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Chapter 2

THE PROBLEMS OF REVELATION, RITUALIZATION, CONTRADICTION, AND LAW'S DEPENDENCE UPON THEM

With our focus upon law and restoration, it is important to identify how revelation supports the centralization of its counterparts (both law and restoration are considered to be revealed), and this will be especially true as each is related to the developing monotheistic identity in Yehud. Across monotheistic traditions there are formal attributes that define a common nature in “revelation.” Derived from the Latin *relevare*, the English term “revelation” denotes a knowledge or awareness of something revealed to an interpreting subject. Put differently, it is as though in a subject’s first encounter with an other, that other proclaimed, “Eli is strong!” In that, the identity of “Eli” and his relative parameters of strength are extrinsic concepts interpreted by the subject who, without prior encounters between “Eli” and his subject, can only accept or reject the validity of the proclamation based on faith in the source. It assumes that this knowledge would otherwise be external to and unknown by the subject—such as for further example the depth of conviction and understanding Moses gained in the Divine’s self-revelation (אהיה אשר אהיה; Exod 3:14), or Muhammad’s assertion that the Quran was a facsimile of the Book in Heaven (cf. 44:1–8), which represents the knowledge of God and not human beings. According to neither tradition would the knowledge gained have been done so without a divine intermediary.

Shemaryahu Talmon identified three verbs associated with what modern readers tend to interpret as “revelation” in the Hebrew biblical texts: גלה, roughly to “uncover”; ראה, to “see”; and ידע, to “know.”¹ While these terms frequently occur within what those readers may identify as “theological contexts,” they are more generally acts or processes through

1. Shemaryahu Talmon, *Literary Studies in the Hebrew Bible: Form and Content: Collected Studies* (Jerusalem: Magnes/Hebrew University; Leiden: Brill, 1993), 192–215.

which an encounter, which need not be divine, increases one's knowledge or understanding. More importantly, according to Talmon, they are tied up in performance and the rhetoric of revelation. On that account, "Divine revelation is thus not, as modern scholarship often describes it, a matter of 'self-disclosure' or self-revelation.' It is always an 'act of power.'"² It defines the parameters of a performance and its concomitant relationship as well as, within the biblical texts particularly, the functional boundaries of moral behavior. Talmon put it this way: "revelation...serves the purpose of promulgating enactments which impose obligations on mankind."³

Avery Dulles, in his entry in the *New Catholic Encyclopedia*, interprets the essence of revelation as "a sudden and unexpected receipt of knowledge of a profoundly significant character, especially that which gives the recipient a new outlook on life and the world."⁴ Leaning towards theology, he adds, "In theology the term generally denotes the action by which God communicates to creatures a participation in His own knowledge, including His intimate self-knowledge. Such a communication is supernatural since it transcends all that a creature could discover by its native powers."⁵ According to Dulles, revelation must alter the way things were; it must impose itself within a normative knowledge and become knowable within that cultural framework of meaning. It is, in other words, an interruption.

Balázs Mezei exuberantly proclaims that any theology of revelation is the *preeminent philosophical discipline* inasmuch as it deals with the ultimate sources of human knowledge.⁶ Perhaps if one does not think much of philosophy's ultimate potential, one might be inclined to agree with him. But revelation is not the *source* of knowledge, whether propositional (i.e. certain propositions or truths are revealed by God) or what Mezei terms "radical"; it is the *process* by which knowledge is ascertained and internalized, whether defined in theological or sociological terms.⁷ "Radical revelation" is radical for two reasons, as he describes it: God's reality is self-revelatory and in that revelation God discloses "what God is in himself."⁸ It is radical because it upends conventional wisdom and

2. Ibid., 210.

3. Ibid., 212.

4. Avery Dulles, "Theology of Revelation" (Gale Virtual Reference Library, 2003), 193.

5. Ibid.

6. Balázs M. Mezei, *Religion and Revelation After Auschwitz* (New York: Bloomsbury Academic, 2013), 93.

7. Ibid., 94.

8. Ibid.

understanding before it redefines the conventional—this emphasis upon the destructive-then-productive aspect of what is described as “radical” is shared by Žižek, as we will see.

But the singular problem with the understandings advocated by Dulles and by Mezei is their dependence upon a *real* external, supernatural body of knowledge, an “ultimate source” of knowledge, that is transformative for the purpose of “salvation,” or “restoration.” Such a starting point is problematic for the social-scientist who must find the rationale for human activities within *human* social-political behaviors. The social-scientist must find *social* answers for the following questions. If revelation introduces a new understanding meant to alter any present state of affairs, what is the reason for that introduction without attributing a divine “big Other” with will and determination? How does the concept and purpose of revelation develop within human activities? And what, for our purpose here, does revelation within the biblical text convey not about any objective reality of the Divine but about the primary desire(s) of the communities to which the biblical authors belonged?

What we need to avoid is the snare of the irreducibility of the transcendental, divine viewpoint while also attributing to it definable categories or goals. That creates a whole range of methodological problems, to which, perhaps ironically, theology has dedicated itself to resolving—*God, who is undefinable, wants X, Y, and Z*. Žižek finds this problem in the context of the divide between materialism and idealism: “the transcendental standpoint is in a sense irreducible, for one cannot look ‘objectively’ at oneself and locate oneself in reality; and the task is to think this impossibility itself as an ontological fact, not only as an epistemological limitation. In other words, the task is to think this impossibility not as a limit, but as a positive fact.”⁹ But for many biblical interpreters the impossible becomes possible in the figure of the divine Other—a methodological move often justified with the phrase, “Oh, great mystery!”

We need not get mired in theological intricacies and bickering on the theological attributes of revelation to accept this premise: within the biblical text, and subsequently within monotheistic understanding, revelation denotes an interruption; a previous understanding or even “way of doing things” is altered, with the result of its being made more “consistent,” or “stable,” terms that are relative to the receiving or interpreting community or individual. (Note, for modern example, in the U.S. the Christian Right’s attempt to control “family” as based on the biblical

9. Slavoj Žižek, *Less Than Nothing: Hegel and the Shadow of Dialectical Materialism*, Kindle (London: Verso, 2012), location 5235.

model within Christian interpretation. It reflects an attempt to preserve what defines the “basic social unit,” and so the stability of the social order.) We will argue in this chapter and those following that revelation presupposes the concept of restoration and that it is firmly situated within the prejudices of the subject group. Or to put that last differently, revelation legitimates the differences between the member and the nonmember. “*When Pharaoh does not listen to you, I will lay my hand upon Egypt and bring my people...out of the land Egypt... [They] shall know that I am the LORD*” (Exod 7:4–5 NRSV). That is why revelation is always directly attached to a divine law; divine law codifies the changes to a normative order demanded by revelation. Or, as Talmon put it, “The revealed law is the basis of the Covenant proclaimed at Sinai, which YHWH contracted with this people, and which was hence forth to determine Israel’s path in history and prove its value there.”¹⁰ And so our question must be, if we set aside any presupposition of revelation as a real supernatural event, what strategic social-political purpose lays behind its adoption as a basis against which social-political behavior is conducted in response? What role does revelation fulfill in monotheistic ways of thought if monotheism was a product *not* of revelation, as is often assumed, but of a confluence of unique, historical social-political events? Common assumptions regarding monotheistic religions notwithstanding, is not the Axial-Age proposal for monotheism consistent with theological interpretations of history in that it presupposes an external, perhaps *revealed*, knowledge—a higher-order thinking to which only certain civilizations could ascend?

