenfield, Stone, and Eshel, *The Aramaic Levi Document,* 4.

[97] See Émile Puech, *Qumran Grotte 4. XXII. Textes Araméens Premiere Partie 4Q529–549* (DJD 31; Oxford: Clarendon Press, 2001), 271 where he translates the noun כילאין as "des assimilés." Edward Cook also questioned Puech's initial conclusion: "it seems unlikely that the writer [of *ALD*] would have recourse to an obscure Hebrew word." Edward M. Cook, "Remarks on the Testament of Kohath from Qumran Cave 4," *JJS* 44 (1993): 205–219, 209.

A better proposal is that the noun כילי is an Aramaic borrowing of the Hebrew term כלאים, meaning "two kinds," from the laws against forbidden mixtures (Lev 19:19; Deut 22:9). Edward Cook, for example, posits that the use of the noun כילי in the *ALD* "is a prohibition of mixed marriages, or marriage to wives of mixed blood, apparently originating in an allegorical exegesis of Lev. 19:19."[98] While the term כלאים is used in a variety of ways in other Dead Sea Scroll manuscripts, the author of *ALD* likely used this noun to identify offspring from exogamous unions.[99] As mentioned above, the author of 1 Enoch also used the term Greek κίβδηλος from Lev 19:19 LXX, meaning "adulterated," to describe the mixed giants: "you shall not put on yourself an adulterated [κίβδηλος] garment woven with two materials" (Lev 19:19; cf. 1 En. 10:9).[100] Due to other similarities between *ALD* and Enochic traditions (see 4Q213 frags 3+4 line 6), Caquot associates כילי with τοὺς μαζηρέους in 1 Enoch 9:9: "L'usage qui est fait ici de *kyl'yn* rappels celui de l'hebreu *mamzer* en 1 Henoch 10:9…pour désigner les géants, 'batards' de creatures celeste et terrestres."[101] While this is possible, the lexical connection between כילאין and כלאים better supports the connection between both terms. Drawnel follows Pueche, interpreting כילי as "half-breed."[102] The כילאין, then, was a designation for offspring from exogamous unions who are now profane. The danger of mixed progeny fits well with the broader context of *ALD* and the instructions to refrain from exogamous unions (*ALD* 6:4; 11:1; 12:1).

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[98] Cook, "Remarks on the Testament of Kohath," 209–210. See also Machiela, "The Compositional Setting," 190 who translates לכילי as "one who is mixed."

[99] Cook argues that כלאים was a technical term in the Pentateuch "for things of mixed origin" (Cook, "Remarks on the Testament of Kohath," 209). For different uses of כלאים, see Wassen, *Women in the Damascus Document*, 76; Heger, *Women in the Bible*, 309; Loader, *Enoch, Levi and Jubilees on Sexuality*, 158 n. 212; 11Q19 45:4; 4Q418 f 103 II i.7. It is unclear, however, whether 4QInstruction is using this law in reference to intermarriage. See Matthew J. Goff, *4QInstruction* (Atlanta: Society of Biblical Literature, 2013), 268.

[100] As mentioned above, κίβδηλος is a translation of כלאים in Lev 19:19 LXX. However, in Deut 22:11 LXX, κίβδηλος is the translation of שעטנז, which means "mixed fabric" (see HALOT 1610).

[101] See Caquot, "Grandeur et pureté du sacerdoce," 41.

[102] See Drawnel, *An Aramaic Wisdom Text*, 338. See *ALD* 3:5; 4QLevi[b] frag. 1.1; *ALD* 6:1; 4QLevi[f] frag. 7. See also the *Visions of Amram* (4Q543–547) for an emphasis on endogamy.

Additionally, the author's parallelism between "foreigners" and the כילי likely signifies a proximity of definitions between these terms. Puech, for example, writes that "[ils] doivent dénoter des concepts proches, synonymes mais non identiques."[103] If this is the case, then the profane status of mixed offspring would have rendered them akin to foreigners, which would have limited their own participation in the community and would have disqualified them from any cultic duties. Since the author informs the Levites that they will not be like a stranger or כילי on account of their wisdom, it follows that mixed offspring would have also been excluded from the inheritance of wisdom reserved for the descendants of Isaac and Levi (see *ALD* 13:6).[104] Therefore, according to *ALD*, offspring from mixed unions were no longer part of the priestly or Israelite class, but were in a hybrid category of "mixed ones," placed alongside the foreigners.

4.3.2 The Testament of Qahat

4Q542 is a farewell address from Qahat, the son of Levi, to his children, about the importance of preserving their priestly inheritance (4Q542 I, 3–II, 8; II, 9). Like in *ALD*, the author juxtaposed "foreigners" (נכראין) with the "mixed ones" (כילאין) when warning his readers how they should interact with outsiders: "And now, my children, guard carefully the inheritance that has been vouchsafed to you and that your fathers have given to you and do not give your inheritance to strangers [נכראין] or your heritage to assimilation [כילאין], so that you become low and foolish in their eyes and they despise you; for they will become foreigners to you and they

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[103] DJD 31, 273. Testament de Levi, Cambr f 9–10.

[104] According to Drawnel, a "stranger" acquires "negative connotation in the *Levi Document* and assumes a lack of sapiential knowledge characteristic of the wisdom teacher." Henryk Drawnel, "The Literary Form and Didactic Content of the Admonitions (Testament) of Qahat," in *From 4QMMT to Resurrection: Mélanges qumraniens en hommage à Émile Puech*, ed. Florentino García Martínez, Annette Steudel, and Eibert J. C. Tigchelaar, STDJ 61 (Leiden: Brill, 2006), 55–73, 69. Since the mixed offspring and foreigners are paralleled together, Drawnel's statement is equally comparable to the mixed offspring. This is a possible reading, but not definitive.

will be authorities over you" (4Q542 1 i,4–7).[105] Unlike *ALD*, where Levi informed his progeny that they will be accorded honour in every land, and not treated as strangers [נכרי] or half-breeds [כילי], Qahat warns his descendants that if they give their inheritance (ירותתכון) to either group, the Levites will become subjected to them.[106]

There is some debate about the meaning of "inheritance"; in 4Q542, it is described as "truth, and righteousness, and honesty, and perfection, and purity and holiness, and priesthood" (4Q542 I, 12–13).[107] Since the transmission of the inheritance is passed down genealogically, from father to son (see 4Q542 II, 9–11), Qahat's prohibition against giving one's inheritance to foreigners or the mixed ones is likely a ban against exogamy.[108] Indeed, Falk posits that the "inheritance" represents the priesthood itself, and thus argues that Amram's warning is "against losing the ancestral heritage through intermarriage and assimilation."[109] As a result, Hannah Harrington argues that "This inheritance must be one's children."[110]

This concern against illicit mixing coincides with the command in 4Q542 to "Be holy and pure from all intermixture" [ברוב](...) [מן כול] (4Q542 1 i,9). Cook reconstructs the noun as ערברוב,

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[105] All translation of Testament of Qahat are from Edward M. Cook, "Remarks on the Testament of Kohath." Émile Puech's translation in DJD 31 257–82, will be appealed to when necessary. The author of 4Q542 likely relied on *ALD*. Hanna Tervanotko, "A Trilogy of Testaments? The Status of the Testament of Qahat versus Texts Attributed to Levi and Amram," in *Old Testament Pseudepigrapha and the Scriptures*, ed. Eibert J. C. Tigchelaar, EBTL 270 (Leuven: Peeters, 2014), 41–59.

[106] According to Cook, the parallel term "heritage" (אחסנותכון) also means "inheritance" (Cook, "Remarks on the Testament of Kohath," 209).

[107] Greenfield, Stone and Eshel write "This heritage [in 4Q542] is identified as 'all my books as testimony' (4Q542 1 2:12)" (Greenfield, Stone, and Eshel, *The Aramaic Levi Document Edition*, 29–30). See also Jub. 45:15; Andrew B. Perrin, "Tobit's Context and Contacts in the Qumran Aramaic Anthology," *JSP* 25 (2015): 23–51, 33–34.

[108] Dimant called this the "chain of transmission." Devorah Dimant, "Themes and Genres in the Aramaic Texts from Qumran," in *Aramaica Qumranica: Proceeding of the Conference on the Aramaic Texts from Qumran in Aix-en-Provence 30 June–2 July 2008*, ed. K. Berthelot and D. S. Ben Ezra, STDJ 94 (Leiden: Brill, 2010), 15–43, 34–35.

[109] D. K. Falk, "Testament of Qahat (4Q542)" in *Dictionary of the New Testament Background*. ed. Craig A. Evans and Stanley E. Porter (Downers Grove: IVP Academic, 2000), 1199–1200, 1199.

[110] Harrington, "How Does Intermarriage Defile the Sanctuary?" 191. See also Hannah K. Harrington, *The Purity and Sanctuary of the Body in Second Temple Judaism* (Göttingen: Vandenhoeck & Ruprecht, 2019), 154. See also Machiela, who writes: "for Qahat the issue is framed more broadly, not giving 'your inheritance to foreigners or your rightful possession to those who are mixed' (4Q542 1 I 5–6)" (Machiela, "Is the Testament of Qahat Part of the Visions of Amram?" 35).

which is an Aramaic equivalent of the Hebrew noun ערב, meaning "mixed."[111] In turn, he interprets Qahat's exhortation to be against "illicit intermingling with Gentiles, intermarriage, assimilatory customs or habits."[112] Drawnel argues that this prohibition is strictly against intermarriage and producing half-breeds: "In the context of the *Admonitions'* reference to the dangers stemming from half-breeds, the term 'mingling' (ערברוב) rather unequivocally refers to exogamous marriages that, if practiced, would reduce priestly descendants of that illicit unions to the position of half-breeds."[113] Drawnel appeals to Ezra 9:2 for support, where the root ערב was used for intermarriage.

Based on the context, the term "mixed ones" (כילאין; 4Q542 1 i,4–6) is best understood as an offspring from exogamous unions with a priestly father. Not only is כילאין likely an Aramaicization of כלאים, as argued above, but Caquot argues that the parallelism between כילאין and נכראין signifies an equation between the two: "Mais l'interprétation convenant le mieux au parallèle 'étrangers' est de voir ici un détournement satirique du sens pris par le terme technique [כלאים]."[114] By appealing to the laws against mixing in the Pentateuch, as well as the Hebrew term כלאים in early Rabbinic literature, Caquot argues that 4Q542 reveals a concern about mixed progeny: "Lorsque le terme mishnique [כלאים] resortit au règne animal il ne denote pas seulement une espèce qu'il est interdit d'apparier à une autre, mais aussi ce qui peut naitre de ce genre d'unions contre nature…L'auteur du *Testament de Qahat* [et *ALD*]…ont repris le mot technique pour sitgmatiser une descendance de Qahat qui aurait souillé, par des unions illicites, la pureté de

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[111] See Edward M. Cook, *Dictionary of Qumran Aramaic* (Winona Lake, IN: Eisenbrauns, 2015), 113. See also DJD 37, 268; Puech follows Cook his reconstruction, and translates the phrase "de toute [prom]iscuité" (ibid). The term ערברוב is found as an Aramaic translation of the Hebrew ערב, meaning "mixed," (Tg. Neo. Exod 12:38). See HALOT 878.
[112] Cook, "Remarks on the Testament of Kohath," 211.
[113] Drawnel "The Literary Form and Didactic Content," 70. See also Drawnel, *An Aramaic Wisdom Text*, 269 where "mingling" refers to "an unlawful mixing of two different species."
[114] Caquot, "Grandeur et pureté du sacerdoce," 41.

son lingnage."[115] As a result of his interpretation, Caquot understands כילאין to be "a nickname

for priest of doubtful extraction."[116] Therefore, considering the prohibition against exogamy as

well as the warning against surrendering one's inheritance to strangers and כילאין, there is a clear

concern in 4Q542 about marrying mixed progeny and bearing offspring with a mixed lineage;

both groups were either profane or defiled. If they intermarried, the strangers and mixed ones

will become "authorities over you" (4Q542 I, 7).[117]

According to the author of this work, mixed progeny were not able to receive the priestly

inheritance that was transmitted genealogically; like *ALD*, mixed progeny lost their holy seed

status due to their genealogical impurity (4Q542 lii, 5). Marital unions with mixed progeny were

also strictly forbidden for all Levites; Cook correctly understands the prohibition against giving

one's inheritance to foreigners or mixed ones as "a prohibition of mixed marriages, or marriage

to wives or mixed blood."[118] According to the *Testament of Qahat*, the transmission of the

priestly inheritance was only possible through bilineal, priestly descent, and mixed progeny were

considered akin to foreigners.

4.3.3 Miqṣat Maʿaśê ha-Torah (4QMMT)

A final group of manuscripts to consider is *Miqṣat Maʿaśê ha-Torah* (4Q394–399), which

is a *halachic* sectarian document that was likely written to a group of priests about legal

observances; the content "urg[es] proper cultic practice according to the author's definition."[119]

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[115] Ibid.

[116] Ibid., 39.

[117] Drawnel proposes that the warning of the illicit priests becoming their "heads" "means they would take their position as rulers" (c.f. 2 Macc 4:13–16) (Drawnel, *An Aramaic Wisdom Text*, 261). Falk "Testament of Qahat (4Q542)," 1199–2000. In other words, such illicit unions would permit foreigners and mixed offspring to have access to the wisdom of the priestly line (4Q542 1 i.6–7).

[118] Cook, "Remarks on the Testament of Kohath," 210.

[119] See Harrington, "Intermarriage in Qumran Texts," 259. See John Strugnell, "MMT: Second Thoughts on a

4QMMT is generally dated around the middle of the second century BCE, and like the Aramaic texts examined above, the author alludes to the Pentateuchal laws against mixing (Lev 19:19) to condemn exogamy.[120]

Like Ezra, who applied the priestly marital regulations to all Israelites, 4QMMT employed a similar genealogical purity model for lay Israel.[121] Christine Hayes, for example, argues that the designation "holy" (קודש) for lay Israelites (4QMMT B 75–76) "seeks to *narrow* the gap between Israel and priest. For…4QMMT, the designation of Israel as holy prefaces and justifies the application of certain priestly marriage laws to lay Israelites."[122] In what follows, I will look specifically at the condemnation against illicit unions in 4QMMT B75–82 and consider whether the author expressed any concern about mixed progeny.

In 4QMMT B72–82, the author condemns illicit unions (זנות) among both lay Israelites (B 75–76) and the priestly class (B 79–80), warning that such unions defile the holy seed (ומטאים את זרע הקדוש) (B 81–82).[123] There is some debate whether the author is addressing unions between priests and Israelites specifically, or unions between priests and foreigners, as well as Israelites

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Forthcoming Edition" in *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls*, ed. Eugene Ulrich and James VanderKam (Notre Dame: University of Notre Dame Press, 1994), 57–73, 63.

[120] Kratz, "Introduction," 21. Kratz argues that 4QMMT was completed "when both the interpretation of scripture within the Qumran community and the institutions of the Hasmonean royal house were firmly established" (ibid., 22). See Qimron and Strugnell, *Qumran Cave 4*, 116–21, 131–32, 161–62. There are several parallels between the Aramaic Qumran texts and 4QMMT; 4QMMT and *ALD* use similar terminology like זרע קדיש (see *ALD* 17; MMT B 75–76, B 81; see Qimron and J. Strugnell, *Qumran Cave 4*, 174). Similarly, ערב is used in both *Testament of Qahat* (4Q542 I,9) and 4QMMT B 48 for forbidden unions.

[121] Harington demonstrates how key terms in Ezra-Nehemiah are employed in 4QMMT: טמאה "impurity"; התערב, "to mix"; הקדש זרע, "the holy seed"; מעל, "sacrilege"; תועבה, "abomination." See Harrington, "Intermarriage in Qumran Texts." Grabbe correctly writes that 4QMMT "too was trying to extend the regulations relating to the priests and the temple to all Israel" (Grabbe "4QMMT and Second Temple Jewish Society," 101).

[122] Hayes, *Gentile Impurities*, 85. Evidently, the law from H (Lev 21:7) is applied to all Israel, who were accused of engaging in זנות (MMT B 75–76): "As holy seed and most holy seed, respectively, Israelite and priest alike are subject to the rule of Lev 21:7" (Hayes, *Gentile Impurities*, 86).

[123] Hayes divides 4QMMT B75–82 into two sections: B75–78, which addresses unions between Israelites and gentiles, defined as *kilayim*, and B 80–82, which condemns unions between priests and lay Israelites (Hayes, "Intermarriage and Impurity," 29).

and foreigners.[124] Hayes convincingly argues that 4QMMT is condemning unions between both priests as well as Israelites with converted gentiles. For example, she demonstrates that a third-party group must be involved, since mixture between Israel (holy seed) with the most holy seed "would in no way impair the status of the holy seed…though it may reduce the status of the most holy seed."[125] And yet, the holy seed is accused of being defiled by הזונות (B 81–82). Additionally, the closest antecedent in the legal prohibition against mixing two species (4QMMT B77) is the nation of Israel: "Holy is Israel [קודש ישראל]" (4QMMT B 76).[126] The priestly class is only introduced in B 79 as "[the] most holy."[127]

When condemning the זנות that took place in the midst of Israel, the author quoted from Lev 19:19: "And concerning the whoring [זונות] practiced in the midst of the people: They are son[s of…] the holy of […] as it is written: Holy is Israel. And concerning the [pur]e anim[al] it is written that one must not let interbreed two different species [כלאים]. And concerning clothing [that it must not] be of mixed materials and that one must not sow his field and his vine[yard with two specie]s because they (i.e. Israel) are holy and the sons of Aaron are m[ost holy]" (4QMMT B 75–80).[128] While זנות has a broad range of definitions, including incest, polygamy,

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[124] See Himmelfarb, "Levi, Phinehas, and the Problem of Intermarriage," who argues the former. See also Qimron and Strugnell, *Qumran Cave 4*, 172–3. However, see Grabbe "4QMMT and Second Temple Jewish Society," 103 for a response to Qimron and Strugnell. C. J. Sharpe, "Phinean Zeal and Rhetorical Strategy in 4QMMT," *RevQ* 18 (1997): 207–22, 216–217 also argues that intermarriage in 4QMMT was between Israelites and gentiles. See also Sidnie White Crawford, "Not According to Rule: Women, the Dead Sea Scrolls, and Qumran" in *Emanuel: Studies in Hebrew Bible, Septuagint, and Dead Sea Scrolls in Honor of Emanuel Tov*, ed. Shalom M. Paul et al. (Leiden: Brill, 2003), 127–150, 132–133.
[125] Hayes, *Gentile Impurities*, 84.
[126] See Hayes, "Intermarriage and Impurity," 27–35; William Loader, *The Dead Sea Scrolls on Sexuality: Attitudes Towards Sexuality in Sectarian and Related Literature at Qumran* (Grand Rapids, MI: Eerdmans, 2009), 71.
[127] Hayes, "Intermarriage and Impurity," 29.
[128] All translations come from Kratz, ed. *Interpreting and Living God's Law at Qumran*, unless stated otherwise. See 4Q397 6–13 12. See J. Strugnell, "More on Wives and Marriage in the Dead Sea Scrolls: (4Q416 2 ii 21 [cf. 1 Thess 4:4] and 4QMMT B)," *RevQ* 18 (1996): 437–47.

and intercourse with a menstruant (CD 4:20–21, 7:1; 4:17 col 5), the quotation of Lev 19

signifies that the issue at hand is the mixing of different seeds (exogamy) and hybridity.[129]

I posit that the reference to כלאים includes a concern about bearing mixed offspring from

exogamous unions. Lev 19:19 is a condemnation against mixture of two kinds of seeds (in this

case, Israelite and non-Israelite) to avoid creating a hybrid mixture.[130] Since 4QMMT B 76–79

claims that Israel is "holy" (קודש ישראל) and is likened to a "pure animal" (בהמה טהורה), it is

prohibited from mixing sexually with different kinds of seed (4QMMT B 76–79). In turn,

exogamous unions with foreigners would result in hybrid offspring (כלאים). Hannah Harrington

argues that "[the author of 4QMMT] is saying that intermarriage between Jew and Gentile is

contrary to nature. Israel is holy while Gentiles are profane; sexual intermingling will create

invalid offspring."[131] This understanding corresponds well with the use of כלאים in the Aramaic

texts discussed above, where it referred to mixed offspring with a priestly father. However, just

as the priestly marital regulations were broadened to all Israel in 4QMMT, so the term כלאים was

applied to all mixed progeny from lay Israelites and gentiles: "[T]he holy seed rationale of Ezra

and *Jubilees* motivates the prohibition of intermarriage in 4QMMT also, and that the motif of

hybridism is simply an extension of the by now familiar notion of two radically distinct seeds

that must not be intermingled."[132] Therefore, mixed progeny would be considered hybrid, and no

longer part of the holy seed.

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[129] Qimron argues that זנות means "marriage to outsiders" in the given context, although he limits this union between priests and Israelites (Qimron and Strugnell, *Qumran Cave 4,* 171).

[130] Cana Werman argues that "the prohibition against such [illicit] marriages [in 4QMMT] derives from the law of hybridism." Cana Werman, "'Jubilees 30': Building a Paradigm for the Ban on Intermarriage," *HTR* 90 (1997): 1–22, 14, n. 60. Similarly, Michael Satlow writes "Such a marriage…is equivalent to 'mixed species'" (Satlow, *Jewish Marriage*, 142).

[131] Harrington, "Intermarriage in Qumran Texts," 263.

[132] Hayes, "Intermarriage and Impurity," 26. See also Grabbe "4QMMT and Second Temple Jewish Society," 101.

A concern for mixed offspring in 4QMMT may also be found in B 39–49, where the author quotes from Deut 23:2 (B 39–40), which prohibits the *mamzer* from entering the assembly of Israel, followed later by the interdiction against "all [s]exual intermixture" (תערובת הגבר; B 48). The term ערוב for exogamous unions is also used in the *Testament of Qahat* for illicit sexual unions (cf. 4Q542 1 i, 8–9). Based on the immediate context in B 39–49, Hayes posits that ערב refers here to "illegal unions between Israelites and Gentiles."[133] Although it is not certain whether *mamzer* refers to mixed progeny, this term had been used to describe offspring from exogamous unions elsewhere.[134] Ida Frolich proposes that the noun *mamzer* in 4QMMT recalls the description of the "bastard spirits" (ורוחות ממזרים), the hybrid descendants between celestial and terrestrial unions, in *4QSongs of the Sage^a* (4Q510 1, 5). If the referent *mamzer* is mixed progeny in 4QMMT, then the author evidently understood Deut 23:2 as legal grounds to banish them from the assembly of the Lord and prohibited Israelites from marrying them. Therefore, 4QMMT may testify to the ostracized status of mixed offspring with either an Israelite or priestly parent. In chapter 5, we will examine other manuscripts from the Dead Sea Scrolls dated to the Roman period which elucidate the social reality of mixed offspring from Israelites unions.

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[133] Hayes, "Intermarriage and Impurity," 33. Moshe Bernstein similarly writes "[t]he context of 4QMMT implies furthermore that prohibited marriages are being discussed." Moshe J. Bernstein, *Reading and Re-Reading Scripture at Qumran,* 2 vol, STDJ 107 (Leiden: Brill, 2013), 554–574, 562.

[134] See Hayes, "Intermarriage and Impurity," 33 n. 103. Gillihan appeals to the use of *mamzerim* in other Qumran literature, arguing that "[t]he Essenes recognized that illegal marriage resulted in the defilement of holy seed — their concern is not merely that the status of offspring is lowered through intermarriage, but that the holy seed is actually defiled, resulting in the proliferation of impure mamzerim, whose presence threatened the temple," (Gillihan "Jewish Laws on Illicit Marriage," 724). Similarly, Meir Bar-Ilan writes how "the people of Qumran complained about their legal opponents…because they did not maintain the prohibitions separating the *mamzerim* (and others of similar status) in that they intermarried with them and the mamzerim entered the Sanctuary (and thereby contaminated it)" (Bar-Ilan, "The Attitude Towards Mamzerim," 133).

4.3.4 Summary

Based on the analysis of *ALD*, *Testament of Qahat* and, *Miqṣat Maʿaśê ha-Torah*, the use of

כלאים from Lev19:19 and Deut 22:9 appears to have been used as a moniker for mixed offspring

with either a priestly or Israelite father in the Second Temple period in order to underscore their

mixed status. Caquot correctly argues that כילאין in both the *Testament of Qahat* and *Aramaic*

Levi was used to "stigmatiser une descendance de Qahat qui aurait souillé, par des unions

illicites, la pureté de son lignage."[135] In *ALD* and 4Q542, the כילאין were considered outside the

priestly line, and treated akin to foreigners. Like the Watchers and giants in the Book of

Watchers, the mixed progeny would have been prohibited from taking part in any cultic duty due

to their mixed genealogy; the כילאין were considered either profane or defiled and were unable to

marry into the priestly line. In 4QMMT, this profane status was applied to regular offspring born

to Israelites and non-Israelites, who would have lost their holy status as well.[136] Although the

broader ramifications of being ערב are not clear in 4QMMT B 39–49, it may imply that

mamzerim were also excluded from the community in some fashion due to their mixed lineage.

4.4 Jubilees and Mixed Offspring: Introduction

The book of Jubilees was composed sometime during the 2nd century BCE.[137] This work

is a retelling of the Genesis and early Exodus narratives, with various additions, omissions, and

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[135] Caquot, "Grandeur et pureté du sacerdoce," 41.

[136] Unfortunately, there is not enough information here to understand the role gendered played. Presumably, exogamy was predominantly between Israelite/priestly fathers with foreign mothers.

[137] For a discussion about dating, see James C. VanderKam, *Jubilees: A Commentary on the Book of Jubilees, Chapters 1–50*, ed. Sidnie White Crawford, vol. 1 & 2. Hermeneia (Minneapolis, MN: Fortress Press, 2018), 25–38. According to Michael Segal, "Most scholars have located [Jubilees] within the 2nd century B.C.E., while others have dated it earlier or later than that." Michael Segal, *The Book of Jubilees: Rewritten Bible, Redaction, Ideology and Theology* (Leiden: Brill, 2007), 35. See Kugel, *A Walk Through Jubilees*, 4.

explanations inserted into the text.[138] These redactional tendencies provide a lens to better

understand how the author interpreted these portions of the Hebrew Bible, and what content from

the stories they felt compelled to highlight or change.[139]

The book of Jubilees is presented as a divine revelation from the Angel of the Presence to

Moses.[140] While the author incorporated an array of legal regulations into the narratives of

Genesis and Exodus, including purity laws and calendrical issues (cf. Jub. 3:8; 4:31), scholars

have long acknowledged the centrality of endogamy in the book of Jubilees.[141] One of the

clearest condemnations against exogamy is found in the Shechemite narrative (Jub. 34), which is

a retelling of Dinah's rape in Gen 30.[142] According to Betsy Halpern-Amaru, this interpolation is

the longest "halakhic discourse inserted into this rewritten narrative."[143] Jubilees 30:7–17 is a

diatribe against unions between Israelites and foreigners: "If there is a man in Israel who wishes

to give his daughter or his sister to any foreigner, he is to die…No prostitute or impurity is to be

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[138] The Book of Jubilees is often considered "rewritten Bible," which VanderKam defines as "a literary, cultural activity or procedure rather than a generic category" (VanderKam, *Jubilees*, 20). Some scholars critique the genre, however. See Molly M. Zahn, *Rethinking Rewritten Scripture: Composition and Exegesis in the 4QReworked Pentateuch Manuscripts*, STDJ 95 (Leiden: Brill, 2011). Eva Mroczek writes how "[the book of Jubilees] does not *present* itself as a commentary on the biblical texts, or as a secondary or derivative: it claims to be revelation itself, directly from the Angel of the Presence and the heavenly tablets." See Eva Mroczek "Literature of the Jews, Fourth Century BCE to Second Century CE" in *A Companion to Late Ancient Jews and Judaism: Third Century BCE to Seventh Century CE*, ed. Naomi Koltun-Fromm, Gwynn Kessler (NJ: Wiley, 2020): 69–86, 77. It is evident that the author of Jubilees sought to better explain and retell the stories from Genesis and Exodus.

[139] See Thiessen, *Contesting Conversion*, 71. Although Jubilees is a retelling of Genesis and Exodus, regulations from the rest of the Torah are integrated into the narratives (see Kugel, *A Walk Through Jubilees*, 207–226).

[140] The text was likely authoritative for some communities (Jub. 1:5). According to VanderKam, the book of Jubilees was "cherished by the community associated with the Dead Sea Scrolls." See James C. VanderKam, *The Book of Jubilees* (Sheffield: Academic Press, 2001), 21. See CD 16:3–4, which likely refers to the title of the book of Jubilees (see Jub. 1:4, 26, 29; 50:13). See also Todd Hanneken, "The Status and Interpretation of Jubilees in 4Q390" in *A Teacher for All Generations: Essays in Honor of James C. VanderKam*, ed. Eric F. Mason, 2 vols (Boston: Brill, 2012), 407–428.

[141] Due to the priestly material in Jubilees, it is probable that the author was a priest, or part of a pre-Qumran Essene community (see VanderKam, *Jubilees*, 39). See also Liora Ravid, "Purity and Impurity in the Book of Jubilees," *JSP* 13 (2002): 61–86; see Segal, *The Book of Jubilees*, 35.

[142] In Genesis, the Shechemite narrative places a greater focus on retribution than exogamy. Werman correctly notes: "[a]s it stands, the biblical story of Dinah does not qualify as a prooftext for a ban on intermarriage" (Werman, "Jubilees 30," 5).

[143] Betsy Halpern-Amaru, *The Empowerment of Women in the Book of Jubilees* (Leiden; Boston: Brill, 1999), 130.

found within Israel…for Israel is holy to the Lord" (Jub. 30:8).[144] Both Israelite women and men were forbidden from marrying foreigners (Jub. 30:11) since such unions resulted in a perpetual defilement of Israel (Jub. 30:14; see Lev 20:3), moral impurity, and the defilement of the holy seed: "[t]he moral impurity generated by these acts of *zenut* defiles the seed of Israel (the line of descendants issuing from the union) and is thus a genealogical defilement."[145] Like Ezra, Jubilees considered all Israel to comprise the holy seed (Jub. 16:17b–18; cf. 25:11), and thus Israel was deemed ontologically distinct from the nations; any union between Israel and the nations would create profane or defiled offspring.[146] Hayes, however, asserts that Jubilees went one step further than Ezra; for Jubilees, the mixing of two seeds does not merely profane offspring, but it defiles them, due to the moral impurity.[147] Therefore, based on the halakhic interpolations in Jubilees, the author evidently mandated bilineal descent for Israel to preserve its holy status (Jub. 23:32; 28:7; 30:5).[148]

However, when examining cases of intermarriage in Jubilees, as well as the author's treatment of mixed offspring, a slightly different picture arises. First, the author appears to

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[144] In the book of Jubilees, the descendants of Jacob are identified as Israelites (Jub. 23:32; 28:7; Jub. 47:10) and Hebrews (Jub. 39:10; see Gen 39:17b–18). The term "foreigner" is used in the book in two main ways. First, a foreigner may be one residing outside of their homeland. For example, Isaac was told to live as a foreigner when he went to live with his uncle (Jub. 24; Jub. 39:1). Second, foreigners are those outside of Abraham's lineage. I will use "foreigner" to designate those outside of Abraham's genealogy.

