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Through a Babylonian looking glass: a perspective on foreign wives

As Ezra and his company of travelers camped outside of Jerusalem and prepared offerings prior to their entry into the city, he received from his officers this message concerning the Israelites' behavior:

> They have taken their daughters as wives for themselves and for their sons; so that the holy seed has become intermingled with the peoples of the land; and it is the officers and prefects who have taken the lead in this trespass. When I heard this, I rent my garment and robe, I tore hair out of my head and beard, and I sat down desolate. Around me gathered all who were concerned over the words of the God of Israel because of the returning exiles' trespass, while I sat desolate until the evening offering. (Ezra 9:1–4)[1]

The news of intermarriage between the people of Israel, including priests and Levites, and peoples of foreign lands, may have rendered Ezra disconsolate, but it can hardly have surprised him.[2]

Ezra resided in Babylonia, a generation after revolts against Xerxes accelerated a shifting economic landscape and transformed the power and standing of the urban prebendary elite.

His immediate elders belonged to the generation of the "end of archives," in which elite northern Babylonians were removed from power derived from connections to the temples they served. Social change in Babylonia in the generation immediately preceding Ezra's time is also reflected in marriage records. The once-strong divide that precluded intermarriage between the urban elite and non-elite families gave way to a more homogeneous set of social and economic norms. Indeed, the language that recorded intermarriage between non-elite Babylonians and non-Babylonians preceding the "end of archives" was widely adopted in marriage documents in the period following it. Intermarriages of Ezra's predecessors into the Babylonian host community would have conformed to the norms defining non-elite Babylonian marriages; they would have likewise been aware of the social barriers that precluded their marriage into families of the elite. The offspring of this generation would have learned, at their parents' knees and by

1 Translation of the Jewish Publication Society (JPS) 1985.

2 Ezra 9:1 records that the Israelites mingled with and adopted practices of Canaanites, Hittites, Perizzites, Jebusites, Ammonites, Moabites, Egyptians, and Amorites.

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their own observation, of the social barriers that defined the life of Babylonians and of foreigners resident in Babylonia. But by the time Ezra assumed his leadership position, both the Judean community and its Babylonian host were transformed with respect to personal (e.g., marriage), as well as public (e.g., cultic) practices. The similarities in these transformations suggest that a broader understanding of the Babylonian background should shed light on motivations for Ezra's ban on foreign marriages. This paper begins with a description of transformations in Babylonian society in the fifth century BCE, focusing on marriage practices and the realignment of the professional cult families. Against this background, it then turns to identify the main reasons Bible scholars label as the motivation for Ezra's foreign marriage ban. Finally, it considers Ezra's marriage ban as part of a broader pattern of social change and restoration of cultural norms following a series of political disruptions.

Transformation in Babylonian Society

A widely accepted date of 458 BCE for Ezra's mission situates the foreign marriage ban one generation after revolts against Xerxes which resulted in the "end of archives," a marked break in the production of cuneiform documentation of the activities of the prebendary urban elite.[3] In 484 BCE, Xerxes' second year, production of records associated with the homogeneous social sector of the temples of Sippar, Borsippa, Babylon, Dilbat, and Kish ceased. This resulted when Xerxes suppressed revolts led by Šamaš-erība and Bēl-šimânni,[4] and removed from power the prebendary elite who had lent support to the insurrections. Records of their activities, which constituted the vast temple and private archives of the long sixth century, ended with the termination of their association with the northern temple cults. The disruption is further reflected in transformations of other social and economic institutions, notably marriage practices, and, to a degree, the early stages of the re-establishment of a venerable cult. It is in this period of complex realignment of social structures that Ezra's marriage ban emerges.

3 For the date of Ezra's mission, see, e.g., Demsky, "Who Came First?" and Williamson, *Ezra and Nehemiah*. For more recent sources, see Carr, "Criteria and Periodization," 12, Lemaire, *Levantine Epigraphy*, 87.

4 Waerzeggers, "The Babylonian Revolts," 159–60.

Changes in Babylonian Marriage Practices

Marriage constraints were not unique to the Judean community. Although Babylonian texts contain no explicit ban similar to the Deuteronomic injunction,[5] recent studies of surviving cuneiform marriage documents identify the existence of parameters and guidelines for marriage and intermarriage in Babylonia.[6] In *Babylonian Marriage Agreements* (BMA), Martha Roth outlined the structure and terminology of the genre, and focused her discussion on legal and economic implications of the material goods – dowry and marriage gifts – associated with marriage.[7] Her discussion of intermarriage was limited to noting the different linguistically-defined ethnic backgrounds of contracting parties.[8] As new publications expanded the corpus of marriage texts, recent investigations employing social science tools and approaches have produced more nuanced understandings of the practices and social location of intermarriage, including between Babylonians and Judeans.[9]

Two recent studies have transformed our understanding of marriage practices in the long sixth century and beyond. Their important points are summarized here to provide Babylonian context for the treatment of marriages of foreign

5 Deut 7: 1–4; cf. Exod 34: 11–16.

6 In the Babylonian context, intermarriage is defined as marriage between a Babylonian and a non-native Babylonian; in the Assyriological literature, it is increasingly termed an "ethnically mixed marriage." The labels "ethnically mixed marriage" and "intermarriage" suggest a distinction without a difference. The two terms have established a foothold in their respective scholarly communities and serve as discourse markers in each: Assyriology and biblical scholarship, respectively (Waerzeggers, "Changing Marriage Practices," 101–9). In cuneiform sources, the determination of an individual's background relies on two points: (1) members of the urban elite are identified by the presence of a family name in the third position of their name formulae (Personal Name son of Father's Name descendant of Family Name). The families so identified enjoyed the prestige associated with prebendary, priestly offices in the cults of the major cities., and (2) the linguistic background of a person's name. Although names of non-Babylonian origin can be relatively easy to identify in the onomasticon, the difficulties of relying on onomastics to determine an individual's geographic or ethnic origin are well-known.