Our point is this: it is only by understanding revelation as a sociological and ideological *process* that is itself a consequence of social action—it *justifies the object of my desire*—that we can best understand the role that law and restoration fulfilled for the biblical contexts. Presupposing the supernatural existence of the Divine brings us no closer to understanding the ancient audience. Rather what tends to happen is that modern expectations of God as a universal absolute are projected backward upon the biblical authors.¹¹ Are not such expectations really only the attributes of an ideal world as we envision it, with “God” as the projected symbol of that world that also legitimates our belief in it? *Heaven is a paradise as I understand the idea, from oasis or garden to streets of gold.* Peter Berger referred to this type of event as “alienation,” where the products of human activity legitimate the very activity that produced them.¹² A more modern

10. Talmon, *Literary Studies in the Hebrew Bible*, 215.

11. And this is a problem made more complicated by Christian attitudes of supercessionism.

12. Cf. Berger, *Sacred Canopy*, 85–87.

example of the sense of this can be seen in the U.S. cultural definition of “success.” Our capitalistic culture has defined success in terms of money and power and orients the actions of its social agents toward that goal (to the point that Wall Street suicides seem to be on the rise). The same act of alienating is why Žižek argued that one cannot look “objectively” at oneself and locate oneself within reality. The very “tools” we could hope to use are products of our own designs. Our intent here is to understand the Bible entirely as a human product, an alienated product, developed largely in response to social-political concerns shared by its authors and editors. We want to understand those concerns in terms of how they shaped the biblical concepts. That includes the monotheistic pillars of revelation, law, and restoration (those three things that are characteristics to all monotheisms and over which they fight vigorously to lay private claim). In all of this, we seek to understand the ideological forces that encouraged the rise of law and restoration as central and dominant concepts within the biblical texts.

Revelation as a Strategy for Difference

Ezra–Nehemiah’s dogged and sometimes aggressive distinction between the so-called *golah* community and the *am ha'aretz* juxtaposes heritage—*this land belongs to our ancestors and their descendants*—and restoration—*we will become a nation once again*. Both are utopian. Heritage, which is connected to the land, supports the text’s emphasis upon restoration as preceded by purification. “And the seed of Israel¹³ separated itself from all the sons of foreigners, and it stood and confessed its sins and the iniquities of its fathers” (Neh 9:2, translation mine). Even though the biblical texts make impressive claims about the land belonging to the *golah* community, any sociologist worth her salt must point out that it was an *immigrating minority* who was making such claims. “For thus says the LORD, when Babylon’s seventy years are complete I will gather you and fulfill my good word [‘promise,’ NRSV] by returning you to this place” (Jer 29:10, translation mine). And, “Ezra went up from Babylonia... Some of the people of Israel [a utopian designation!]...also went up to Jerusalem” (Ezra 7:6, 7). Upon what substantial basis could an immigrating community make

13. Most English translations render זרע ישראל as “descendants.” While that is grammatically correct, it tends to obscure the possible nuance of the phrase as the *starting point* (seed) from which a new Israel would emerge or grow. Note also that the verbs of the sentence are written as 3mp, while the “seed” of Israel is a singular but collective noun. For the sake of grammatical flow, I have opted to translate the verbs as 3ms to show grammatical connection to the collective noun.

(legal) claims to an inhabited land if not only to something external and superior to the already functioning systems of power and exchange? *We may have little material basis in the land to support our claim, but we have a whole lot of God!* One can't help but be reminded, even though a rough comparison, of John Sullivan's defense of land conquest as being "our manifest destiny to overspread the continent allotted by Providence for the free development of our yearly multiplying millions."¹⁴

To justify the claim of the *golah* community to the land, Ezra–Nehemiah projected a constructivist, world-building attitude. *Our claim to this land is legitimated by what we believe society will be, in light of what God has ordained.* It mimics the zest and zeal of colonizers, settlers, and any other categorical group marching into "virgin" lands with heads held proud and bent on establishing dominion over the land. Like that old patriotic song once popular in the United States, "This land is my land / This land is your land / From California, to the New York Island... This land was made for you and me."¹⁵ It fulfills this role by laying the foundation, within biblical text and ideology, for boundaries of *golah* collective identity. Thomas Thompson connects this propagandistic element of the biblical texts to imperial resettlement policy, which was practiced in different ways under the Assyrians, Babylonians, and Persians.¹⁶ And there is ample reason to assume that this policy shaped the view of the biblical authors. Even Josephus claimed that Cyrus read the book of Isaiah and was inspired by it (cf. *Ant.* 11.5–7).¹⁷ But to accept the biblical testimony and that of Josephus means that we must accept that the political world of the empire was subject to the religious ideology and fancy of a minority community. We must be careful in assuming that the so-called remnant community was an imperial tool directed at a specific targeted territory. It supposes without adequate merit (1) that there was one or more large-scale returns (enough to impact immediate changes), (2) that the highland territories (such as Jerusalem) were strategically important, and (3) that the Persian imperial king was interested in mixing things up again after the Assyrians and Babylonians had done so beforehand. On the other hand, Joachim Schaper provided a compelling reason why the imperial government would have

14. John O'Sullivan, "Annexation," *United States Magazine and Democratic Review* 17, no. 1 (1845): 5.

15. Woody Guthrie, "This Land Is Your Land," in *Original Recordings Made by Woody Guthrie 1940–1946* (Warner Bros. Records, 1977).

16. Thompson, *Mythic Past*, 192–93.

17. With an intensity reminiscent of what R. Otto attributes to *mysterium tremendum* as behavioral motivator, in Rudolph Otto, "The 'Idea of the Holy': Mysterium Tremendum," *Parabola* 23 (1998): 72–76.

been interested in the Judean highland territory in his argument that the Jerusalem temple functioned as an imperial bank.¹⁸ But the people resettling need not overly concern themselves with the political or economic reasons behind their resettlement. They need only respond to ideological and utopian motivation: the restoration of real or imagined fortunes.¹⁹ It is there that the biblical concept of revelation, as one related to law and restoration, is found. Justifications of revelation as a received knowledge are merely that, justifications. Revelation is a strategy of difference, of identifying ideological foundations for legitimating the separation between me and you. *My God. My religion. My heaven. Your hell. God revealed it.* Modern tendencies to absolutize revelation obscure the purpose of revelation in introducing boundaries of distinction for material gain, as can be seen, for instance, in popular interpretations of: “No longer shall your name be Abram, but your name shall be Abraham; for I have made you the ancestor of a multitude of nations... I will establish my covenant between you, and your offspring after you throughout their generations, for an everlasting covenant, to be God to you and to your offspring after you. And I will give to you, and to your offspring after you, the land where you are now an alien, all the land of Canaan, for a perpetual holding; and I will be their God” (Gen 17:5–8).