[145] Hayes, *Gentile Impurities*, 74. Hayes points out that "the antecedent for the term 'uncleanness' in Jubilees 30 is always (the seed of) Israel or the act of sexual union itself and never the Gentile partner" (ibid., 76). Hayes asserts that the word "prostitute" is likely "a form of the root [זנה]" (Hayes, *Gentile Impurities*, 245). Cana Werman identifies the diverse ways *zenut* is used in Jubilees: intermarriage with Canaanites (Jub. 20:4–5); intercourse between the Watchers and the women (Jub. 7.21:20:5); sexual activity of Sodom and Gomorrah (Jub. 16:5; 20:5–6); Reuben's fornication with Bilhah (Jub. 33:20) (Werman, "Jubilees 30" 14). See also Klawans, *Impurity and Sin*, 48.

[146] See Jub. 2:20; 16:25; 19:27; 22:10. James Kugel, "The Holiness of Israel and the Land in Second Temple Times," in *Texts, Temples, and Traditions: A Tribute to Menahem Haran*, ed. Michael V. Fox et al. (Winona Lake, IN: Eisenbrauns, 1996), 21–32, 27. Israel's distinct status is evident in their call to observe the Sabbath (2:19–20), and to practice circumcision on the eighth day (Jub. 15:25–26). Based on this ontological distinction, Kugel writes "there is no possibility of Israel's mingling or intermarrying with other peoples" (ibid.). Exod 19:5–6 provides the ideological framework for the author of Jubilees to ignore any distinctions between lay Israelites and priests since all Israel as the holy seed.

[147] Hayes, *Gentile Impurities*, 76–77.

[148] See VanderKam, *Jubilees*, 934.

tolerate some forms of exogamous unions. While Israelites (and the descendants of Abraham) were forbidden from marrying foreigners (see Jub. 30), narratives recounting unions with Egyptians appear less problematic (e.g., Joseph and Aseneth). Additionally, their mixed offspring remain part of Jacob's lineage.

Second, the treatment of mixed offspring in Jubilees is different than their treatment in Ezra, where they were expelled from the community.[149] In Jubilees, mixed offspring with an Israelite father remained part of Jacob's lineage, which stands in contrast to the warning against defiling the holy seed through exogamy (Jub. 30:11).[150] While defilement and impurity of mixed progeny are a clear concern in the legal portions of Jubilees, it is curious that the author did not omit cases of mixed progeny entirely, or include an explanation for how they were still counted as part of Jacob's lineage; such redactional tendencies are found elsewhere in Jubilees.[151] Instead, mixed progeny with an Israelite father remained part of the holy seed in Jubilees, thus inviting a closer look at the narratives with mixed offspring to better understanding of their status in this work.

In the following discussion, we will examine the prohibition against exogamy in the book of Jubilees, followed by an analysis of two groups of mixed offspring: Ephraim and Manasseh, and Er, Onan and Shelah. In both cases, the offspring have an Israelite father and a foreign mother, and they were counted among the descendants of Jacob, the holy seed. Unfortunately, there are no examples of children with an Israelite mother and a foreign father in Jubilees, thus

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[149] The distinction between Jubilees and Ezra, however, may be due to the nature and difference between each text: Jubilees is recounting Israelite history, which inevitably limits their ability to change certain details in the narratives, whereas Ezra is recounting more recent history.

[150] While there are other cases of mixed offspring in the book of Jubilees (e.g., Esau's descendants), they will not be a focal point of the research since they are not part of Abraham's lineage leading to Jacob.

[151] For example, the consequences for uncovering the nakedness of one's father is death (Jub. 33:13–14), yet Reuben was absolved of his transgression because the law of God had not yet been given (Jub. 36:20).

limiting our understanding of the role gender played in constructing the identity of offspring. However, scholars have long acknowledged the elevated position of women in Jubilees, as well as the importance placed on their lineage; it is likely that offspring with an Israelite mother and foreign father would have equally been considered part of the holy seed.[152]

Prior to examining the text, two qualifications must be made. First, the book of Jubilees is not a homogenous work, and thus there are conflicting viewpoints presented in the text.[153] This is the case when contrasting the warnings against profane offspring through exogamy (e.g., Jub 30) with the inclusion of mixed progeny in Jacob's lineage.[154] One possible explanation for the inclusion of mixed offspring is that the author was simply copying the narratives from Genesis. However, based on the various omissions and additions in Jubilees, it is evident that the author was comfortable altering the text when necessary. According to van Ruiten, the author "omits those elements of Genesis that he considers redundant [and] adds what he thinks is missing in the biblical text…The omissions…either do not add anything to the story line (e.g., doublets) or they create tensions in the story (e.g., inconsistencies) with other biblical stories or with certain interpretations of a story."[155] In contrast to some Second Temple texts which constructed genealogies during Israel's history to ensure readers that no exogamous unions took place (see

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[152] Not only are the origins of the women provided, but Abram was named according to his mother's father (see Jub. 11:15). See Halpern-Amaru, *Empowerment*.

[153] See Kugel, *A Walk Through Jubilees*, 228. For example, there are two different narratives that serve to vindicate Judah. The first is the clarification that Tamar never had sexual relations with Er or Onan (see Jub. 41:2–5, 27–28); the second is Judah's own repentance (Jub 41:24–25). However, if Tamar never had sexual relations with Er or Onan, it is unclear what law Judah broke. Kugel writes "these contradictions offer us further evidence of the existence of these two very different writers and provide additional clues as to the Interpolator's intellectual profile and modus operandi" (Kugel, *A Walk Through Jubilees*, 227).

[154] There is not always harmony between laws and narratives in Jubilees. The inconsistencies between the narrative and the halakhic regulations imposed by the author or editor has led some to conclude that the book itself was compiled over time by different groups. See Segal, *The Book of Jubilees*, 1–94.

[155] Jacques van Ruiten, "Biblical Interpretation in the Book of *Jubilees*: The Case of the Early Abram (*Jub.* 11:14–12:15)" in *A Companion to Biblical Interpretation in Early Judaism*, ed. Matthias Henze (Grand Rapids: Eerdmans, 2012), 121–156, 152–53.

ALD 11:1; 12:1–3), the author of Jubilees recounts the union between Joseph and Aseneth without any alteration.[156]

A second notion to consider is that it is not always clear why some narratives were omitted or altered. For example, the omission of circumcision in the Shechemite narrative (Jub. 30) has often been understood to reflect the author's conviction that gentiles were unable to become Israelites, since circumcision was a sign of conversion in the Hellenistic era (cf. Jdt 14:10; Theod. 4).[157] However, Josephus also omits the circumcision from the Shechemite narrative in his retelling of this story (*Ant* 1.21.1 337–40), even though he considered conversion to be possible. Additionally, other portions from the Genesis narrative were omitted (e.g., Jacob's vision at Bethel) or condensed in Jubilees (Joseph's attack by his brothers in Jub. 34:10–14; the 10 plagues over Egypt in Jub. 48:5). While it is evident that the author felt at liberty to change content from the biblical narrative, the rationale for such changes is not always clear. Therefore, any conclusions based on the author's rewritten portions remain tentative, since the explanations for such changes are not always definite.

4.4.1 Intermarriage and the Holy Seed in Jubilees

In the early chapters of Jubilees, the importance of endogamy and intra-familial marriages is demonstrated in the genealogy of Seth, where the names and origins of both

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[156] It is possible that the union between Joseph and Aseneth was not altered because the story itself was well-known. However, other narratives, such as Judah's union with Tamar, were edited in order to vindicate Judah. Within early Rabbinic traditions, such as Pirke de Rabbi Eliezer 36–38, Aseneth is depicted as Dinah's daughter. However, it is unclear if this tradition was known in the Second Temple period. See George W. E. Nickelsburg, *Jewish Literature Between the Bible and the Mishnah*, 2nd ed. (Minneapolis: Fortress Press, 2005), 420 n. 154 for a short discussion on early traces of this tradition. See also Victor Aptowitzer, "Asenath, The Wife of Joseph: A Haggadic Literary-Historical Study," *HUCA* 1 (1924): 239–306 for early Jewish traditions that changed Aseneth's genealogy to be included in Jacob's lineage.

[157] See Hayes, *Gentile Impurities*, 77. Additionally, in the Shechemite narrative in Genesis, Jacob's sons took "little ones and their wives" from the Hivites (Gen 34:28–29). Yet, taking foreign wives is omitted in Jubilees (Jub. 30:24).

husbands and wives were provided. All of Seth's descendants were said to have married either their sibling (Jub. 4:9, 11, 13, 14) or their cousin (4:15, 16, 40, 27, 28, 32). According to Halpern-Amaru, the emphasis on endogamy in Seth's line was to ensure the reader that Seth's lineage did not mix with that of Cain.[158] This mandate to refrain from mixing becomes central for Abraham and his progeny.

Abraham articulates the first explicit prohibition against exogamy to his descendants: "they [Abraham's descendants] are not to commit sexual offenses (by) following their eyes and their hearts so that they take wives for themselves from the Canaanite women" (Jub. 20:4). The rationale for such a ban is that "the descendants of Canaan will be uprooted from the earth" (Jub. 20:4b). It is not clear why this future judgment would justify the prohibition against exogamy with Canaanites; perhaps the descendants between a Canaanite and a non-Canaanite were expected to be uprooted and condemned as well.

While Abraham's descendants were restricted from marrying Canaanites, this ban was not equally applied to other foreign nations; this is evident when contrasting Ishmael's union with an Egyptian and Esau's union with a Canaanite.[159] In Jubilees, Ishmael's union with an Egyptian was recounted without condemnation, even though he was part of Abraham's lineage: "When the child grew up, he became an archer and the Lord was with him. His mother took a wife for him from the Egyptian girls" (Jub. 17:13; cf. 17:7, 15:30). By contrast, Esau's union with two Canaanite women made the lives of Rebekah and Isaac bitter, and his children were depicted as wicked (Jub. 25:1–7). This may signify that marriage with an Egyptian was preferable to marriage with a Canaanite.

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[158] See Halpern-Amaru, *Empowerment*, 19; VanderKam, *Jubilees*, 248.
[159] In Jubilees, Ishmael plays a minor role: there is no etiology for his name, Hagar's encounter with the angel of the Lord is absent, nor is there any blessing over Ishmael.

The descendants of Jacob, who comprised the holy seed of Israel, were equally warned to avoid unions with Canaanites. Alongside Abraham's warning that Canaanites will be uprooted in the future (Jub. 22:20–21), Isaac and Rebekah provided two additional reasons to Jacob for abstain from exogamy. First, unions with Canaanites would result in idolatrous activity (Jub. 22:16–17).[160] In Jubilees 30, marrying a male Canaanite was equated with surrendering one's offspring to the foreign god, Molech (Jub. 30:10), thus connecting intermarriage with idolatrous activity.[161] The reference to Molech and the allusion to child sacrifice would be appropriate if the offspring between an Israelite and Canaanite was considered a Canaanite, who would then be uprooted from the land. Second, Jacob's progeny must avoid intermarriage to preserve Israel's holy status. Rebekah said regarding Jacob's descendants: "your family will be a righteous family and your descendants (will be) holy" (Jub. 25:3). Unlike Abraham's other children, Jacob and his progeny are the holy seed, and thus mixing with Canaanite would defile their status. Therefore, moral and genealogical impurity were the primary factors for Israel to refrain from marrying Canaanites. However, as we will see below, mixed offspring in Jacob's line appear to remain part of the holy seed, which creates a tension with the marriage regulations found in Jubilees.

4.4.2 Ephraim and Manasseh

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[160] In recent years, there has been some debate regarding the implications of purity/impurity and defilement in the Jubilees. The debate centers on whether Second Temple communities perceived gentiles to be ritually impure (see Werman, "Jubilees 30," 16). Hayes successfully argues that ritual impurity is not a category attributed to Gentiles in the Second Temple literature (Hayes, "Intermarriage and Impurity," 15–25). The impurity mentioned in Jubilees (see Jub. 30) is a moral impurity because of exogamy (see also VanderKam, *Jubilees*, 833). Klawans, *Impurity and Sin*, 48; Jub. 30:8–9, 13–14.

[161] While other Second Temple texts equate illicit sexual unions with idolatrous activities (see 1 En. 19:1; T. Sol 5:5), Jubilees is the first to associate intermarriage with the cult of Molech. Molech was often associated with the practice of child sacrifice (Jer 32:35) rather than fertility cults or intermarriage. See 4Q390, where acts of idolatry are equated with child sacrifice. Cana Werman, "Epochs and End-Time: The 490-Year Scheme in Second Temple Literature," *DSD* 13 (2006): 229–255, 248. The Holiness Code mentions Molech twice: once in the context of sexual unions (Lev 18:21), and once in the context of idolatrous activity (Lev 20:2–5). Jubilees quoted from Lev 20:2–5 due the similarities between both pericopes. See Geza Vermes, "Leviticus 18:21 in Ancient Jewish Bible Exegesis," in *Studies in Aggadah, Targum and Jewish Liturgy in Memory of Joseph Heinemann*, ed. J. J. Petuchowski and E. Fleisher (Jerusalem: Magnes Press and Hebrew Union College, 1981), 108–24.

The case of Ephraim and Manasseh, the mixed children of Joseph and Aseneth, is unique due to the author's seeming acceptance of Joseph's marriage to an Egyptian. Unlike the clear prohibition against exogamy in Jubilees 30, the author never explicitly condemned Joseph's marriage with Aseneth, nor is there any evidence that the "holy seed" status of Ephraim and Manasseh was jeopardized.[162]

Indeed, when Potiphar's wife sought to have sexual relations with Joseph, Joseph recalled Abraham's warning to refrain from fornication: "He [Joseph] remembered the Lord and what his father Jacob would read to him from the words of Abraham—that no one is to commit adultery with a woman who has a husband" (Jub. 39:6; cf., Jub. 20:3–4). Oddly, there is no mention of Abraham's instructions to refrain from sexual relations with a Canaanite, nor any broadened application of Abraham's law forbidding unions with non-Israelites.[163] VanderKam notes "[i]t is interesting that the instruction Joseph calls to mind contains nothing about sexual contact with a foreign woman, when the subject is such a large issue in Jubilees. These verses join other units in Jubilees in which Egyptians are treated more favorably than Canaanites."[164] For this reason, it is possible that Jubilees did not perceive unions between Israelites and Egyptians to be as problematic as with Canaanites. Indeed, Egypt is portrayed positively in Jubilees and was blessed by God because of Joseph: "The Lord's blessing was (present) in the Egyptian's house because of Joseph. The Lord made everything that he did succeed for him" (Jub. 39:3; cf. 40:5–9; 46:2; 50:5). Even Israel's enslavement by the Egyptians in Exodus was attributed to the

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[162] In the Testament of Joseph, Joseph's union with Aseneth was also recounted without any issue (T. Jos. 18:4). Joseph instructed his children to "[t]ake Asenath your mother, and bury her by the hippodrome, near Rachel, your grandmother" (T. Jos. 20:3).
[163] Nowhere is Abraham said to have written down his speeches (see Jub. 10:14; 45:16), though the author is likely referring to Abraham's speech in Jub. 20:3.
[164] VanderKam, *Jubilees*, 1011. By contrast, the foreign status of Potiphar's wife in *Joseph and Aseneth* played a role in Joseph's decision not to have sexual relations with her (Jos. Asen. 7.5).

influence of the Canaanite king over Egypt, thus absolving the Egyptians from any guilt (Jub. 46:11–16). This positive treatment of Egypt, alongside the lack of judgement against Joseph for exogamy, may explain why Ephraim and Manasseh remained part of the holy seed.[165]

Based on the portrayal of Ephraim and Manasseh in Jubilees, there is no evidence that they were considered mixed or profane. Instead, they were listed in Jacob's genealogy, amongst the holy seed: "Before his [Joseph's] father came to Egypt children, to whom Asenath—the daughter of Potiphar, the priest of Heliopolis—gave birth for him, were born to Joseph in Egypt: Manasseh and Ephraim—three" (Jub. 44:24; see Gen 48:5). This signifies that they did not lose their holy status because of their mixed lineage.

Unlike the Genesis account, which mentions Ephraim and Manasseh several times (Gen 41:52; 46:20; 48:1–22; 50:23), Joseph's offspring are only found once in the book of Jubilees. Pauline Buisch argues that this near-elimination of Ephraim and Manasseh from the Genesis storyline was due to their mixed genealogy: "Their pedigree is unacceptable. Ephraim and Manasseh's mother is Egyptian and their maternal grandfather is a non-Jewish priest. Condoning such intermarriage, much less praising such offspring, is unthinkable for this author who is so concerned with maintaining the purity of the holy seed of Israel."[166] However, within the narrative portions of Jubilees, here is no indication that the author was uncomfortable with Ephraim and Manasseh's lineage, let alone that their genealogy was the cause for omitting these

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[165] While it is possible that Jubilees was simply following the Genesis narrative by including these details, the absence of any condemnation is curious. VanderKam writes "The writer of Jubilees gives no indication that marrying a woman from Egypt was forbidden, so he makes no objection to the marriage of Abram with Hagar and Joseph with Asenath" (VanderKam, *Jubilees*, 935; see Halpern-Amaru, *Empowerment*, 121–22; Werman, "Jubilees 30," 3). Jacob and his descendants were able to marry women from Mesopotamia as well. Halpern-Amaru created a hierarchy of women the "holy seed" was able to marry: first, women from the line of Terah; second, women from the line of Aram, son of Shem; third, Egyptian women; and fourth, Canaanite women (Halpern-Amaru, *Empowerment*, 130).

[166] Pauline Buisch, "The Absence and Influence of Genesis 48," *JSP* 26 (2017): 255–273, at 269.

narratives. Instead, there are other, more plausible options to explain why Ephraim and Manasseh are rarely mentioned in Jubilees.

The first mention of Ephraim and Manasseh in Genesis follows Joseph's marriage to Aseneth: "Before the years of famine came, Joseph had two sons, whom Asenath daughter of Potiphera, priest of On, bore to him. Joseph named the firstborn Manasseh, 'For,' he said, 'God has made me forget all my hardship and all my father's house.' The second he named Ephraim, 'For God has made me fruitful in the land of my misfortunes'" (Gen 41:50–52). The parallel account in Jubilees 40:10 completely omits any mention of Ephraim and Manasseh, as well as the etiology of their names. However, such omissions do not necessarily imply that the author was uncomfortable with them, particularly since Aseneth was also omitted from Jubilees 40:10: "The king named Joseph Sefantifanes and gave Joseph as a wife the daughter of Potiphar, the daughter of the priest of Heliopolis—the chief cook" (Jub. 40:10). And yet, Josephus's union with Aseneth is recounted elsewhere in Jubilees (Jub. 34:20), and both Ephraim and Manasseh are listed in Jacob's genealogy (Jub. 44:24). Therefore, it is highly unlikely that the author removed Ephraim and Manasseh's name from Jub. 40:10 because of their mixed lineage; rather, their omission is in line with the author's tendency to condense and summarize the content from Genesis.[167]

The author also omitted any reference to Ephraim and Manasseh in the retelling of Jacob's adoption narrative from Genesis 48: "Therefore your two sons, who were born to you in the land of Egypt before I came to you in Egypt, are now mine; Ephraim and Manasseh shall be mine, just as Reuben and Simeon are" (Gen 48:5). In Jubilees, language from Jacob's adoption was redirected and used in Isaac's blessing over Judah and Levi: "A spirit of prophecy

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[167] For example, compare Gen 40:2–23 and Jub. 39:14–18.

descended into his [Isaac's] mouth. He took Levi by his right hand and Judah by his left hand" (Jub. 31:12).[168] The blessing over Levi was a common motif in other Second Temple texts due to the prominent role Levi and Judah played in the Second Temple period.[169] However, despite the absence of Ephraim and Manasseh's adoption in Jubilees, the result of the adoption, namely the double inheritance allotted to Joseph's children, is mentioned: "He [Jacob] blessed them [Jacob's children] and gave Joseph two shares in the land" (Jub. 45:14b). The reference to the two shares is, at the very least, an acknowledgement that Joseph's sons were both inheritors of tribal lands alongside Jacob's descendants.[170] Therefore, it is better to think of the adoption narrative of Genesis 48 as being summarized in Jubilees 45:14b rather than a completely omitted.[171] Therefore, while Buisch argues that the omission of Genesis 48 was due to Ephraim and Manasseh's mixed status, these changes coincide with the author's style of summarizing content he may have considered redundant, and rearranging certain narratives from Genesis. Considering Ephraim and Manasseh's inclusion in Jacob's lineage (Jub. 44:24), alongside the absence of any condemnation against Joseph's union with Aseneth, there is no good reason to conclude that Ephraim and Manasseh were considered profane or defiled because of their mixed genealogy.[172]

4.4.3 Er, Onan, and Selom

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[168] VanderKam identifies nine similarities between Gen 48 and Jub. 41. James C. VanderKam, "*Jubilees* Exegetical Creation of Levi the Priest," *RQ* 17 (1996): 359–73. In VanderKam's later work "Isaac's Blessing of Levi and His Descendants in Jubilees 31" in *The Provo International Conference on the Dead Sea Scrolls: Technological Innovations, New texts, & Reformulated Issues*, ed. Donald W. Parry and Eugene Ulrich (Leiden: Brill 1999), 497–519, he suggests three reasons this shift took place: first, the mention of Bethel in Jubilees; second, the model pattern of blessing offspring; third, to explain why Levi was not listed among the 12 tribes. For an analysis of the similarities and differences between both narratives, see VanderKam, *Jubilees*, 851–52.

[169] See *ALD* 5:1; T. Sim. 7:1–3; T. Levi 9:1–2; T. Jud. 19:3–11.

[170] VanderKam, *Jubilees*, 1114.

[171] Jacob's entire blessing over his children from Gen 49 was also summarized: "Israel blessed his sons before he died. He told them everything that would happen to them in the land of Egypt; and he informed them (about) what would happen to them at the end of time" (Jub. 45:14a). For more examples, see J. C. Endres, *Biblical Interpretation in the Book of Jubilees*, CBQMS 18 (Washington, DC: Catholic Biblical Association of America, 1987).

[172] Indeed, VanderKam writes "it is noteworthy that he [the author] offers no criticism of the union that produced ancestors of two central tribes in ancient Israel (Manasseh and Ephraim)" (VanderKam, *Jubilees*, 1030).

The second group of mixed offspring to consider is Er, Onan and Selom [Shelah], the three sons of Judah and Bedsuel, the Canaanite. Unlike Ephraim and Manasseh, Judah's children were born from an Israelite-Canaanite union, which was strictly forbidden for the holy seed in Jubilees.[173] However, despite the numerous warnings against Israelite unions with Canaanites, and the risk of defiling the holy seed, Judah's mixed offspring appear to remain part of Jacob's lineage.

Based on a comparison between Gen 38 and Jubilees 41, it is evident that Jubilees felt at liberty to institute changes to the Judah narrative in order to vindicate Judah's actions. For example, the author sought to absolve Judah of any guilt because of his sexual encounter with Tamar. This was accomplished in two ways: first, by recounting Judah's repentance: "he [Judah] had uncovered his son's covering. He began to lament and plead before the Lord because of his sin" (Jub. 41:23b). Second, the author informed the readers that Judah's sons never actually laid with Tamar. In turn, this implies that Perez and Zerah were not born from an incestuous union: "We told Judah that his two sons had not lain with her. For this reason, his descendants were established for another generation and would not be uprooted" (Jub. 41:27). In contrast to these additions, which vindicated Judah as well as Perez and Zerah, there is no evidence that the author felt the need to incorporate similar changes to justify Er, Onan, or Selom's mixed genealogy.[174] Instead, their inclusion in Jacob's lineage as the holy seed is evident for several reasons.

First, like Ephraim and Manasseh, Selom was listed in Jacob's genealogy, among the rest of Jacob's descendants who went down to Egypt: "These are the names of Jacob's children who

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[173] Unions with Canaanites were condemned by Abraham (Jub. 20:4), Jacob (22:21–22), and Rebekah (25:1, 3). Once again, while it is possible that Jubilees was simply following the Genesis storyline, the author could have omitted, summarized, or provided additional information to explain Judah's exogamous union and why his mixed progeny were still included in the holy seed. However, no further information was provided.
[174] While the initial account of Judah's union with the Canaanite women is omitted (see Jub 41:1), this was likely an attempt to condense the story (see Jub 34:20).

went to Egypt with their father Jacob…Judah and his sons, and these are the names of his sons: Shelah [Selom], Perez, and Zerah—four" (Jub. 44:11, 15). Er and Onan are mentioned at the end of Jacob's genealogy, but were not counted among the total number who descended to Egypt, since they died in Canaan: "Judah's two sons Er and Onan had died in the land of Canaan. They had no children. The sons of Israel buried those who died, and they were placed among the seventy nations" (Jub. 44:34; cf. Gen 46:12). There is some debate regarding the implications of the phrase "placed among the seventy nations" (Jub. 44:34). According to VanderKam, this statement signifies that Er and Onan were excluded from Jacob's lineage: "their deaths removed them from the family line that led to Israel so that they were considered like the nations."[175] If this is the case, their exclusion would have been the result of not settling in Egypt with the others, not because of their mixed pedigree. Selom's very inclusion in Jacob's line is evidence that their mixed genealogy was unproblematic.[176] The inclusion of Selom is even more surprising considering the warning to Jacob: "Be careful, my son Jacob, not to marry a woman from all the descendants of Canaan's daughters, because all of his descendants are (meant) for being uprooted from the earth…on the day of judgment there will be no one (descended) from him who will be saved" (Jub. 22:20–21). Yet, since Selom was listed among the holy seed in Jacob's lineage (Jub. 44:11), he was evidently not considered a Canaanite, or profane, through his mother.[177]

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[175] VanderKam, *Jubilees*, 44.

[176] Similarly, see Jub. 44:13, the mother of Shaul was identified as a Phoenician: "Shaul, the son of the Phoenician woman—seven." VanderKam acknowledges that Shaul takes up the last spot amongst his brothers, even though he was likely the firstborn since Simeon left his Phoenician wife and married one from Mesopotamia (Jub. 34:20; here, she is called a Canaanitess). VanderKam proposes that Shaul was mentioned last because of his mixed status, although he acknowledges that "this is not the procedure in the section about Judah['s lineage]" (see VanderKam, *Jubilees*, 1095 n. 25).

[177] By contrast, Judah's children were closely associated with the Canaanite mother in the Testament of Judah: "When I realized what she [Judah's wife] had done, I pronounced a curse on her in the anguish of my soul, and she died in her wickedness, together with her children" (T. Jud. 11:4–5; cf. 13:6–8).

A second indication that Judah's mixed offspring were not considered genealogically defiled is Judah's attempt to find an Aramean wife for Er: "He [Er] hated (her) [Tamar] and did not sleep with her because his mother was a Canaanite woman and he wanted to marry someone from his mother's tribe. But his father Judah did not allow him" (Jub. 41:2). In the book of Jubilees, the Arameans "were descendants of Abraham's family, the same branch of the family that produced Rebekah, Leah, and Rachel."[178] If Er were considered a Canaanite through his mother, it is unclear why Judah would mandate that he marry an Aramean, "a people who were an acceptable source for wives."[179] Judah's prohibition against Er marrying a Canaanite coincides with the general mandate for Jacob's seed to refrain from such illicit unions. Therefore, Judah's requirement for his mixed offspring to marry an Aramaean likely signifies that he still considered them part of the holy seed.[180] After Er's death, Judah wanted Onan, his second son to perform the levirate duty "and produce descendants for your [Onan's] brother" (Jub. 41:4b). Therefore, even though Judah's children were mixed, he still sought for them to have a proper marriage with a non-Canaanite, to procreate, and produce offspring.

Third, a comparison between the author's treatment of Perez and Zerah on the one hand, and Er, Onan, and Selom on the other demonstrates the lack of concern regarding the latter's mixed status. As mentioned above, the author went to great lengths to vindicate the genealogy of Perez and Zerah from any accusation that they were born from an incestuous union. Since Tamar was still considered Judah's daughter-in-law (Jub. 41:19), the offspring would have been born

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[178] VanderKam, *Jubilees*, 1038. See J. Emerton "An Examination of a Recent Structuralist Interpretation of Genesis XXXVIII," *VT* (1976): 79–98, at 91–93. In Jubilees, Aram is from the line of Shem (Jub. 7.18; 9.5; 27.12). For traditions about Tamar's proper lineage, see *LAB* where Amram calls Tamar "our Mother." In Pseudo-Philo, Tamar said "it is better for me to die than to have intercourse with gentiles" signifying she was not considered a foreigner (LAB 9.5).

[179] VanderKam, *Jubilees*, 59.

[180] Considering the above information about Selom, it is likely that the author of Jubilees shared this view as well.

from an illicit union and they would have been uprooted from the earth (see Jub. 16; 41:28). However, in Jubilees 41, the author clarified that none of Judah's sons had slept with Tamar (Jub. 41:27–28), signifying that Perez and Zerah were not offspring from an illicit union.[181] By contrast, there were no omissions or explanations provided in Jubilees 41 to legitimate the genealogy of Er, Onan and Selom, despite how Canaanites were also expected to be uprooted from the earth. Therefore, it appears that Judah's offspring were still counted among the holy seed, despite their mixed pedigree.

VanderKam proposes that Jubilees may have been uncomfortable with the mixed status of Er, Onan, and Selom since the progeny of Selom were never listed: "This [the mixed offspring] could have infused Judah's entire line with contamination, so it was convenient for the author of Jubilees that Genesis 38, despite the other difficulties it raised …offered the assurance than none of the three sons of Judah and Bath-shua had any children (38:6–11)."[182] However, Gen 38:6–11 does not mention whether Shelah *or* Zerah had any offspring. Additionally, the descendants of Perez, who are listed in Gen 46:12, were omitted from Jubilees 44:15 entirely. Therefore, the absence of Shelom's progeny does not necessarily imply that the author was uncomfortable with his mixed genealogy.

Judah's story does, however, underscore the danger of unions with Canaanites because of their moral impurity. For example, Er is described as "wicked" in Genesis without any further explanation: "But Er, Judah's firstborn, was wicked in the sight of the Lord, and the Lord put him to death" (Gen 38:7). By contrast, Er's wickedness is attributed to his Canaanite mother in

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[181] For laws against incest, see Lev 18:15; 20:12; CD 5:1–11; 11QT 66.15–17. See David Rothstein, "Sexual Union and Sexual Offences in Jubilees," *JSJ* 34 (2004): 363–384, 364–71.

[182] VanderKam, *Jubilees*, 934–935. In Gen 38:2, 12, Judah's Canaanite wife is known as the "daughter of Shua" (בת שוע); it is unclear whether this title became her name in later texts (see 1 Chron 2:3; T. Jud. 8:2; 10:6; 13:3; 16:4; 17:1).