7 Roth, *Babylonian Marriage Agreements*, 8–10. She delved into details of specific social and legal components of marriage in the following studies: "Age at Marriage"; "She Will Die"; "Contested Status"; "Women in Transition"; "Material Composition"; "Dowries of the Women"; "Neo-Babylonian Widow."

8 Roth, *Babylonian Marriage Agreements*, 24–25, and in the commentary to individual texts where foreign (i.e., non-Babylonian) names appear.

9 Neo-Babylonian and Achaemenid marriage agreement texts identified and studied subsequent to Roth's study include: Wunsch, *Urkunden zum Ehe*, texts 1–7; Jursa, "Babylonian Economy"; Abraham, "West Semitic and Judean Brides"; Bloch, "Judeans in Sippar and Susa"; Waerzeggers, "Locating Contact."

wives.[10] In his 2019 study, *The Social World of the Babylonian Priest*, Bastian Still analyzed the world of the Babylonian elite of Borsippa, as reflected across four relationship rubrics: landholding, lending of silver, friendships, and marriage.[11] Relevant here is his analysis of eighty-one marriages that occurred over a 140-year period. He concluded that marriages in the priestly class adhered to a strict hypergamous system, dependent on the social rank of the priestly families. Daughters of prebendary-holding priestly families married into families of higher rank than of their families of origin, eventually depleting the ranks of daughters eligible for marriage to sons of the lowest priestly families. The solution was to accept women of non-priestly background as brides for the sons of the lowest ranking elite families. The women who were married into this system were wealthy and urban, their economic standing augmenting their social capital.[12] Such movement across levels of social standing helped perpetuate the urban elite's social and economic privileges and was:

> closely monitored and continuously re-negotiated through such hypergamous marriage bonds. *The pervasive necessity to preserve ritual fitness ("purity") and to affirm and defend status determined all social choices made by the priestly clans, as well as their economic outlook* (emphasis added).[13]

Although the circle of priestly families was defined by religiously determined stability and immutability, the marriage documents themselves do not address cultic purity, although it was a requisite for admission to the priestly, prebendary ranks.[14] However, prosperity could also grant social mobility and entrée into the priestly sphere, as evidenced by those few occasions in which "entrepreneurial non-priests managed to marry into established priestly houses – invariably because of the latter's financial difficulties."[15] In pre-484 BCE Babylonian marriage

10 Still, *Social World*; Waerzeggers, "Changing Marriage Practices."

11 Still, *Social World*, 5.

12 Still emphasized that there isn't sufficient evidence to demonstrate widespread implementation of this hypergamous system outside of the Borsippa archives. Although the Sippar marriage agreement of the Judean bride, Kaššaya, to Gūzānu of the Miller family, does not represent a true instance of such hypergamy, it suggests that the system operated, at varying degrees of strictness, in multiple urban settings.

13 Jursa, "Neo-Babylonian Empire," 154–55.

14 Caroline Waerzeggers briefly describes the purity requirements to which members of the (Neo-)Babylonian priesthood were subject (*The Ezida Temple*, 51–54). In addition to meeting standards of physical and moral cleanliness, candidates for the Neo-Babylonian priesthood were also required to register with the king, who retained the right to deny individuals access to the cult. The potential negative consequences of the close connection between crown and palace are apparent in the fate of the priestly class following the revolts against Xerxes.

15 Jursa, "The Neo-Babylonian Empire," 155.

documents, the limited degree of such movement is observed in and across four categories of marriage:[16]

1. Elite endogamous marriages joined individuals from elite families of the same social hierarchy.[17] Inclusion of family names in their name formulae served to mark individuals' membership in this group connected to priestly offices of the temples.[18]

2. Non-elite endogamous marriages united members of the upper class to other members of the upper-class,[19] primarily wealthy merchants or members of the court, whose professions granted them social and financial standing.

3. Exogamous marriages occurred between elite and non-elite individuals, the former identified by presence of a family name, the latter, lacking the same. Most instances of this common form of mixed marriage occurred between Babylonians.[20]

4. Ethnically mixed marriages united members of non-elite status and persons of non-Babylonian background. Waerzeggers notes that the difficulty of assigning such marriages a place in the overall system of marriages is impacted by the limitations of onomastic evidence, the openness of Babylonia to newcomers, and the widely differing status of individuals with non-Babylonian names.[21]

The clear social boundaries are evident in the language and structure of specific components of marriage contracts. Those of the elite focus on dowry, whereas less than twenty percent of non-elite marriage documents do so.[22] Language in the marriage documents of the non-elite controlled the marriage partners' sexual behavior through institution of various punishments. The divorce clause imposed a fine in silver on husbands who were unfaithful or otherwise wrongly dismissed a wife. Unfaithful wives were condemned to death by the iron

16 Following Waerzeggers, "Changing Marriage Practices," 101–31.

17 For a description of the hierarchy among priests (and by extension, priestly families), see the discussion in Waerzeggers, *The Ezida Temple,* 42–51.