In nearly any case, the physical act of resettling results in possibly tense group dynamics between inhabitants and immigrants, typically brought on by the need to preserve the group’s collective identity, either through assimilating a dominant culture or resisting it. The latter option sometimes results in what Henri Turjeman et al. describe as “disintegration,” which provokes “negative social outcomes.”²⁰ In that case, a group may refuse to participate within the dominant social-political order, or to participate within dominant cultural activities and expectations. And the dominant majority may see such refusals, which portray the act of separation as an

18. Cf. Joachim Schaper, “The Jerusalem Temple as an Instrument of the Achaemenid Fiscal Administration,” *VT* 45 (1995): 528–39; idem, “The Temple Treasury Committee in the Times of Nehemiah and Ezra,” *VT* 47 (1997): 200–206.

19. Josephus’ retelling of the biblical narrative exaggerates its utopian thinking: “I [i.e. Cyrus] give order that these expenses shall be given them [i.e. to the returnees] out of the tributes due from Samaria... But my will is, that those who disobey these injunctions and make them void, shall be hung upon a cross, and their substance brought into the king’s treasury” (*Ant.* 11.16–17).

20. Hagit Turjeman, Gustavo Mesch, and Gideon Fishman, “Social Identity, Identity Formation, and Delinquency,” *International Journal of Comparative Sociology* 49, no. 2–3 (2008): 122.

assimilation strategy, as “deviant,” “delinquent,” or “abnormal.”²¹ The long history of anti-Semitism, within the scope of which the decision by many conservative Jewish religious-cultural groups to remain distinct from dominant culture perpetuated fears of the “abnormal other,” is a clear example of this. Generally speaking, groups that adopt a strategy of separation tend to emphasize a utopian ideal as the shared ideal at the root of their collective identities. This may be in the form of an idealized past or an imagined future, both of which tend to be (re)imagined scenarios of an ideal, stabilized world.

In Yehud, the utopian aspiration of restoration attached to the land by an immigrating community only exaggerated intergroup dynamics by drawing upon religiously legitimated prejudices. “*Ammonites*” and “*Moabites*” not allowed! Such prejudices, as they are preserved within the biblical texts, were found in primary attributes of the distinctive contours marking member from nonmember. The biblical concept of revelation depends upon those very distinctions.

*Biblical Law and Its Encouragement of Ritualization Are
Attempts to Stabilize Contradiction*

To get us more quickly to the crux of the issue, let us begin with a fundamental, Hegelian dialectic that haunts Žižek’s work: contradiction is inherent within “things and phenomena.” The process of development is a struggle between opposing tendencies.²² One can insist, as does Stalin, who like Hegel provided groundwork for Žižek’s academic pursuits, that this contradiction, expressed primarily through the tenuous relationship between nature and history, is

the struggle between these opposites [negative and positive sides inherent in all things and phenomena], the struggle between the old and the new, between that which is dying away and that which is being born, between that

21. A refusal to integrate into a dominant culture is still an acculturation strategy. Turjeman, et al. write of Berry, for instance, “Berry (1997) has contributed to the adaptation and identity formation theory by proposing four strategies of acculturation that follow from the multidimensional model. The strategies represent four possible ways of dealing with the ethnic group affiliation: a) choosing the heritage over the new culture, indicating a separation strategy; b) choosing the new culture over the heritage, indicating assimilation; c) adopting both cultures, which indicates integration; and d) identifying with neither culture, indicating marginality” (ibid., 113).

22. Cf. Žižek, *In Defense of Lost Causes*, 149.

which is disappearing and that which is developing, constitutes the internal content of the process of development, the internal content of the transformation of quantitative changes into qualitative changes.²³

Stalin's assertion is helpful for us here; there is some compatibility between what it conveys and the intonations of the biblical text. The biblical text is in a constant state of struggle between the old and the new, the dying, disobedient Judah, and that which is being born, a restored Israel. The concepts of revelation and restoration depend upon that contradiction. Ezra–Nehemiah's co-option of exodus tradition, for example, is effective *because* it sets in contradiction the current state of the *golah* community, without land and nationhood but with a law, with the Hebrews under the leadership of Moses (cf. Neh 9:1–37). And it sets in contradiction the *golah* community and the *am ha'aretz* as the new inhabitants of the land in distinction from the land's old(er) inhabitants. This exposes the possibility that the dependence of revelation and restoration upon contradiction is really the consequence of a deep-rooted revolutionary aim of rewriting the social-political normative. In a type of transubstantiary movement the real contradiction, such as between the *golah* community and the dominant culture, becomes replaced by the ideal, that between the member of the restored Israel and the faceless, nonmember other designated in terms of a single, reducible category (such as *am ha'aretz*, foreign, Ammonite, Moabite, etc.). Where the real contradiction may be non-antagonistic if the dominant culture was open to difference and adopted a corresponding strategy of acculturation, the idealized contradiction *necessitates* antagonism because its vision of restoration is based on revelation to a specific community. And that necessity, which shapes the biblical concept of restoration, is encoded within the ethical requirements of the remnant community (cf. Deut 6:1–3).

Žižek writes that *every ethic* is wrapped up in contradiction.

The question here is: does *every* ethics have to rely on such a gesture of fetishistic disavowal? Is even the most universal ethics not obliged to draw a line and ignore some sort of suffering?... Yes, every ethics—with the exception of the ethics of psychoanalysis which is a kind of anti-ethics: it focuses precisely on what the standard ethical enthusiasm excludes, on the traumatic Thing that our Judeo-Christian tradition calls the "Neighbor."²⁴

23. Joseph Stalin, "Dialectical and Historical Materialism," 1938, n.p. Online: <http://www.marxists.org/reference/archive/stalin/works/1938/09.htm>.

24. Žižek, *In Defense of Lost Causes*, 15.

What this means is that we can only identify ourselves, we can only *behave ethically*, in relation to an other who represents a threat to the stability of our communities.²⁵ Yet she represents this threat because she is first “other” as something different and so distinct from oneself. For Žižek, that is the contradiction, that in identifying ourselves, we have only a sense of ourselves as being different from the world. And our experience of the world, which inevitably shapes our ethical attitudes,²⁶ is mediated and differentiated through categorized concepts—categories that are themselves products of contradiction and provide the backbone for the meaning systems upon which we depend.²⁷

But let’s be clear, we are not talking yet of morality, which necessitates an intersubjective relationship, but ethics. Žižek writes, “Morality is concerned with the symmetry of my relations with other human beings; its zero-level rule is ‘do not do to me what you do not want me to do to you’; ethics, on the contrary, deals with my consistency with myself, my fidelity to my own desires.”²⁸ The clarification between morality and ethics is important for understanding the central role that desire, and desire production (a phrase we borrow from Deleuze), holds in Ezra–Nehemiah. Ezra–Nehemiah is, and let’s say it here, an *immoral* book. Its view of the *golah* community’s relationship with the “other,” the *am ha’aretz*, is not on the level of “our relationship is characterized by mutual responses of like kind.” There is no Golden Rule, no reinterpretation of the “greatest commandment.” Its entire project deals, in the words of Žižek, “with my consistency with myself, my fidelity to my own desires,” where “my” is the hypothetical, collective voice of the *golah* community. Ezra–Nehemiah is not a moral book, but it is an ethical one by nature of its monotheistic intent in or for restoration. But its ethics are consistent not with the world that is but with a restored world—a world to come.