Jubilees: "He [Er] hated (her) [Tamar] and did not sleep with her because his mother was a Canaanite woman and he wanted to marry someone from his mother's tribe. This Er, Judah's firstborn, was evil, and the Lord killed him" (Jub. 41:2–3).[183] Similarly, while Judah was blamed for withholding Selom from Tamar in the book of Genesis (Gen 38:11), Jubilees placed the responsibility on Selom's Canaanite mother: "He [Selom] grew up, but Judah's wife Bedsuel did not allow her son Selom to marry her" (Jub. 41:7).[184] The early portions of Jubilees 41 demonstrate the moral issues that arise with Canaanite influence; VanderKam properly concludes "[t]hat marriage with Canaanites continued to pose a problem in the next generation is evident from Judah's taking Shua, the daughter of a Canaanite, as a wife (38:2; cf. Jub. 41:2)."[185] However, while there may be moral repercussions for offspring from Israelite-Canaanites unions, there is no evidence that their mixed genealogy presented an issue for their holy seed status in these narrative portions.

4.4.4 Summary

While the legal portions of Jubilees maintain that Israel must refrain from exogamous unions to preserve the holy seed (e.g., Jub. 30), mixed offspring with an Israelite father evidently remained part of Jacob's lineage in the narratives; they were not deemed profane or defiled. It is

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[183] According to Loader, the relevance of this story "is that it serves as one more illustration of the wickedness of Canaanite women" (Loader, *Enoch, Levi and Jubilees on Sexuality*, 176–177; see also VanderKam, *Jubilees*, 1040). In T. Jud. 10:3–4, the Canaanite mother convinced Onan to spill his seed.

[184] Another rationale for why Selom was held back from Tamar was because Judah had slept with her: "For this reason she was not given to Selom, and he [Judah] did not approach her again" (Jub. 41:20).

[185] The treatment of Judah's offspring draws a parallel with the case of Esau's children: unions with Canaanites produce wicked offspring. This also finds support in in Rebekah's rebuke of the Canaanites, namely that they are a wicked people.

not entirely clear how one should account for this tension. One option is that the author simply copied down content from Genesis, which included accounts of mixed progeny, alongside his own laws for the community about preserving the holy seed. However, it is difficult to explain why the author elected to make some emendations to certain stories and not others; he evidently felt comfortable editing contents in the stories which he deemed necessary.

A second option is that the author did not consider mixed progeny with an Israelite father to be profane or defiled. Based on the condemnations against exogamy, moral impurity was a primary concern (Jub 30:7); indeed, Jacob's descendants were restricted from even interacting with gentiles (Jub 22:16) due to the risk of idolatry (22:17–22) and the sexual transgressions of the gentiles (20:3–7). However, it is possible that, for the author, mixed offspring who did not engage in moral impurity through idolatry or illicit sexual unions retained their holy seed status.

A third explanation relates to the origins of Jubilees as a compiled work. Michael Segal, for example, has written on the various tensions in Jubilees between rewritten stories and legal passages: "the laws derived from the narratives often do not correspond with the exegetical tendencies reflected in the rewritten stories themselves. Sometimes, the laws even contradict the stories."[186] In turn, he posits that these tensions are best explained by the "direct result of the literary development of the composition."[187] According to Segal, Jubilees is a compilation of diverse ideological traditions, which includes a halakhic redactor who inserted legal additions without harmonizing the content together. Segal posits that terminology such as "Heavenly Tablets" is a literary device to mark "that the passages in which it is found belong to the redactional stratum; this terminology is a sign of the halakhic editor's contribution to this

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[186] Segal, *The Book of Jubilees*, 46.
[187] Ibid., 318.

work."[188] If so, this would associate the diatribe against exogamy with the halakhic redactor (see Jub. 30:9). Our current form of Jubilees, then, is a compilation of diverse traditions and sources; this may account for the tension between mixed offspring from Genesis narratives, and the legal traditions.

Considering this tension, it is not entirely clear how the offspring from mixed unions would have been treated in the view of Jubilees, or its readers. It stands to reason that the halakhic discourse would have taken precedence when making legal decisions about mixed progeny. However, it is also evident that the author of Jubilees anticipated that the rewritten narratives may equally be used as practical guides for the readers. For example, when recounting Judah's repentance for sleeping with Tamar, the author included a warning: "Anyone who acts in this way—anyone who sleeps with his daughter-in-law—is to be burned in fire so that he burns in it because impurity and contamination have come on them. They are to be burned" (Jub. 41:25). According to VanderKam, the author likely made this clarification because "he was concerned a reader might infer that he could imitate Judah and like him receive forgiveness."[189] In other words, the author wanted to ensure the readers that they would not read the narrative about Judah, and commit similar deeds. It is unknown whether the narratives about Joseph and Judah's children would have been used to justify mixed progeny as well, or if Jubilees 30 would have been the final ruling on the matter.

4.5. Conclusion

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[188] Ibid., 31.
[189] VanderKam, *Jubilees*, 1052.

In this chapter, we examined several texts which shed light on the status of mixed progeny in the Second Temple period: 1 Enoch, the *Aramaic Levi Document*, the *Testament of Qahat*, *Miqṣat Maʿaśê ha-Torah*, and the book of Jubilees. In my treatment of 1 Enoch 6–16, I followed Suter in reading the Shemihazah myth as a critique against priestly intermarriage with either gentiles or Israelites. In turn, I interpreted the giants in the story as representing the mixed progeny from such unions; they were portrayed as hybrid offspring, and they were banished from the heavenly sanctuary alongside their fathers due to their mixed status. From this, I concluded that the author of the Shemihazah myth perceived mixed offspring with a priestly father to also be excluded from their cultic duties due to their profane status. Additionally, like the giants, mixed progeny were considered wicked due to the moral impurity that ensued from intermarriage. In the author's condemnation of exogamy, he used technical language from the laws against improper mixing to describe the giants (Lev 19:19; Deut 22:9); these law codes were quoted elsewhere to prohibit exogamy and bear mixed progeny.

The *Aramaic Levi Document* and the *Testament of Qahat* also used language from these law codes (Lev 19; Deut 22) to condemn offspring from priestly mixed unions. Within these Aramaic texts, the כילאין were considered outside of Levi's lineage, and were equated with foreigners. According to the *Testament of Qahat*, the wisdom inherited by Israel and the Levites was not accessible to those with a mixed genealogy, perhaps implying that mixed offspring were not considered Israelites at all. Similarly, 4QMMT also uses the language of כלאים to describe progeny from exogamous unions, although the author was likely addressing unions between Israelites and gentiles. Like Ezra, the author of 4QMMT broadened the priestly marital regulations to all Israel, and thus any mixed offspring from an Israelite and non-Israelite union was considered profane, and no longer part of the "holy seed."

The book of Jubilees is unique in its treatment of mixed offspring. While Jubilees contains clear prohibitions against exogamous unions to preserve the holy seed (Jub. 25:3), the narratives recounting mixed offspring with an Israelite father and foreign mother did not portray them as profane; they seem to have retained their holy seed status. While it is unclear how to resolve this tension, I follow Michael Segal in attributing these conflicts in the text to the compilation and halakhic redactions in the text. In other words, the current form of Jubilees preserves diverse rulings that were brought together into one work, thus resulting in divergent teachings about mixed progeny. It remains unclear, however, how the recipients of this work interpreted and applied the content to their current community.

These diverse treatments of mixed progeny reveal the range of opinions held by different Jewish communities in the Hellenistic era. In our next and final chapter, I will examine the depiction of mixed offspring in Jewish literature composed during the early Roman era, specifically looking at certain Qumran manuscripts, Philo, Josephus, and the book of Acts.

CHAPTER 5: MIXED OFFSPRING IN THE EARLY ROMAN PERIOD (37 BCE–100 CE)

5.1 Introduction

In this chapter, I will examine the treatment of children from intermarried couples in

Jewish literature dated to the early Roman era (37 BCE – 135 CE).[1] For our purposes, there are

four main corpora of literature to consider: the Dead Sea Scrolls, Philo, Josephus, and the book

of Acts.

In my treatment of the Dead Sea Scrolls, I will look at works generally dated to the

Roman period, which may shed light on the social status of children from exogamous unions.

Based on the fragmentary nature of these manuscripts, as well as our limited understanding of

their provenance, conclusions will – by necessity – remain tentative.

Following this, I will examine Philo's treatment of mixed offspring. In his work, Philo

conceived of Jewish kinship relations through ambilineal descent, which maintains that the

offspring may identify with either the mother or the father's genealogy; in Philo, the offspring

had autonomy to choose.[2] However, to be an Israelite, the mixed offspring must be committed to

the virtues and practices of the Israelite parent, as we will see below. In Philo's literature, he also

placed an emphasis on the social status of the child; although he considered some mixed progeny

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[1] The Roman era is typically dated between 37 BCE–324 CE. However, I follow the dating of John J. Collins and Daniel C. Harlow for the early Roman period, which stretches between 37 BCE to the emperor Hadrian and the Bar Kokhba Revolt (early second Century C.E.). See John J. Collins and Daniel C. Harlow, eds. *Early Judaism: A Comprehensive Overview* (Grand Rapids: Eerdmans, 2012). The latest text I will examine is the book of Acts, although the precise dating is unclear. F. F. Bruce dates it sometimes during the Flavian period (69–96 C.E.); see F. F. Bruce, *The Book of the Acts* (Grand Rapids, MI: Eerdmans Publishing Company, 1988), 12. See Craig S. Keener's recent publication on Acts, where he summarized the scholarly viewpoints; most scholars date the book between 60–90 CE, whereas some scholars date the book later into the early second century. See Craig S. Keener, *Acts*, NCBC (Cambridge: Cambridge University Press, 2020), 46 n. 219.

[2] I follow Bernd Lambert's definition of ambilineal descent, which he describes as "a mode of reckoning that maintains group continuity through the generations by using male or female links without set order. A person may use either or both parents as his own links to group membership," (Lambert, "Ambilineal Descent Groups," 614).

to be Israelites, they were also illegitimate (νόθος).[3] Yet, their illegitimate status was malleable; through Jewish education and virtue, Philo elevated the status of mixed offspring, and reckoned them as legitimate children. Therefore, in Philo, matters of genealogy and education were very important for mixed progeny.

Next, we will look at mixed offspring in Josephus's literature. Unlike Philo, Josephus maintained a patrilineal model of descent, whereby he considered mixed offspring with a Jewish father and a foreign mother to be Jewish. Additionally, Josephus accepted conversion as a legitimate mode of becoming Jewish, and thus he prohibited Jewish women from marrying non-converts. However, he includes several accounts of exogamous unions between Jewish males and gentile females without comment or condemnation, signifying that such marriages did not present the same threat. It remains unclear if Josephus considered that gentile women were able to convert; this will be discussed below.

Finally, I will consider a short pericope in the book of Acts recounting Paul's circumcision of Timothy, the son of a Jewish mother and a gentile father (Acts 16:1–3). According to Luke's depiction of Paul, as well as the broader context of Acts, I posit that the author considered Timothy to be Jewish based on his mother's lineage. It is unclear, however, whether Timothy was considered illegitimate or disadvantaged by virtue of his mixed genealogy.

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[3] In early Roman literature, unions outside of marriage, or unions between citizens and non-citizen or slave and free produced illegitimate children: "Such unions were *matrimonia iniusta*; their children were branded as illegitimate, did not count towards earning rights of inheritance, and were themselves unable to inherit." Richard I. Frank, "Augustus' Legislation on Marriage and Children," *CSCA* 8 (1975): 41–52, 45. Unlike Hellenistic literature, Romans placed less emphasis on the child's status. According to Catharine Edwards, "Roman aristocrats are vitally never accused of not being the children of their mothers' husbands." Catharine Edwards, *The Politics of Immorality in Ancient Rome* (Cambridge: Cambridge University Press, 2002), 50.

The goal of this chapter is to develop a better understanding of the diverse ways mixed offspring were portrayed in Jewish literature composed during the early Roman era. Throughout this section, I will be using the term "Jewish" as a translation of the Greek noun Ἰουδαῖος.

5.2 Exogamy in Jewish Literature from the Early Roman Period

In early Roman literature, children were considered imperative for the longevity of the Roman people: "How can the state be preserved, if we neither marry nor have children?….it is neither right nor creditable that our race should cease, and the name of Romans be blotted out with us, and the city given over to foreigners — Greeks or even barbarians."[4] A similar emphasis on bearing children is found in contemporary Jewish literature in the first century, alongside a nearly ubiquitous condemnation against exogamous unions.[5] In some texts, death was considered preferable to having sexual relations with a gentile. In Pseudo-Philo, for example, Tamar proclaimed: "It is better for me to die for having intercourse with my father-in-law [Judah] than to have intercourse with gentiles'" (LAB 9.5).[6] Due to the importance of endogamy, some groups altered stories from the Hebrew Bible to vindicate characters who had intermarried; they either created acceptable lineages for the foreign spouse (see Dem. 3), or they fabricated a

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[4] Dio, *Roman History,* 56.7. [Cary]. See David A. deSilva, *4 Maccabees* (Bloomsbury: Sheffield Academic Press, 1998), 230–231 for parallels in other classical literature. In 18 BCE, a Roman law was put into place which rewarded married couples who bore children. See Frank, "Augustus' Legislation on Marriage and Children," 43–45.

[5] For the importance of bearing offspring, see LAB 42:7; Ps.-Phoc. 175–176; 4 Macc 16:6–11; Philo, *Joseph*, 43; T. Jud. 10:3. On the prohibition against exogamy, see Jos. Asen. 8:5; Tob 1:9; 3:15; 4:12; 6:10–12; T. Levi 9:10; LAB 9:15; 18:13; 43:5. The Testament of Job, which makes no mention of important Jewish customs like circumcision, conversion, or festivals, includes a prohibition against intermarriage (T. Job 45.3). For more information, see John J. Collins, *Between Athens and Jerusalem: Jewish Identity in the Hellenistic Diaspora, Biblical Resource Series* (Grand Rapids: Eerdmans, 1983), 246; William Loader, *The Pseudepigrapha on Sexuality: Attitudes Towards Sexuality in Apocalypses, Testaments, Legends, Wisdom, and Related Literature* (Grand Rapids, MI: Eerdmans Publishing Company, 2011), 256.

[6] In LAB, the consequence for fornication with a gentile was death. LAB 45 retells the murder of the Levite's concubine from Judges 19, which the narrator justified by alleging that she had sexual relations with an Amalekite (LAB 45.3). See D. J. Harrington, "Pseudo-Philo" in *Old Testament Pseudepigrapha,* ed. James H. Charlesworth. 2 vols (New York: Doubleday, 1983), 297–378, 359.

narrative about the foreigner's conversion (Jos. Asen.). While some texts recount tales of mixed unions without any changes whatsoever (T. Jos. 18.3–4), such cases are rare.[7]

Like the Hellenistic period, there were two main reasons for prohibiting exogamy in Jewish texts: idolatry and genealogical purity. In the warnings against idolatry, however, there was a more pronounced emphasis on the risk for the children. In the account of the Israelites' marriage with the Amorites in LAB, for example, the tribe of Dan said: "The Amorites have taught us what they make, so we might teach our children" (LAB 25:9; cf. 21:1; 30:1; Let. Aris. 139–142).[8] Similarly, Philo specifically warned his readers against exogamy because of its influence on the children: "And though perhaps you yourself [who intermarry] will hold your ground steadied from your earliest years…there is much to be feared for your sons and daughter" (*Spec. Laws* 3.29). The danger, then, was that mixed offspring would become idolaters.

Alongside idolatry, mixed offspring were also at risk for having poor moral characters; this concern was in line with stoic observations that children "resemble their parents not only physically, but morally and psychologically as well" (cf. 4 Macc 15:4–7).[9] Indeed, children from illicit unions were promised early deaths (Wis 3:16–18), and children born from adulterous unions were expected to endure punishments alongside their parents: "She [the adulterous woman] herself will be brought before the assembly, and her punishment will extend to her children. Her children will not take root, and her branches will not bear fruit" (Sir 23:24–25; cf. Wis 4:6).[10]

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[7] "[O]n account of my [Joseph's] humility…I took to myself a wife, the daughter of the priest of Heliopolis…In every way I was like Jacob" (T. Jos. 18:3–4). Joseph's appeal to Jacob is odd, considering how patriarchs were often models for endogamy (see Tob 4:12). For an earlier account of accepted intermarriage, see Ezek. Trag. 1:66–67.

[8] Idolatry and exogamy were closely linked in LAB (LAB 44:1–7). See Frederick J. Murphy, "Retelling the Bible: Idolatry in Pseudo–Philo," *JBL* 107 (1988): 275–287, 290.

[9] Loader, *The Pseudepigrapha on Sexuality*, 450.

[10] While Ben Sira is dated earlier than the Roman period, this testifies to earlier influences.

The risk of moral impurity, however, was easily circumvented by conversion, which permitted foreigners to join the nation of Israel.[11] In *Joseph and Aseneth*, Jacob warned his sons against exogamous unions: "My children, guard strongly against associating with a strange woman [γυναικὸς ἀλλοτρίας], for association (with) her is destruction [ἀπώλεια] and corruption" (Jos. Asen. 7:6). Similar language is used when Joseph first encountered Aseneth and he refused to kiss her: "It is not fitting for a man who worships God…to kiss the strange woman [γυναῖκα ἀλλοτρίαν] who will bless with her mouth dead and dumb idols… and anoint herself with ointment of destruction [χρίσματι ἀπωλείας]" (Jos. Asen. 8:5). According to Nickelsburg, Aseneth "exists in the realm of death and corruption…her idolatry has defiled her."[12] However, following Aseneth's conversion, the author presented Joseph's marriage with her as a divine gift from God (Jos. Asen. 18:11). The offspring from converts were counted among the nation of Israel. In Pseudo-Philo's retelling of the David and Goliath narrative (1 Sam 17), David and Goliath were cousins, though part of different nations because of Ruth's conversion: "And David went out to Goliath and said to him, 'Hear this word before you die. Were not the two women, from whom you and I were born, sisters? And your mother was Orpah, and my mother Ruth. And Orpah chose for herself the gods of the Philistines and went after them, but Ruth chose for herself the ways of the Most Powerful and walked in them'" (LAB 61:6). For Pseudo-Philo, conversion was sufficient to integrate somebody into the Israelite community, and the offspring were members of Israel.[13]

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[11] Not all communities accepted converts as Jewish. See Daniel R. Schwartz, *Agrippa I: The Last King of Juaea* (Tübingen: Mohr Siebeck, 1990), 126–127. Proselytes were sometimes restricted in the community (4QFlor 1 i, 4).

[12] Nickelsburg, *Jewish Literature*, 335. The connection between idolatry and defilement is found in Aseneth's prayer of repentance: "My mouth is defiled [μεμίανται] from the sacrifices of the idols" (Jos. Asen. 12:5). The kiss between Joseph and Aseneth would have resulted in the transmission of this defilement, which is associated with idolatry.

[13] See also Jos. Asen. 21:9; Loader, *The Pseudepigrapha on Sexuality*, 323.

A second rationale for prohibiting intermarriage was genealogical purity. As mentioned above, the genealogical criterion established an impermeable Jewish boundary; gentiles were considered ontologically distinct from Israelites, and thus any offspring from an exogamous union would be profane. As I discuss each text below, I will consider the author's perception of exogamy and conversion, which impacted their treatment of mixed progeny.

5.3 The Dead Sea Scrolls: Part 2

In chapter 4, I examined select manuscripts from the Dead Sea Scrolls which used the moniker כילאין/כלאים, "mixed ones," to designate mixed progeny; in those texts, the authors considered mixed offspring as akin to foreigners. In the following section, I will explore two works dated around the early Roman period which may illuminate our understanding of how mixed offspring were treated by sectarian communities.

In the diverse corpus of the Dead Sea Scrolls, there are frequent warnings against marrying gentiles, though only a few texts highlight the danger of mixed progeny.[14] The author of *4QPseudo-Moses^e* (4Q390), for example, equated mixed progeny with child-sacrifice. 4Q390 constructed numerous critiques against the priesthood, quoting from content found in the book of Ezekiel: the defilement of the sanctuary (Ezek 23:38a; 4Q390 2 i, 9), the defilement on Sabbaths (Ezek 23:38b; 4Q390 2 i, 10), and the priests' engagement in violent activities (Ezek 22:26; 4Q390 2 i, 10). However, Ezekiel's condemnation against child sacrifice, namely that "[the priests] had slaughtered their children for their idols" (Ezek 23:39), was reinterpreted in 4Q390

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[14] In *The Temple Scroll* (11Q19), exogamy is mentioned several times (11Q19^a ii, 12–13), although foreigners were able to convert (see 11Q19 LXIII, 10–15). See Loader, *The Dead Sea Scrolls*, 30. Fröhlich appropriately states "There is no mention of the status of children issuing from these marriages [between Israelites and non-Israelites in 11Q19]" (Fröhlich, "'Mamzer' in Qumran Texts," 110).

as a condemnation against profane offspring: "with the sons of [foreigners they will de]base [חלל] their offs[pring]" (4Q390 2 i, 10; cf. Ezek 44:22). Hanan Eshel argues that the criticism in 4Q390 is addressing the Hasmonean priests who "profane[d] their offspring with foreigners and violate[d] the priesthood."[15] This juxtaposition of exogamy and child sacrifice in 4Q390, which is like the comparison between intermarriage and Molech sacrifice in Jubilees 30, reveals how mixed progeny and profane offspring were a concern for some groups during this period.[16]

In the following section, I will examine two manuscripts from the Dead Sea Scroll corpus: *The List of Netinim* (4Q340) and *The Rebukes of the Overseer* (4Q477). Although these texts are fragmentary, and their provenance is unclear, they may help shape our understanding of mixed offspring in the early Roman era.

5.3.1 The List of Netinim (4Q340)

The first manuscript is *The List of Netinim* (4Q340), a very fragmentary Hebrew text dated to the first century BCE, which lists several names of people who were considered part of *the netinim* (הנתינים).[17] Although the fragment is badly damaged, one name is יתרא (Ithra; 4Q340 1, 1), which is the same name of Amasa's Ishmaelite father in Chronicles (see 1 Chron 2:17).[18] The second name, which is reconstructed by Broshi and Yardeni, is Tobiah (טוביה); both authors

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[15] Hanan Eshel, "4Q390, the 490-Year Prophecy, and the Calendrical History of the Second Temple Period," in *Enoch and Qumran* Origins: *New Light on a Forgotten Connection,* ed. Gabriele Boccaccini (Grand Rapids, MI: Eerdmands, 2005), 102–111, 107. Devorah Dimant posits that this critique "may refer to profaning their own children (by mixed marriages?) or are themselves defiled by sexual intercourse with foreigners." Devorah Dimant, *Qumran Cave 4: XXI: Parabiblical Texts, Part 4: Pseudo-Prophetic Texts,* DJD 30 (Oxford: Clarendon, 2001), 248.
[16] The imagery in 4Q390 differs slightly from that in Jubilees. In Jubilees, offspring married to foreigners were considered sacrificed to Molech, whereas in 4Q390, mixed progeny themselves were sacrificed to a foreign god.
[17] Broshi and Yardeni propose that, "On palaeographic grounds the document should be dated to about the first half of the first century BCE" (Broshi and Yardeni "4Qlist of Netinim," 81).
[18] Ithra was identified as an Israelite in DtrH and an Ishmaelite in CH; see chapter 2 for a discussion.

propose that Tobiah may have been part of the *netinim* who returned from the Babylonian exile, yet was unable to prove his families' lineage (see Ezra 2:59–60).

Despite the unknown provenance of the manuscript, Broshi and Yardeni posit that "4Q340 is a list of blemished people unfit for marriage, a negative genealogical list."[19] They draw this conclusion by reading 4Q340 in light of the *netin* listed in early Mishnaic literature, whose lineage were blemished, and who had a lower status than the *mamzerim*: "A priest takes precedence over a Levite, a Levite over an Israelite, an Israelite over a mamzer, a mamzer over a Netin, a Netin over a proselyte, a proselyte over a freed slave" (m. Hor 3:8). Baumgarten correctly writes that the "Netinim [in Rabbinic sources] were held to be in the same category as illegitimates and were not permitted to marry within the community."[20] The reason Broshi and Yardeni connect 4Q340 with the marriage laws in m. Qiddushin 4.1, which restrict the *netinim* from marrying only *mamzerim*, converts, or freed slaves, is because that law likely originated in the Second Temple era: "This [m. Qidd 4.1] is certainly not a late ruling; its styling in Aramaic indicates that it stems from the Second Commonwealth."[21] In light of this, the purpose of 4Q340 may have been to identify those with a blemished genealogy in a certain community to ensure that they did not marry Israelites. According to Meir Bar Ilan, the *netinim* were identified to restrict their participation in the community: "it is reasonable that the list of *netinim* discovered at Qumran, reflects the removal of the *netinim* like the mamzerim from the group of the 'Yahad'…[4Q340 is] a list of people who sought to be accepted in the sect but were rejected after clarification of their defective origin."[22]

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[19] Broshi and Yardeni "4Qlist of Netinim," 83.

[20] Joseph M. Baumgarten, *Studies in Qumran Law* (Leiden: Brill, 1977), 80. In rabbinic literature, the *netinim* were not permitted to marry legitimate offspring (see m. Yebam. 2.4; 6.1; 8.3; m. Qidd. 3.12; 4.1). See also m. Ketub. 1.9, where the consequences for intercourse with a *netinim* are the same as those with a *mamzer*.

[21] Broshi and Yardeni "4Qlist of Netinim," 83.

[22] Bar-Ilan, "The Attitude Towards Mamzerim," 134.

Although the reason for their blemished lineage is unknown, it is possible that the *netinim* were historically mixed offspring (descendants) between Israelites and Gibeonites. One of the first mentions of the *netinim* is found in Ezra-Nehemiah (הנתינים; Ezra 2:43), where they enjoyed a higher social status: they were listed among the temple workers who returned from Babylon (Ezra 2:43) and assisted Levites in their duties (Ezra 8:20; Neh 11:21; 1 Chron 9:2). Following their return, the *netinim* pledged to separate themselves from the foreigners of the land, signifying that they were counted as part of the Judean community (Neh 10:28–29). Within the list of *netinim*, however, Ran Zadok has demonstrated that there were several foreign names, including Ziha (ציחא), Keros (קרס), and Besai (בסי) (see Ezra 2:43–54).[23] As a result, he proposes that the *netinim* "were probably of non-Israelite origin."[24] Similarly, John Day writes "with a high degree of probability…that the Nethinim who undertook menial tasks within the Temple, though incorporated within Israel, were of foreign descent" (see Ezek 44:6–9).[25]

Considering their role in the temple as well as their foreign origins, it is possible that the *netinim* were the descendants of the Gibeonites, who were subjected by Joshua to work in the sanctuary: "But on that day Joshua made them [the Gibeonites] hewers of wood and drawers of water for the congregation and for the altar of the LORD, to continue to this day" (Josh 9:27; see b. Yeb. 78b–79a).[26] According to Baumgarten, Ezekiel's critique against foreigners working in the temple was directed against these very *netinim* (Ezek 44:6–8).[27]

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[23] Ran Zadok, "Notes on the Biblical and Extra-Biblical Onomasticon," *JQR* 71 (1980): 107–117, 110–116.

[24] According to Zadok, "the most significant finding is that among 45 of the *netinim* and Solomon's slaves, only two…are Yahwistic, and 9 exclusively Hebrew-Canaanite" (Zadok, "Notes on the Biblical and Extra-Biblical Onomasticon," 115).

[25] John Day, "Gibeon and the Gibeonites in the Old Testament," in *Reflection and Refraction: Studies in Biblical Historiography in Honour of A. Graeme Auld*, ed. Robert Rezetko et al., VTSup 113 (Leiden: Brill, 2007), 113–138, 136.

[26] See also E. A. Speiser "Unrecognized Dedication," *IEJ* 13 (1963): 68–73.

[27] Baumgarten, *Studies in Qumran Law*, 78.

However, the *netinim* were also included among the people of Israel in Ezra, where genealogy was imperative to determine one's participation in the Judean community. Therefore, it is reasonable to conclude that the *netinim* were born from mixed unions between Gibeonites and Israelites before the Babylonian exile; this would explain why they were included in Ezra's post-exilic community, yet later accused of having a blemished lineage.[28] Although Ezra's list of *netinim* originates from the 5–4th century BCE, Émile Puech has argued that some of these names continued to be used into the first century for the *netinim*. An inscription on a recovered jar from Tell el-Ful, dated to 100 BCE, reads "Hananiah, son of Hagab." The name "Hagab" is also found in the list of *netinim* who returned from Babylon: "Hagabah (בני חגבה)" (Ezra 2:45).[29] Based on this parallel, Puech proposes: "Would this not suggest that among the *netinim*, names were chosen from a preestablished list or that the selection of names depended on prohibitions or matrimonial rights?"[30] If this is the case, 4Q340 demonstrates that the mixed lineage of the *netinim* caused them to remain distinct and separated from the rest of Israel, regardless of how long ago the intermarriage took place. If early Mishnaic law is any guide, then the status allotted to the *netinim* was negative.

Unfortunately, the purpose of 4Q340 and the reason for this list remains speculative. Additionally, it is not conclusive that the *netinim* had a blemished lineage from exogamous unions. Shaye Cohen criticizes Broshi and Yardeni's argument, suggesting that the *netinim* listed

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[28] Broshi and Yardeni write "Sometime during the Second Commonwealth the *netinim* suffered a drastic decline in their status. During the restoration there is not the slightest hint of their discrimination" (Broshi and Yardeni "4Qlist of Netinim," 83). See Baruch A. Levine, "The Netinim," *JBL* 82 (1963): 207–212. The *netinim* also received tax-exemption benefits (Ezra 7:24; Neh 11:3). Since the *netinim* were included in the 10 genealogical classes in the Mishnah, they remained part of the community, but were restricted in who they could marry. See Cynthia M. Baker, *Rebuilding the House of Israel Architectures of Gender in Jewish Antiquity* (Stanford: Stanford University Press, 2002), 207 n. 39.

[29] Puech also points to Ostracon No. 1 at Lachish, line 3 where this same name is used. The Lachish ostraca is dated prior to 587 BCE. Émile Puech, "The Tell el-Ful Jar Inscription and the 'Netinim'" *BASOR* 261 (1986): 69–72, 70.

[30] Puech, "The Tell el-Ful Jar Inscription and the 'Netinim'," 70.

in 4Q390 may not be the same as those found in Ezra-Nehemiah. Additionally, Broshi and

Yardeni presupposed that the author of 4Q390 shared the same definition of the *netinim* as those

who composed the law found in the Mishnah, which may not be the case.[31] If the *netinim* are

mixed progeny between Israelites and Gibeonites, however, these mixed offspring were

evidently included as part of the Israelite community, yet demoted their social status because of

their mixed lineage.

5.3.2 The Rebukes of the Overseer (4Q477)

A second text of interest is 4Q477, the so-called Rebukes of the Overseer, which contains

a list of people who were reprimanded by their leader.[32] In other literature from the Dead Sea

Scrolls, punishment for inappropriate behavior often resulted in a temporary exclusion from the

community, or restrictions of food rations (1QS 7:18–21). Matthew Goldstone defines these

consequences as internal communal boundaries, where "the threat of the deviant insider" is

addressed.[33] Those who are rebuked, therefore, remained part of the community, yet they

suffered the repercussions for transgressing the communal regulations in some manner: "by

combining the act of rebuke with the requirement of love… the DSS navigate the tension

generated by a deviant insider by simultaneously pushing him away and drawing him close. This

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[31] Shaye J. D. Cohen, *The Significance of Yavneh and Other Essays in Jewish Hellenism* (Tübingen: Mohr Siebeck, 2010), 95–96.