18 Still, *Social World*, 30. These marriages belong to Group B in Waerzeggers, "Changing Marriage Practices," 124–26.

19 Group A in Waerzeggers, "Changing Marriage Practices," 121–23.

20 Group C in Waerzeggers, "Changing Marriage Practices," 127–28.

21 Waerzeggers, "Changing Marriage Practices," 108.

22 Information about the composition and disposal of dowries is also found in: (1) dowry receipts, legal texts recording the bride's family transfer of the dowry to the groom's family (Wunsch, *Urkunden zum Ehe,* 2), and (2) dowry lists. The hundreds of preserved dowry receipts outnumber the marriage contracts themselves and are the primary source for the study of the composition of the dowry (Roth, "Material Composition"). A fourth category of text is the dowry promise, a record of the intention of the bride's family to transfer the dowry at the time of marriage (Waerzeggers, "Changing Marriage Practices," 104).

dagger.[23] This harsh threat, of which there is no record of having been effected, appeared exclusively in marriage documents of brides lacking a traditional family name, regardless of the groom's standing, social connections, professional or administrative titles or material wealth. The iron dagger clause marked and reinforced such brides' outsider status vis-à-vis the elite status of the groom's family. Such signals of social location were of particular importance to the urban elite, for whom preservation of the purity of family lines was intrinsically tied to their prebendary temple service.

Even prior to the "end of archives," the language of marriage documents evidenced change, reflecting incipient shifts in the fabric of Babylonian society. BMA 25, written at the end of Darius I's reign (year 35, 486 BCE), records the marriage of a woman without a family name. Among the innovations from previous contractual patterns was the fact that she negotiated the terms for herself, contributed dowry to the marriage and avoided inclusion of the iron dagger clause, which had previously appeared in all marriage documents of non-elite women. This is a pivotal document, as subsequent marriage documents all omit penalty clauses, rendering non-elite marriages in the same terms as those of the elite. These changes signal "a departure from the communal values that had underpinned lower class marriage at least since the second half of the seventh century BCE."[24]

The Judean Marriages

As the interest here is in ways that marriage practices in Babylonia might inform understanding the circumstances that prompted Ezra's marriage ban, evidence of ethnically-mixed marriages involving Judeans and Babylonians should be considered. The cuneiform marriage documents of Judeans in Babylonia all pre-date 484 BCE and adhere to the patterns attested in the contemporaneous sources. Limitations of the data as a means of assessing the impact of Babylonian social conditions on Judean marriages include: (1) The gender balance in marriages of Judean brides to Babylonian grooms does not parallel that attested in the Ezra narrative, concerned with the marriage of Judean men to *foreign wives*. Thus, a direct correspondence of social praxis, e.g., hypergamy, that functions in gender-specific ways may not be evident.; (2) The small size of the Judean marriage text corpus provides a limited perspective on the scope of social and economic condi-

23 Roth, "She Will Die," 186–206.

24 Waerzeggers, "Changing Marriage Practices," 118.

tions associated with Judean marriages in Babylonia.[25] Surely, more than two marriages took place in the Judean community, even taking into consideration the *communis opinio* that a verbal agreement sufficed to effect a contract for marriages which included no special circumstances;[26] (3) As the entire marriage corpus spans nearly 150 years, each document provides a snapshot of the details of a specific marriage at a singular point in time. It is to the two prominent cases that this study now turns, the marriages of the Judean brides, Nanaya-kanāt and Kaššaya to their respective grooms.

Nanaya-kanāt's Marriage Contract

Nanaya-kanāt's marriage document was written in the fifth year of Cyrus (533 BCE) in Yahudu, a Babylonian mirror town in which many Judean deportees were settled. Indirect onomastic evidence identifies Nanaya-kanāt as Judean, even though her mother's West Semitic name, Dibbi, is of uncertain etymology and her maternal grandfather bore the Akkadian name Dannâ. The large number of

25 The two most frequently discussed Judean marriage texts are those of Nanaya-kanāt and of Kaššaya. Together they constitute but 4 % of the total number of texts (50) on which Waerzeggers based her 2020 study of the evolution of Babylonian marriage practices. A third text, BMA 17 (YOS 6 188), belongs to this category but is much less informative than the Nanaya-kanāt and Kaššaya contracts. BMA 17, written in ālu-ša-Lanē (27.ix.14 Nabonidus = 542 BCE) should be considered another instance of a ethnically-mixed marriage, notably of a Judean groom to a Babylonian bride (see also Alstola, *Judeans in Babylonia*, 132 and Lemos, *Marriage* Gifts, 237). The groom bears the good Babylonian name Nabû-aḫ-uṣur, but is identified as Judean by his Yahwistic patronymic, Hatāma (*^{m}ha-ta-a-ma*) (Zadok, *The Jews in Babylonia*, 39.) The patronymic of the final witness, [...] son of Amma (*^{m}am-ma-a*), is West Semitic (Zadok, "Representation of Foreigners," 498; Zadok. "New Documents," 495.

As witnesses are drawn from the social circles of the contracting parties, this supports locating the groom's family among individuals of foreign origin in southern Babylonia. Zadok located the town ālu-ša-Lanē in the vicinity of Uruk but noted that the final element of the toponym may be emended to -Banē [RG 8 p. 13], a town located on the Middle Euphrates RG 8: 424 (Appendix), at a remove from the Babylonian heartland, perhaps reducing the impact of Babylonian practice on this specific marriage.

26 This is deduced from the text of Neo-Babylonian law §9A, which reads: "A man who makes an oral promise of the dowry for his daughter, or writes it on a tablet for her, and whose estate later decreases – he shall give to his daughter a dowry in accordance with the remaining assets of his estate; the father-in-law (i.e., the bride's father) and the groom will not by mutual agreement alter the commitments." (*amēlu ša nudunnû ana mārtišu iqbûma lu ṭuppi išṭurušu u arki nikkassīšu imṭû akî nikkassīšu ša rēḫi nudunnû ana mārtišu inandin eme u ḫatanu aḫāmeš ul innû*) (Roth, *Law Collections*, 146–47: iii 23–31.