Nehemiah 13 is perhaps the chapter *par excellence* that demonstrates this point. Nehemiah’s exclusion of the foreign, profane “other” is not an attitude that the author expects to have been reciprocated by the rejected other. In fact, the assumption is that because God is on the side of the *golah* community, with which the author identifies himself, exclusion *can’t* be reciprocated because the *quid pro quo* has already occurred. The excluded community *is already the excluded community*; it cannot redefine the relationship by excluding the community that has already

25. See also Colebrook, *Understanding Deleuze*, 7.

26. Cf. *ibid.*, 86–92.

27. Cf. Žižek, *In Defense of Lost Causes*, 383; Deleuze, *Difference and Repetition*, 42.

28. Žižek, *In Defense of Lost Causes*, 223.

excluded it. To resolve its own exclusion it can only hope to incorporate itself within the community that has excluded it, thereby taking on the form of the other and accepting its greater power. That is what Nehemiah seems to imply while also clearly rejecting the excluded in the following passage:

On that day they read from the book of Moses in the hearing of the people; and in it was found written that no Ammonite or Moabite should ever enter the assembly of God, because they did not meet the Israelites with bread and water, but hired Balaam against them to curse them—yet our God turned the curse into a blessing. When the people heard the law, they separated from Israel all those of foreign descent. (Neh 13:1–3)

The positionality of the law in relation to the community and also to the Ammonite and Moabite is hard to miss in this passage. Its value seems indirectly correlated with the people it rejects—this is why the “other” must exist so that the importance and value of the law may be known. And in this is found a testament to its “immoral” character: the more aggressively the “other” is categorized and rejected the greater the (seeming) power of the law.²⁹

As Ackroyd points out, the law passage to which Nehemiah refers is Deut 23:3–6, “slightly modified and interpreted as an injunction to avoid foreign marriages, where originally it was concerned with the right of membership of the community.”³⁰ The account opens with a reading of the law and closes with the people hearing the law. In the first instance, knowledge is gained and a traditional memory ritualized.³¹ The people respond to the law by embracing it as a document that delineates the parameters of collective identity (and the parameters of who can be considered a member of the community).

29. See also these passages that address the position of the law before foreigners: Neh 13:3; 1 Esd 9:7; Deut 14:21; 17:15; 23:20; 1 Kgs 11:1–11; 2 Chr 14:2–4; Jer 2:20–21; Ezek 44:9; Zeph 1:8; Mal 2:10–12.

30. Ackroyd, *I & II Chronicles*, 313.

31. One can’t help but also be reminded here of Garbini, who writes, “[T]he character of Ezra, created from a literary text, constitutes a fundamental dividing line for the history of Judaism, because it marked the supremacy of the teachers of the Law over the priests and became a point of reference for all Judaism from then up to now” (in Giovanni Garbini, *Myth and History in the Bible*, trans. Chiara Peri [Sheffield: Sheffield Academic, 2003], 110). P. Ackroyd suggests in fact that the law-reading reference (including 12:44–47) in Nehemiah is really a transfer from the narratives of Ezra to more clearly link the two narrative figures in action and ideology (cf. *I & II Chronicles*, 313).

Yet notice what Nehemiah is suggesting: that law is a source of knowledge, that it *conveys* rather than depends upon the fundamental ideals of (an idealized) society. Is that not a utopian ideal? Can law preexist the epistemological or experiential categories to which it refers? It would seem that Nehemiah's view of law reflects a constructivist one, which maintains that law has the power to shape society into something unique, or to create an entirely new one out of a "seed" or remnant.

Gunther Teubner, an expert in the sociology of law, describes constructivist interpretation this way: "Under a constructivist social epistemology, the reality of perceptions of law cannot be matched to a somehow corresponding social reality 'out there.' Rather, it is law *as an autonomous epistemic subject that constructs a social reality of its own*."³² One sees in Ezra–Nehemiah this seeming contradiction between the reality "out there" and the perceived or desired reality that the law was meant to shape. This constructivist view of law, as presented by the biblical texts, is one that has been largely uncritically accepted within scholarship. Paul Dion, for one example, takes as a fundamental premise in support of his discussion of the Yahwism in fifth-century BCE Elephantine that the "book" of the law, which was imposed by Ezra and Nehemiah, was the center of religion, and so also religious identity, in Yehud.³³ T. Dozeman, as another example, also presumes that the centrality of law in Yehud that shaped the emerging form of Yahwism became a religion of law.³⁴ Jon Berquist connects the reception of the law with the Persian imperial strategy of promoting allegiance through political behavior.³⁵ He maintains that the law not only reshaped the social-political environment but that it created a greater sense of loyalty. Muhammad Dandameav and Vladimir Lukonin argue that Ezra and Nehemiah effectively transformed Yehud into a theocratic state with the introduction of religious law and reinstating the roles of the priests, levites, and Ezra's selective appointment of judges.³⁶ And Kenneth Hoglund writes, "It remains to try to comprehend how Ezra's activity relates to possible imperial concerns regarding Yehud.

32. Gunther Teubner, "How the Law Thinks: Toward a Constructivist Epistemology of Law," *Law & Society Review* 23, no. 5 (1989): 730.

33. Dion, "La religion," 243–54.

34. Thomas B. Dozeman, "Geography and History in Herodotus and in Ezra–Nehemiah," *JBL* 122, no. 3 (2003): 457.

35. Cf. Jon L. Berquist, *Judaism in Persia's Shadow: A Social and Historical Approach* (Minneapolis: Fortress, 1995), 143.

36. Muhammad A. Dandameav, Vladimir G. Lukonin, and Philip L. Kohl, *The Culture and Social Institutions of Ancient Iran* (Cambridge: Cambridge University Press, 1989), 129–30.