[32] This manuscript is dated to the Herodian period. Esther Eshel "4Q477: The Rebukes by the Overseer," *JSJ* 45 (1994): 111–122, 111. Esther Eshel, "4QRebukes Reported by the Overseer" in *Qumran Cave 4, XXVI Cryptic Texts*, ed. Emanuel Tov, DJD 36 (Oxford: Clarendon Press, 2000), 474–484, 477. All translations come from Eshel "4QRebukes Reported by the Overseer," unless indicated otherwise.

[33] Matthew S. Goldstone, *The Dangerous Duty of Rebuke: Leviticus 19:17 in Early Jewish and Christian Interpretation* (Leiden: Brill, 2018), 50.

dual movement buttresses internal communal boundaries by reaffirming the offender as a member of the group while marking his sinful actions as deviant."[34]

4Q477 is unique among the Qumran corpus because it provides a list of personal names as well as the reason these community members were rebuked; Eshel contends that the text was "probably read out in public by the Overseer."[35] Indeed, Schiffman proposes that this was likely a legal document: "Such records…certified that the offender had been previously reproved for committing the same offense."[36]

In 4Q477, Hananiah Notos (חנניה נותוס) is mentioned following a *vacat*, signifying the start of a new rebuke (4Q477 2 ii, 5). Hananiah Notos was considered part of the sectarian community, and his theophoric name likely implies that he was Jewish. The meaning of "nothos" [נותוס] is disputed, with two options having been proposed: the noun is either a Hebrew transliteration of the Greek word νοτος, meaning "a southerner,"[37] or it is a transliteration of the Greek noun νόθος, meaning "bastard."[38] In other words, the Hebrew letter ת from נותוס may correspond to a τ or a θ in Greek.

Eshel argues for the former option, writing that "it seems that חנניה was named after his place of origin, somewhere in the south."[39] She appeals to ostracon no. 462 found at Masada for

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[34] Goldstone, *The Dangerous Duty of Rebuke*, 50. See also Ari Mermelstein, "Love and Hate at Qumran The Social Construction of Sectarian Emotion," *DSD* 20 (2013): 237–263.

[35] Eshel, "4Q477," 111.

[36] Lawrence H. Schiffman, *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony and the Penal Code* (Atlanta: Scholars Press, 1983), 78.

[37] See Masada inscription no. 462, which contains the name Shimon bar Notos. This is understood to mean "southerner." See Yigael Yadin and Joseph Naveh, *Masada I: The Yigael Yadin Excavations 1963–1965 Final Reports* (Jerusalem: Biblical Archaeology Society, 1989), 40.

[38] See Fröhlich, "'Mamzer' in Qumran Texts," 115 n. 54 and n. 55. It is not clear why the Greek word would have been used in place of the Hebrew, though Greek loanwords were not uncommon in Hebrew and Aramaic literature in antiquity. See E. J. C. Tigchelaar and Florention Garcia Martinez, "Greek Loanwords in the Copper Scroll" in *Qumranica Minora II: Thematic Studies on the Dead Sea Scrolls*, STDJ 64 (Leiden: Brill, 2007), 145–170.

[39] See Eshel, "4Q477," 116.

supporting evidence, which includes the name "Simon son of Notos" (שמעון בר נוטוס).[40] However, there are two issues with this comparison. First, the name on the ostracon is spelled differently than the one presented in 4Q477; נוטוס is spelled with a ט, whereas נותוס has as ת. Eshel acknowledges this difference, writing "In this case [4Q477], we have to assume that νότος was transcribed as *taw* which is uncommon."[41] Second, in 4Q477, there is no genitive construct marker בר between Hananiah and Nothos, unlike ostracon no. 462: "Simon son of Notos" (שמעון בר נוטוס). The absence of such a construct marker is evident in 4Q477, since a second Hananiah, Hananiah son of Simeon [חנניה בן שמעון], is mentioned immediately following Hananiah Notos (4Q477 2 ii, 9; see also 4Q477 2 ii, 3). In light of these differences, it is unlikely that Hananiah Notos should be read as "Hananiah the southerner."

The second option is that נותוס is a transliteration of νόθος, meaning an offspring from an illicit union; as Fröhlich contends, "[o]ne of the names [in 4Q477] is that of an alleged *mamzer*."[42] The Greek noun νόθος was commonly used in Jewish and Greek circles to designate illegitimate offspring, including those born from a mixed marriage.[43] Based on this, it is plausible that Hananiah was an illegitimate offspring who was allowed to remain part of sectarian communities: "His [Hananiah Nothos'] case turns our attention to the phenomenon, that regardless of the highly sophisticated system of ritual purity and the consistent ban of intermarriage in biblical and post biblical legal and literal texts, in the practice there may have existed (and accepted) mixed marriages, and the category nothos - *mamzer* might not have been

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[40] See Yadin and Naveh, *Masada I,* 40.

[41] Eshel, "4Q477," 116.

[42] Fröhlich, "'Mamzer' in Qumran Texts," 115. Similarly, Broshi argues that נותוס is best understood as "bastard." M. Broshi, "A Day in the Life of Hananiah Nothos: A Story" in *A Day at Qumran: The Dead Sea Sect and Its Scrolls,* ed. A Roitman (Jerusalem: The Israel Museum, 1997), 66.

[43] Lape, *Race and Citizen Identity*, 132; LSJ 1178. In Athens, νόθος was used for a child of citizen father and an alien mother. For the use of νόθος in blemished pedigrees, see Josephus, *Ant.* 5.233.

unknown in Hellenistic-Roman Judaea."[44] Eshel argues against this reading of נותוס, since "one

would not expect the find such a person included in the meticulously observant Qumran

community."[45] However, such an argument already presumes what it is intending to prove.

Instead, according to Wacholder, the absence of a patronymic for Hananiah Notos in 4Q477

"possibly shows a blemish on his pedigree…his illegitimate status."[46]

Although the reason for Hananiah's rebuke is unclear, Eshel reconstructs the phrase "[to

dis]turb the spirit of the YH[D] [(ד)כיר את רוח היח(להע)])"(4Q477 2 ii, 6) signifying that Hananiah

disrupted the sectarian community in some way.[47] The phrase "and also to share with" (ו]גם לערב

א]ת) is found in 1QS 7.24–25, where people from the community fraternized (יתערב) with

outsiders or those exiled from the community (cf. 4Q513 10 ii.3). Eshel concludes "Hananiah

was accused of allowing his community or group to mix with members of a group with whom

common life was forbidden, for example persons of lower status with regard to purity."[48]

According to Baumgarten, who interprets נותוס to designate Hananiah's illegitimate status

(νόθος), Hananiah may have been "rebuked for showing excessive concern with his biological

family."[49]

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[44] Fröhlich, "'Mamzer' in Qumran Texts," 115.

[45] Eshel "4Q477," 116.

[46] Ben Zion Wacholder, "Historiography of Qumran: The Sons of Zadok and Their Enemies" in *Qumran Between the Old and New Testaments,* ed. Frederick H. Cryer, et al., JSOTSup 290 (Sheffield: Sheffield Academic Press, 1998), 347–377, 365. According to Naveh, epithets may or may not have a "son of" construct, such titles in place of patronym were common, and they may signify one's geographical origins, profession, characteristics, or defects. See J. Naveh "Nameless People," *IEJ* 40 (1990): 108–123. Eshel "4Q477," 121. See Naveh, "Nameless People," 118.

[47] Metso posits that the reason for their rebuke is "moral offenses, such as being short-tempered, haughty in spirit or disturbing the spirit of the community." Sarianna Metso, *The Serekh Texts* (Edinburgh: T&T Clark, 2007), 58. For other rebuke texts, see Sir 19:13–17; T. Gad 6:1–5; Matt 18:15–17a.

[48] Eshel, "4Q477," 117. Ben Zion Wacholder understands the verb יתערב to mean "intermingle (corrupt sexually)." See Wacholder, "Historiography of Qumran," 365.

[49] Albert Baumgarten, "Who Cares and Why Does It Matter? Qumran and the Essenes, Once Again!" *DSD* 11 (2004): 174–190, 184.

If νόθος is the correct rendition of נותוס, then 4Q477 reveals how mixed progeny with blemished origins were able to remain part of the sectarian community: "despite preserving the offender's sin, the record also reminds us of his continual membership — were the offender truly ostracized from the group, his name might be blotted out entirely."[50] Due to his blemished lineage, Hananiah Notos was likely limited in his role in the community, as well as who he could marry, considering his title and the importance of preserving proper marriages.

5.4 Philo and Mixed Offspring: Introduction

Philo of Alexandria was a prolific writer and leader in first century Egypt; he wrote exegetical commentaries on the Hebrew Bible, alongside his historical and apologetical works.[51] Philo is renowned for integrating Greek philosophy and allegorical interpretive methods into his commentaries, alongside Jewish interpretations; he considered Hellenism and Judaism to be complementary systems.[52]

Philo was an active leader in the Alexandrian Jewish community (see *Ant*. 18.259–260), and even represented them before Emperor Caligula in Rome.[53] Considering Philo's leadership

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[50] Goldstone, *The Dangerous Duty of Rebuke*, 54.

[51] Philo was born around 15 BCE. For an introduction to the author, see Daniel R. Schwartz, "Philo, His Family, and His Times" in *The Cambridge Companion to Philo,* ed. Adam Kamesar (Cambridge: University Press, 2009), 9–31, 10. See Folker Siegert, "Early Jewish Interpretation in a Hellenistic Style," in *Hebrew Bible Old Testament: The History of its Interpretation*, ed. Manne Saebo, vol 1 (Göttingen: Vandenhoeck & Ruprecht, 1996), 166, n. 174 for a short discussion on the chronology of Philo's work.

[52] Philo argued that allegorical exegesis illuminated the meaning of the Hebrew text. See *Migration* 89–93 and *Flaccus* 43. See also *Moses* 1.4 and *Spec. Laws* 4.149–150 for Philo's use of Jewish traditions. Philo did not perceived "Greek" philosophy to be antithetical to Jewish traditions, or foreign to Jewish thought.

[53] Philo went to Rome in order to "complain about anti-Jewish hostilities on the part of the Egyptian citizens of Alexandria." Ronald Williamson, *Jews in the Hellenistic World: Philo* (Cambridge: Cambridge University Press, 1989), 1. During the first century, there was a rise of anti-Jewish sentiments in Egypt, which prompted the Jewish community to embrace Roman law as a means of identifiably separating themselves from Greek Alexandrians. See Niehoff, *Philo and Jewish Identity and Culture*, 111-58. See *Ag. Ap.* 1.223. See also David T. Runia, "Philo and the Gentiles," in *Attitudes to Gentiles in Ancient Judaism and Early Christianity,* ed. David C. Sim and James S. McLaren (New York: T&T Clark, 2013), 28–45, 29.

position, it is likely that his views were, to some extent, representative of the community's opinions as well. The purpose of his writings was to reinforce the importance of Jewish identity and Jewish practices for his readers; therefore, his literary works likely provide a lens into first century Jewish life in Egypt.[54] My goal in this section is to examine Philo's treatment of mixed offspring from the Hebrew Bible in order to better understand how they were perceived by the Alexandrian Jewish community. I will begin by exploring Philo's view of intermarriage, followed by his treatments of mixed progeny.

5.4.1 Philo and Exogamous Unions

Throughout his work, Philo warned his readers against exogamous unions: "do not enter into the partnership of marriage with a member of a foreign nation [μηδὲ ἀλλοεθνεῖ…κοινωνίαν γάμου συντίθεσο]" (*Spec. Laws* 3.29). However, scholars disagree on the severity of Philo's prohibition, considering that he recounts exogamous unions from the Hebrew Bible with seeming approval: "it was God Himself who wedded to Moses the Ethiopian woman, who stands for resolve unalterable, intense, and fixed" (*Alleg. Interp.* 2.67).[55] Philo's rationale for prohibiting exogamy was not grounded in preserving Israel's genealogical purity, though this regulation was necessary for the priesthood (*Spec. Laws* 1.105).[56] Rather, Philo was concerned about idolatry: "lest someday conquered by the forces of opposing customs you surrender and

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[54] See *Migration* 92; *Embassy* 132–134, 232; *Dreams* 2.123. Peder Borgen, *Philo of Alexandria – An Exegete for His Time* (Leiden: Brill, 1997), 17. Philo revered the Hebrew Bible (*Cherubim* 124) and applauded its translation into Greek (*Moses* 2.36–44). The extent of Philo's Hebrew knowledge is unknown. See David Instone Brewer, *Techniques and Assumptions in Jewish Exegesis before 70 C.E.* (Tübingen: Mohr Siebeck,1992), 202.
[55] See also *Legat.* 72. See Erwin R. Goodenough, *The Jurisprudence of the Jewish Courts in Egypt: Legal Administration by the Jews under the Early Roman Empire as Described by Philo* Judaeus (New Haven: Yale University Press, 1929), 85 who argued that Philo's condemnation of exogamy was advisory rather than legislative.
[56] Philo mandated that priests to only marry priests or Israelites "in order that the holy seed may pass into pure and untrodden soil" (*Spec. Laws* 1.105); contrary to some communities who restricted priests from marrying Israelites, Philo endorsed such unions since it allowed other families to enter the priesthood (*Spec. Laws* 1. 111).

stray unawares from the path that leads to piety [τῆς πρὸς εὐσέβειαν ὁδοῦ] and turn aside into a pathless wild" (*Spec. Laws* 3.26).[57]

Sarah Pearce states that, for Philo, exogamy "is likely to lead to an adulterated education and a loss of knowledge of the fundamental principle of Jewish piety — exclusive devotion to the one God."[58] Indeed, Jewish education was central for Philo; he condemned parents who neglected to teach their children Jewish customs, arguing that the absence of such an education would destroy the souls of the offspring (*Spec. Laws* 1:313).[59] Philo highlighted this concern in his treatment of mixed progeny: "And though perhaps you yourself [who intermarry] will hold your ground steadied from your earliest years by the admiral instructions instilled into you by your parents…there is much to be feared for your sons and daughters. It may well be that they, enticed by spurious customs [δελεασθέντες νόθοις]… are likely to unlearn the honour due to the one God" (*Spec. Laws.* 3.29).[60] Philo feared that mixed offspring would not be raised with proper religious instruction, or that they would abandon them and no longer adhere to Jewish traditions. For Philo, Jewish education was a means of preserving group identity.[61] Therefore, exogamous

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[57] The term εὐσέβεια generally refers to reverence towards a deity (LSJ 731). In Philo's writings, this term represents those who have proper beliefs about God as creator (*Opif.* 9), and who acknowledge God as eternal and creator (*Opif.*172). Abraham was an example of piety since he almost sacrificed Isaac to God (*Alleg. Interp.* 3.208). For Philo, only those who engage in genuine worship will be the ones counted on the road of the pious (εὐσέβειαν ὁδοῦ) (*Det.* 21) and will have immortal life (*Opif.* 155).

[58] Sarah Pearce, "Rethinking the Other in Antiquity: Philo of Alexandria on Intermarriage," *Antichthon* 47 (2013): 140–155, 149.

[59] See also *Spec. Laws* 4.149–150; *Virtues* 128–33 *Legat.* 115. See O. Larry Yarbrough, "Parents and Children in the Jewish Family of Antiquity" in Shaye Cohen, *Jewish Family in Antiquity,* 39–60 for a discussion on the importance of Jewish education in antiquity.

[60] The term νόθος is set in opposition to "γνησίων ἔθεσι," meaning the proper or legitimate customs. Lemos correctly states "Philo explains the law prohibiting intermarriage…by stating that such marriages might lead one's children to become impious." See Tracy M. Lemos, "Intermarriage," in *The Eerdmans Dictionary of Early Judaism*, ed. Daniel C. Harlow et al. (Grand Rapids, MI: Eerdmans, 2010), 767–69, at 768.

[61] Martha Himmelfarb argues that Philo's emphasis on education derived from Hellenistic influence: "The Greeks understood their culture to be available without regard to ancestry; even a barbarian could become 'Greek in soul'…because Greek culture is acquired through education… Like Hellenism, Judaism could be learned, and thus gentiles could now become Jewish in soul." See Himmelfarb, *A Kingdom of Priests*, 4. See Hodge, *If Sons, Then Heirs*, 35.

unions were problematic for mixed progeny because they may become idolators, presumably through the influence of the foreign parent. Indeed, Philo did not consider mixed progeny who abandoned their traditions to be Jewish, as we will see below. However, if they adopted Jewish traditions and were raised with Jewish piety, Philo counted them among the community. Therefore, I propose that, for Philo, the status of mixed progeny was somewhat malleable.

5.4.2 Jewish and Illegitimate Offspring

In Philo's writings, which are largely commentaries on the Torah, offspring were either legitimate or illegitimate due to the social or marital status of the parents. Progeny born to wedded parents of equal social standing were legitimate [γνήσιος] children, as in the case of Isaac: "The wife [Sarah] of the Sage [Abraham] bore to him in full wedlock [τῷ σοφῷ γνήσιος] his only and dearly-cherished son" (*Abraham* 168). Similarly, since Leah was married to Jacob, she bore him a genuine/legitimate son as well: "Of those born of Leah Issachar is Jacob's fifth genuine son [Ἰσσάχαρ γνήσιος τοῦ Ἰακώβ]" (*Alleg. Interp.* 2.94). By contrast, illegitimate offspring [νόθος] were born from concubines (*Sacr.* 43; *Unchangeable* 5, 121; *Her.* 175), out of wedlock (*Decal.* 128), from adultery (*Spec. Laws* 1.326; 3.69; *Names* 132; *Mut.* 132), or from mixed unions between foreigners and Hebrews (*Moses* 1.147; 2.193).[62] In the case of mixed marriages, the gender of the foreign parent did not make a difference for the offspring's social status. Shaye Cohen correctly writes that "Philo applies the Greek term *nothos* [νόθος]…to the offspring of both types of mixed marriage: Israelite mothers with gentile fathers, and Israelite fathers with gentile (or salve) mothers."[63] Therefore, Philo acknowledged the lineages of both

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[62] Philo uses νόθος 52 times in his literature; it is also used to describe illicit information (*Providence* 2.17; *Spec. Laws* 4.51; *Congr.* 6, 35), foreign religious traditions (*Spec. Laws* 3.29), and incorrect standards (*Spec. Laws* 4.32).
[63] Cohen, *The Beginnings of Jewishness*, 271–272.

parents, especially since "[e]thnicity and social status became far more decisive [in Roman Alexandria] than they had been during the Ptolemaic period" due to taxation.[64] Considering this, all mixed offspring were deemed illegitimate.

The precise implications of an illegitimate status in Philo, however, are not clear; while Philo maintained that illegitimate offspring had weak reasoning capabilities (*Flight* 152; *Names* 5), there is no evidence that he excluded them from the community.[65] Mixed offspring, for example, were included among the Jewish nation without issue. However, as stated above, if the mixed progeny turned away from Jewish virtues or education, Philo no longer considered them Jewish.[66] In other words, for Philo, mixed progeny had a malleable status, whereby they may be counted as Jews by virtue of their dedication to the Jewish religion. Below, I will begin by considering cases of mixed progeny who were accepted in the Jewish community, and then I will look at two examples where mixed offspring were excluded. In both cases, the importance of Jewish education and virtues is evident.

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[64] Niehoff, *Philo and Jewish Identity and Culture*, 20. According to Niehoff, Philo defined the mother's role and status in accordance with Roman law. Maren R. Niehoff, "Jewish Identity and Jewish Mothers: Who was a Jew According to Philo?" *Studia Philonica Annual* 11 (1999): 31–54, 48. Contrary to Philo, Diodorus writes that offspring born of a slave mother in Egypt were not considered illegitimate. Diodorus Siculus, *Library of History,* trans. C. H. Oldfather, Vol 1. LCL (Cambridge: Harvard Press, 1933), 275.

[65] While illegitimate offspring, such as Ishmael, were sent away by Abraham (see *Sobr.* 8), Philo generally permitted illegitimate offspring to inherit from their parents, though to a lesser degree than true-born offspring (*Migration* 94). See Samuel Belkin, *Philo and the Oral Law: The Philonic Interpretation of Biblical Law in Relation to the Palestinian Halakah* (Cambridge: Harvard University Press, 1940), 234.

[66] According to Ellen Birnbaum, Philo made a distinction between Ἰσραήλ (Israel) and Ἰουδαῖος (Jewish). "Israel" referred to spiritually insightful people: "Because the distinguishing mark of 'Israel' is its ability to see God, it would seem that anyone who qualifies – whether Jew or non-Jew – may be considered part of 'Israel'." Ellen Birnbaum, *The Place of Judaism in Philo's Thought: Israel, Jews, and Proselytes* (Atlanta: Scholars Press, 1996), 224. By contrast, the *Ioudaioi* were those who worship God and comprised a distinct social group. According to Birnbaum, "for Philo, 'Israel''s relationship with God is linked to its ability to see Him, whereas the Jews' relationship with God is based upon their belief in Him and worship of Him through observance of the special laws" (Ibid., 35). Similarly, Jennifer Otto writes how Philo distinguished "between Israel (those who mystically 'see' God) and the Jews (the people who worship God properly according to the law of Moses)." Jennifer Otto, *Philo of Alexandria and the Construction of Jewishness in Early Christian Writings* (Oxford: Oxford University Press, 2018), 13. My intention is to see whether mixed progeny were still considered Jewish according to Philo.

5.4.3 Mixed Progeny in Philo

The first example is found in Philo's treatment of the exodus, where mixed progeny with Israelite fathers and foreign mothers departed from Egypt:

> The departing emigrants [from Egypt] had among them over six hundred thousand men of military age…They were accompanied by a promiscuous, nondescript and menial crowd, a bastard [νόθον] host, so to speak, associated with the true-born [γνησίου]. These [οὗτοι] were the children of Egyptian women by Hebrew fathers into whose families they had been adopted [προσνεμηθέντες], also those who…had come over to them, and such as were converted and brought to a wiser mind (*Moses* 1.147)

In this passage, Philo describes three groups who departed from Egypt: the true-born, the mixed progeny with foreign mothers, and converts to the Jewish religion.[67] Philo wrote that the mixed offspring were "adopted" (προσνεμηθέντες) into the family of the father, thus signifying that they were included in the Jewish nation.[68] The passive form of the verb προσνέμω may be better translated "to be assigned, attributed" (LSJ 1520). Evidently, Philo felt the need to clarify that these mixed progeny were counted among their father's household, implying that such an outcome should not necessarily be assumed. By contrast, Philo used the passive form of this

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[67] Feldman proposes that the true-born children were those born "of Egyptian women by Hebrew fathers." Louis H. Feldman, *Judaism and Hellenism Reconsidered* (Leiden: Brill, 2006), 246. However, this would be the only place where Philo designates mixed offspring as true-born children. Instead, Niehoff correctly writes that "[Philo] inveighed against unions between Jewish men and Egyptian women, stressing that their children were nothing but bastards" (Niehoff, "Jewish Identity and Jewish Mothers," 45).

[68] The verb προσνέμω generally means "to assign" (see LSJ 1520). In Philo's work, it used in a variety of ways: to unite two things together (*Creation* 12; *Alleg. Interp.* 3.164), identifying things that are similar (*Creation* 62); to assign (*Planting* 14, 38; *Heir* 56); to affiliate with something (*Confusion* 42) and become part of a group (*Heir* 35); to create something (Moses II. 155).

same verb (προσνέμω) when discussing how offspring from adulterous unions were *not* able to be incorporated into a family line: "[those born from adultery] will be most unfortunate, unable to be classed [προσνεμηθῆναι] with either family, either the husband's or the adulterer's" (*Decalogue* 130). Therefore, while mixed progeny with a Hebrew father were deemed illegitimate [νόθον], they remained part of their father's household, and were considered part of the Jewish people.

A second example of mixed progeny is Ephraim and Manasseh, the offspring of Joseph and Aseneth. Ephraim and Manasseh are mentioned several times throughout Philo's work, and are often allegorized to represent memory and recollection: "Now the elder boy is called Manasseh and the younger Ephraim—and if these names are translated into Greek we shall find they represent 'reminiscence' and 'memory' (*Sobriety* 28). Philo also used Ephraim and Manasseh as symbolic representations for Israel's Passover sacrifices: "[Moses] awards special praise among the sacrificers of the Passover to those who sacrificed the first time… but to those who sacrificed the second time he assigns the second place…So Manasseh, who comes 'out of forgetfulness,' corresponds to those who offer the second Passover, the fruit-bearing Ephraim to those who offer the earlier one" (*Alleg. Interp.* 3.94).[69] In Philo's treatment of Ephraim and Manasseh, there is no indication that he was uncomfortable with their mixed status, or that he considered them to be illegitimate. When discussing Jacob's adoption of Ephraim and Manasseh, for example, Philo juxtaposed and equated Joseph's sons with Reuben and Simeon, the legitimate sons of Leah: "Again, when the sons of Joseph, Ephraim and Manasseh, were likened to the two elder sons of Jacob, Reuben and Simeon, have we not something perfectly true to

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[69] Often, Philo sought to elevated Ephraim as the superior brother (see *Migration* 205).

nature? Jacob says, 'Thy two sons who were born in Egypt before I came to Egypt are mine. Ephraim and Manasseh shall be as Reuben and Simeon to me,'" (*Names* 97).

Philo's positive treatment of Joseph's sons, however, challenges Maren Niehoff's proposal that, for Philo, "Jewish mothers [were] central as a transmitter of Jewish identity. Her [the Jewish mother's] Jewishness made the transmission of Jewish status to the children possible, while her Gentile status prevented it."[70] While Niehoff acknowledges that Ephraim and Manasseh pose a problem for her thesis, she argues that Philo's allegorization of Ephraim and Manasseh reveals Philo's discomfort with their status: "Yet on closer inspection this case [of Ephraim and Manasseh] proves too anomalous to challenge our previous conclusions. While Joseph's sons from his Egyptian wife were not disqualified as mere Egyptians, they were in fact allegorized out of historical existence… Philo altogether reprised their historical reality."[71] However, it is unclear how the use of allegory implies that Philo attempted to erase their existence. For example, Philo elsewhere provides an allegorical interpretation of Bezalel: "Bezalel means, then, 'in the shadow of God'; but God's shadow is His Word, which he made use of like an instrument" (*Alleg. Interp.* 3.96). Yet, Philo also praised Bezalel's work in the tabernacle, demonstrating that he considered Bezalel to be a historical figure: "This, moreover, is the reason of God's proclaiming Bezalel by name, and saying that He has given him wisdom and knowledge, and that He will appoint him artificer and chief craftsman of all the works of the Tabernacle" (*Alleg. Interp.* 3.95).[72] Philo even criticized Jewish philosophers who allegorized the

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[70] Niehoff, "Jewish Identity and Jewish Mothers," 36. In her article, she underscores the importance of mothers and bilineal descent for citizenship in first century Egypt. For example, in the *Gnomon of the Idios Logos*, directed for Roman officers in Egypt, the offspring between a Roman official and a female Egyptian would be Egyptian and unable to claim Roman citizenship (par. 52). Similarly, a Roman mother married to an Egyptian was unable to transmit her citizenship to her child; this model is a form of hypodescent. Therefore, she concludes that "Egyptian mothers…would give birth only to Egyptian children, even if the father was Jewish" (ibid, 43).
[71] Niehoff, *Philo and Jewish Identity and Culture*, 52.
[72] Similarly, Reuben represented "sight" and Simeon represented "hearing," (*Names* 97). See also *Moses* 1.296–304,

Torah to the extent that they ceased to practice the law. Therefore, Philo's use of allegory with Ephraim and Manasseh does not necessarily imply that he attempted to eradicate them. Based on the examples above, there is no evidence that Philo considered Ephraim and Manasseh to be non-Jewish due to their genealogy.[73] Significantly, they were never called illegitimate.

The legitimate status of Ephraim and Manasseh was likely due to Philo's positive perception of Aseneth: "He [the king] also gave him [Joseph] another name in the language of the country…and betrothed him to the most distinguished of the ladies of Egypt, the daughter of the priest of the Sun…Such is the latter end of the pious" (*Joseph* 121–122). We are not informed why Philo viewed Joseph's union with Aseneth positively, considering Philo's negative depiction of Egyptians from the Torah.[74] Unlike the tale *Joseph and Aseneth* which recounts her alleged conversion, Philo does not appear concerned about Aseneth's Egyptian origins.[75] Instead, Philo likely considered Aseneth to have adopted Jewish virtues, and thus he elevated her status and "enobl[ed] the pagan partner," which in turn elevated the status of Ephraim and Manasseh.[76]

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where the Moabite women from Numbers 25 were allegorized to represent inappropriate passions and wrong doctrines. There is no evidence that Philo sought to allegorize them out of existence, but only to attribute an additional significance to these figures that was not evident in the plain reading of the text.

[73] Indeed, Niehoff writes: "Joseph's wife was the daughter of an Egyptian priest, yet Philo did nothing to modify that. More seriously, he did not dismiss her two sons" (Niehoff, "Jewish Identity and Jewish Mothers," 52).

[74] Contrary to Arapanus and Demetrius, who portrayed Egypt positively, Philo warned his readers not to assimilate to Egyptian customs. For example, in *On Dreams*, Philo accused Joseph of acting like an Egyptian (see *Dreams* 1:210–20; 2:10–14; 2.42–47; 2:63–66); in turn, Joseph's brother had to forgive him for his character: "then his brethren will make with him covenants of reconciliation, changing their hatred to friendship, their ill-will to good-will (*Dreams* 2:108).

[75] Jill Hicks-Keeton argues that Joseph and Aseneth was a product of the Jewish community in Greek-speaking Egypt around the turn of the era (100 BCE —115 CE); if so, Philo was likely aware of this work. See Hicks-Keeton, *Arguing with Aseneth*, 16–40. In *On Dreams*, Joseph rejected "the wife of the Egyptian" (i.e., Potiphar's wife), although no clear reason was provided. In *On Joseph*, Philo's second account of Joseph, the reason he refused to have sexual relations with Potiphar's wife was because of her marital status: "I [Joseph] will not take the first step in transgression by committing adultery, the greatest of crimes" (*Joseph*, 44). There was no reference to her foreign origins.

[76] Alan Mendelson, *Philo's Jewish Identity* (Atlanta, GA: Scholars Press, 1988), 73. See also Louis H. Feldman, *Jew and Gentile in the Ancient World* (Princeton, NJ: Princeton University Press, 1993), 77–78.

Philo's tendency to elevate the status of the foreign parent from mixed unions is exemplified in his treatment of Bilhah and Zilpah. Both women were foreign concubines whose statuses were elevated because of their virtue (*Virtues* 223) and, as a result, their children were treated as legitimate heirs: "There were women born beyond the Euphrates, in the extreme parts of Babylonia…But when they had been judged worthy to pass on to the wise man's bed, the first consequence was that they passed on from mere concubinage to the name and position of wedded wives, and were treated no longer as handmaids…[T]he base-born sons [νόθοι] of the handmaids received the same treatment as the legitimate [ones] [γνήσιος]" (*Virtues* 223–224; cf. *Sobriety* 66).[77] In other words, progeny from foreign concubines were treated as legitimate heirs by Philo because of their mothers' virtue. The social ramifications of their mixed status, then, disappear.[78] According to Pearce, "Zilpah and Bilhah and their sons represent the possibility of acquiring virtue, and of being recognized as equals by the community of the virtuous, despite their ignoble origins."[79]

It is unlikely that their elevated status was due to an unmentioned conversion. In the case of Tamar, for example, Philo recounts how she achieved virtue while remaining a foreigner: "[Tamar] kept her own life stainless and was able to win the good report which belongs to the good and to become the original source to which the nobility of all who followed her can be traced. But she, though a foreigner, was, at any rate, a free woman, of free lineage, and that

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[77] Considering the placement of Philo's statement, which immediately follows Tamar abandoning her idols, Bilhah and Zilpah likely did something similar to be considered worthy.