witnesses bearing Yahwistic names locates the marriage in the Judean community, as witnesses were typically drawn from the circle of a principal's associates, friends, or colleagues.[27] Thus it is reasonable to suggest that Nanaya-kanāt's father, absent from this document and presumed deceased, was himself of Judean descent. Taking 572 BCE, the date of the earliest known Yahudu text, as a reference point, and approximating the length of a generation at 25 years, her marriage occurred as early as the second generation of Yahudu's existence as a deportee settlement. Her family would have lived in Mesopotamia for a long enough period to have observed marriage practices among their Babylonian neighbors, and perhaps, to have incorporated those practices into its own family customs.[28] The lack of clan affiliation in the groom's name and absence of the bride's dowry establish Nanaya-kanāt's marriage as one of Waerzegger's "non-elite marriages."[29]

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27 Von Dassow, "Introducing the Witnesses," 15. The request by a groom (or a member of his family), for the purposes of marriage, of the hand of a sister from a brother or mother, is an indication that the bride's father has died or is otherwise no longer in the picture (see Roth, "Age at Marriage," 724). Further support for the connections between Nanaya-kanāt's family and the broader Judean community is evident from the fact that two of the witnesses to her marriage contract, Šilim-Yāma son of Nadab-Yāma and Ṣidqī-Yāma son of Natīn, may be attested in two other Yahudu documents: CUSAS 28 10 and BaAr 6 3. Alstola (*Judeans in Babylonia*, 130 f.) discusses Nanaya-kanāt's marriage text. He cautions against concluding, on the sole basis of the witnesses' names, that the bride's family was of Judean origin and warns that the Babylonian names of the groom and his father may conceal their own foreign origins. Nonetheless, Alstola considers this a Judean marriage.

28 However, Nanaya-kanāt's marriage document may reflect a more complex process of cultural borrowings and integration. Abraham ("Negotiating Marriage," 36 f.) suggests unusual expressions in the contract resemble phrases in Elephantine marriage documents, and thus reflect influence from the foreign participants' origins. Abraham believes that the parties could choose to add phrases and to emend standard Babylonian marriage document terminology to suit their cultural paradigms, even though they were marrying in Babylonia and adhering primarily to a Babylonian model.

29 Abraham notes that poor brides typically did not receive dowries ("West Semitic and Judean Brides," 202). Wunsch discusses the link between socio-economic status and the iron dagger clause (*Urkunden zum Ehe,* 6 f.). Waerzeggers explains that this identification is predicated on the assumption that the groom and his family were in fact of Babylonian origin, and that their Babylonian names didn't conceal foreign (potentially even Judean) origins ("Changing Marriage Practices," 121). Another non-elite marriage that should be mentioned in this connection is BMA 11, originally published as tablet 23 in Dhorme, "Les Tablettes babyloniennes." BMA 11 was written during the reign of Nabonidus (555–539 BCE) in a town called Neirab, like Yahudu, a mirror town named for the hometown of a majority of its residents. It remains the only town for which cuneiform texts confirm a return of descendants of deportees to their homeland. The Neirab marriage text, which demonstrates that intermarriage between deportees and (presumably) native Babylonians was practiced beyond the Judean community and that such marriages were

The Marriage of Kaššaya

Two texts reference the marriage of Kaššaya, daughter of Amuše and Guddaddītu.[30] Although her brothers bore Babylonian names, and she shared a good Babylonian name with one of Nebuchadnezzar's daughters,[31] the family's Judean background is confirmed by the Yahwistic name of her uncle, Aḫī-Yāma. He and his brother were *tamkar šarri*, royal merchants, and thus they and the family were considered to be upper class.[32] Kaššaya's marriage contract resembles that of Nanaya-kanāt in its standard components but differs significantly in its inclusion of a dowry presentation,[33] indicative of her family's standing.

At first glance, the marriage of Kaššaya to Gūzānu, son of Kiribati of the Miller clan, might appear to have been a rare example of an individual of non-elite origin marrying into the elite circle of temple priests and prebend holders, of the type of hypergamy Still identified occurring at the bottom level of the Sippar priesthood. However, this was unlikely, as "Miller" was not an elite family name tied to prebendary temple service in the Neo-Babylonian period.[34] Thus Kaššaya's marriage differs technically from marriages in which attested family names refer to professionals at different levels of the temple priestly culture and prebendary environment. However, in Kaššaya's marriage contract, the groom's

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contracted contemporaneously with the Judean exilic period. Although the Neirab marriage took place in Babylonia, it is unlikely that the bridal couple returned to its ancestral homeland. The chronological distribution of the tablets carried back to the Aleppo region point to a return date in the reign of Darius. For the most recent discussion of the Neirab texts, see Tolini, "Le Rôle de la famille," and Gauthier Tolini, "From Syria to Babylon."

30 BM 65149, and its near duplicate, BM 68921, have been treated in the following: BMA 26; Abraham, "West Semitic and Judean Brides," 198–219; Bloch, "Judeans in Sippar and Susa," 119–72; Jursa,"Eine Familie von Königskaufleuten."

31 Joannès, "Kaššaia, fille de Nabuchodonosor II"; Beaulieu, "Ba'u-Asītu and Kaššaya."

32 Aḫī-Yāma and Basia, uncles of Kaššaya, are identified as *tamkar šarri* in her marriage contract. Her father, Amušê, whose name appears only as a patronym in the marriage document, was likely also a royal merchant, based on the payment of 5½ minas of silver he received for its equivalent of gold. These commodities, and especially in these quantities, reflect access to the largesse of the temple or palace coffers. See Wunsch, *Judaeans by the Waters*, 57 n. 104.

33 It consisted of 1/3 shekel of jewelry, one pair of gold earrings worth one shekel, one Akkadian bed, five chairs, one table, a goblet and a platter made of bronze.