As was noted in the discussion of Ezra's commission, his role in establishing a new imperial legal apparatus is suggestive of a transformation in the imperial administration of law with the province."³⁷

The point in this litany of opinions is that the biblical texts presuppose the possibility of restoration, in the form of a theocracy. But it offers us nothing in the way of explaining how an area in which there is no historical evidence of any past theocracy might produce one. *Should we default to divine intervention? Revelation?* Even the Deuteronomist's apparent desire for a theocracy makes fervent appeals to legends of a Mosaic theocracy in contradistinctive response to the current state of affairs. Still, perhaps it is not surprising that most academics have accepted the biblical portrayal of Yehud's social-political reality as a veritable historical account, especially in the lack of any strong alternative evidence. But this very lack that encourages dependence upon the biblical texts alone for accurate historical portrayal should in fact motivate us to question the text's historical veracity. Would we, after all, depend solely upon, for but one comparison, Benedetto Accolti's (the Elder) account of the First Crusade, *De Bello a Christianis contra Barbaros gesto pro Christi Sepulchro et Judaea recuperandis, libri IV* (*Of the War Carried Out by Christians against the Barbarians to Recover the Sepulcher of Christ and Judea, Book IV* [1464])—a "historical" account that has relegated history to theological paradigm? To say nothing of the annals of any Assyrian king, those pioneers of annalistic accounts but certainly not of *objective* historiography! Where—and the prudent historian *must* ask this—are the corroborating examples within the Persian Empire that support scholarly presuppositions of Yehud's relative political autonomy? We need not the sophisticated apparatus of a "hermeneutics of suspicion" to be critical of any account that radically centralizes an *external* law in Yehud. The imperial pattern was to use already existing local laws!³⁸ And there is no evidence that the law that Ezra purportedly introduced in Yehud was already known.³⁹ We've said this before but it

37. Kenneth G. Hoglund, *Achaemenid Imperial Administration in Syria-Palestine and the Missions of Ezra and Nehemiah* (Atlanta: Scholars Press, 1992), 234–35.

38. Cf. the discussion and sources in Cataldo, *Theocratic Yehud*, 38–40, 186–89.

39. Note, for instance, E. Nicholson: "Ostensibly the law lay at the foundation of Israel's religion, having been mediated by Moses to the people at Sinai. In reality, however, little or nothing of the law seems to have been known in the pre-exilic period, and the literature deriving from that period records and reflects customs and practices at odds with its demands" (*The Pentateuch in the Twentieth Century: The Legacy of Julius Wellhausen* [Oxford: Clarendon, 1998], 3). His point is that the law was not a preexisting framework for social-political behavior. The Mosaic law

bears repeating: Ezra needed to *teach* the law (cf. Ezra 7:25–26)! Whether Ezra was a real figure who visited Yehud during the Persian period or a later creation of the Hasmonean period is almost beside the point. Because either way, the law was unknown—a point to which the author admits by putting it in the mouth of the imperial king. (And in the typical pattern of ancient Near Eastern historiography doesn't connecting a desired law to the word of the king reflect a desperate appeal to give the biblical account legitimacy? *By the word of the king, which as you am ha'aretz know is law, what we the golah desire of this province, and why not the whole of eber-naharah, will be true!* Is that not the intent of including Sanballat's vociferous and threatening response within the biblical narrative [cf. Neh 2:10, 19; 4:1–7; 6:1–14]?)

The inherent contradiction between the law's object—the idealized “member” it envisions, the community it shapes—and the identities of those whom the law has rejected (the foil against which the object is distinguished) betrays the secret: the idealized identity and supporting patterns of behavior that the law conveys are impossible: the *golah* community was an *immigrating* community. It had no material or ideological anchor in the power hierarchy that shaped the province.⁴⁰ It had no basis of physical power to enforce its ideals tyrannically.⁴¹ And if we accept that the land was not empty then we must in scholarly reconstructions account for the impact this preexisting hierarchy would have had upon the identity and core ideologies of the immigrating community (or communities!). The identifying attributes of the community would have changed in response to intergroup behaviors within the province and could never have remained static according to an idealistic law and collective identity. Yet the biblical texts assume the latter to be possible, and it is the central importance of this point that Ackroyd identifies when he observes that even if the Holiness Code predated the exile, its compilation was thought to provide the basis for a new community during the exilic period.⁴²

in Ezra's hands was not something that the people in the land could have known. It was an external law imposed upon an already functioning social-political order and concomitant power hierarchy. That point, of course, is confirmed by the statement that even the members of the community needed to be taught the law (Ezra 7:10–26; compare with 1 Esd 8:7).

40. Cf. Cataldo, *Theocratic Yehud*, 170–79.

41. Cf. *ibid.*

42. Peter R. Ackroyd, *Exile and Restoration: A Study of Hebrew Thought of the Sixth Century B.C.* (Philadelphia: Westminster, 1968), 90.

Giovanni Garbini, in recognizing the problems inherent with any acceptance that the law was a real, functioning law, concluded that Ezra's "law" was limited to providing the framework for a liturgical manual.⁴³ Maybe. But veritable manual or not, what Garbini has hit upon is the importance of ritualized behavior (a component of any liturgy), when it is consistent and stable, for both the internal articulation and the external expression of collective identity. Ezra's law is constructivist in its emphasis upon ritualizing behaviors that rewrite the dominant social-political normative. Those behaviors must also preserve the very differences upon which they are based.

Why Biblical Ritual Preserves Difference

When we speak of "ritual," we are not referring to the more modern tendency to view it as an antiquated formalistic view of special activities (like the requirement of being ejaculation-free before engaging in sacred-related activities [cf. Lev 15:16–18]). Ritual is, and Catherine Bell was correct on this, better understood *not* as a separate or different type of activity but as processes that are flexible and strategic.⁴⁴ Moreover, "[R]itual activity is tangible evidence that there is more to religion than a simple assent to belief; there are practices, institutions, changing customs, and explanative systems."⁴⁵ Ritual is a socially stabilizing activity that mediates relational parameters between members of a community and between members and nonmembers.⁴⁶ It necessitates contradiction between the productive forces of identity and the perceived anomy of the space in which an "other" resides or that it represents.⁴⁷ *Through ritual we express ourselves and reinforce the boundaries that separate us from them. They are profane, uncivilized, chaotic.* Is that not in part, after all, what

43. Giovanni Garbini, *History and Ideology in Ancient Israel*, trans. John Bowden (New York: Crossroad, 1988), 169.

44. Catherine M. Bell, *Ritual: Perspectives and Dimensions* (New York: Oxford University Press, 2009), 138–39.

45. *Ibid.*, 22.

46. See also *ibid.*, xi.

47. Note further, "[I]t has been suggested, and with good reason, that ritualized activities are ways of acting that do not particularly encourage a great deal of immediate and overt explaining. As these typical answers imply, ritualization gives people the sense that these activities do not need a lot of justification. They appear to address a very specific and obvious need, or have a sufficiently long history that in itself justifies them. Indeed, it is more common in most communities to need a good reason *not* to participate in ritual activities" (*ibid.*, 167).

should be inferred from Ezra's description of the Passover? That in the midst of anomy, death, and dissolution it was a ritualistic behavior that, by providing a mechanism through which to preserve homeostasis, "saved" the *golah* community and the Hebrews before it upon whom the tradition is based? *We are Israel, a defined, orderly, stable identity*. Observance of the Passover required communal reparation from the people already in the land, the "profane other" (Ezra 6:19–21). The central importance bestowed upon ritual and legal behavior is reminiscent of the Pentateuch's legal material (P). Throughout that material, as Ackroyd observes, the salvation of Israel is dependent upon a properly ordered cultus,⁴⁸ such that a stabilized world would be preserved within the distributed relations of the cult wherein God represented the central authority.