[78] For offspring born of foreign concubines, they would have been considered illegitimate based on the origins of their parent, as well as their social status. However, in the case of Bilhah and Zilpah, both issues were overlooked.

[79] See Sarah Pearce, "Intermarriage and the Ancestors of the Jews: Philonic Perspectives" in *The Studia Philonica Annual XXVII, 2015: Studies in Hellenistic Judaism*, ed. David T. Runia et al. (Atlanta: SBL Press, 2015), 1–26, 14. In Philo's literature, however, a distinction between true-born and offspring born from concubine was maintained (*Alleg. Interp.* 2.94). However, see Niehoff, "Jewish Identity and Jewish Mothers," 48–49 who describes Philo's interpretation in *Alleg. Interp.* as an earlier decision.

perhaps of no little note" (*Virtues* 222).[80] Not only does this elevated status help vindicate her union with Judah, but it also serves to elevate the offspring. According to Loader, Philo "was the first Jewish exegete who retroactively improved the status of foreign mothers in order to protect their offspring."[81] Therefore, since Philo endorsed Joseph's union with Aseneth, and did not call Ephraim and Manasseh illegitimate, it may follow that they were accounted among the legitimate offspring because of Aseneth's virtue.[82]

The third case to examine is Gershom and Eleazar, the children of Moses and Zipporah. Philo portrayed Gershom and Eleazar as possible heirs to Moses's leadership role, thus presuming their ability to inherit from their father: "Having received this office, he [Moses] did not, like some, take pains to exalt his own house, and promote his sons, of whom he had two, to great power and make them his consorts for the present and his successors for the hereafter" (*Moses* 1.150). Philo does not comment on their lack of virtue or their inability to rationalize, which are characteristics of illegitimate offspring; instead, he seems to assume that they are viable candidates to inherit from Moses (see *Her.* 66–68). Gershom and Eleazar were mixed offspring with a foreign mother, yet they were treated as legitimate offspring. Like Ephraim and Manasseh, the reason was likely due to their mother's virtuous character; Philo wrote how Zipporah had "the winged, inspired and prophetic nature" (*Names* 120; cf. *Cherubim* 41). This

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[80] For Philo's discussion of converts, see *Spec. Laws* 1.51–53; 4.178; *Virtues* 102, 219. However, Maren Niehoff correctly states that "No official rite of passage seemed to have existed, let alone a universally recognized or institutionalized process of conversion" for women (Niehoff, "Jewish Identity and Jewish Mothers," 46). Cohen posits that marriage itself "was *de facto* an act of conversion…as a dutiful wife she would abandon her ancestral gods and automatically accept the religion of her husband." Shaye J. D. Cohen, "Crossing the Boundary and Becoming a Jew," *HTR* 82 (1989): 13–33, 25; see also Cohen, *The Beginnings of Jewishness*, 169–71.

[81] See William Loader, *Philo, Josephus, and the Testaments on Sexuality*: *Attitudes towards Sexuality in the Writings of Philo and Josephus and in the Testaments of the Twelve Patriarchs* (Grand Rapids: Eerdmans, 2011), 197.

[82] Aseneth's virtue sets her apart from other Egyptians who were unable to "rise above their own nature" (*Names* 117). Niehoff, *Philo and Jewish Identity and Culture*, 45–46 for Philo on the Egyptians.

same nature was attributed to Moses (*Flight* 146), who Philo considered to be the prophet *par excellence* (see *Moses* 2.292), as well as to other prophets who had visions (see *Heir* 249). Pearce argues that, in the case of Zipporah and Aseneth, "Philo elevates the status of the woman to magnify the virtues of their husbands."[83] Considering the elevated status of both mothers, this may explain why the mixed offspring were not called illegitimate heirs, but were counted among the people of Israel. In both cases, mixed offspring with an Israelite father and foreign mother were considered Jewish.

There are two sets of passages in Philo's works where mixed progeny appear to be excluded from the Jewish community, in contrast to the examples given above. In both cases, the mixed offspring's rejection of Jewish beliefs played an important role. The first case of rejection is that of Ishmael, the son of Abraham and Hagar. Philo's Sarah had persuaded Abraham to bear offspring through Hagar, warning him that he would otherwise have "no heir [κληρονόμος] or successor" (*Abraham* 252). Despite Hagar's status as a foreign concubine (*Flight* 73), Sarah believed that Ishmael would have been a legitimate offspring.[84] One proposal to explain Ishmael's legitimate status is that Sarah intended to adopt Ishmael as her own son: "the offspring will be yours [Abraham's] in full parenthood, but surely mine [Sarah's] also by adoption [θέσει δὲ πάντως ἐμά]" (*Abraham* 250).[85] However, Philo argues elsewhere that adoption does not necessarily render an offspring legitimate. Not only does Philo juxtapose adopted children with bastards (νόθοι) (*Names* 147), he considers the status of adopted children ambiguous: "I should

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[83] Pearce, "Intermarriage and the Ancestors of the Jews," 25–26.

[84] It is not entirely clear whether Philo himself would have considered Ishmael a legitimate offspring. However, considering the cases above, it seems likely.

[85] The general term used for "adoption" in Philo's work is θετός (see *Agriculture* 6; *Congr.* 23; *Names* 147). Here, the term θέσις is used, which sometimes refers to the adoption of a child (see LSJ 795; see *Embassy* 23, 28). In Philo, this term is also used for something given (e.g., a name; see *Cherubim* 54-55), instruction (*Drunkenness* 34), and plans (*Moses* 2.91). It is also used to describe the base-born sons and concubines of Abraham who were deemed worthy (see *Migration* 94).

say, adopted children, in so far as they inherit from their adopters, rank with the family; in so far as they are not their actual children, with outsiders" (*Congr.* 23).[86] Therefore, Ishmael's legitimate status was not likely due to Sarah's adoption. A second option to explain Ishmael's legitimate status is Hagar's practice of Jewish traditions. Philo's Sarah described Hagar as "an Egyptian by birth, but a Hebrew by her rule of life" (*Abraham* 251). By virtue of Hagar's pious living, she was treated as a Hebrew. According to Pearce, "[i]t is this [Jewish] training which renders the woman who is Egyptian by ancestry, a Hebrew by her way of life…and makes her an acceptable mating partner for Abraham."[87] In contrast to other Egyptians, who are described as succumbing to improper lusts, Hagar's education and lifestyle rendered her "inwardly of free and noble race" (*Abraham* 251), thus permitting her to conceive a legitimate offspring. Hagar was described as a Hebrew by choice (τὴν δὲ προαίρεσιν Ἑβραίαν), though she remained a foreigner. As in the case of Bilhah and Zilpah, as well as Aseneth and Zipporah, Hagar's elevated status helped raise Ishmael's status as well, rendering him a legitimate heir of Abraham.

However, Ishmael eventually lost this status, and was designated an illegitimate child when he was sent away with his mother: "We find Ishmael banished with his mother, because he, the bastard [νόθος], claimed to play on equal terms with the true-born" (*Sobriety* 8). According to Niehoff, the reason for this change is due to Hagar's slave status: "Her menial status proved detrimental both to her and her son. The nobility of her spirit, which Sarah praised in the above quoted passage, did not actually annul her inferior status."[88] This is possible, although considering the elevated position of other foreign concubines mentioned above, and the

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[86] However, see *Moses* 1.149, where Moses was going to inherit from his adoptive parents.
[87] Pearce, "Intermarriage and the Ancestors of the Jews," 10. See also Peder Borgen "Some Hebrew and Pagan Features in Philo's and Paul's Interpretation of Hagar and Ishmael" in *Illuminations by Philo of Alexandria: Selected Studies on Interpretation in Philo, Paul and the Revelation of John* (Leiden: Brill, 2021), 173–188, 156.
[88] Niehoff, "Jewish Identity and Jewish Mothers," 46.

subsequent acceptance of their offspring, this is not definite. Instead, in Philo, the reason Ishmael

lost his status may be due to his character and sophistry. When interpreting Gen 16:12

("everyone's hand against him [Ishmael]"), Philo wrote: "for this is just the Sophist's way, with

his pretense of excessive open-mindedness, and his love of arguing for arguing's sake. This

character aims its shafts at all representatives of the sciences, opposing each individually and all

in common" (*Flight* 209–210; cf. *Cherubim* 8).[89] In other words, Ishmael was a sophist, and not

one who pursued the wisdom from God. Elsewhere, Philo describes sophists as those practicing

"foolishness, licentiousness, injustice, and impiety, to be confounding and overturning…every

ordinance of God or man" (Worse 73). According to George H. van Kooten, this very sophistry

led to Ishmael's expulsion: "Her [Hagar's] child can but be a sophist who has to be banished."[90]

While Ishmael was able to hear God, he was unable to see God, which was a characteristic of

Israel (*Flight* 208; see *Abraham* 57). Philo may have included this negative depiction of Ishmael

to justify why Ishmael lost his elevated status: "For the latter [Ishmael] has for the fruits of all its

labour only those persuasions which tend to establish the false opinion, which destroys the

soul…Since then the sophist….[is] expelled and banished by God" (*On the Cherubim* 9–10).

This description would render him akin to the mixed offspring from Lev 24 below, who "turned

aside…to the impiety of Egypt," and was not considered Jewish (*Moses* 2.193).[91] Borgen

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[89] Additionally, Philo interpreted the phrase "he shall live at odds with all his kin" (Gen 16:12) to be "almost a distinct picture of combat face to face and perpetual opposition" (*Flight* 211).

[90] George H. van Kooten, "Balaam as the Sophists Par Excellence in Philo of Alexandria: Philo's Projection of an Urgent Contemporary Debate Onto Moses' Pentateuchal Narratives" in *The Prestige of the Pagan Prophet Balaam in Judaism, Early Christianity and Islam*, ed. George H. van Kooten and Jacques van Ruiten, Themes in Biblical Narratives 11 (Leiden: Brill, 2008), 131–161, 147. Philo calls several enemies of Israel "sophists" in his writing. Balaam was considered a sophist, "an empty conglomeration of incompatible and discordant notions. It was his desire to do harm to the goodly one by laying curses upon him" (*Worse* 71). Philo describes sophists as uneducated (*Every Good Man Is Free* 4). For a list of passages about sophists, see ibid., 142–143.

[91] The difference between Ishmael and the mixed offspring in Lev 24:10–14, however, is the Ishmael seemingly did not have a choice in becoming a sophist.

captures well the malleable status of Ishmael in Philo's writings: "Being a figure on the borderline, Ishmael can, according to the context, be seen as a person or a principle placed inside Judaism or outside."[92]

The second narrative to consider is Philo's retelling of Lev 24:10–14, when an offspring with an Israelite mother and an Egyptian father was charged with blasphemy: "A certain base-born man [ἄνθρωπος νόθος], the child of an unequal marriage [ἐξ ἀνομοίων τις γενόμενος], his father an Egyptian, his mother a Jewess [μητρὸς δὲ Ἰουδαίας], had set at naught the ancestral customs of his mother and turned aside, as we are told, to the impiety of Egypt and embraced the atheism of that people" (*Moses* 2.193). Unlike the mixed offspring mentioned above, this base-born man was not considered part of the Jewish people. First, the mixed offspring was contrasted with the Israelite with whom he had a quarrel: "this half-bred person, having a quarrel with someone of the nation [γένους]… that has vision and knowledge [τῶν ἀπὸ τοῦ ὁρατικοῦ καὶ ἐπιστημονικοῦ]" (*Moses* 2.195–196).[93] Not only does Philo use γένους to refer to the Jewish nation elsewhere (Moses 1.7, 103) but he also distinguishes between Israelites and the gentiles by virtue of their ability to see: "Mark how he [Moses] has again given the name of 'portion' and 'lot' of God [in Deut 32:7–9] to the character that has eyes to see Him and accords Him genuine devotion [Israel], while he says that the children of earth, whom he entitles sons of Adam, have been dispersed and broken up and no more gathered together but are become a mob incapable of

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[92] Borgen, "Some Hebrew and Pagan Features," 162. Borgen argues that this "dual possibility [for Ishmael] is expressed in the etymological meaning of the name Ishmael" (Ibid). According to Philo, "Ishmael by interpretation is 'hearing God,' but the divine truths are heard by some to their profit, by some to the harm of themselves and others" (*Names* 202).

[93] The term "half-bred" (ὁ δὴ μικτὸς οὗτος ἐκεῖνος) is used elsewhere to designate one from a "mixed race" (*Abraham* 9).

following the guidance of right reason" (*Planting* 60).[94] Therefore, since the mixed progeny did not have vision or knowledge, and was contrasted with "someone of the nation," it seems likely Philo did not consider him to be part of the Jewish people. The mixed offspring was never identified as an Ἰουδαῖος like his mother, nor was he "adopted" into the community, as in the case above (see *Moses* 1.147).

One possible explanation for why he was not considered Jewish was because his father was an Egyptian. In Niehoff's discussion of the mother's elevated status in Philo's work, she writes: "Her [the mother's] status was no longer as irrelevant as it had previously been, although he [Philo] did not yet grant her positive rights to transmit her status even if the father was not Jewish."[95] Niehoff subsequently quotes *Moses* 2.195–196 as evidence. This is a plausible reading of the text, although considering the evidence above, that Philo was able to elevate the status of the foreigner mother in order to vindicate the status of the child, it is unclear why this same possibility was not available for the mixed offspring with a foreign father.[96]

Instead, the reason the mixed offspring was not considered Jewish may be found in Philo's description that he "turned aside…to the impiety of Egypt," meaning he adopted the religion of the Egyptians (*Moses* 2.193). For Philo, Jewish practices and virtues were of utmost importance; he warned that even those with high births "will be dragged right down and carried

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[94] See *Abraham* 56–57; LSJ 344; Runia, "Philo and the Gentiles," 36. Birnbaum argues that, in some cases, gentiles may have been included amongst those who could "see" (Birnbaum, *The Place of Judaism*, 224). See also Runia, "Philo and the Gentiles," 44.

[95] Niehoff, "Jewish Identity and Jewish Mothers," 52.

[96] In her article "Jewish Identity and Jewish Mothers," Niehoff convincingly demonstrates Philo's reliance on Roman law when constructing Jewish identity. However, according to *Gnomon of the Idios Logos*, a mixed offspring with a Roman father was an Egyptian: "Where a Roman man or woman marries an Alexandrian citizen or Egyptian on account of ignorance, their children take the status of the inferior parent" (clause 39). For the translation, see David Chery, "The Minician Law: Marriage and Roman Citizenship," *Phoenix* 44 (1999): 244–266. And yet, Philo was still able to elevate their position.

into Tartarus itself and profound darkness" for abandoning Jewish virtues (*Rewards* 152).[97] In his retelling of Lev 24:10–14, Philo closely associates the mixed offspring's decision to "embrace the atheism of that people [the Egyptians]" (*Moses* 2.193) with his act of blasphemy: "For the Egyptians almost alone among the nations have set up earth as a power to challenge heaven…[and this half-bred person], urged by fondness for Egyptian atheism, extended his impiety from earth to heaven" (Moses 2.194–196). Philo's clarification that the offspring abandoned the Jewish religion and embraced the system of the Egyptians is the clearest explanation for why he was not accounted among the Jewish people.

When contrasting Philo's treatment of this mixed offspring with those who left Egypt alongside the converts and were counted as part of their father's household, it follows that Philo viewed mixed progeny to be in an "in-between" state; their inclusion among the Jewish people was contingent on following Jewish beliefs.

5.4.4 Summary

Based on Philo's treatment of mixed progeny above, several conclusions may be drawn. First, Philo differentiated between an offspring's social status and their ability to remain part of the Jewish community. Mixed offspring with either a Jewish father or Jewish mother could be considered illegitimate (see *Moses* 1.147; 2.195–196), yet they were still able to be counted as part of the nation (*Moses* 1.147). [98] Second, the inclusion of mixed progeny in the community was malleable and based on their acquisition of Jewish virtues and education, as exemplified in

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[97] The consequences for idolators are listed in *Virtues*, where their delight ends "in the gravest injuries both to body and soul" (*Virtues*, 182). See Karl-Gustav Sandelin, "The Danger of Idolatry According to Philo of Alexandria," *Temenos* 27 (1991): 109–150. However, those who abandoned their customs were not said to become gentiles.
[98] Similarly, according to Roman law, one may be a Roman citizen and illegitimate: "this would be the case for the child of a senator and a freed slave or of a solider and a Roman woman." See Suzanne Dixon, *The Roman Family* (Baltimore: Johns Hopkins University Press, 1992), 124.

the case of the children of Aseneth, Zipporah, Bilhah, and Zilpah. If the foreign parent embraced Jewish piety, then their elevated status was retroactively transferred to the offspring, rendering them legitimate heirs. The reason for this may have been due to the assumption that the children, though mixed, would have been raised with a proper Jewish education. By contrast, the mixed offspring who rejected Jewish piety would not be considered part of the Jewish people (*Moses* 2.195-196). As exemplified by Ishmael, such a status may also be reversible.[99]

5.5 Josephus and Mixed Offspring: Introduction

Titus Flavius Josephus (born: Joseph ben Matthias) was a Jewish historian in the first century CE, and his writings provide insight into the political, social, and religious milieu of his time. His works are often dated between 79 CE – 94 CE, following the destruction of the Jerusalem temple. Josephus's readers likely comprised both Jews and gentiles; at some points, he addressed the Jewish communities directly, and elsewhere, he provided explanations of Jewish practices, signifying that some readers were less informed about these traditions.[100] One of Josephus's goals was to vindicate the Jewish people from unwarranted attacks and criticisms.[101]

In this section, I will examine Josephus's treatment of mixed progeny from the Hebrew Bible as well as children from intermarried couples in his contemporary setting. It remains unclear whether the opinions espoused by Josephus were representative of views found in surrounding Jewish communities. By virtue of his education and his self-professed experience

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[99] For Philo, religion was important facet of Jewish identity: "He [Philo] rather thought of religion as one aspect of Jewish identity which was also defined by other criteria such as descent and origins in the mother city Jerusalem," (Niehoff, "Jewish Identity and Jewish Mothers," 34).

[100] Josephus, *Ant.* 5.286–317; see also *Ant.* 4.197. Josephus provided several explanations of Jewish rituals (see *Ant*. 1.5–9; 3.143; 16.174; 17.200, 213; 20.106; *J.W.* 1.3). See Matthew V. Novenson, *The Grammar of Messianism: An Ancient Jewish Political Idiom and Its Users* (Oxford: University Press, 2017), 146; Barclay, *Jews in the Mediterranean Diaspora*, 336.

[101] See Josephus, *Ag. Ap.*

with various sects of Judaism, however, his views were likely emblematic of Jewish rulings that some considered authoritative at the time.[102]

The following analysis of Josephus's literature will be divided into three sections. First, I will explore Josephus's approach to exogamy. Josephus condemned intermarriage due to the risk of idolatry, and he explicitly prohibited females from marrying gentile men. By contrast, he did not express the same concern about Jewish men marrying gentile women. Like Philo, Josephus only mandated genealogical purity for the priestly class.[103]

Second, I will examine Josephus's treatment of mixed progeny in the early portions of *Antiquities*, which is largely a retelling of Israel's history from the Hebrew Bible. Much like the genre of rewritten Bible, Josephus's parenthetical comments and changes to the stories provide insight into his understanding of the content.[104] Through my analysis of Josephus's work, it will become evident that Josephus adopted a patrilineal model of descent to determine the status of offspring from intermarried unions.[105] Unlike some other contemporary literature, where the mother's role was important for the child's identity, Josephus considered the father to be the sole agent for transmitting Jewish identity. In his work, Josephus treated offspring from Jewish fathers and gentile mothers as Jews, whereas the status of those with a Jewish mother and a

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[102] See Josephus, *Life,* 12; *Ant.* 20.157, 259.

[103] See *Ant.* 4.228; 20.137; *Ag. Ap.* 1.31. Josephus underscores the importance of one's pedigree (*Life* 1–6), especially for the priestly class (*Ag. Ap.* 1.31–32). Like Philo, he considered priestly unions with Israelites to be acceptable (*Ant.* 5. 136; see *J.W.* 1.433; *Ant.* 12.336; *Life* 286).

[104] Josephus, *Ant.* 11.153; 15.253–54; 20.137–147. However, conclusions based on omissions or changes remain tentative. Zuleika Rodgers correctly writes "divergence from text traditions do not necessarily denote either an ignorance on the part of Josephus or omission for ideological reasons…In the absence of conclusive evidence regarding his knowledge of a particular tradition, we cannot make assumptions about authorial choice." Zuleika Rodgers, "Josephus's Biblical Interpretation," in Henze, *A Companion to Biblical Interpretation in Early*, 444–445.

[105] Hodge describes three elements in an essentialist understanding of kinship based on the patrilineal model: "(1) members descend from a common male ancestor; (2) they have inherited the characteristics of that ancestor; (3) they understand themselves as a corporate group linked by some organic connection" (Hodge, *If Sons, Then Heirs*, 23). Each of these are important in Josephus's work.

gentile father was less clear.[106] Third, I will examine Josephus's treatment of mixed progeny in

the historical account of his contemporary setting. Like his treatment of mixed offspring in the

Hebrew Bible, Josephus adopted a patrilineal model to determine one's lineage.

5.5.1 Josephus and Exogamous Unions

According to Josephus, exogamy was outlawed in the Torah and was a symptom of

unruly passions (*Ant.* 8.191).[107] The close link between exogamy and idolatry is evident in

Josephus's retelling of Num 25, when the Israelites intermarried with the Midianites: "no other

proof can there be of that affection which ye [Israel] declare that ye now have for us [Midianites]

and of its continuance in future, save that ye worship the same gods as we" (*Ant.* 4.138; cf.,

8.132–133).[108]

However, elsewhere Josephus recounts exogamous unions from Israel's traditions

without criticizing or changing any details, such as the marriage between Moses and Zipporah;

he even included a tradition about Moses's union with an Ethiopian princess (see *Ant.* 2.253).[109]

Furthermore, he endorsed Joseph's marriage with Aseneth the Egyptian, despite categorizing

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[106] Josephus used the noun *Ioudaios* in three main ways: a geographical location (*Ag. Ap.* 1.177ff; *Ant.* 18.196), religion (*Ant.* 20.38), and lineage (*Ant.* 11.173; *Life* 427). However, Schwartz appropriately states that, "If *ioudaios* defined someone as a resident of Judaea, we would expect to hear of pagan *Ioudaioi*. We don't" (Schwartz, "'Judean' or 'Jew?'" 15). Furthermore, in *Life* 346–349, the geographical bounds if *Ioudaios* transcended Judaea. Therefore, *Ioudaios* in Josephus predominantly highlighted one's descent and religion. Jason Staples has demonstrated how *hebraios* "is Josephus' primary term for the biblical ancestors of the *Ioudaioi*" (Staples, *The Idea of Israel*, 45). The term Israelite and Hebrew are used interchangeably when discussing Israel's conquest of the land. However, during the divided monarchy era, *Hebraios* was used for the whole people (*Ant.* 9.182; 10.72, 183), "Israelite" represented the northern kingdom (7.103; 8.224, 286), and *Ioudaios* was reserved specifically for the community from the tribe of Judah (Ant. 11.173). See Staples, *The Idea of Israel*, 43–51. These distinctions will be acknowledged moving forward.
[107] See Louis H. Feldman, "The Command, According to Philo, Pseudo-Philo, and Josephus, to Annihilate the Seven Nations of Canaan" *Andrews University Seminary Studies* 41 (2003): 13–29, 23.
[108] See Harrington, "Intermarriage in Qumran Texts," 257. All translations come from the LCL editions, unless stated otherwise.
[109] See Feldman, "The Command," 21 for other examples of exogamy.

Egyptians as those with base instincts (*Ant.* 2.41): "He [Joseph] contracted moreover a most distinguished marriage, espousing in fact the daughter of Pentephres, one of the priests of Heliopolis, the king assisting to bring about the match: she was yet a virgin and was named Asenethis" (*Ant.* 2.91–92).[110] The prospect that Aseneth was a free woman and a virgin bode well for her status, even though there is no mention of her conversion or her adoption of the Jewish religion.[111] While Josephus did omit some exogamous unions, such as Judah's marriage with the Canaanite woman (see Gen 38) as well as the blasphemer from Lev 24:10–14, these omissions were not common.

Josephus seemed less troubled by exogamy than other illicit unions, including those between a freeman and a slave, a non-virgin, a prostitute, and those conducted out of wedlock. When recounting Moses's marriage laws, Josephus warned his readers that offspring from such illicit unions would have poor moral characters: "For so only can your children have spirits that are liberal and uprightly set towards virtue, if they are not the issue of dishonourable marriages or of a union resulting from ignoble passion" (*Ant.* 4.245).[112] Significantly, such an accusation regarding children is never leveled against offspring from mixed unions. For example, David's daughter, Tamara, was born to Maacah, the daughter of Talmai, king of Geshur (*Ant.* 7.21, 70, 180). However, Josephus praised Tamara for her beauty (*Ant.* 7.162), and when Ammon sought

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[110] See *Ant.* 2.177 where Josephus argues that the Israelites were Mesopotamian, not Egyptian. See *Ant.* 13.62ff; 8.191–193 for a more positive portrayal of Egyptians.

[111] Similarly, in Josephus's account of Joseph and Potiphar's wife, Joseph rejected her sexual advances because of their different social status, not her Egyptian status: "Joseph scouted her overtures, deeming it impious to afford her such gratification as would be an iniquity and outrage to the master who had bought him and deigned to honour him so highly" (*Ant.* 2.42).

[112] According to Michael Satlow "[r]espectable marriage is very much linked to estates and children" (Satlow, *Jewish Marriage*, 13). Josephus acknowledged the possibility that proper unions may still produce wicked offspring, and that improper unions may produce honest offspring (*Ant.* 6:33). However, for Josephus, procreation was the goal of marriage (*Ag. Ap.* 2.199; *J.W.* 2.161), and young men were encouraged to marry freeborn virgins "of honest parents" (*Ant.* 2.242).

to have sex with her, the act was prohibited because of her virginity, not her mixed genealogy (*Ant.* 7.163). Furthermore, when recounting David's genealogy, Tamara was set apart from Jenae and Eliphale, who were both born from concubine wives: "Now David…begot eleven sons whom he named Amase, Amnu, Seba, Nathan, Solomon, Jebare, Elies, Phalnagees, Naphes, Jenae, Eliphale, and also the daughter, Tamara. Of these nine were the offspring of well-born mothers, but the two-last mentioned, of concubines. Tamara had the same mother as Absalom" (*Ant.* 7.70). According to Josephus, Jenae and Eliphale were illegitimate [νόθος] since their mother was a concubine (see *Ant.* 2.5). By contrast, there is no indication Tamara was considered illegitimate, despite having a foreign mother; indeed, this term is never applied to mixed offspring.[113] Thus, Josephus did not consider mixed offspring to be in the same category as offspring from illicit unions, or those born from concubines. Therefore, while Josephus condemned exogamy, he did not express a specific concern regarding the status of mixed progeny.

5.5.2 Josephus and the Hebrew Bible:

In Josephus's retelling of the biblical narrative, he aspired to carefully recount the details presented in the Hebrew Bible (*Ant.* 1.17).[114] My intention is to examine Josephus's treatment of

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[113] In my treatment of Josephus, "legitimate" will be used for those born from proper unions. The noun νόθος only appears five times in Josephus's work, where it is used for the son of a concubine (*Ant.* 2.5, 233), an illicit successor (*J.W.* 1.521), a child born out of wedlock (*J.W.* 2.89), and as a derogatory term (*J.W.* 5.443). Josephus did not consider Jacob's progeny through Bilhah or Zilpah to be illegitimate. While the mothers are called handmaids (θερᾰπεία; see *Ant.* 2.182) instead of concubines (see παλλᾰκή; see Ant. 1.153, 214; 2.5; 5.233), Josephus specifies that they were not slaves, but servants: "The two sisters had each a handmaid given them by their father — Leah had Zelphah and Rachel Balla — in no way slaves but subordinates" (*Ant.* 1.303). A similar tradition is found in Tg. Ps-J, where Bilhah and Zilpah were freed before bearing Jacob's children (see Tg. Ps-J 30:3, 9). This likely explains why Jacob's children were considered legitimate.

[114] Josephus likely relied on a Hebrew and Greek version of the text. See Louis H. Feldman, *Josephus' Interpretation of the Bible* (Berkeley: University of California Press, 1999), 24. Feldman compares Josephus's work to the Targumim, since "as in Josephus' paraphrase, it is impossible, without looking at the original biblical text, to discern what is the base text and what has been amplified or committed, so seamlessly have the additions….been

narratives with mixed offspring to better understand whether he considered them Jewish, and how he constructed Jewish identity through lineage.[115] The vast majority of examples below contain cases of mixed offspring with an Israelite father and a foreign mother.[116]

5.5.2.1 Ephraim and Manasseh

The first case to examine is Ephraim and Manasseh, the children of Joseph and Aseneth.[117] As mentioned above, Josephus provides an account of Joseph's union with Aseneth [Asenethis] without any mention of her conversion (*Ant.* 2.91–92). Yet, Josephus never deemed Ephraim and Manasseh to be illicit progeny or from an illicit union; instead, he listed them among the descendants of Jacob.

Josephus mentions Ephraim and Manasseh several times in his retelling of Genesis. First, he recounts their birth and the etiological significance of their names: "By her [Asenethis] he [Joseph] had sons before the dearth; the elder Manasses, signifying 'cause of forgetfulness,' because in his prosperity his father had found oblivion of his misfortunes, and the younger Ephraim, meaning 'Restorer,' because he had been restored to the liberty of his forefathers" (*Ant.* 2.92; see Gen 41:50–52).[118] The second mention of Ephraim and Manasseh is in Josephus's list

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made to the biblical text" (ibid., 17).

[115] Not all cases of mixed progeny will be examined. For example, Josephus mentioned Gershom and Eleazar once (*Ant.* 2.277–278), yet the information is too brief to draw any definitive conclusions.

[116] Cases of mixed offspring with a Jewish mother and a foreign father in the Hebrew Bible are often left out of his account (e.g., Lev 21:10–14). For example, Josephus mentions Amasa's genealogy twice, yet in both places, his father's origins are not mentioned: "Amasa, a relative of the latter [Absalom], for his father was Jethraos, and his mother was Abigaia, and she and Saruia, the mother of Joab, were both sisters of David" (*Ant.* 7.232). Since the relationship between Abigaia, Saruia, and David is only mentioned in Chronicles, it is likely that Josephus was aware of Jethraos's Ishmaelite lineage, and he removed it (see also *Ant.* 7.386).