34 Wunsch, *Judaeans by the Waters*, 57. The only attestation of a miller's prebend appears in the Hellenistic period text OECT 9 62, which combines responsibility for prebends of a baker and a miller for a period of ten years (van Driel, *Elusive Silver*, 120 n. 131). In the Borsippa documentation, millers are associated with bakers and brewers, but their work, subordinate to and supportive of the prebendaries' offices, does not carry prebendary compensation or status (Waerzeggers, *The Ezida Temple*, 39 n. 206).

use of a family name identifying one of the groups of subordinate, non-prebendary laborers in the lowest circles of temple workers, suggests his family's aspiration to greater social standing; marriage into a family with an elite name may have been additional enticement for the Ariḫ family to conclude Kaššaya's marriage with Gūzānu. However, the social connection that resulted from this marriage was ultimately (and indirectly) to a family involved with a non-priestly family in a prominent Babylonian social circle, namely the Babylon-based entrepreneurial Egibi.[35]

Recent analysis of the onomastic and prosopographic evidence for the Miller family name connects the family to the circle of Egibi activities, and establishes a Judean connection, through marriage, to the entrepreneurial firm. In the marriage document, the family name "miller" is written logographically: $^{lu}{}_2$ÀR.ÀR.[36] In a half-dozen Egibi texts, the family name of a certain Marduk son of Gūzānu is written pseudo-logographically as $^{lu}{}_2$*kàṣ-ṣì-dak-ku*/*ka*. The genealogical information preserved in the marriage contract made it possible for the two orthographies to be identified as referring to the same family group, and to establish Kaššaya's groom as Marduk's father.[37] This information provides the indirect link necessary to connect the Judeans to the circle of the Egibi.

In a handful of texts dated to 497–496 BCE, Marduk son of Gūzānu appears as a witness together with a Tattannu son of Nabû-kāṣir of the Dābibi family, who regularly appears in Egibi texts concerned with payments for services owed the state and for bulk commodity shipments.[38] In at least one case, he co-occurs in a text with a scribe from the Dēkû family, whose activities connect the Egibi firm to the *bīt mār šarri*, the "house of the crown prince," that is, to the royal household, which supported endeavors of the Egibi as well as those of royal merchants. Marduk son of Gūzānu and Tattannu son of Nabû-kāṣir of the family of Dābibi share a closer connection to each other than to other witnesses in the texts, few of whom reoccur in this small corpus. Their positions near or at the top of witness lists also suggests a close connection to the principals and officials ordering the

35 For general overviews of the Egibi family and its entrepreneurial activities, see Wunsch, "The Egibi Family," and Wunsch, "The Egibi Family's Real Estate."

36 The logographic writing is typically $^{lu}{}_2$GAZ.ZÍD.DA. Additional examples of the orthography $^{lu}{}_2$ÀR.ÀR are attested in VAS 3 53:13; Nbn 600:4; RA 19 85:14 (cited in CAD A/2 233). In the Borsippa texts, the verb *ṭênu*, rather than *arāru*, is used to refer to milling activity; the miller was *ṭē'inu* (Waerzeggers, *The Ezida Temple*, 213). This distinction in terminology corroborates Wunsch's assertion that the family name Ararru was a late invention (*Judaeans by the Waters,* 56), and perhaps suggests that millers, who were subordinate to and provided labor necessary for the prebendary bakers' work, found a means to express desired social standing.

37 For this identification, see Wunsch, *Judaeans by the Waters*, 55–7.

38 Abraham, *Business and Politics*, texts 22, 38, 43, 50, 54, 59, and 61.

transactions.[39] These connections illustrate a network of relationships between individuals associated with financial firms and the royal court. Thus, the offspring of Kaššaya's marriage to Gūzānu extend the activity of the Ariḫ family from the days of the Neo-Babylonian kings down to the reign of Darius. The link between Marduk son of Gūzānu and Tattannu son of Nabû-kāṣir of the Dābibi family connects a Judean family of royal merchants to the Egibi family in the decade or so preceding the revolts in Xerxes' reign. Although the Judean family of royal merchants never achieved the wealth of the Egibi family, the sources demonstrate a potential path by which the control of Judean assets, in the form of dowry, could be reassigned outside the family, at least until the dissolution of a marriage. This pattern could have represented a threat to the financial stability of the Judean family and community. The question that remains to be asked is whether any of these features related to marriage and intermarriage in Babylonia offer parallels to the reasons adduced for Ezra's marriage ban.

What Prompted Ezra's Marriage Ban?

Ezra declaims the foreign marriages as he is poised to enter Jerusalem to fulfill the mission initiated by Artaxerxes' letter:

> Artaxerxes, king of kings, to Ezra the priest, scholar of the law of the God of heaven, and so forth. And now, I hereby issue an order that anyone in my kingdom who is of the people of Israel and its priests and Levites who feels impelled to go to Jerusalem may go with you. For you are commissioned by the king and his seven advisers to regulate Judah and Jerusalem according to the law of your God, which is in your care, and to bring the freewill offering of silver and gold, which the king and his advisers made to the God of Israel, whose dwelling is in Jerusalem, and whatever silver and gold that you find throughout the province of Babylon, together with the free will offerings that the people and the priests will give for the House of their God, which is in Jerusalem. (Ezra 7: 12–17)

Ezra's experience in Babylonia as a scribe and community leader led Hugh Williamson to label Ezra uniquely qualified "to reconcile the sometimes conflicting demands of 'the law of your God and the law of the king'."[40] But Ezra was not the only individual who had to confront tensions between the realms of sacred and secular law. In Babylonia, one generation before Ezra's mission, disruptive political events and shifts in economic practices in early Achaemenid Babylonia

39 A royal courtier orders the transaction recorded in Abraham, *Business and Politics,* no. 38; the governor of Babylon does the same in texts 54 and 59.
40 Williamson, *Ezra and Nehemiah*, 74–5.

triggered change in several Babylonian institutions, including marriage and manifestations of individuals' and families' identification with offices of the traditional temple cults.