In Ezra, the distinction between sacred and profane, as a contradiction *par excellence*, is wrapped up in the distinction of the "returned exiles" as the "people of Israel" (6:19–22). Surely, that is what the author meant when he wrote, "[The Passover] was eaten by the people of Israel who had returned from exile and also by those who had been separated from the pollutions [uncleanliness] of the nations of the land to seek Yahweh, the God of Israel" (v. 21, translation mine). Ackroyd's proposal that "those who joined the community" points to faithful members of the northern tribes (based in part on 2 Chr 30) is a helpful clarification of who those who might be deemed worthy of permission are.⁴⁹ Deuteronomy, which the author of Ezra–Nehemiah was likely familiar with as part of the Pentateuch,⁵⁰ stipulates that the Passover sacrifice must not be eaten with anything leavened for seven days "so that all the days of your life you may remember the day of your departure from the land of Egypt" (16:3). As a component within the larger ritual, consumption is shaped by the larger act of separation. So much so that the type of food consumed and the manner in which it is so done is itself an activity of distinction. Deuteronomy stipulates that the sacrifice can only be cooked and eaten *במקום אשר יבחר יהוה אלהיך בו* (in the place that Yahweh *your God*

48. Ackroyd, *Exile and Restoration*, 96.

49. Ackroyd, *I & II Chronicles*, 238. And note further, "As an appeal to his own contemporaries, the Chronicler is perhaps calling on dissident groups—or what he regards as dissident groups—such as the Samaritan community to see where the true center of faith lies" (*ibid.*).

50. M. Throntveit observes that most scholars believe Ezra carried some form of the Pentateuch back (cf. *Ezra–Nehemiah*, 43). Thomas Römer offers a sustained argument in this regard (in "Torah and Pentateuch in the Former Prophets, with an Outlook on Latter Prophets and Writings," paper presented at the *International Meeting of the Society of Biblical Literature* [Vienna, Austria, 2014]).

has chosen; v. 7). The emphasis there is upon Yahweh as “your” god, which means Yahweh is the primary shared symbol of the collective, the basis of distinction in collective identity,⁵¹ distinguishing member from nonmember. The “you” refers to the listening community, the boundaries of which mark the primary lines of distinction. Ezra also assumes this parameter of distinction to be a necessary component. Ezra 6:21, for example, describes the people who had returned from exile as “Israel” but also Yahweh as the “God of Israel.” There is in this statement a competition over the identity of Yahweh. While some of the people already in the land described themselves as worshipers of Yahweh (cf. Ezra 4:2), Ezra co-opts the “identity” Israel and the ideal of Yahweh as a shared symbol of that identity. This is within the spirit of the Deuteronomist, who asserts that the passover lamb must be cooked and eaten—the internalization of the contradiction—in the place that Yahweh, *your God*, has chosen. For Ezra, this can only be Jerusalem in part because that was where the traditional temple once stood but, I would suggest, in greater part because that space has been identified as the place in which the community itself resides. In that sense, the new temple is not a direct continuation of the old one, but a quasi-solipsistic revision of the heritage of the old temple. Ezra–Nehemiah identifies the new temple (and its host city) as the physical symbol of the distinction between the *golah* community and the *am ha'aretz*.

Law Defines Ethics and Preserves Difference

Perhaps we've phrased the subheading poorly. Perhaps we should have phrased it as, “How does law, which Žižek views according to his neo-marxist sensitivities as repressive, *betray* ethics?” If “ethics deals with my consistency with myself, my fidelity to my own desires,”⁵² law as an external object that demands my fidelity and desire cannot be so much a reflection of *my* desires as it is a restriction of them. The function of law—and this is true of both prescriptive and descriptive types—is to provide a stabilizing *nomos* that preserves the social world. It regulates political behavior, stabilizing the distribution of power.⁵³ It imposes itself upon me to mold me into what I *should* be. And in that relationship, there is already a contradiction: I *need* the law to represent the ideal that I myself cannot be

51. Shared objects take on the force of collective will in groups, according to Harry Triandis, “Cross-Cultural Studies of Individualism and Collectivism,” *Nebraska Symposium on Motivation*, 1989 37 (1990): 42.

52. Žižek, *In Defense of Lost Causes*, 223.

53. Cf. Ake, “A Definition of Political Stability,” 271.

trusted to embody without its governance. Thus, the relationship is a true Lacanian one, for which the law of language is compatible with laws that regulate political behavior. Colebrook describes that point in these terms: "I must submit myself to a law of language and I will necessarily desire what lies beyond that law; I will also require some symptom or object that seems to compensate for, or stand in the way of, my full enjoyment."⁵⁴ Ideally, law restricts the range of possible ethical behaviors for the purpose of preserving something greater than the individual, something that must be aspired to or pursued. For society, that something greater is the stabilized *nomos* of the social world. In the case of monotheism, the subject submits herself to the law but does so primarily with the hope of enlightened ethical existence in a restored world. And that is the point where ethics, law, and restoration meet. Restoration is the utopian ideal toward which divine law intends to regulate the social-political body. But my ethical position must be consistent with the law whose aim is Utopia realized. When, for example, the Jews began rebuilding the temple the names of the individual men involved in rebuilding were requested by Tattenai and Shethar-bozenai (Ezra 5:3–4). The response of the builders, who increased their work effort and did not offer up individual names, emphasized the importance of the community over the individual in relation to God. Ackroyd rightly observes that builders interpreted the fact that the building process or activity was not halted as a sign of divine favor. Moreover, "The supposition that the governor had been promoted to investigate the situation by the officials in Samaria is a reasonable one, but it could equally be recognized that the function of the superior governor was, through his agents, to keep an eye on significant activities throughout the province over which he

54. Colebrook, *Understanding Deleuze*, 17. And isn't the statement that some object "stands in the way of my full enjoyment" reminiscent of Deleuze's argument that "the law is the invention of the despot himself: it is the juridical form assumed by the infinite debt" (*Anti-Oedipus*, 213)? In Deleuze's case, the "object" is the despot himself. Rather, the despot symbolizes the infinite debt of the subject to an "other." This debt is the consequence of an uneven, or subordinate, relationship in which the subject cannot reach her full enjoyment. She must, instead, be always at work repaying her debt. And is that not, after all, the basic sense of monotheism, even (or especially so!) in its early more "compact" forms? The preface to the so-called Covenant Code, which is also the heart of the Mosaic Covenant, despotically imposes a relationship of indebtedness: "You have seen what I did to the Egyptians, and how I bore you on eagles' wings and brought you to myself. Now therefore, if you obey my voice and keep my covenant, you shall be my treasured possession out of all the peoples. Indeed, the whole earth is mine, but you shall be for me a priestly kingdom and a holy nation" (Exod 19:4–5).

exercised authority.”⁵⁵ In the process of constructing the Jerusalem temple, which would become the central, shared symbol of the community, the individual worker becomes known not for his name but for his actions that define a collective identity distinct from the people already in the land.⁵⁶