[117] Ishmael is theoretically the first 'mixed' offspring from an intermarried union in Josephus, although he was expelled by Abraham and Sarah, and thus did not inherit from Abraham (see *Ant.* 1.222–224). Josephus likely considered him illegitimate since he was born from a concubine (*Ant.* 1.214). However, there is no evidence that Josephus considered him illegitimate because of his mother's foreign status (see *Ant.* 1.220).

[118] In this account, Josephus likely relied on a document that closely resembled the eventual MT of Genesis, due to the similarities between both texts.

of Jacob's genealogy, when Jacob and his descendants traveled to Egypt during the famine (*Ant.* 2.180). Significantly, Josephus wrote that the purpose of this genealogy was to prove that Jacob's descendants were originally Mesopotamian, not Egyptian: "[I] was inclined not to recount their names, mainly on account of their difficulty; however, to confute those persons who imagine us to be not of Mesopotamian origin but Egyptians, I have thought it necessary to mention them" (*Ant.* 2.177). Since Ephraim and Manasseh were listed among the descendants, it is evident that Josephus considered them to be Mesopotamians, and part of Jacob's lineage, despite having a foreign mother and being born in Egypt.

The third mention of Ephraim and Manasseh is in Josephus's account of their adoption by Jacob: "and he [Jacob] charged his own sons to reckon among their number Joseph's sons, Ephraim and Manasses, and to let them share in the division of Canaan" (*Ant.* 2.195). The purpose of the adoption was to officially recognize Ephraim and Manasseh as direct descendants of Jacob rather than Joseph so that they may inherit alongside Jacob's children.[119] This adoption narrative was revisited later in Josephus's work, where he identified Ephraim and Manasseh as tribal leaders: "In place of Levi he enrolled among the tribal leaders Manasseh, son of Joseph, and Ephraim in the stead of Joseph, in accordance with the request which Jacob had made to Joseph to give up his children to be adopted by their grandsire" (*Ant.* 3.288). For Josephus, the adoption of Ephraim and Manasseh was a convenient narrative to help explain the representation of Joseph's tribe in Israel as well as the division of the land among Jacob's descendants, since the Levites were unable to possess any portion of it (*Ant.* 3.289).

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[119] For a short treatment of adoption in Josephus, see Caleb Friedman, "Jesus' Davidic Lineage and the Case for Jewish Adoption," *NTS* 66 (2020): 249–267, 263. In the case of Moses, Pharaoh's daughter Thermuthis adopted Moses and sought to make him her heir (*Ant.* 2.232).

Josephus did not express any consternation regarding Ephraim and Manasseh's mixed status; he treated them as part of Jacob's lineage and heirs to his inheritance because of their adoption. Based on Josephus's positive disposition towards Ephraim and Manasseh, it appears that mixed progeny from a Jewish father and a foreign mother produced Jewish offspring.

5.5.2.2 Jephthah

The next example is Josephus's treatment of Jephthah, who was born to an Israelite father and a prostitute according to Judges: "Now Jephthah the Gileadite, the son of a prostitute [בן אשה זונה], was a mighty warrior" (Judg 11:1). As a result of his blemished lineage, Jephthah's half-brothers drove him away, preventing him from taking part in his father's inheritance: "You shall not inherit anything in our father's house; for you are the son of another woman" (Judg 11:2). Following Jephthah's expulsion, however, Israel came under attack by the Ammonites, and the elders of Gilead asked Jephthah to lead Israel's military (Judg 11:8). Jephthah eventually became a military hero in the book of Judges.

In Josephus's account of Judg 11, he makes an unprecedented change to the genealogy of Jephthah, depicting him as the son of a foreigner rather than a prostitute (ἀλλὰ ξένον περὶ τὴν μητέρα; *Ant.* 5.8.259). The noun ξένος is used 74 times in Josephus's work, generally to designate those from foreign countries (*Ant.* 1.7; 1.196; 1.252; 8.192); it is never used as a synonym for a prostitute.[120] However, in Judg 11, there is no indication that Jephthah was a mixed offspring; the noun *zonah* [זונה] generally refers to prostitutes, and while a *zonah may* be a foreigner (see Josh 6:25), this is not a necessary understanding of the term (Gen 34:31; 38:15; Lev 21:7).

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[120] See LSJ 1189; BDAG 684. Josephus used μισθοῦ γυναικὸς (*Ant.* 4.206) or ἑταίρα (*Ant.* 8.27) for prostitutes.

The reason for Josephus's change to Jephthah's lineage is not immediately evident. It is possible that Josephus had access to a different account of Judg 11:1, which we no longer have. However, this seems unlikely for two reasons. First, there are no other known texts or traditions from the Second Temple period that depict Jephthah's mother as a foreigner; it is unlikely that Josephus came across one isolated tradition and considered it authoritative.[121] Second, Josephus's account in *Antiquities* closely mirrors the one in the MT, signifying that he likely relied on an account very similar to it.[122] Therefore, Josephus himself likely changed Jephthah's lineage.

Josephus's adjustment was probably done to attribute a higher social status to Jephthah, since Josephus considered children from adulterous unions to lack virtue (*Ant.* 4.245), and thus to be unfit for leadership roles (*Ant.* 1.234; 3.274; 6.32–44).[123] In light of Jephthah's military position, Josephus altered Jephthah's genealogy and elevated his status by making him the son of a foreigner rather than the son of a prostitute. This implies that, for Josephus, offspring from mixed unions were not considered illicit offspring, and were allotted a higher social standing. Josephus's positive view of Jephthah is evident in his condemnation of Jephthah's brothers for their treatment of him: "But he [Jephthah] declined their request, reproaching them for not having aided him when he was flagrantly wronged by his brethren" (*Ant.* 5.257).[124]

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[121] The LXX closely follows the *proto*-MT by translating the phrase בן אשה זונה as αὐτὸς ἦν υἱὸς γυναικὸς πόρνης. Once again, while the noun *may* refer to a foreigner (e.g., Rahab in Josh 2:1; 6:17; see Judg 16:1), the noun πόρνης did not necessarily imply this (3 Kgdms 3:16). Similarly, Tg. Ps-J translated Judg 11:1 as והוא בר אתתא פונדקית, which is understood to mean "innkeeper" or "prostitute."

[122] For example, Josephus conflates the expulsion of Jepthah by his brothers (Judg 11:2) and the elders (Judg 11:7).

[123] Christopher Begg remarks "Out of concern for Jephthah's image, Josephus substitutes a circumlocution for the straightforward statement of Judg 11:2 that he was 'the son of a harlot.'" Christopher T. Begg, *Josephus: Translation and Commentary*, *Volume 4: Judean Antiquities, Books 5–7,* ed, Steve Mason (Leiden: Brill, 2004), 63. In *Ant.* 6.32–34, Josephus expounds on the wicked sons of Samuel, who were unvirtuous and engaged in injustice, bribery, and a luxurious lifestyle. This explained why they were bad leaders.

[124] While Jepthah may have been born out of wedlock (see *Ant.* 3.274), Josephus does not expound on the marital status of Jeptha's mother.

Josephus's treatment of Jephthah provides further insight into his perception of mixed progeny. First, like Ephraim and Manasseh, Josephus considered Jephthah to be part of the nation of Israel, underscoring his patrilineal lineage: "Jephthah [was] a mighty man by reason of the valour of his forefathers as also of his own troops of mercenaries which he maintained himself" (*Ant*. 5.257). Second, Josephus attributed mixed offspring with a higher social status than offspring from prostitutes, thus allowing them to pursue political and leadership roles in the community.

5.5.2.3 Hiram of Tyre

A third example to consider is Josephus's treatment of Hiram of Tyre (Cheiromos), who Solomon recruited to help build the temple (1 Kgs 7:14). In the Hebrew Bible, Hiram was born to an Israelite mother and a gentile father: "[Hiram from Tyre] was the son of a widow of the tribe of Naphtali, whose father, a man of Tyre" (1 Kgs 7:14).[125] Although there is some variation in later Jewish literature regarding the tribal affiliation of his mother, Hiram of Tyre was always presented as a mixed progeny in Second Temple Jewish literature.[126]

Josephus, however, was the first to change Hiram's genealogy; instead of having one Israelite mother, Josephus wrote that Hiram had two Israelite parents: "And Solomon summoned from Tyre, from Eiromos's [King of Tyre's] court, a craftsman named Cheiromos [Hiram], who was of Naphthalite descent on his mother's side — for she was of that tribe — and whose father

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[125] The description of Hiram (i.e., intelligent, knowledgeable, and full of skill) linked him with Bezalel, who built the tabernacle in Exodus. However, Josephus presents Hiram (Cheiromos) as "markedly inferior to the well-connected Bezalel. In describing Bezalel and Oholiab as 'architects,' Josephus was clearly setting them higher in the Greco-Roman hierarchy of craftspeople than the scriptural craftsman who was most like them, Hiram/Huram-Abi." Steven Fine, *Art, History and the Historiography of Judaism in Roman Antiquity* (Leiden: Brill, 2013), 28.
[126] In 2 Chr 2:13, the tribal affiliation of Hiram's mother was changed from a Naphtalite to a Danite. The Targum of Chronicles attempted to rectify this discrepancy: "The son of a woman of the daughters of Dan; this woman's father belonged to the tribe of Naphtali, and she was married to a man of Tyre" (Tg. 2 Chr 2:12–13).

was Urias, an Israelite by race" (*Ant.* 8.76). Josephus used the mother's lineage from 1 Kgs 7:14 but changed his father's origins from a Tyrian to an Israelite. There are two proposals to explain this shift.[127]

First, some propose that Josephus was attempting to rectify the different tribal affiliations attributed to Hiram's mother; in 1 Kgs 7:14, she was identified as a Naphtalite, whereas in 2 Chron 2:14, she was called a Danite. According to Thackeray and Marcus, "Josephus is evidently harmonizing the contradiction between this passage in 1 Kings and 2 Chronicles ii. 14…by making Hiram's father an Israelite, presumably a Danite."[128] However, if Josephus's goal was to harmonize both accounts, it is difficult to explain why the father was not called a Danite, but "an Israelite by race" (*Ant.* 8.76). Furthermore, in both Kings and Chronicles, it is always the mother's tribe that is specified; the father is always identified as a foreigner. Therefore, it is unclear how Josephus's change helps rectify the issue between Kings and Chronicles.

A second option is that Josephus was uncomfortable with Hiram's lineage, since Hiram of Tyre would have been considered a gentile based on the patrilineal principle.[129] While Josephus mentions that gentiles were hired to gather materials and lay the foundation for the temple (see *Ant.* 8.52, 60), Hiram of Tyre was involved in building its sacred items: "He [Hiram] also made ten square bronze bases for laves, each of which was five cubits in length, four cubits in breadth and six in height…he set it apart for the priests to wash their hands and feet in when

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[127] A third possibility is that Josephus may have been reading from a different text, though due to the similarities between Josephus's literature and the Hebrew Bible, this is unlikely.

[128] Flavius Josephus, *Jewish Antiquities, Books V–VIII*, trans. Henry St. J. Thackeray et al., LCL (Cambridge: Harvard University Press 1934), 612–13.

[129] In other places, Josephus attempts to alter content he deemed problematic. For example, when discussing the cherubim in the temple, he wrote "no one can say or imagine what they looked like," which was likely an attempt to harmonize Solomon's construction with the prohibition to create images (*Ant.* 8.73). See ibid., 611.

they entered the temple" (*Ant.* 8.81–87). Since Hiram was involved in making the cultic objects for the temple, including the bronze altar "for the whole burnt-offerings" (*Ant.* 8.88), Josephus may have felt obliged to portray him as Jewish. Furthermore, at the time of Josephus, there was a balustrade in Herod's temple which prohibited foreigners from entering past the court of the gentiles: "No alien may enter within the balustrade around the sanctuary and the enclosure. Whoever is caught, on himself shall he put blame for the death which will ensue" (cf. *Ant.* 15.417; see *J.W.* 6.124).[130] Elias J. Bickerman appropriately writes how a "pagan visitor of the Temple…was shut out not because his hands or heart were unclean but because he was an alien."[131] And yet, Hiram would have had access to most portions of the temple: "it was he [Hiram] who constructed all the things about the temple, in accordance with the king's will" (*Ant.* 8.76). Therefore, Josephus likely adjusted Hiram's lineage to present him as Jewish so to circumvent any possible critique that the First Temple was defiled by a gentile (see Acts 21:28). Additionally, as a priest, Josephus was likely sensitive to Ezekiel's critique that the priesthood allowed foreigners to serve in the temple, and thus Josephus wanted to diminish gentile involvement in its construction (see Ezek 44:8–9).

If the reasons above are correct, then it is evident that Josephus considered an offspring of a Jewish mother and a gentile father to be a gentile, in accordance with the patrilineal principle.

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[130] See Peretz Segal, "The Penalty of the Warning Inscription from the Temple in Jerusalem," *IEQ* 39 (1989): 79–84. Some of Josephus's description of Solomon's temple was based on Herod's design. See Thackeray and Marcus, *Josephus V,* 622–23, n. c.

[131] Elias J. Bickerman "The Warning Inscriptions of Herod's Temple," *JQR* 37 (1947): 387–405, 390. Thiessen demonstrates that gentiles were prohibited from entering the temple because of their foreign status, not ritual impurity (Thiessen, *Contesting Conversion*, 132; *Ant.* 15.417; *J.W.* 5.194; 6:124–26).

5.5.2.4 Ezra

A fourth and final case to examine in Josephus's retelling of the Hebrew Bible is Ezra's expulsion narrative (Ezra 9–10), when Ezra mandated that all foreign women and their mixed children should be expelled from the Judean community. Since Josephus adopted the patrilineal principle, Ezra's expulsion presented a problem: why would Jewish children be excluded from the community? While Josephus does not alter the narrative or ignore their expulsion, there are several hints in Josephus's treatment of Ezra 9–10 that reveal his own discomfort with the account.

First, Josephus avoided using the "holy seed" language from Ezra 9:2, which was essential in Ezra 9–10 to justify the expulsion of the foreign women and children. The condemnation of improper mixing in Josephus's account of Ezra was directed solely against the priesthood: "But some time afterwards there came to him [Ezra] certain men who accused some of the common people as well as Levites and priests of having violated the constitution and broken the laws of the country by marrying foreign wives and mixing the strain of priestly families" (*Ant.* 11.140).[132] Josephus's Ezra was concerned about the exogamous unions amongst the priestly class since that resulted in their banishment from the priestly office (see *Ant.* 11.71; 11.307–308) and the profanation of their offspring.[133] However, such repercussions were never applied to lay Israelites; instead, mixed progeny with an Israelite father would have been considered Jewish based on the patrilineal principle. Christine Hayes remarks that Josephus,

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[132] Lemos correctly states that Josephus's retelling "lacks the holy seed rhetoric so prominent in that book" (Lemos, "Intermarriage," 768). According to Schwartz, Ezra was only concerned with exogamy among the priestly class. Daniel R. Schwartz, "Doing like Jews or Becoming a Jew? Josephus on Women Converts to Judaism" in *Jewish Identity in the Greco-Roman World*, ed. Jörg Frey et al. (Leiden: Brill, 2007), 93–109, 103.
[133] According to Josephus "A member of the priestly order must, to beget a family, marry a woman of his own race…he must investigate her pedigree, obtaining the genealogy from the archives" (*Ant.* 1.31; see *Ag. Ap* 1.199; 2.102–9, 193–98).

unlike Ezra, "does not elide the differences between Israelite and priest or apply the law against profanation of holy seed to the lay Israelite."[134]

Josephus's restriction of the genealogical purity model to the priesthood is unique considering how he broadens other priestly laws to lay Israelites elsewhere. For example, priests were forbidden from marrying "a harlot…a slave, or a prisoner of war…or such women as gain their livelihood by hawking or inkeeping [prostitution]" (*Ant.* 3.276). Similarly, lay Israelites were commanded to "marry virgins, freeborn and of honest parents…Female slaves must not be taken in marriage by free men…Again, there must be no marriage with a prostitute" (*Ant.* 4.244–45).[135] Additionally, like Ezra, Josephus broadened the prohibition against exogamy in Deut 7 to include all foreigners, not just Canaanites (*Ant.* 8.191).[136] Therefore, it appears that Josephus intentionally refrained from applying the holy seed criterion for priests to all Israel.

Second, Josephus attributed a more active role to Achonio (Shechaniah) in the plan to expel the foreign women and their children, thus alleviating Ezra from the blame: "Achonios… came up to him [Ezra] and said that they had sinned by taking foreign women as wives, but he tried to persuade Ezra [επειθε δ᾿αυτον] to adjure them all to put them away with the children born of them" (*Ant.* 11.145).[137] In contrast to Ezra 10:1–5, where Ezra had no apprehension enforcing Shecaniah's proposal, Josephus's Achonio (Shechaniah) had to persuade Ezra. According to Feldman, "the use of the imperfect tense of the verb 'to persuade' indicates that he

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[134] Hayes, *Gentile Impurities*, 71.

[135] The prohibition for the priests and for the laymen relate directly to the status of the offspring: "For so only can your children have spirits that are liberal and uprightly set towards virtue, if they are not the issue of dishonourable marriages or of a union resulting from ignoble passion," (*Ant.* 4.245).

[136] Harrington, "Intermarriage in Qumran Texts," 257. See Cohen, *The Beginnings of Jewishness*, 241–62.

[137] Feldman wrote "In the case of Ezra, though his breaking up of intermarriages is central to his activities, in Josephus he does not take the lead in doing so" (Feldman, "The Command," 21). Thus, the catalyst for this regulation came from others, not Ezra (see *Ant.* 11.141).

had to attempt repeatedly to convince Ezra."[138] Josephus eventually credited Achonio with the decision to expel the foreigners: "So Ezra follow this advice and made the chiefs of the priests, Levites and Israelites swear to send away their wives and children in accordance with the counsel of Achonios" (*Ant.* 11.146; cf. 11.151). Therefore, Josephus limited Ezra's culpability in the expulsion of the mixed offspring.

Considering Josephus's other treatment of mixed progeny above, it is odd that he did not redact or explain the Ezra narrative in a way that harmonized the account with his broader approach to the patrilineal principle. Feldman proposes that Josephus included this story to draw a parallel between Ezra and Pericles, and to explain to his Roman readers why Jewish people avoid exogamous unions, thus "defus[ing] the charge that Jews hate strangers" (see *Ant.* 11. 153).[139]

5.5.2.5 Summary

In Josephus's treatment of mixed offspring in *Antiquities*, several points become evident. First, mixed offspring with a Jewish father and a gentile mother were considered Jewish. In cases where a Jewish man married a foreigner, Josephus did not indicate any issue with the status of the mixed offspring (*Ant.* 2.177–78).[140] Indeed, even mixed offspring with a Jewish father and foreign mother were permitted to marry priests. Jehosheba, a descendant of Ahab and Jezebel, married the high priest Jehoiada (*Ant.* 9.141). Considering Josephus's emphasis on priestly

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[138] Feldman, "The Command," 22.
[139] Feldman, "The Command," 22–23. In Josephus, the returnees perceived that they were expelled from Judah because of exogamy (*Ant.* 11.303–312).
[140] The one exception to this may be Josephus's silence about Ruth's lineage; Josephus never calls Ruth a Moabitess (see *Ant.* 8.191). According to Feldman, "presumably because he [Josephus] wanted to avoid the issue as to how Boaz could have married a Moabite when this is prohibited in the Pentateuch (Deut 23:4)" (Feldman, "The Command," 21).

genealogical purity, it is evident that he considered mixed progeny with a Jewish father to be legitimate offspring.[141] Second, there is no evidence that Josephus considered mixed offspring with a Jewish mother and a gentile father to be Jewish (e.g., Hiram of Tyre). This criterion was not maintained by all of Josephus's contemporaries, however, as we will see below.

5.5.3 Josephus and His Contemporary Setting

In the first section, we examined Josephus as an interpreter of the Hebrew Bible to better understand his opinion of mixed offspring. Next, we will look at his work as a historian of his contemporary surroundings.[142]

Unlike Josephus's account of Israel's history, the act of conversion began to play a more prominent role in Josephus's later work. Gentiles were permitted to convert and become Jewish, which had broad ramifications for their religious, political, and social affiliations (*Ant.* 13.254–257; 13.318–319).[143] Josephus, for example, considered Herod to be Jewish, despite his father being a convert (*J.W.* 1.181).[144] However, not all people accepted the possibility of gentile conversion. For example, Antigonus the Hasmonean accused Herod of being an "Idumean, that

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[141] Rehoboam, a mixed offspring, married the daughter of Absalom, thus demonstrating that mixed genealogy among laymen did not inhibit their marriageability for Josephus (*Ant.* 7.190). See *Ant.* 7.194 where Rehoboam became the ruler over his people.

[142] For details about Josephus as a historian, see Feldman, *Josephus' Interpretation*, 18.

[143] See John Hyrcanus's forced conversion of Idumeans (*Ant.* 13:257–58). According to Mason, "adopting Judaean laws involved a decisive shift from one *ethnos* to another is clear across the range of evidence" (Mason, "Jews, Judaeans, Judaizing, Judaism," 508–509) For example, Josephus writes how Metilius, a Roman officer who was captured by Jewish rebels, sought to undergo circumcision to demonstrate his changed political affiliations (*J.W.* 2.454; cf. *Ant.* 20.38–39). Not all Jewish communities accepted converts, however (see *Ant.* 14:8–9; *J.W.* 1:123). See Thiessen, *Contesting Conversion*, 97–99.

[144] See *Ant.* 13.257–258; 20.173. Eyal Regev, "Herod's Jewish Ideology Facing Romanization: On Intermarriage, Ritual Baths and Speeches," *JQR* 110 (2010): 197–222, 197 n. 2. See also Plutarch, *Life of Antony*, 61.2; Cohen, *The Beginnings of Jewishness*, 15. Mireille Hadas-Lebel, writes "Bien que d'origine iduméenne, Hérode était considéré comme un juif à part entière sur le plan religieux. Les Iduméens avaient été en effet convertis en masse au temps de Simon Maccabée." Mireille Hadas-Lebel, "Les mariages mixtes dans a famille d'Hérode et la Halakha prétalmudique sur la patrilinéarité," *REJ* 152 (1993): 397–404, 398.

is, a half-Jew (ἡμιιουδαῖος)" (*Ant.* 14.403). Considering the reference to his Idumean lineage, this accusation was likely due to his father's origins: "Antigonus is commenting not on Herod's religiosity but on his pedigree: Idumeans are Judaeans, but from the perspective of Hasmoneans…they are only half-Judaeans, because they remain Idumaeans."[145] Herod was aware that his pedigree was problematic for some, and thus he allegedly ordered Nicolas of Damascus to construct a genealogy that connected his lineage with the Babylonian returnees (see. *Ant.* 14.8–10).[146] Significantly, there is very little discussion about his mother's origins, Cypros, who was an Arabian (*J.W.* 1.181); her lineage did not seem to play a role in the discussion of Herod's Jewish identity (*Ant.* 14.121).[147]

While Josephus considered it possible for gentile men to convert, especially if they intended to marry a Jewish woman, it is unclear whether Josephus perceived that gentile women should (or could) convert. Schwartz argues that marriage itself was a means of conversion for women: "in principle, Josephus didn't think that there could be such a thing as a non-Jewish woman married to a Jewish man, for a woman, upon marriage, becomes subject to her husband."[148] However, this seems unlikely for several reasons. First, if marriage resulted in the woman's converted status, the risk of intermarriage for Jewish men would be virtually non-

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[145] Cohen, *The Beginnings of Jewishness*, 18. Benedikt proposes that Pss. Sol. 17:7, which mentions a man who is a foreigner, is about Herod. Benedikt Eckhardt, "PsSal 17, die Hasmonäer und der Herodompeius," *JSJ* 40 (2009): 465–92, 95–96. See also Goodblatt, *Elements of Ancient Jewish Nationalism*, 20.

[146] See Julius Africanus, "The Epistle to Aristides," 127. This stigmatization may have been inherited by Agrippa I (41–44 CE), the grandson of Herod (*Ant.* 19.332–334). See Schwartz, *Agrippa I*, 124–130; Thiessen, *Contesting Conversion*, 108.

[147] Shaye Cohen correctly writes that "Herod was a half-Judaean because his father Antipater was an Idumean…There is no reference here to Herod's mother; her ancestry seems to be irrelevant," (Cohen, *The Beginnings of Jewishness*, 18–19). Peter Richardson correctly writes "It is barely possible that the phrase [half-Jew] was based on the belief that Herod's mother was not considered a true convert to Judaism, but the later view that Jewishness was reckoned through the mother should not be pressed back into this period." Peter Richardson, *Herod: King of the Jews and Friend of the Romans* (Columbia: University of South Carolina Press, 1996), 52.

[148] Schwartz, "Doing like Jews," 100. See Mary Therese DesCamp, "Why Are These Women Here? An Examination of the Sociological Setting of Pseudo-Philo Through Comparative Reading," *JSP* 16 (1997): 53–80, 56.

existent; their gentile wives would become converts.[149] Yet, Josephus still maintained that

intermarriage was dangerous for the Jewish people. Second, there are cases in Josephus where

foreign women married Jewish men, yet they were not considered Jews. For example, when the

Babylonian Jew Anileius married a Parthian woman who continued to practice her native

traditions, the Jewish community condemned their union: "his [Anileius's] actions were quite

contrary to Hebraic custom and not consonant with their laws, in that he had taken a gentile wife

— one who transgressed the strict rules of their accustomed sacrifices and rituals" (Ant. 18.345).

Third, Josephus recounts the story of Glaphyra, the daughter of King Archelaus, who first

married a Jew (Alexander, the son of Herod; *Ant.* 17.349), and later Juba, the king of Libya (*Ant.*

17.349). Had Glaphyra's first union with Alexander resulted in a conversion process, Josephus

would have condemned her subsequent union with Juba, who was a gentile (see *Ant.* 20.143).

However, Josephus makes no mention of it. Therefore, marriage to a Jewish man was not likely a

means by which women converted.

Furthermore, in Josephus's accounts of women who adopted a Jewish lifestyle, it is

unclear if he actually considered them to be Jewish. For example, he wrote about Fulvia, "a

woman of high rank… had become a Jewish proselyte [νομίμοις προσεληλυθυῖαν τοῖς

Ἰουδαϊκοῖς]" (*Ant.* 18.80–82).[150] Schwartz argues that the verb προσεληλυθυῖαν is best

understood as having "gone over to the Judaic regulations," but not necessarily that she was

considered Jewish: "while Feldman, in his translation, offered quite a simple statement about

what Fulvia had *become*, Josephus, in contrast, used a number of words to describe what Fulvia

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[149] This does not apply to the priestly class. See Schwartz, "Doing like Jews," 105.

[150] See *TDNT* 6:732; see also Hayes, who argues that Fulvia "had become a Jewish proselyte" (Hayes, *Gentile Impurities*, 57).

had *done*."[151] Therefore, it is unclear if Josephus considered Fulvia to be a convert. Another example is Helena, who was taught to worship God and follow Jewish traditions by Ananias, a Jewish merchant (*Ant.* 20.34). Although she was "brought over to their laws [εἰς τοὺς ἐκείνων μετακεκομίσθαι νόμους]" (*Ant.* 20.35), she later warned her son against being circumcised: "For, she said, he [Helena's son, Izates] was a king; and if his subjects should discover that he was devoted to rites that were strange and foreign to themselves, it would produce much disaffection and they would not tolerate the rule of a Jew over them" (*Ant.* 20.39–40).[152] Helena, however, never articulated such a risk for herself. Instead, Helena subsequently addressed her subjects, and received homage from them, signifying that she was not at risk of being overthrown due to her association with the Jewish religion (*Ant.* 20.24–33; see *J.W.* 2.560).[153] Therefore, it does not appear that either marriage or fidelity to Jewish practices allowed a woman to *become* Jewish according to Josephus. For Josephus, the Jewish or gentile status of the mother hardly impacted the offspring, even though conversion became a more common practice in the Second Temple period.

In the following section, we will look briefly at Josephus's treatment of mixed progeny with either a Jewish father or a Jewish mother. While mixed offspring with a Jewish father were considered Jewish, the status of mixed offspring with a Jewish mother was less clear.

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[151] See Schwartz, "Doing like Jews," 96. Similarly, Heidi Wendt translates this phrase as "[one] who dedicated herself to Judaic customs." Heidi Wendt, "Iudaica Romana: A Rereading of Judean Expulsions from Rome," *JAJ* 6 (2015): 97–126, 112. See Cohen, *The Significance of Yavneh*, 198 where he considered Fulvia to be a convert. However, he acknowledges that, "[o]f the seven instances of 'conversion' in *Antiquities*, [this] one concerns a woman only (Fulvia) (Ibid., 198–99).

[152] The verb μετακεκομίσθαι is only used 8 times in Josephus, and it typically refers to moving objects (*Ant.* 7.8, 84, 200; 8.101; 13.210; *Life* 404). *Ant.* 20.35 is the only case where it alludes to a religion.

[153] See Hadas-Lebel, "Les mariages mixtes," 403. See also Tal Ilan, *Jewish Women in Greco-Roman Palestine: An Inquiry into Image and Status* (Tübingen: Mohr Siebeck, 2006), 76. Ranon Katzoff argues that, if female conversion took place, they were not newsworthy, "at least in comparison to male conversion" (Katzoff, "Children of Intermarriage," 280).

5.5.3.1 Jewish Fathers and Gentile Mothers

There are numerous examples in Josephus's work where Jewish men married gentile women.[154] In these cases, there is no evidence that the mixed offspring were negatively impacted by their lineage. For example, Herod's three children, Antipas, Archelaus, and Olympias, were born to Malthace the Samaritan.[155] Despite having a foreign mother, Archelaus succeeded Herod as king of the Jews, Herod Antipas ruled as tetrarch of Galilee, and Olympias later married Joseph, the son of the king's brother (*Ant.* 17.20). There is no evidence in Josephus that Herod's mixed offspring were considered illicit, that they were limited in their ability to marry other Jews, or that they were unable to pursue political aspirations.[156] Josephus depicts them as equal members of the community.

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[154] In the Herodian genealogy, there are a handful of examples: *Ant.* 14.120–121; 16:194–205; 16.215–216; 16.194–205; 18.109–113; 18.334–335; 18.362; *J.W.* 1.180–182; 1.534–535; 2.114–116.

[155] Josephus did not consider Samaritans to be Jews (*Ant.* 9.288–91; see *Ant.* 13.255, 257–58). According to Josephus, the Samaritans periodically identified themselves as Jews (*Ant.* 11.340–41) by claiming to have the same origins as Israelites (*Ant.* 11.343–44, 346–47). See David Goodblatt, "Varieties of Identities in Late Second temple Judaim (200 B.C.E.—135 C.E.)" in *Jewish Identity and Politics between the Maccabees and Bar Kokhba: Groups, Normativitiy, and Rituals*, ed. Bekedikt Eckhardt, JSJSup 155 (Leiden: Brill, 2012), 11–27, 18 n. 14. Josephus does use Hebraios for Samaritans (*Ant.* 11.343–44), though this does not mean that they were considered Ioudaios. According to Staples, *Hebraios* "functions as a national linguistic term analogous to *Hellene*, referencing the native tongue of the 'Hebrew nation' and those associated with it, and when used of contemporary people(s), the term refers to those Ioudaioi or Samaritans still living in Palestine and thus Semitic speakers or readers" (Staples, *The Idea of Israel*, 75). The notion that Jews were not permitted to marry Samaritans is evident in Josephus's account of how Mt. Gerizim was built, when Manasseh was disqualified from the priesthood based on his marriage to Nikaso the Samaritan (*Ant.* 9.309–310). Josephus portrayed Samaritans as evil due to their envy for the Jewish people (*Ant.* 11.114). He depicted Judeans as those with the purity of the original stock, whereas the Samaritans were mixed. See Ingrid Hjelm, *The Samaritans and Early Judaism: A Literary Analysis*, JSOTSup 303 (Sheffield: Sheffield Academic Press, 2000), 182–238.