Scholars have identified five major areas of concern that could have contributed to Ezra's extreme call for the expulsion of wives and children some Judean men had married. None, however, provides sufficient justification for the action. In this paper, the five areas are summarized and serve as a jumping off point for consideration of similar rationales in the social and economic environment of the Neo-Babylonian and Achaemenid periods. The following sketch of the shape and transformations of social processes in Babylonia across the long sixth century to the period following the revolts in Xerxes second regnal year (484 BCE),[41] which corresponds to the period of Judean history from the first deportations under Nebuchadnezzar and the destruction of the Jerusalem temple through the time of Ezra's mission. It will not resolve all the questions pertaining to the motivation and justification of Ezra's actions, but it will locate the Judean community and its own responses to challenges to its composition and identity within the broader context, making more evident that "restructuring Jewish life in the aftermath of military, economic and religious devastation" occurred in a "pivotal era" not only for the Judeans, but for Babylonian society more broadly.[42]

Scholars have identified these themes as primary concerns driving the foreign marriage crisis: apostasy; inheritance and land tenure; status, class, and money; purity; identity and ethnicity.[43] The threat posed by each is summarized to facilitate identification of comparable evidence and social situations in Babylonia, and therefore elucidate the context in which Ezra's intermarriages may be viewed.

1. Apostasy. Some scholars suggest a primary motivation for Ezra's foreign marriage ban was the concern that foreign brides would lead the Judeans toward idolatry, especially as children adopted their mothers' religious beliefs.[44] According to Katherine Southwood, the scholarly argument that apostasy was a significant reason for the ban's implementation is tied to matters of Israelite (i.e., national), rather than religious, identity. She further suggests that an example of religious conversion appears in Ezra 6:21, but the text preserves no other indica-

41 For a definition of the long sixth century, see Jursa and Baker, *Approaching the Babylonian Economy*, v.

42 Eskenazi, "Out from the Shadows," 25.

43 The rubrics presented here follow the terminology in Tiemeyer, *Ezra-Nehemiah*, 86–94. Although other scholars apply different labels to these topics, there is consensus on the areas of concern.

44 Fensham, *The Books of Ezra and Nehemiah*, 124.

tion that the foreign wives were offered an option that would have addressed issues of continuity of religious identity and distinctiveness.[45] Indeed, apostasy is not explicitly identified as problematic in Ezra 9–10, despite the text's allusion to the foreign marriage prohibition in Deuteronomy 7.[46] In the Babylonian record, concerns over apostasy, renunciation of a religious philosophy or practice, are not evident. While biblical scholars frame the loss of distinctive Judean/Israelite identity as a major consequence of association with foreign populations, Babylonian society was historically and notably receptive to foreigners, regardless of the newcomer's religious affiliation or preference, as is evident in marriages between Babylonians and non-Babylonians, where social standing is a defining principle.

2. Inheritance and Land Tenure. The notion that social, economic, and legal issues associated with the potential loss of inheritance served as the motivation for the foreign wives ban reflects a scholar's belief that forced divorces "sought to make sure that the land of Yehud would not leave Jewish ownership. If women could inherit property, then foreign wives-turned-widows who, in turn, remarried men from their community of birth would endanger the rights of the Jewish community to their ancestral land."[47] This perceived threat to the land holdings of the Jewish community could have become a reality if legal conventions allowed wives to inherit real property in the case of divorce or death. Such was the practice at Elephantine,[48] where women could inherit real and movable property

45 In support of a reference to conversion in Ezra, Southwood (*Ethnicity and the Mixed Marriage*, 78) notes John Kessler's exegesis of Ezra 6:21, discussing inclusivist tendencies, among them broadening eligibility to participate in the Passover "to all who purify themselves from the uncleanness of the surrounding nations." ("Persia's Loyal Yahwists," 109).

46 Deut 7:1–4: "When your God יהוה brings you to the land that you are about to enter and possess, and [God] dislodges many nations before you – the Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites, seven nations much larger than you – your God יהוה delivers them to you and you defeat them, you must doom them to destruction: grant them no terms and give them no quarter. You shall not intermarry with them: do not give your daughters to their sons or take their daughters for your sons. For they will turn your children away from Me to worship other gods, and יהוה's anger will blaze forth against you, promptly wiping you out." (JPS translation 1985).

47 Tiemeyer, *Ezra-Nehemiah*, 87. Harold C. Washington expresses the problem thus: "Exogamous marriages could result in alien claims to land belonging to the Judean collective." ("The Strange Women," 235).

48 The date of the marriage contract written in Yahudu is damaged. The regnal year is preserved (5), but the name of the king is not. Either proposed reconstruction (Cyrus [Bloch, "Judeans in Sippar and Susa," 152; Jursa, "Kollationen," 99] or Darius I [Wunsch "Judaeans by the Waters," 59] positions the marriage in the post-return period. It is thus contemporaneous to the Elephantine material.

and initiate divorce.[49] Proponents of this perspective argue that, for the Golah community, marriage to women of non-Israelite background opened the possibility, upon the grooms' demise, of eventual loss of Judean control of the land.[50]

Indeed, most scholars do not contend that the rights of women at Elephantine to inherit and divorce were a major motivation to Ezra's marriage ban. First, the number of instances in which an inheritance issue appears in connection with the Judean women at Elephantine is small. And, second, Kathleen Abraham understands the occurrence of Aramaic marriage practice in a Yahudu document of a Judean woman's marriage as important enough to characterize it as "non-Babylonian in an Akkadian garb."[51]

The Yahudu text demonstrates the marriage of Judean women to foreign men, setting up a gender balance opposite that encountered in Ezra's marriage ban. But the text does not mention land, either as a dowry component or as a portion of inheritance, which therefore cannot be included as an explanation of any aspect of the marriage ban. In short, claims that concerns over inheritance could justify Ezra's call for divorce in a significant portion of the Golah community run counter to the situation in Babylonia, his home and familiar territory.