Note also Mario Liverani’s following statement regarding religious law in the post-exilic context:

The extraordinary insistence on national self-identification through observance of a divinely-given law is typical of Israel, and answers the precise needs of a nation lacking the normal geopolitical coordinates. Respect for the Law could in fact take place even in social groups scattered over the territory and dependent on different political organizations (but in any case not their own). Self-identification through observance of the Law was certainly linked to the exile and post-exile periods: initially with a wish to maintain cohesion within a community risking dispersion, and later with the will to recreate a nation based on shared values (religious and moral).⁵⁷

The law, in his view, is a functional mechanism providing collective cohesion even across territorial boundaries. And he is correct in noting that self-identification through observance of the law was linked to a wish to maintain social cohesion in the face of dispersion.⁵⁸ *In choosing to follow the same legal regulations that others are, I am identifying myself in relation to them, as one of them.* And in that is revealed the constructive aspect of religious law: its emphasis is upon restructuring the dominant hierarchy of power, supporting parameters of political behavior and social-political identity, into that which is consistent with the community’s vision of restoration. The very reality of this separation between member and nonmember, and the need continually to maintain it, reinforces anxieties concerning the chaotic dissolution of the ordered world. This law emphasizes the need to preserve that distinction between member and nonmember. But these anxieties were deeply felt because of the perceived exclusion internalized by the community. It was, in other

55. Ackroyd, *I & II Chronicles*, 233–34.

56. Cataldo, “Yahweh’s Breast”; Joseph Blenkinsopp, *The Pentateuch: An Introduction to the First Five Books of the Bible* (New York: Doubleday, 1992), 211.

57. Mario Liverani, *Israel’s History and the History of Israel*, trans. Chiara Peri, and Philip R. Davies (London: Equinox, 2005), 344.

58. His point is shared by P. Dion who while contrasting the Yahwists of Elephantine with those of Jerusalem remarks that a central difference between them was that the center of religion in Yehud was “the book” (or law of Moses) while the Jews in Elephantine worshipped their God Yaho (Sabaoth) in their own temple (see the whole of “La Religion,” 243–54).

words, the community itself—and this is a point we will explore further in the following chapters—chafing against the weight of the exclusion it sought to impose. The demand of religious law can be read in no other terms than as a self-imposed isolation. What we mean here is similar to what Žižek describes of Christianity in that the difference between heaven and hell is the distinction between me and you. “This is where the reproach of exclusion gets it wrong: Christian universality, far from excluding some subjects, is formulated from the position of those excluded, of those for whom there is no specific place within the existing order, although they belong to it...”⁵⁹

Žižek highlights that exclusion is inherent within the function of religious law. And what Liverani helps clarify is that the law is the mechanism through which a collective identity may be informed because of and also in contrast to the events of the exile. The law that Ezra purportedly brought to Yehud was unnecessary before the exile and the subsequent return of the Jews. It was, however, demanded on account of the loss of a national, collective identity producing exaggerated anxieties over the dissolution of the immigrant group seeing within itself the future of a new physically and ideologically reconstituted “Israel.” These anxieties were very likely heightened through forced immigration into Babylonian culture *and* by the people’s immigration into Yehud. We should be clear on this: the return was really an immigration, or a series of immigrations. The people in the land and those who lived in the diaspora developed along different social-cultural trajectories. That meant that they had to devise strategies for engaging a new social-political environment.

During the return to Yehud, the exile was already a past event that could be preserved within the collective memory and tradition of the immigrant group. What we mean by that, to use a more modern analogy, is that only thirteen years after the events of September 11, 2001, it is no longer the events themselves that shape the collective identity of the United States; it is instead the ritualized responses to the events that get integrated into the social-political expression of collective identity.⁶⁰ Catherine Bell identifies this as ritual framing in which, for example, acts of social cohesion are made meaningful by virtue of the cultural traditions and meanings they invoke.⁶¹ In the case of Yehud, the returnees ritualized the exile within the meaningful frame of restoration; the Passover, for instance, is celebrated

59. Žižek, “A Plea,” 244.

60. R. Wuthnow points out this same tendency can be seen in the ritualization of the Holocaust in the United States (cf. *Meaning and Moral Order: Explorations in Cultural Analysis* [Berkeley: University of California Press, 1987], 125–41).

61. Bell, *Ritual*, 74–75.

because it validates the legitimacy of the collective desire for restoration. The fact that Yahweh was worshipped also by people already in the land threatened the identity of the immigrating community not in the least. In fact, it made the claims of the community—claims that focused mostly on the community as the beneficiaries of Yahweh’s productive actions—all the more plausible for the external audience in question. That is, the shared experiences of the exiles (one needed not to go into exile to comprehend and experience its effects) and a shared concept of God established a ground for mutual understanding. But Yahweh in Ezra–Nehemiah was still the god of the community exclusively; Yahweh stood in support of the community. Yahweh ceased to be accessible to the people already in the land, despite the traditional openness that deities traditionally had: *We honor the god in whose territory we are*. The community did not exclude the people of the land because Yahweh was exclusive. The law of the “god of Israel” (as Ezra describes Yahweh [cf. 5:1]) demanded exclusivity because the community itself emphasized exclusion as a necessary component in its ritualized identity expression.⁶² In other words, the attributes of the deity, those preserved within the biblical texts, represented the desires of the community, which sought to break all ties the people already in the land had to the land. Morton Smith also makes this point when he writes, “We have already seen that those to whom the land had been given by Nebuchadnezzar could be relied on to be hostile to the returned exiles (the former owners). Moreover, they had close ties to the surrounding peoples, for both Ezra and Nehemiah were to polemicize against such connections.”⁶³ Such polemicization was identity building in that it identified and reinforced the boundaries of the community.⁶⁴ The god of the community represented those boundaries and the identity based upon them. In that way, the god of the community represented the

62. By extension, the argument is that monotheism as a religious ideology and institution was a product of conflict in Yehud. In contrast, R. Gnuse’s proposal (in *No Other Gods: Emergent Monotheism in Israel*, JSOTSup 241 [Sheffield: Sheffield Academic, 1997], 208) that monotheism was already in development before the exile wrongly assumes that monotheism was an evolutionary stage within a general development process from polytheism to monotheism.

63. Morton Smith, *Palestinian Parties and Politics That Shaped the Old Testament*, 2nd ed. (London: SCM, 1987), 81.

64. J. Kessler also makes a similar point, “[W]hen such exclusionary forces emerged, spurred on by a combination of the factors just mentioned, appeal could easily be made to the three boundary criteria of genealogical roots in the land, experience of exile, and adherence to the law of Moses” (“Persia’s Loyal Yahwists,” 110–11).

ideal of a stable order. Would that not be the best understanding of the command, “You shall have no other gods before me...” (Exod 20:3; Deut 5:7)? In other words, that the injunction speaks more to the preservation of collective identity than to some lofty theology?