[156] This does not imply that all people accepted Herod and his descendants as Jews. For example, Josephus recounts an accusation by a man named Simon against Agrippa I, Herod's grandson. Simon accused Agrippa of acting in an unholy manner, and posited that he should be barred from the temple since the temple belongs to the natives (ἐγγενής; *Ant.* 19:332–334). Scholars debate whether Simon was accusing Agrippa of having a blemished genealogy. See Schwartz, *Agrippa I*, 125. Baumgarten argues that the issue at hand was Agrippa's observance of the law, not genealogy. Joseph M. Baumgarten, "Exclusions from the Temple: Proselytes and Agrippa I," *JJS* 33 (1982): 215–25. Thiessen proposes that Simon's accusation may have been widespread among the public (Thiessen, *Contesting Conversion*, 108). In Josephus's account, however, there is no indication that he agreed with Simon. Instead, he presented Simon negatively by describing him as one who "thought he knew the law [ἐξακριβάζειν δοκῶν τὰ νόμιμα]" (*Ant.* 19.332), yet Simon was unable to substantiate his claim before Agrippa, and even had ask for a pardon (ἐδεῖτο συγγνώμης). Furthermore, Josephus complemented Agrippa on how he dealt with Simon with gentleness rather than wrath (*Ant.* 19.334).

Additionally, there was no indication that one's Jewish lineage was diluted through exogamy, regardless of how many foreign women were included in the genealogy. For example, Alexander, the son of Herod, married "the daughter of Archelaus, king of Cappadocia" (*Ant.* 18.139); his own son, also named Alexander, married Jotape, "the daughter of Antiochus, the king of Commagene" (*Ant.* 18.140). And yet, according to Josephus, the sons of the second Alexander "deserted [ἐξέλιπεν] the Jewish religion, and went over [μετατοαξάμενοι] to that of the Greeks" (*Ant.* 18.141).[157] The accusation that they "deserted" the Jewish religion likely implies they were initially identified as Jews.[158] According to Aryeh Kasher, "After Tigranes and his brother arrived in Cappadocia, they disowned their Jewish descent, deserted their Jewish religion and embraced their Greek descent, including the religion."[159] Thus, even second and third-generation mixed offspring were still considered Jewish if the father was Jewish. Therefore, there is no evidence that Josephus considered offspring with Jewish fathers as "half-Jewish" or "mixed"; they did not have a blemished lineage.

5.5.3.2 Jewish Mothers and Gentile Fathers

Cases of offspring with Jewish mothers and gentile fathers were much more rare in Josephus's writings, especially since gentile males were forced to convert prior to marrying a Jewish woman (cf. *Ant.* 20.139–147).[160] In Josephus's contemporary history, the only case of a

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[157] The verb Ἐξέλιπεν is never elsewhere used for leaving one's religious group. The verb is often used in contexts about physically leaving a place (*Ant.* 2.200; 6.285; cf. *T. Reu.* 1:4), physical death (T. Ab. (a) 17.19; *Ant.* 1.205; 1.332; 15.359; *J.W.* 2.160), forgetting (*Ant.* 4. 307), or hiding something (*Ant.* 17.167). The verb μετατοαξάμενοι is only found 3 times in Joseph, and it is used in contexts about changing military allegiances (*Ant.* 5.58) or being deceitful (*Ant.* 18.100; see LSJ 1117).

[158] See Hadas-Lebel, "Les mariages mixtes," 398.

[159] Aryeh Kasher, *King Herod: A Persecuted Persecutor: A Case Study in Psychohistory and Psychobiography,* trans. Karen Gold (New York: de Gruyter, 2007), 298. However, Goodblatt points out that Josephus did not say explicitly that they were no longer considered Jews (Goodblatt, *Elements of Ancient Jewish Nationalism*, 21).

[160] DesCamp proposes that circumcision was needed because of ritual impurity: "To engage in marital relations with

Jewish woman having a child with a gentile is Drusilla and Felix. Drusilla, the daughter of Agrippa I, was initially married to Azizus, the king of Emesa. According to Josephus, Felix sent a Cyprian Jew named Atomus to persuade Drusilla to leave her husband and marry him, even though Felix never converted (*Ant.* 20.142). Eventually, they had a son together: "[Drusilla] was persuaded to transgress the ancestral laws and to marry Felix. By him [Felix] she gave birth to a son whom she named Agrippa. How this youth and his wife disappeared at the time of the eruption of Mount Vesuvius in the times of Titus Caesar, I shall describe later" (*Ant.* 20.143–44; cf., Acts 24:24). Unfortunately, Josephus does not provide any details about Agrippa's status in his later work. However, there are several points which may signify that Josephus did not consider him part of the Jewish people.

First, immediately following the announcement of Agrippa's birth, Josephus mentions that he perished during the eruption of Vesuvius. In some Jewish literature, the eruption at Vesuvius was viewed as a divine judgment by God for the destruction of the temple: "Know then the wrath of the heavenly God because they will destroy the blameless tribe of the pious" (*Sib Or.* 4.135).[161] An inscription in Pompeii links the Vesuvius eruption with Sodom and Gomorrah, which further reinforces the belief that God brought about the destruction upon the city.[162] Since Josephus mentions the eruption immediately after the birth of Agrippa, Loader proposes that Josephus understood "the death of her [Drusilla's] son and his wife…as divine judgement for the

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a gentile husband would be to engage in ongoing defilement, regardless of what other rituals one is allowed to observe" (DesCamp, "Why Are These Women Here?" 57).

[161] See Hershel Shanks, "The Destruction of Pompeii— God's Revenge," *BAR* 36, no. 4 (2010): 60–67. The section dealing with the Vesuvius eruption likely was written around 80 CE. See John J. Collins, "Sibylline Oracles" in OTP, 1:387 for the date.

[162] Carlo Giordano and Isidoro Kahn, *The Jews in Pompeii Heculaneum, Stabiae and in the Cities of Campania Felix*, trans. Wilhelmina F. Jashemski. 3rd ed. (Rome: Bardi Editore, 2003), 75–76.

act [of intermarriage] (*Ant.* 20.144)."[163] This is a possible reading, and it fits well with

Josephus's condemnation of Jewish women marrying gentile men, though it is not conclusive.

A second element which may reveal Josephus's discomfort is how briefly he discussed

Agrippa's life; Josephus did not mention the name of his wife, his profession, or his offspring.[164]

Josephus's silence is odd considering that he was a contemporary with Felix, and it would likely

have brought honor to Felix for Josephus to speak about his late son. However, according to

Josephus's own writings, he had hoped to expound on the situation more in later works: "How

this youth [Agrippa] and his wife disappeared at the time of the eruption of Mount Vesuvius in

the times of Titus Caesar, I shall describe later" (*Ant* 20.144). However, Nikos Kokkinos points

that Josephus "either forgot to include [details about Agrippa] in his later work or it has not

survived."[165] Therefore, Josephus's own opinion on Agrippa and his Jewish status remains a

mystery. However, if his treatment of Hiram of Tyre above is any indication, then it is plausible

that Josephus did not consider Agrippa to be Jewish based solely on Drusilla. Considering the

evidence above, Mireille Hadas-Lebel writes: "Sans doute les exigeait-on simplement pour

s'assurer que les enfants nés d'un mariage mixte seraient juifs de naissance…Si le père n'était

pas converti, la mère seule ne pouvait transmettre la qualité de juif à ses enfants."[166]

5.4.4 Summary: Josephus's Patrilineal Lineage

In the above analysis, it is evident that Josephus utilized the patrilineal model of descent

to determine the Jewish status of mixed progeny. This sets him apart from some other Second

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[163] William Loader, "'Not as the Gentiles': Sexual Issues at the Interface between Judaism and Its Greco-Roman World," *Religions* 9 (2018), 258 (online).

[164] The phrase οὗτος σὺν τῇ γυναικὶ may refer to Agrippa's wife, or Drusilla, his mother (*Ant.* 20.144).

[165] Nikos Kokkinos, *The Herodian Dynasty: Origins, Role in Society and Eclipse* (Sheffield Academic Press, 1998), 321.

[166] Hadas-Lebel, "Les mariages mixtes," 402.

Temple Jewish texts, where the mother's Jewish status alone was sufficient to determine the status of the offspring (Acts 16). It is unclear why Josephus adhered to the patrilineal model, although it is possibly due to his understanding of biology. According to Apollo, "[t]he so-called 'mother' is not a parent of the child, only the nurse of the newly-begotten embryo. The parent is he who mounts; the female keeps the offspring safe."[167] The Aristotelian model of biology emphasized patrilineal descent while relegating the mother's role as secondary in the birthing process. According to Holt Parker, Roman mothers were functionally step-mothers in relation to their children since it was the father who legally and biologically owned the child.[168] However, Aristotelian biology does not necessarily imply that mothers did not contribute to the child's identity. Philo, for example, also adopted the Aristotelian view of birth, and yet he maintained the importance of the mother's lineage.[169]

A second explanation for Josephus's emphasis on patrilineal descent is that he wanted to ensure his readers of the reliable transmission of Jewish lineage, which was also a priority in Roman literature.[170] According to Nancy Jay, "The Romans recognized two ways of figuring descent: cognation refers to descent relationships traced through women and men; agnation to relation by descent through males only. Cognation (which is bilateral descent) branches out so rapidly that it cannot identify clearly defined groups enduring from generation to generation.

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[167] See Aeschylus, *Eumenides*, 658–666,

[168] See Holt Parker, "Family Structure and Liminality" in W*omen and Slaves in Greco-Roman Culture: Differential Equations*, ed. Sandra R. Joshel and Shelia Murnaghan (London: Routledge, 1998), 152–173, 156. See Aristotle, *Generation of Animals*, 372–373 for a discussion of how gender is developed.

[169] *Drunkness* 73; *Alleg. Interp.* 2.38. Hodge, *If Sons, Then Heirs*, 23. See Niehoff, "Jewish Identity and Jewish Mothers," 37–38.

[170] Josephus's patrilineal approach was well-established in contemporary Roman literature. According to Gaius, Roman status was transferred through both parents: "whether a Roman citizen marries a foreign wife or a foreigner a Roan wife, the child born to them is a foreigner" (Gaius *Inst.* I.75). However, in cases where they were permitted to enter a Roman law marriage, the child followed the father: "if a Roman citizen marries a foreigner with whom he has this capacity [to enter a Roman law marriage], a Roman law marriage is contracted…Any child born of them is a Roman citizen and will be in his father's power. Again, if a female Roman citizen marries a foreigner with whom she has this capacity, the child she conceives is a foreigner and the lawful son of his father" (Gaius, *Inst.* I, 77–77).

Only agnation (which is patrilineal descent) gave Roman families and lineages 'eternal' social community."[171] The patrilineal model, then, served Josephus's purpose of proving the antiquity of the Jewish people: "In my history of our *Antiquities*, most excellent Epaphroditus, I have, I think, made sufficiently clear to any who may peruse that work the extreme antiquity of our Jewish race, the purity of the original stock, and the manner in which it established itself in the country which we occupy to-day" (*Ag. Ap.* 1:1). Furthermore, according to Hodge, patrilineal descent was utilized to ensure the transmissions of a father's character and status: "one's status, character, and identity are conferred by one's forebears…[and] this notion is central to the logic of patrilineal descent."[172] Since Josephus wanted to defend the Jewish people against anti-Jewish accusations, he utilized a genealogical model that would underscore the transmission of virtue and quality to all descendants.[173] Therefore, the use of the patrilineal principle served to vindicate the Jewish people from unnecessary accusations and demonstrate their proven character.

5.6 The Circumcision of Timothy in Acts 16:1–3

The book of Acts was likely composed during the late first or early second century CE as a historiography about the inception and growth of the early followers of Jesus. Unlike contemporaneous Jewish works, there are no explicit condemnations against intermarriage in the

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[171] Nancy Jay, *Throughout Your Generations Forever: Sacrifice, Religion, and Paternity* (University of Chicago, 1994), 42. See also Hodge, *If Sons, Then Heirs*, 22.

[172] Hodge, *If Sons, Then Heirs*, 19. According to Philo, the patrilineal link between Abraham and his true heirs was confirmed through the children's virtuous qualities (Philo, *Virtues*, 207). Philo's emphasis on patrilineal descent may have been an attempt to "constructed Jewish descent so as to meet Roman requirements and assert the upper–class, Jewish status of people like himself" (Niehoff, "Jewish Identity and Jewish Mothers," 42). See also 4 Macc. 13:18-20.

[173] For a summary of anti-Jewish literature in the Hellenistic and Roman period, see Louis H. Feldman, "Pro-Jewish Intimations in Anti-Jewish Remarks Cited in Josephus' 'Against Apion,'" *JQR* 78 (1988): 187–251.

book of Acts, nor does Luke, the alleged author, express concern about offspring from mixed unions (see Acts 24:24). In Acts, there is one short pericope about Timothy, a mixed offspring with a Jewish mother and a gentile father, who was circumcised by Paul (Acts 16:1–3). Based on the details of this short passage, and its placement in the book of Acts, I posit that Luke's Paul circumcised Timothy because Timothy was considered Jewish through his mother. Luke's Paul, then, likely held to an ambilineal model of descent for interethnic unions, whereby mixed offspring could be considered Jewish based on the status of either the father or the mother.

While the prohibition against exogamous unions was ubiquitous in Second Temple Jewish writings, Irina Levinskaya alleges "[it] is beyond doubt that in the Diaspora, Jewish relations with the surrounding Gentile world were much closer than in Palestine."[174] In Acts 16:1–3, Timothy from Lystra was circumcised by Paul, and then subsequently joined him on his missionary trip. Considering Paul's apparent anti-circumcision language in Galatians and, more specifically, his refusal to circumcise Titus (Gal 2:3–5), there are three primary ways of understanding Timothy's circumcision. First, some propose that Luke's narrative is fictitious. W. Ward Gasque writes that, "of all Paul's Jewish practices mentioned in the Book of Acts, the circumcision of Timothy (16.3) was considered to be the most flagrant contradiction to Pauline doctrine."[175] Second, this narrative has been understood to be missiological, which suggests that the sole reason for Timothy's circumcision was "because of the Jews who were in those places" (Acts 16:3b). F. F. Bruce writes that "Timothy's circumcision was a minor surgical operation

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[174] Timothy resided in Lystra. See Irina Levinskaya, *The Book of Acts in its First Century Setting*, ed. Bruce W. Winter, vol 5 (Grand Rapids, MI: Eerdmans, 1996), 12. Keener provides several cases of marriages between Romans and local women in Lystra. See Craig S. Keener, *Acts: An Exegetical Commentary,* vol 3 (Grand Rapids, MI: Baker Academic, 2014), 2312. However, it is unclear if these were Jewish/non-Jewish unions.
[175] See W. Ward Gasque, *A History of the Criticism of the Acts of the Apostles* (Grand Rapids, MI: Eerdmans, 1975), 66. The issue with this view is that it already presumes a format of Pauline doctrine, and thus prematurely excludes any content which does not conform to the model.

carried out for a purely practical purpose."[176] This suggestion will be assessed below. The third

view maintains that Timothy was considered Jewish, and thus was obligated to be circumcised in

accordance with Jewish law. This reading is compelling for several reasons.[177]

First, the literary placement of Timothy's circumcision would be illogical if Timothy was

not considered Jewish. Acts 16:1–3 is located immediately following the Jerusalem council

meeting, where the apostles and elders decided that gentiles were *not* to be circumcised: gentiles

must only "abstain from what has been sacrificed to idols and from blood and from what is

strangled and from fornication" (Acts 15:29). Following the council meeting, Paul was

commissioned to travel and share this news with the gentiles churches in the surrounding regions

(Acts 16:4–5); Paul traveled throughout Syria and Cilicia to strength the churches by "delivering

the decrees which had been decided upon by the apostles and elders who were in Jerusalem"

(Acts 16:4).[178] Timothy's circumcision in Acts 16:1–3 is sandwiched between the legal decision

made in Jerusalem and Paul's journey through Asia Minor. Based on this immediate context,

which underscores the decision that gentiles should not become circumcised, it would have been

counterintuitive to include a short narrative about a gentile being circumcised.[179] Instead, since

the Jerusalem council ruling did not exempt Jewish followers of Jesus from practicing their

covenantal responsibilities, including circumcision, the immediate context supports the reading

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[176] See Bruce, *The Book of the Acts*, 352.

[177] Acts 16:3 sometimes plays a role in the discussion of the later rabbinic matrilineal principle. However, the halakhic ruling of m. Qidd 3.12 should not be read into Acts 16. Matters of textual provenance as well as questions pertaining to the authority of Mishnaic halakha in early Jewish communities are unclear. See Christopher Bryan, "A Further Look at Acts 16:1–3," *JBL* 107 (1988): 292–294, 292. Additionally, according to early Jewish law, Timothy would have been considered a *mamzer,* since his father was a gentile (see m. Yebam. 7:5).

[178] This argument presupposes a literary structure in the book of Acts. See Levinskaya, *The Book of Acts*, 14–15.

[179] David Rudolph correctly notes that the placement of this narrative suggests "Paul did not regard Timothy as a Gentile, but a Jew who should have been circumcised 'on the eighth day.'" David J. Rudolph, *A Jew to the Jews: Jewish Contours of Pauline Flexibility in 1 Corinthians 9:19–23* (Tübingen: Mohr Siebeck, 2011), 25. See also Bryan, "A Further Look at Acts 16:1–3," 293 *contra* Cohen.

that Timothy was considered Jewish based on his mother's lineage, and thus was required to be circumcised.[180]

From a literary perspective, this short pericope also serves as a necessary precursory to combat the charges brought against Paul, which are mentioned later in the book of Acts. In Acts 21, James informed Paul that there were rumors of him "teaching all the Jews who are among the Gentiles to forsake Moses, telling them not to circumcise their children" (Acts 21:21). In turn, Paul proceeded to offer a sacrifice in the temple to refute these allegations (Acts 21:22–26). For Luke's Paul, circumcision of Jewish offspring was a requirement, and Acts 16:1–3 was evidence that those allegations against him were baseless.

A second element that further supports Timothy's Jewish status is Paul's refusal to circumcise Titus, since Titus was a gentile.[181] In Paul's letter to the community in Galatia, he condemned the act of gentile circumcision, using Titus as an example: "But even Titus, who was with me, was not compelled to be circumcised, though he was a Greek [Ἕλλην ὤν]" (Gal 2:3). According to Paul, the reason Titus was not circumcised was because he was a Greek. By contrast, Luke's Paul circumcised Timothy, thereby signifying that he considered Timothy to be Jewish.

Some have argued that Paul only circumcised Timothy for missiological purposes, due to the rationale provided by Luke: "Paul wanted Timothy to accompany him; and he took him and had him circumcised *because of the Jews who were in those places, for they all knew that his father was a Greek*" (Acts 16:3). In other words, Paul only circumcised Timothy because he did

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[180] F. Scott Spencer correctly writes how the decision at the Jerusalem conference "agreed only to release *Gentile* believers from the obligation of circumcision; the possibility of nullifying this covenantal duty for Jewish disciples was never considered." F. Scott Spencer, *Journeying through Acts: A literary–Cultural Reading* (Sheffield: Sheffield Academic Press, 1997), 159.

[181] This comparison between Acts 16:1–3 and Gal 2 presupposes that Paul did not change his mind between the events of Acts 16 and when he wrote his letter to the community in Galatia.

not want to cause offense to the Jews. Shaye Cohen writes *"[this phrase] implies that, were it not for [the Jews], Paul would have left Timothy uncircumcised."[182] Therefore, Cohen concludes: "the author of Acts 16:1–3 thought he was narrating the circumcision of a gentile who had a Jewish mother."[183] However, there are several issues with this missiological reading.

First, it remains unclear why the Jews in Lystra and Iconium would have been offended if Timothy was an uncircumcised gentile. According to Barrett, "Gentiles, favorable to Judaism but not circumcised as proselytes, seem to have been admitted to synagogues."[184] For example, Luke recounts how Paul and Barnabas "went into the Jewish synagogue [in Iconium] and spoke in such a way that a great number of both Jews and Greeks became believers" (Acts 14:1; cf. 17:11–12). Presumably, the Greeks were in, or nearby, the synagogue.[185] Second, the missiological approach presupposes that "the Jews" (τοὺς Ἰουδαίους) mentioned in Acts 16:3 were not followers of Jesus, but were being missionized; this is not a likely reading. As mentioned above, the purpose of Paul's journey in Acts 16 was to convey the ruling from the Jerusalem council to the surrounding believing communities regarding gentiles and conversion: "Let us return and visit the brethren in every city in which we proclaimed the word of the Lord, and see how they are" (Acts 15:36). Additionally, Luke recounts how, after Paul shared the decrees of the Jerusalem Council, "the churches were being strengthened in faith" (Acts 16:5). Therefore, it is likely that the Jews mentioned in Acts 16:3 were Jewish believers who understood the requirement of Jewish covenantal responsibilities, and had to be informed about

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[182] Cohen, *The Beginnings of Jewishness*, 366.
[183] Ibid., 366.
[184] C. K. Barrett, *A Critical and Exegetical Commentary on The Acts of the Apostles*, vol 2 (Edinburgh: T&T Clark, 1998), 761. See his comments on 10.2 for further details.
[185] These gentiles are likely God-fearers (see Acts 10:1–2; 13:16; 17:4). For a discussion on gentiles in synagogues during the first century, see John G. Gager, "Jews, Gentiles, and Synagogues in the Book of Acts," *HTR* 79)1986): 91–99.

gentile responsibilities. The explanatory clause "because of the Jews who were in those places, for they all knew that his father was a Greek" implies that the Jews would have been offended if Timothy, a Jew, was *not* circumcised; they were aware that his father was a Greek, and thus they understood that his uncircumcised status was a possibility.[186] Therefore, the statement πατρὸς δὲ Ἕλληνος does not imply that Timothy was a gentile himself, but it serves to elucidate why Timothy must still undergo this procedure; Timothy was not a covenant breaker due to indifference.[187] Since Paul wanted to take Timothy with him on this journey, Luke's explanatory clause signifies why "the timing of the circumcision was an expedient," but not the act itself.[188] There was no question as to whether Timothy should be circumcised, but the focus was on when it would take place.[189] For these reasons, the missiological reading of Acts 16:1–3 is highly unlikely; the best reading of Acts 16:1–3 is that Luke's Paul considered Timothy Jewish based on his mother's lineage.

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[186] Keener notes that "his father had apparently resisted allowing him to be circumcised." Craig S. Keener, "Interethnic Marriages in the New Testament (Matt. 1:3–6; Acts 7:29; 16:1–3; cf. 1 Cor. 7:14)," *CTR* 6 (2009): 25–43, 33. This is possible since gentiles often ridiculed the act of circumcision. Tacitus considered circumcision to be a perverse and filthy characteristic of Judaism. *Tacitus: The Histories*. Trans Kenneth Wellesley (England: Penguin, 1972), 5.1. It was mocked publicly, appearing "occasionally in Roman satires, always with reference to Jews, and always with negative connotations." Leonard B. Glick, *Marked in Your Flesh: Circumcision from Ancient Judea to Modern America* (Oxford, University Press, 2005), 30. Matthew Thiessen highlights Luke's positive portrayal of circumcision and notes the necessity of eighth-day circumcision in Luke–Acts (Thiessen, *Contesting Conversion*, 114). As a result, it is unclear what significance was attributed to Timothy's post eighth-day circumcision.
[187] "Presumably, in Luke's mind, these Jews might have concluded that Timothy was a Jew, and so Paul circumcised him to avoid any appearance of laxity toward the law-even though he did not agree with their interpretation of the law's requirements" (Thiessen, *Contesting Conversion*, 122). See Levinskaya, *The Book of Acts*, 15. See also 1 Macc 1:15–60; 2 Macc 6:10; Josephus *Ant.* 12.254 for condemnations of Jews who neglected their circumcision.
[188] Rudolph, *A Jew to the Jews,* 27.
[189] The emphasis on Timothy's mother was to "prepare for what is said in v. 3 - Paul has him circumcised." Ben Witherington III., *The Acts of the Apostles: A Socio-Rhetorical Commentary* (Grand Rapids: Eerdmans, 1998), 457. In addition, the New Testament also presents an elevated status of the women when determining the status of the child. For example, the birth narrative of Luke mentions Elizabeth's genealogical lineage (Luke 1:5; see Thiessen, *Contesting Conversion*, 121). Since Luke upheld a stark distinction between Jews and proselytes, it is evident that Timothy was genealogically Jewish through his mother. See Thiessen, *Contesting Conversion*, 131–140 on genealogical purity in Acts, which aligns Luke's viewpoint with Ezra and Jubilees. Similar to Philo, Paul was not exclusionary towards Gentiles. See Runia, "Philo and the Gentiles," 44.

5.7 Conclusion

In this chapter, I have examined the status of mixed offspring by different Jewish authors and communities in the early Roman era. It is evident that different groups maintained different criteria for what would constitute a mixed offspring, as well as the social repercussions they endured because of their lineage.

In my analysis of the Dead Sea Scroll corpus, I examined two works that may testify to the presence of mixed progeny in sectarian communities: The List of Netinim (4Q340) and The Rebukes of the Overseer (4Q477). While 4Q430 was too fragmentary to draw any definitive conclusions regarding the status of mixed offspring, 4Q477 testifies to the presence of one Hananiah Nothos who was likely illegitimate, and yet remained part of the community. Unfortunately, the precise reason Hananiah was considered a Nothos is unclear; additionally, it is unknown if he endured any social consequences due to his status. Therefore, while the evidence is fragmentary, it is possible to conclude that an offspring with a mixed lineage was not ostracized from the sectarian community entirely; they may have been included, but were identified by virtue of their blemished pedigree.

Next, I examined Philo's literature, who held to cognatic model of kinship; Philo considered an offspring with either a Jewish mother or a Jewish father to be Jewish as long as they adopted Jewish virtues. While he deemed mixed progeny to be illegitimate because they were from an unequal union, this illegitimate status was evidently malleable; if the mothers of mixed offspring adopted proper Jewish virtues and beliefs, Philo treated the children as legitimate progeny. Therefore, Philo sometimes elevated the status of a mixed offspring in his works. In the case of a mixed progeny who abandoned the Jewish religion, however, Philo did not count them among the Jewish people (*Moses* 2.193).

Third, I explored Josephus's literature, who maintained a predominantly patrilineal model of descent. He considered offspring with a Jewish father to be a legitimate heir without any social repercussions due to their lineage (*Ant*. 2.4–5). By contrast, his view of mixed offspring with a Jewish mother was less clear. In the case of Hiram of Tyre, he intentionally reconstructed his genealogy to ensure that the father was an Israelite as well. This likely signifies that he considered offspring with a Jewish mother and a gentile father to be gentiles.

Finally, Luke's Paul, like Philo, likely held to a cognatic kinship model. In Acts 16:1–3, Luke's Paul considered Timothy Jewish based on the status of his mother. Unlike Philo, however, there is no indication that Paul considered Timothy to be illegitimate or to have a demoted social position. In Paul's letter to Timothy, Paul warns him not to engage "with myths and endless genealogies that promote speculations," (1 Tim 1:4). This may be a response against those who took issue with Timothy's lineage, although this is not definitive. Considering the information above, there was evidently some diversity amongst Jewish communities as to what constituted a mixed progeny, how lineage and gender played a role in constructing Jewish identity, and the repercussions for a mixed lineage.

CHAPTER 6: CONCLUSION

6.1 Mixed Offspring in Pre-Mishnaic Jewish Literature

My interest in the status of mixed offspring began in 2015, after reading Shaye J. D. Cohen's book *The Beginnings of Jewishness*. I was intrigued by the diverse ways social identity was constructed in antiquity, and I was particularly interested in Cohen's treatment of the matrilineal principle in Judaism. My curiosity, however, quickly shifted towards the status of mixed offspring *before* the Mishnah: was there a standard ruling for mixed offspring in pre-Mishnaic Jewish literature? What happened to the descendants from exogamous unions? How did factors like gender, cultic activity, or geography play a role in forming their identity?

These questions led me to explore numerous corpora of Jewish literature dated before the Mishnah to understand how mixed offspring were represented. It became evident that there was significant diversity in how Jewish identity was constructed between texts; in some narratives from the Hebrew Bible, for example, mixed offspring with a Jewish father and gentile mother were accepted in the community, whereas in other works, mixed progeny with this same genealogy were expelled due to their lineage. Considering this, my goal was to better understand the way Jewish identity was constructed for children from mixed unions, and to identify how social boundaries influenced those viewpoints.

6.2 Three Factors: Genealogy, Location, and Piety

In my research, I observed three factors that impacted the status of mixed progeny in antiquity: genealogy, residential location, and piety. While these elements are not mutually exclusive, and were sometimes used in conjunction with one another, they will each be examined

individually below. By and large, genealogy was the most common and pertinent factor used to construct identity; residential location and piety were additional markers employed by some authors/communities, which further influenced the status of mixed offspring.

6.2.1 Genealogy

In pre-Mishnaic Jewish literature, "common origins" was a prolific social boundary marker and a central way of establishing group membership. However, there were different ways of conceptualizing models of descent.[1]

One of the most common means of mapping lineage was ambilineal descent, whereby mixed offspring were considered Jewish through *either* their father or their mother. For example, in Deuteronomistic literature, both Rehoboam and Amasa were considered Israelites by the author, despite their mixed status. Rehoboam was the son of King Solomon and Naamah, the Ammonite (1 Kgs 11:43); notwithstanding the prohibition against including Ammonites into the assembly of God (Deut 23:3), there is no indication by the DtrH that his foreign mother presented a problem in his genealogy, or that Rehoboam was considered an Ammonite himself. Instead, Rehoboam was credited with preserving the Davidic line: "Yet to his [Solomon's] son I will give one tribe, so that my servant David may always have a lamp before me in Jerusalem, the city where I have chosen to put my name" (1 Kgs 11:36). Therefore, offspring with a Jewish father and foreign mother were considered Jewish. By contrast, other rulers in Deuteronomistic

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[1] Shaye Cohen correctly argues that, prior to the institution of conversion (whether religious or political), common ancestry was the key means of determining identity: "Ethnicity is closed, immutable, an ascribed characteristic based on birth. But by investing Judaean identity with political or cultural (religious) content, the Hasmoneans were able to give outsiders an opportunity to attain membership in Judaean society" (Cohen, *The Beginnings of Jewishness*, 136).

literature were accused of being illegitimate because of their lineage; Abimelech's reign, for example, was challenged because he was the son of a concubine (Judg 9:18).[2]

Amasa was also a mixed offspring, but he was "the son of a man named Ithra the Ishmaelite [MT: הישראלי], who had married Abigal daughter of Nahash" (2 Sam 17:25). Above, I argued that the best reconstruction of Amasa's genealogy is that his mother was an Israelite and his father was an Ishmaelite. Yet, since David called Amasa "my bone and my flesh" (2 Sam 19:13), it is evident that the author counted Amasa amongst the tribe of Judah. McCarter writes, "Amasa himself was in fact a member of his mother's family, the house of Jesse."[3] Based on these readings, a mixed offspring with an Israelite father or an Israelite mother was considered part of the nation of Israel. Unlike Jepthah, who lost his inheritance because his mother was a prostitute (Judg 11:1–3), there is no evidence that Rehoboam or Amasa endured any social repercussions due to their lineage. The inclusion of mixed progeny in Deuteronomistic literature does not imply that the DtrH endorsed exogamy; it is evident that intermarriage had negative repercussions for the nation of Israel. However, mixed lineage itself was not problematic for the offspring.