There, strict patriarchal rules of inheritance meant that women rarely, if at all, acquired property or the ability to dispose of it. Social convention constrained women from full participation in those activities, even though they had, in principle, the legal capacity to acquire and dispose of property, manage businesses, and enter legal obligations. Normally, neither daughters nor wives had the right to inheritance, but could receive a share of the paternal estate in the form of a dowry or marital gift.[52] When land is listed in the dowry component of Babylonian marriage documents of the urban elite, it is "precisely because its value made the drafting of a written record advisable."[53] Notably, and not surprisingly, land

49 For general sketches of Elephantine documentation of women's rights to inherit property in their own names, as well of circumstances in which they could do so, see Eskenazi, "Out from the Shadows," 25–43; Azzoni, "Women and Property."

50 Washington, "The Strange Women," 236: "In the post-exilic setting, if families outside the recognized paternal estates became related to community members through marriage, there could be no assurance that such laws would preserve the economic base of the Judeaean collective."

51 Abraham, "West Semitic and Judean Brides," 198–219; Abraham, "Negotiating Marriage," 33–57.

52 Wunsch, "Women's Property"; Oelsner, Wells, and Wunsch "Neo-Babylonian Period," 941–43 describe a limited number of scenarios in which women were heirs to real estate holdings of their father. Notably, the fathers headed wealthy families and the marriages of their daughters were arranged to further the social standing of the family.

53 Westbrook, *Property and the Family*, 143 n. 2. Parcels of land are included in five of the twenty Babylonian marriage documents between members of the urban elite, all of which occurred

is not mentioned in any of the non-elite marriages in the Neo-Babylonian corpus,[54] the category to which the marriages of the Judean brides belonged.

Regarding the degree to which inheritance was an important factor in the pronouncement of the foreign marriage ban, the cuneiform marriage documents referencing Judean brides are not informative. Neither the document written at Yahudu nor the one written in Sippar references land in connection with the transaction, consistent with the non-elite status of the families involved.

3. Status, class and money. Some argue that those who returned to Yehud belonged to the elite, and because they "traced their lineage back to the pre-exilic men of power [they] also hold key leadership positions in post-exilic Yehud."[55] Daniel L. Smith-Christopher argues the opposite, namely that the dissolution of mixed marriages in Ezra is not compatible with the view that returning exiles belonged to the privileged elite.[56] He suggests that hypergamy defined status-minded exilic men's marriages to women from Yehud, as they "attempt to 'marry up' and thus to climb the social ladder."[57] While Smith-Christopher's invocation of hypergamy as an explanation of the foreign marriage problem has been deemed circular,[58] recent studies of the role of hypergamy in the social and cultic organization of long sixth century Babylonian society provide greater context and clarification of its potential impact on marriage, and may offer insights into Ezra's rejection of such marriages.

4. Purity as a justification for the foreign marriage ban is a broad category with wide-ranging discussion. It is considered in the scholarly literature in terms of concerns over cultic and moral purity, as hallmarks and assurances of Israel's distinctiveness, its holy status, and ethnic sanctity. Impurity labels used in Ezra-Nehemiah to mark persons as unwelcome in the community bind the issue of purity to ethnic standing.[59] Southwood notes that the various explanations "fail to go beyond describing the significance of purity itself within the text, and the mechanics of how it operates."[60] As the concern here is to consider issues associated with the marriage ban and their possible Babylonian contexts, it should be noted that in the Babylonian cult, purity is also a prerequisite to serve in the

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before the end of the archives in 484 BCE: BMA 9, (Borsippa, 6 Nbn); BMA 15 (Babylon, 12 Nbn); BMA 18 (Babylon, 16 Nbn); BMA 21 (Borsippa, Camb. [year broken]); BMA 22 (Borsippa, 1 Darius).

54 Details of these marriages are presented in tabular form in Waerzeggers, "Changing Marriage Practices," 121–23.

55 Tiemeyer, "Hope and Disappointment," 68–9.

56 Smith-Christopher, "The Mixed Marriage," 256.

57 Tiemeyer, E*zra-Nehemiah*, 88.

58 Southwood, *Ethnicity and the Mixed Marriage*, 89.

59 Southwood, *Ethnicity and the Mixed Marriage*, 90–3.

60 Southwood, *Ethnicity and the Mixed Marriage*, 97.

temple and its associated prebendary offices.[61] But Babylonian sources provide few explicit statements of what constitutes purity, and make no claim for purity's value as an identity marker.

5. Identity and Ethnicity. For Ezra, mixed marriages and return migration endangered Israel's identity, for they defied boundaries of who was understood to be "in" and "out" of the people. Identity and ethnicity are considered in connection with family and kinship, issues intimately tied to marriage. For Babylonia, identity and ethnicity do not seem to have been problematized, as reflected in the rare inclusion of a marker of a person's or group's place of origin. Indeed, Babylonia had a long-standing tradition of integrating individuals and groups of people into the mainstream of society. In the first millennium BCE, even prior to Nebuchadnezzar's deportations, large numbers of non-Babylonian populations, particularly West Semites, entered the Mesopotamian heartland, impacted the demographic landscape, and found integration into most strata of society, save the urban elite.[62] This is reflected in marriages, where economic standing, rather than geographic or ethnic background was a defining factor.

Situating Ezra's Problem with the Foreign Wives

None of the above topics alone offers sufficient motivation for Ezra's foreign marriage ban. They reflect the complex intertwining of legal, economic, and religious factors, which permeated the social fabric of the diverse, multicultural environment of Babylonia in which Ezra resided, as well as of the Judean experience. For some Judeans who returned to the land, behavior that ran counter to biblical law (i.e., marrying foreign wives) may have been influenced through exposure to Babylonian practices. However, to attribute the foreign marriages simply to acculturation would not provide justification for Ezra's ban. Rather, consideration of marriage patterns in Babylonia before and after 484 BCE in connection with the purpose of Ezra's mission provides broader context for Ezra's response.

In this connection, it is worth revisiting a century-old commentary on the books of Ezra and Nehemiah that offers a suggestion that can be reconsidered with the help of recent knowledge of Babylonian marriage practices. In 1913, with respect to the charge that the Judeans had taken foreign wives, Loring Batten

61 See the discussion in Waerzeggers, *The Ezida Temple*, passim.

62 For discussion of the arrival and treatment of foreign groups into the Babylonian heartland during the first millennium, and especially the Neo-Babylonian and Achaemenid periods, see Zilberg. "At the Gate of All Nations," II, 21–220.

commented: "There is no hint that Jewish women had married foreign men. The condition is attributable to the scarcity of women in the new community."[63] The Judean-Babylonian marriage texts demonstrate that Judean (Jewish) women indeed did marry foreigners in Babylonia. As the two Judean cuneiform marriage texts date to the period preceding and immediately after Cyrus' decree of return, they suggest that at the time of the first wave of Judeans returning from the exile, the Judean population of the land could have experienced a gender imbalance. Once married, women were tied to their grooms' households; Judean brides, now rooted in Babylonia, were unlikely to have returned to Judah. Judean men in Babylonia could have married local women, as BMA 27 demonstrates. Such marriages may be assumed to have taken place, based on the parallel situation evident in the marriage document in which a Neirabean man resident in Babylonia married a non-elite Babylonian woman.

Participants in non-elite marriages between Judean men and non-Judean women might have returned to Judah, as the men aimed to reclaim their heritage, and possibly, their real property. In the period before 484 BCE, marriages in Babylonia that united two individuals of non-elite standing would have posed no threats to the financial or social standing of individual Judeans or to their community. However, by 458 BCE, Ezra's return to Jerusalem "to teach laws and rules to Israel,"[64] coincided with accelerating social changes in Babylonia. With the elimination of the social restrictions of hypergamy that applied to marriages for members of the Babylonian priesthood, the language of elite and non-elite contracts resembled each other. Members of the Judean elite who accompanied Ezra back to Judah lived in a cultural environment in which the standing of people traditionally tasked with temple service were removed from their positions of power. Memory of limitations on marriages may have circulated among members of the Babylonian priesthood, whose families had been adversely affected by the social shifts, and in the network of Judeans who had contact with the court. Ezra's work associated with Temple restoration, however, required adherence to traditional social and cultic norms, including preservation of priestly lines. And in this task, there is evidence for cultic continuity and restoration in traditional Babylonian cults in the late Achaemenid and early Hellenistic periods.

Some Babylonian families which had not supported the revolts against Xerxes relocated to the south where the priesthood remained intact and prebendary personnel continued to staff temples. In Uruk, these families initiated restoration of the venerable Anu cult, which, by the period of Neo-Babylonian and early

63 Batten, *A Critical and Exegetical Commentary*, 331.
64 Ezra 7:10 (JPS 1985 translation).

Achaemenid rule, had been supplanted by that of the goddess Ištar.[65] Reasons for this must remain speculative, but Beaulieu suggests local interest and pride in the Anu cult as an identity marker.[66] He argues that under the reign of Nebuchadnezzar II, Uruk "had been forced to acknowledge the theological dominance of Babylon" with introduction to the Eanna temple of a form of Ištar-of-Babylon worship, as a form of religious centralization. This may have instigated a migration of prebendaries from Babylon and other northern cities to Uruk, where their participation in the Eanna priesthood continued until the reign of Xerxes. Following the revolts at the beginning of Xerxes' reign, even the members of families from Babylon who were now resident in Uruk found their influence constrained. The conditions were right for a return to the former dominance of the local gods, under the titular Anu.[67]

Conclusion

The reasons Ezra promoted his ban on marriages to foreign wives are many and complex in their interconnections. They hint at the economic conditions associated with marriage, divorce, and inheritance. In Babylonia, marriage was likewise subject to social norms. Prior to 484 BCE, marriages among the elite at Borsippa (and likely elsewhere) enforced the pattern of hypergamy, designed to protect the hierarchy of the prebendary priesthood, entrance into which was predicated not only on class standing, but on fitness (purity) to serve the cult. Ezra's marriage ban is issued one generation after the revolts against Xerxes, when, in northern Babylonia, impacts of the demotion of the prebendary elite is reflected in the leveling of the language associated with marriage documents of elite, upper class, and non-elite persons. In this same era, some prebendary families relocated to Uruk, which was not impacted by the "end of archives." There, they implemented changes that led to the restoration of the venerable Anu cult, which had been replaced early in the Neo-Babylonian era by that of Ištar. Ezra's marriage ban restores members of Judahite society to social patterns that adhered to biblical law and which assured the cultic fitness of those who would serve in the restored Temple. These similar sets of cultural changes that appear over the course of the long sixth century into period of the end of archives suggest that Ezra's marriage ban, with its specifically Judean or Jewish concerns, may be understood as one

65 Beaulieu, "Uruk Before and After Xerxes"; Hackl, "The Esangila Temple," 185.
66 Beaulieu, "Uruk Before and After Xerxes," 203.
67 Beaulieu, "Uruk Before and After Xerxes," 204.

of many instances of change and reaction to the political and economic events of the early fifth century BCE.

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