A similar case of ambilineal descent is found in the documents recovered from Elephantine. In chapter 3, I provided a study of two sets of mixed offspring from the Judean community in Egypt: Jedaniah and Mahseiah, who were born to Mibtahiah (Judean mother) and Ashor (Egyptian father), and Pilti and Ananyah, the offspring of Ananiah (Judean father) and Tamut (Egyptian mother). In the first group, the mother was Judean, whereas in the second

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[2] One potential challenge of Rehoboam's reign may be Deut 23:2, where the condemnation of the *mamzer* may be understood as a condemnation against David and Rehoboam. In this case, the northern tribes attempted to delegitimize Rehoboam's rule, and thus attacked his lineage.
[3] McCarter Jr. *II Samuel,* 394.

group, the father was Judean. In both cases, however, each mixed offspring was identified as a Judean (TAD B2 9:2–4), and despite having an Egyptian parent, there is no evidence that either group of offspring were known as "Egyptians." They had full legal rights in their community, and bore Judean names (see *CAP* 25:8–9); there is no evidence that they were limited in any capacity because of their mixed lineage.

Cases of ambilineal descent are also found in Jewish texts dated to the first or early second century CE. For example, Acts 16:1–3 recounts the circumcision of Timothy, the son of "a Jewish woman who was a believer; but his father was a Greek" (Acts 16:1b). By virtue of Timothy's circumcision, the author of Acts evidently considered him to be Jewish vis-à-vis his mother's status. Although some have proposed that the author was following the matrilineal principle, there is no clear evidence that this principle was in existence in the first century, or that it was adopted by communities in Lystra. Therefore, throughout much of the Hebrew Bible and Second Temple literature, ambilineal descent was a common way of constructing Jewish identity.

A second way of constructing identity was through patrilineal descent. Although the Hebrew Bible and Second Temple literature reflects a society that was mainly patriarchal and patrilocal, the clearest expression of patrilineal descent is found in Josephus. In *Antiquities*, for example, Josephus considered mixed offspring with a Jewish father and foreign mother to be Jewish, whereas he was less comfortable with mixed progeny who had a Jewish mother. For example, there are several cases in *Antiquities* of Jewish men marrying gentile women, yet there is no evidence that the mixed offspring were negatively impacted by their lineage. In his treatment of Ephraim and Manasseh, for example, Josephus included them in Jacob's lineage and considered them Mesopotamians, despite Aseneth's foreign origins. Indeed, Josephus even

considered mixed progeny with a foreign mother to have a higher social status than offspring born from an adulterous union. In his retelling of Judg 11, for example, he changed the status of Jephthah's mother from a prostitute (Judg 11:1) to a foreigner, likely to justify Jepthah's role as a ruler in Israel. Indeed, Josephus identified Jephthah with the lineage of his father: "Jephthah, a mighty man by reason of the valour of his forefathers as also of his own troops of mercenaries which he maintained himself" (*Ant.* 5.257).

Josephus's commitment to the patrilineal principle is also evident in his account of Hiram from Tyre, whose mother was an Israelite and whose father was a Tyrian (e.g., 1 Kgs 7:14). Considering Hiram's important work in the temple, Josephus reconstructed Hiram's genealogy so that both parents were Israelites (*Ant.* 8.76). I argued above that Josephus changed Hiram's lineage because, based on the patrilineal principle, Hiram would have been considered a gentile.

Unfortunately, there is only one clear case of a mixed offspring with a Jewish mother and foreign father in Josephus's contemporary setting: Drusilla and Felix. When recounting Drusilla's union with the unconverted Felix, Josephus claimed that she acted inappropriately (ἡ δὲ κακῶς πράττουσα) and transgressed Jewish laws (παραβῆναί τε τὰ πάτρια νόμιμα; *Ant.* 20.143). However, Josephus's treatment of Agrippa I, their son, is too cryptic and brief to draw any definitive conclusions regarding his Jewish status. Nevertheless, based on his accounts of mixed progeny elsewhere, it is likely that Josephus did not consider Agrippa I to be Jewish.

Josephus is the only author examined above who employed the patrilineal model of descent. The rationale for adopting this model may have been due to Roman influence; according to Nancy Jay, "Only agnation (which is patrilineal descent) gave Roman families and lineages 'eternal' social community."[4] One reason for Josephus's historical accounts was to vindicate the

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[4] Jay, *Throughout Your Generations Forever*, 42.

Jewish people of false accusations, and to prove their lineage. For example, Josephus wrote to Epophroditus about "the extreme antiquity of our Jewish race, the purity of the original stock, and the manner in which it established itself in the country which we occupy to-day" (*Ag. Ap.* 1:1). It follows, then, that Josephus constructed Jewish lineage in a way that would be considered legitimate by his readers. Therefore, the patrilineal model served Josephus's overall agenda.

A third means of constructing identity through lineage was bilineal descent. This criterion was first found in the Holiness Code and was applied strictly to the priestly class: "He [the priest] shall marry a virgin of his own kin, that he may not profane his offspring" (Lev 21:14b–15a). While there is some debate whether the phrase "his own kin" (מעמיו) refers to the priests or Israelites in general, it is evident that the priests were not permitted to marry foreigners, otherwise their descendants would lose their holy status. Therefore, both parents had to be Israelites. This marital standard was applied to all lay Israelites in some communities during the post-exilic period. One of the clearest examples is the expulsion narrative in Ezra 9–10, where mixed progeny with a Judean father and foreign mother were deemed profane, and sent away from the community. In Ezra, Jewish identity was constructing through bilineal descent (genealogical purity), and as a result, the mixed offspring were likely "classed as aliens, set in rhetorical opposition to Israel and expelled from the Israelite community."[5] Although it is impossible to determine what factors influenced Ezra's decision, his ethnic reasoning coincides with the contemporaneous Athenian law of Pericles, which mandated that Athenian children were required to have two Athenian parents to receive their citizenship and inherit land.[6] It is possible that Ezra's strict model of genealogical purity was influenced by Pericles.

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[5] Olyan, *Rites and Rank*, 88.
[6] Plutarch, *Pericles,* 37.3.

This mandate for genealogical purity may also be found in *Miqṣat Maʿaśê ha-Torah* (4QMMT), where the author identified lay Israelites as the "holy seed." Christine Hayes has argued that the designation "holy" (קודש) for lay Israelites in 4QMMT B 72–82 "seeks to *narrow* the gap between Israel and priest."[7] Indeed, Israel was called "holy" (קודש ישראל) and was likened to a "pure animal" (בהמה טהורה); in turn, they were prohibited from mixing sexually with foreigners (4QMMT B 76–79). In chapter 4, I argued that the reference to כלאים in 4QMMT also revealed a concern about bearing mixed offspring from exogamous unions. Like Ezra, this form of bilineal descent mandated that both parents must be part of the holy seed; otherwise, the child would be profane.

Based on the information above, lineage was a central means for constructing Jewish identity in antiquity, and the most common model of descent was ambilineal. However, there were authors who required patrilineal or bilineal descent as well. Generally, one may attribute the use of these other models to broader, cultural influences on the Jewish communities. In the case of Josephus, for example, the importance of patrilineal descent in Roman society allowed him to convey his argument regarding the antiquity of the Jewish people. For Ezra, his bilineal mandate was similar to the law of Pericles, which was enforced to preserve group identity and land. While correlation does not imply causation or direct influence, it is possible that divergences from ambilineal descent were the result of exterior influences on the Jewish community.

There is no clear evidence that any pre-Mishnaic Jewish community held to a strictly matrilineal principle, whereby mixed offspring with an Israelite father and foreign mother were considered foreigners. While Ezra 9–10 has been proposed as the origins of the matrilineal

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[7] Hayes, *Gentile Impurities*, 85.

principle, the mandate of genealogical purity better supports the view that Ezra required both parents to be Israelites, not simply the mother.[8]

The examples above reveal the diverse ways Jewish identities were constructed through lineage, and how genealogies, gender, and kinship relations impacted the status of mixed progeny. In conjunction with genealogy, however, there are additional factors that contributed to the identity of the mixed offspring.

6.2.2 Location

Another factor that was also important for constructing the identity of mixed progeny was residential location. In the Deuteronomistic History, for example, Hiram from Tyre was "the son of a widow of the tribe of Naphtali, whose father [was] a man of Tyre" (1 Kgs 7:14). Like Amasa, his mother was an Israelite, and his father was a foreigner. However, unlike Amasa, Hiram was never identified as an Israelite. I argued in chapter 2 that the author included Hiram's genealogy in 1 Kgs 7 to establish a kinship association between him and the Israelites. Like the Hebrews in DL, who shared common origins with the Israelites but did not necessarily reside among them (1 Sam 14:21), it is possible that Hiram was placed in a similar category. However, Hiram was never called an Israelite, nor a Hebrew. Instead, he was identified as one "from Tyre" (מצר; 1 Kgs 7:13; 9:12); in DL, the preposition מן is more commonly employed to identify one's place of origin.[9] Unlike his father, Hiram was never called a Tyrian (see 1 Kgs 7:14). In order to explain his ambivalent identity, I propose that he was not included among the people of Israel because of his residential location. Had he resided in Israel and had an Israelite mother, then

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[8] Schiffman, "Jewish Identity," 81
[9] See Judg 4:6; 1 Sam 30:13; 2 Sam 17:27; 23:21, 29, 36; 1 Kgs 2:8; 19:16; 2 Kgs 12:2; 15:2; 21:19; 22:1; 23:31; 23:36; 24:8, 18.

Hiram, like Amasa, would likely have been considered an Israelite. Land, then, contributed to the construction of identity in Deuteronomistic literature.

Land also played an important role in the case of Ephraim and Manasseh, the sons of Joseph and Aseneth. Unlike Judah's mixed children, who were born in Canaan and were heirs to Jacob's inheritance, Joseph's offspring were initially excluded from the Abrahamic promises. Once Jacob adopted Ephraim and Manasseh as his own, however, they were able to inherit land in Canaan. Although there is no explicit reason provided for why they needed adoption, I posit that it was necessary because they were mixed offspring born outside of Canaan, and thus excluded from their inheritance. Both land and genealogies were means of constructing identity in the patriarchal narratives, and considering that there were several mixed progeny in Jacob's line who did not require adoption, I propose that the issue for Ephraim and Manasseh was their mixed genealogy *in conjunction with* their foreign residency. In this case as well, land was an important element for establishing identity.

A similar use of land may be found in Lev 24:10–16, which recounts an unknown dispute between an Israelite and a mixed offspring, "[a] man whose mother was an Israelite and whose father was an Egyptian" (Lev 24:10). Although his mother was an Israelite, I argued that he was considered a foreigner because he was a mixed offspring who lived outside the community. At the start of the narrative, the mixed offspring "came out among the people of Israel (ויצא...בתוך בני ישראל) (Lev 24:10), signifying that he did not reside amongst them. Although the geographical boundaries of בתוך בני ישראל were malleable in H, it typically represented the camp where Israelites would reside. In this reading, residential location seemed to have played an important role in forming the identity of mixed progeny. Significantly, each of these narratives above are set in the pre-exilic period in the Hebrew Bible; this may signify that land played a

much larger role in constructing identity before the Babylonian exile. In narratives following the exilic period, the use of location as a means of determining Jewish identity was not as prevalent.

6.2.3 Piety

A third factor that influenced the status mixed progeny alongside lineage was piety (εὐσέβεια) towards the God of Israel. This criterion is found most clearly in the writings of Philo, who express a concern about the spurious customs of children from mixed unions (*Spec. Laws.* 3.29).

Mixed offspring had a malleable status in Philo's writings. First, while Philo considered them to be illegitimate (νόθοι), he also sometimes elevated their status and counted them as legitimate children due to the Jewish education and virtue of their foreign mothers (*Virtues* 223–224). Second, while mixed offspring with either an Israelite mother or Israelite father were included among the Jewish nation, they would seemingly lose their Israelite status if they turned away from Jewish piety. For example, in Philo's treatment of the blasphemer in Lev 24:10–14, who had an Israelite mother and an Egyptian father, he wrote that the mixed offspring "turned aside…to the impiety of Egypt," (*Moses* 2.193). This description coincides with Philo's warning about what would happen to children from exogamous unions (*Spec. Laws.* 3.29). The mixed offspring rejected his mother's ancestral customs and adopted the religion of the Egyptians. In turn, Philo did not consider him to be an Israelite. While Philo does warn that, even those with high births may be dragged down to Tartarus for their abandonment of Jewish piety (*Rewards* 152), they were never said to lose their Israelite identity. However, Philo's treatment of the mixed offspring paints him as a non-Israelite (see chapter 5). A similar consequence is found in the case of Ishmael who, despite having a mother full of virtue (*Abraham* 251), was considered

illegitimate. Indeed, unlike those mixed offspring with Israelite fathers and Egyptian mothers who were included in the Jewish nation, Ishmael was excluded from the Jewish lineage (*Moses* 1.147). Philo points to Ishmael's sophistry to justify his expulsion: "For the latter [Ishmael] has for the fruits of all its labour only those persuasions which tend to establish the false opinion, which destroys the soul…Since then the sophist….[is] expelled and banished by God" (*On the Cherubim* 9–10). Therefore, for Philo, the status of mixed progeny was malleable; their desire to embrace Jewish piety placed them among the people of Israel, whereas their refusal excluded them, thus demonstrating the importance of piety.

Based on the information above, there were several components in constructing the identity and status of mixed progeny. Lineage was the central factor, and different texts testify to diverse ways of conceptualizing proper lineages, such as ambilineal, patrilineal, or bilineal. Other elements contributed to the identity of mixed progeny alongside genealogy, including residential location and piety. The examples above demonstrate how genealogy, location, and piety were some of the most important factors that formed to the identity of children from exogamous unions in pre-Mishnaic Jewish literature.

6.3 The Treatment of Mixed Offspring: A Spectrum

Below I will provide a heuristic framework to present the findings in this dissertation. However, I do not propose that communities represented in the Hebrew Bible or Second Temple period used these categories; it is evident that there was significant diversity in each case. Instead, these categories are only a starting point to present the information.

According to the authors discussed above, there were two main responses towards mixed progeny in pre-Mishnaic Jewish literature: they were either included as part of the nation and

considered part of Jacob's lineage (i.e., accepted), or they were expelled from the community and no longer deemed part of the holy seed (i.e., rejected). However, these categories are fluid and require further discussion. For example, while some communities accepted mixed offspring as Israelites, the mixed progeny may also have been limited in their ability to marry other Israelites, or to take on leadership roles. Similarly, while some communities considered mixed offspring to be profane, others may have deemed them both genealogically and morally impure, and thus inherently wicked. Therefore, the treatment of mixed progeny should be understood on a spectrum to better appreciate the nuance within each text.

Prior to delving in, it should be noted that two different mixed offspring placed in the same category (e.g., accepted) does not imply that their identities were constructed in the same way. For example, mixed progeny with a Jewish father in Josephus's literature would be placed in our first category (accepted), since Josephus held to a patrilineal model of descent. However, mixed offspring from Elephantine would also be placed in this category, even though the Elephantine community was not strictly patrilineal. Therefore, each case of mixed offspring requires its own attention and analysis to appreciate the varying factors that influenced their identity.

6.3.1 Accepted

The first category, "accepted," refers to mixed progeny who were in good standing with their communities, and who had the ability to contribute to most spheres of social life (e.g., marriage, cultic involvement, leadership roles, etc.). Most of the examples from the Hebrew Bible and early post-exilic literature may be placed in this category, since ancient Israel was a predominantly patriarchal society, and most known cases of mixed offspring had an Israelite

father and a foreign mother.[10] For example, Gen 38 recounts the marriage between Judah and an unknown Canaanite woman who bore three sons: Er, Onan, and Shelah. Following this, Judah had two more children through Tamar, who was likely a Canaanite as well: Perez and Zerah. While each offspring was "mixed," Shelah, Perez, and Zerah became heads of their clan, likely signifying their leadership in their communities (Num 26:20; see also 1 Chron 2:4–6; 4:21; 2 Chron 24:7). The prospect that mixed progeny could enjoy leadership roles is especially evident in the Deuteronomistic History, where some functioned as kings (e.g., 1 Kgs 11:43).

In some narratives, mixed progeny were also accepted among the priestly class. Moses, for example, married Zipporah, the daughter of a Midianite priest, who bore Gershom and Eliezer. Gershom was counted among the priesthood in the Deuteronomistic History, despite his mixed status (see Judg 18:30). Similarly, the author of Chronicles counted Gershom and Eliezer as part of the tribe of Levi: "As for Moses the man of God, his sons were to be reckoned among the tribe of Levi. The sons of Moses: Gershom and Eliezer" (1 Chron 23:14–15). In turn, Moses's grandchildren also became chief priests (1 Chron 23:16–17). Therefore, their mixed lineage did not prevent them from taking part in the cultic activity of Israel, even though the priestly laws in H forbade mixed offspring from functioning as priests.

There are mixed progeny from Jewish texts outside of the Hebrew Bible who would equally be placed in this first category. As stated above, the Elephantine contracts include several details about one Jehoishma, the daughter of a Judean father and an Egyptian slave mother (TAD B3.5). There is no evidence that Jehoishma was limited in any capacity: she was given a Jewish name (children whose mothers were slaves often took the mother's name), she received an inheritance from her parents (TAD B3.10; K 5), and she married a Judean named Ananiah, son

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[10] Another factor that plays a role in this evidence is that most texts come from Jewish communities.

of Haggai (TAD B3.8). When I compared her marriage contract with other contracts from

Elephantine, there was no indication that she had a lower status due to her genealogy: she

received a *mohar*, she was financially protected in the event of a divorce, and she would inherit

all her husband's possessions following his death (TAD B3 8:29–30). Similarly, there is no

evidence that Jedaniah and Mahseiah, the mixed offspring with a Judean mother and Egyptian

father, endured any negative social ramifications because of their mixed genealogy. They were

identified as Judeans (TAD B2 9:2–4), they were given Judean names in accordance with their

mother's lineage, and they inherited from their parents (*CAP* 28).

Based on the evidence above, some mixed offspring enjoyed political leadership

positions, they received their inheritance, they partook in cultic rituals, and they married other

Israelites. This is significant, considering how some of these same texts (e.g., DtrH) mention

how offspring from illicit unions (i.e., adultery) were unable to receive their inheritance, or how

those born from concubines were limited in their ability to assume leadership roles.

Within the category of "accepted," however, there are also mixed offspring who were

considered Jewish, yet appear to have had certain limitations placed on them. One example is the

prohibition placed on the *mamzer* in Deuteronomy: "Those born of an illicit union [ממזר] shall

not be admitted to the assembly of the Lord" (Deut 23:2). I followed Milgrom's proposal that a

mamzer is an offspring from an Israelite and either a Moabite or an Ammonite based on the

etymology of *mamzer*, as well as the broader context of Deut 23. Since both the Moabites and

Ammonites had some association with the southern dynasty (e.g., the grandmother of David was

a Moabite, and the mother of Rehoboam was an Ammonite), Milgrom posited that Deut 23:2–3

was a northern polemical regulation to delegitimize the ancestry of the Davidic dynasty.[11] In this

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[11] See Milgrom, "Religious Conversion," 174.

reading, Deut 23:2 preserves a condemnation against a mixed offspring whereby their lineage would have prevented them from ruling in the land, or from being included in the community of Israel entirely. This conviction was evidently not shared by the south, and there is no evidence that it was ever enforced. Rather, it was likely an idealized law that originated in the north.

A second example of mixed progeny who were limited is found in Nehemiah's condemnation of a subset of mixed offspring who "could not speak the language of Judah, but spoke the language of various peoples" (Neh 13:24). As argued above, the dilemma presented here is not merely about language, but the child's foreign ethnic affiliation. In the case of Nehemiah, the foreign language of the mixed offspring was understood to mean that they were unable, or uninterested, in preserving the group identity of the Jewish community.[12]

Since there is no account of the mixed progeny being expelled, as in other cases in post-exilic communities (cf. Neh 7:61; Ezra 9–10), it is likely that they were accepted in the community, yet limited in their social contributions. Jon Berquist, for example, proposes that these offspring would inevitably have been limited in their activities in the community: "without a knowledge of Hebrew or Aramaic, they [the mixed children] would not be capable of assuming leadership positions within the community."[13] This would not necessarily have been an official ruling, but a de facto ruling considering their inability to speak the language, and in turn, the ambiguity regarding their political affiliations.

A final example is Hananiah Notos, mentioned in the so-called Rebukes of the Overseer (4Q477). In chapter 5, I argued that the moniker "Notos" was likely a transliteration from the

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[12] See Fishman, who argues that language is the quintessential symbol of identity (Fishman, "Language and Ethnicity" 25). A similar case may be found in Plutarch's account of a bilingual shepherd who Alexander used a guide to infiltrate Persis, which was guarded by the Persians (Plutarch, *Alexander*, 37.1).
[13] Berquist, *Judaism in Persia's Shadow*, 118.

Greek noun νόθος, meaning "bastard." This noun was commonly used in Jewish and Greek circles to designate illegitimate offspring, including those born from a mixed marriage. It is possible, then, that Hananiah was a mixed offspring who was allowed to remain part of the sectarian community. Fröhlich correctly writes that "His [Hananiah Nothos'] case turns our attention to the phenomenon, that regardless of the highly sophisticated system of ritual purity and the consistent ban of intermarriage in biblical and post biblical legal and literal texts, in the practice there may have existed (and accepted) mixed marriages, and the category nothos - mamzer might not have been unknown in Hellenistic-Roman Judaea."[14] While Hananiah was evidently permitted to remain in the community, the moniker attached to his name was likely to identify him by his blemished pedigree, and thus limited his participation in certain ritual or social activities (e.g., marital unions). This is similar to laws in early rabbinic literature, where the *mamzerim* were limited in who they were able to marry (m. Qidd 4.1).

The three examples above demonstrate that, while some mixed progeny continued to be accepted in the community, and thus were considered Israelites, they likely endured some social ramifications for their mixed lineage. These limitations may be their inability to partake in leadership positions, or marriage with other Israelites. Although our information on these offspring is not extensive, it is likely that such communities would have limited their ability to partake in cultic activities as well.

6.3.2 Excluded

The second category, "excluded," refers to mixed offspring who were not considered part of the people of Israel due to their mixed lineage. In some cases, mixed offspring were

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[14] Fröhlich, "'Mamzer' in Qumran Texts," 115.

considered foreigners, yet continued to reside alongside the community. For example, as mentioned above, the Holiness Code recounts a dispute between an Israelite and a mixed offspring, "[a] man whose mother was an Israelite and whose father was an Egyptian" (Lev 24:10). The conclusion to this legal case reveals that the editor considered the mixed offspring to be a foreigner: "One who blasphemes the name of the Lord shall be put to death; the whole congregation shall stone the blasphemer. Aliens as well as citizens" (Lev 24:16).[15] The mixed offspring, then, lived alongside the community of Israel, but was not considered an Israelite; indeed, he was never called an Israelite himself, but was juxtaposed and contrasted with a full Israelite (איש הישראלי; Lev 24:10). However, as I argued above, the exclusion of the blasphemer was not solely due to his mixed lineage, but also his residential location outside of the camp of Israel.

In other cases, mixed offspring were expelled entirely from the community strictly because of their genealogy. Some groups, for example, considered mixed progeny to be "profane," and thus no longer part of the holy seed. This was especially the case in communities who constructed identity through strictly genealogical terms, thus requiring bilineal descent for the offspring.[16] In Ezra's expulsion narrative, for example, the mixed offspring were not considered Judeans; instead, he expelled all the foreign women alongside their offspring (Ezra 10:3). The expulsion of these children is one of the most extreme responses to offspring from intermarried couples in Jewish literature. Within Ezra, the decision to expel them was supported through a creative interpretation of Deut 7:1–4, which was altered in two ways. First, the law was broadened to include all foreigners, not just Canaanite women. Second, the rationale for the

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[15] Olyan, *Rites and Rank*, 86.
[16] See Jubilees, The Animal Apocalypse; See also Thiessen, *Contesting Conversion*, 89–95.

law was slightly changed: instead of "for that would turn away your children from following me, to serve other gods," Ezra claimed, "[t]hus the holy seed has mixed itself with the peoples of the lands" (Ezra 9:2). Williamson correctly states that the use of "holy seed" in place of "holy people" from Deuteronomy "concentrates on the physical transmission of holiness:" it highlights the problem with mixed offspring.[17] Since the mixed offspring were no longer part of the holy people, they were expelled alongside other foreigners.

While mixed progeny in Ezra were considered profane, other groups portrayed mixed offspring as hybrid beings. Some authors even connected hybridity with a propensity towards wickedness, thus establishing a connection between genealogical impurity and moral impurity. In 1 Enoch, for example, the giants were the offspring of celestial-terrestrial unions, and as a result, they were depicted as hybrid, mixed species. Stuckenbruck notes that "the giants are by nature half angel and half human, and as such are regarded as an illegitimate mixture of spheres that should have been kept separate."[18] The titles attributed to the giants from the myth story are reminiscent of monikers given to illicit offspring: bastards [τοὺς μαζηρέους], half-breeds [τοὺς κιβδήλους], and sons of miscegenation [τοὺς υἱοὺς τῆς πορνείας] (1 En. 10:9a). Above, I argued that the giants' hybrid status related to their wicked actions and bloodshed (1 En. 7:4–5; 10:4–6, 11–15); if the giants represented mixed progeny with priestly father, then the author evidently viewed such mixed progeny to be an illicit, hybrid mixture as well.[19]

In the book of Jubilees, the birth of the hybrid giants was also linked with moral impurity: "[The sons of God and daughters of men] gave birth to children from them and they

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[17] Williamson, *Ezra, Nehemiah*, 132.
[18] See Stuckenbruck, *The Myth of Rebellious Angels*, 82. See also ibid., 101. For the designation of mamzer for the spirit of the giants in the Dead Sea scrolls, see 4Q511 2 ii, 3; 4Q444 2 1, l. 4; 4Q202 iv, 5.
[19] Nickelsburg concludes that the giants are depicted as illegitimate children (Nickelsburg, *1 Enoch 1*, 223; see Suter, "Fallen Angel," 119 and Arcari, "Illicit Unions, Hybrid Sonship," 420).

were giants. Wickedness increased on the earth. All animate beings corrupted their way" (Jub 5:1–2). Following their condemnation, a future age was anticipated where God would establish a righteous nature for all creatures, each according to their kind: "[God] made a new and righteous nature for all his creatures so that they would not sin with their whole nature until eternity. Everyone will be righteous — each according to his kind" (Jub 5:6–12). In other words, a righteous era entails the absence of improper mixing. The giants served as a cautionary tale in Jubilees against exogamous unions with Canaanites (see Jub 20:4–5).

The connection between mixed offspring and moral impurity is also revealed in the descendants of Esau, who married a Canaanite.[20] While Esau was able to turn from his evil ways and his desire to kill his brother (Jub. 36:6), his children appeared incapable of doing so, despite Esau's pleas (see Jub. 36:3; 37:8). James Kugel proposes that their mixed genealogy as the key difference between Esau and his descendants: "if Esau's ancestry vouchsafes him a measure of virtue and filial piety, this is not true of his own sons, the children of 'foreign' women."[21] By contrast, endogamous unions produced righteous/holy offspring in Jubilees (Jub 25:3). Therefore, it appears that some communities not only conceptualized mixed progeny as profane, but also as hybrid species who were morally impure, and thus a threat to the larger Jewish community.

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[20] Esau's children were not examined above since they were not considered part of Abraham's line, leading to Jacob. However, a short analysis may provide insight into how the author of Jubilees conceptualized the inhereit wickedness of some mixed progeny.

[21] Kugel, *A Walk Through Jubilees*, 176. Similarly, in the account of Judah's unions with the Canaanite woman, the author of Jubilees connected Er's wickedness with his Canaanite mother: "Judah took as a wife for his first-born Er one of the Aramean women whose name was Tamar. [Er] hated her and did not lie with her because his mother was a Canaanite woman and he wanted to marry someone from his mother's tribe. But his father Judah did not allow him. That Er, Judah's first-born was evil, and the Lord killed him" (Jub 41:1–3). However, Er was not considered a hybrid offspring in Jubilees, but was placed among the holy seed.

The examples presented above demonstrate the diverse ways offspring were excluded from the community. In H, for example, a mixed progeny was considered a foreigner, yet he continued to reside alongside the community of Israel. By contrast, Ezra considered mixed progeny to be profane and no longer part of the holy seed, and thus he expelled them entirely from the community. In 1 Enoch and Jubilees, however, the depiction of mixed progeny develops; not only are they profane, but they are also a hybrid species that are morally impure as well. As a result, mixed progeny were depicted as morally reprehensible and dangerous for the community, similar to the giants in the Watchers myth story.

6.3.3 Summary

The above categories provide a spectrum of the diverse ways mixed progeny were treated in pre-Mishnaic Jewish literature. These categories are not fixed, but serve as a starting point to categorize the information, and establish a foundation for further research and study.

6.4 Conclusion

In this dissertation, I have examined numerous cases of mixed offspring throughout the Hebrew Bible and Second Temple literature with the goal of understanding the varying factors that contributed to the construction of their identity. My intention was not to advocate that a specific model of descent was evident in early Jewish literature (e.g., matrilineal descent), nor to argue for a diachronic development of descent models in Jewish communities (e.g., patrilineal to matrilineal descent). Indeed, I did not find any one specific model of descent. Instead, I provided a detailed analysis of numerous cases of mixed progeny, which revealed the diverse ways lineage was utilized by authors to form identities; in turn, I developed a better understanding of the

variegated components involved in constructing the identity of mixed progeny. My goal for this dissertation was to contribute to the scholarly discussion of Jewish identity in antiquity, and to further appreciate the matrix between identity, lineage, and exogamy by focusing explicitly on mixed offspring.

In chapters 2–5, I focused on Jewish literature dated to specific time periods with the central question: "How were mixed offspring treated?" Based on the research above, it is evident that there were no homogenous rulings across different Jewish communities in antiquity. Like today, the question of "Who is a Jew" differed between groups, each of which was influenced by their own social setting. While the Mishnah was the first clear attempt to regulate the status of mixed progeny, and provide some form of homogeneity, the refusal of some strands of Judaism to adopt this principle (e.g., Karaite Judaism) as well as the break of the Reconstructionist and Reformed movement with the matrilineal principle in the 20th century, demonstrates how the construction of Jewish identities remains malleable, and is often influenced by larger social contexts.

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