How Law Might Be an Expression of Power

At the level of the Law, state power only represents the interests and so on of its subjects, it serves them, it is responsible to them and is itself subjected to their control; however, at the level of the superego underside, the public message of responsibility and the rest is supplemented by the obscene message of unconditional exercise of Power: laws do not really bind me, I can do to you whatever I want, I can treat you as guilty if I decide so, I can destroy you if I say so... This obscene excess is a necessary constituent of the notion of sovereignty (whose signifier is the Master-Signifier)—the asymmetry is here structural, that is, the law can only sustain its authority if subjects hear in it the echo of the obscene unconditional self-assertion.⁶⁵

Differences in ancient and modern forms of State and state power are not at issue here. Both share some basic structural similarities, e.g., the understanding that law and power are distinct things and (political) authority necessitates a dominant position within the hierarchy of power (or control over the dominant forms of expression of power). Both things emphasize the need to regulate social-political behavior and to insure the stability of the social-political context. Because religious behavior and ideologies were not fully distinguished from their political counterparts in the ancient Near East (there was no separation between “Church” and State), to speak of a “religious law” or a “religious covenant,” to name two examples, necessitates an awareness that such laws and covenants, etc., were cultic appropriations of dominant social-political models—but appropriations that were often assumed to hold social-political relevance. That is why, for example, many scholars have compared the literary and philosophical structure of Deuteronomy to ancient Near Eastern legal treaties.⁶⁶ Or why Deuteronomy itself blends religious and political commentary in its discussion of the legal responsibilities and behaviors of kings of Israel and Judah. Or even why Isaiah proclaims Cyrus to be Yahweh’s messiah to bring about the political deliverance of “Israel” (cf. Isa 45:1).

65. Žižek, *In Defense of Lost Causes*, 377–78.

66. Cf. Moshe Weinfeld, “Deuteronomy, Book of,” *ABD* 2:170.

Within such contexts, which are more the norm than abnormal, it is difficult to perceive of religious law as strictly regulatory of religious behavior without obvious social-political aspirations. After all, was Jeremiah's scroll not read in the palace to remind the king of his responsibility to the Divine, the particularities of which were codified within the law (Jer 36:11–32)?⁶⁷ What we are saying here is that despite any modern pretenses attributed to it, religious law is in its nature one mechanism for (attempted) *social-political* control. That is its ultimate aim rather than any obsessive emphasis upon religious behavior alone. Its ability to regulate social-political behavior requires an acceptance of a presupposed external power enforcing the law. And that is why, for instance, George Mendenhall wrote that "the God of Israel was again being invoked to legitimize the wielding of power over other human beings."⁶⁸ What he does not say, however, is that this social act of legitimation is, especially in the case of Ezra–Nehemiah, an internal one. But perhaps the implication is there when he writes that Nehemiah differs from the Judean kings of the past in that where the latter used religious tradition to consolidate and legitimate their power and force, Nehemiah used coercive force to consolidate and support a religious tradition.⁶⁹ Ezra's law fits well with that ideological approach. Nehemiah's actions, according to Mendenhall, are constructive. They are intended to produce the desired shape of the religious tradition. Among other things, Ezra's law is meant to codify the corresponding results of those actions upon social behavioral patterns. Therein is found also the basis for Nehemiah's description of the people weeping upon hearing the law (Neh 8:9–12) and then rejoicing because they understood it. That description was meant to illustrate several things. The people did not know the law prior to hearing it. They mourned because their eyes were opened to how the community had not yet followed expected patterns of behavior. There is also an emphasis upon ritualization, especially because this event is followed immediately by the people's celebration of the Festival of Booths (see vv. 13–18). The acts of comprehending, internalizing, and responding are the trifecta of identity expression, the sum of which is ritualized in the festival. The individual sustains the life of the group by recognizing collective expectations and granting them legitimacy (virtually

67. According to the text of Baruch, Baruch continues to advocate his message even in Babylon (1:1–9).

68. George E. Mendenhall, *Ancient Israel's Faith and History: An Introduction to the Bible in Context*, ed. Gary A. Herion (Louisville: Westminster John Knox, 2001), 197.

69. *Ibid.*

automatic in the individual's recognition of them as valid expectations imposed upon individual action). In turn, the individual makes them "his own" at the expense of his own ethical desires and behaves in a manner consistent with those collective expectations.

In the case of Nehemiah, because the immigrating community did not already control the normative social-political order in Yehud, and because the community was *not* in a position of social-political power, a new order was needed that sustained the identity of the community as the inheritor of divine favor (which entailed possession of the land). The basic premise of texts such as Ezra–Nehemiah is that in a restored world divine favor was confirmation and legitimation of social-political power. Is that not the basic sentiment of Ezra 7:25–28? And is there not a similar sense of divine favor as legitimation of authority in Deut 2:31–37 and 7:1–11 and Deut 31:4? It certainly seems so, that Yahweh's selection is equivalent to legitimating social-political authority. As noted above, in Neh 8:9–12, the people wept because they did not match the expectations detailed in Ezra's reading of the law. They rejoiced because the law was not binding against prior actions—what was done in the past did not constitute a legal transgression of the laws. It became binding upon its hearing. When the people subsequently celebrated the Festival of Booths, they participated in not only the "proto-form" of a restored society, that is, the process through which the society was "brought together" and the parameters of its identity solidified through the "revelation" of the law. That was one element. The celebration of the festival also reinforced the rigid distinction between member and nonmember. To note, "And they found it written in the law, which the LORD had commanded by Moses [who plays an archetypal role legitimating the actions of Ezra], that the people of Israel should live in booths during the festival of the seventh month..." (8:14). After the festival was over, the people immediately joined in a "national" confession, the intent of which was to reinforce the distinction between "Israelite" and foreign. "Then those of Israelite descent separated themselves from all foreigners, and stood and confessed their sins and the iniquities of their ancestors" (9:2). And in that, the people "sustain the authority of the law" by hearing within its reading the "echo of the obscene unconditional self-assertion" of sovereignty.⁷⁰ But in this situation, the "Master-Signifier" is not the imperial king whose decree Ezra enjoys so thoroughly. It is divine sovereignty, whose obscene, blatant revelation of power can be seen in the deity's selection of the *golah* community. Even the imperial king reflects a hierarchy of authority that

70. Žižek, *In Defense of Lost Causes*, 378.

stops not with him but with the divine—a general idea that, as we implied above, Isaiah expressed in terms of “messiah”: “Thus says Yahweh to his messiah, to Cyrus...” (45:1).

*Law, Intermarriage, Prejudice: Expressions of Identity Through
Contrapositional Strategies*

[Belshazzar] was cast out of human company;
With asses was his habitation known; He ate hay like a beast, through wet
and dry,
Until he learned, by grace and reason shown,
That Heaven's God has dominion, up and down,
Over all the realms and everything therein;
And then did God to him compassion own
And gave him back his kingdom and his kin.

(Chaucer, *The Canterbury Tales*, 14.197–252)

In this quote from Chaucer, whose clever sarcasm often played with conventional assumptions, the author draws attention to the biblical separation between insider and outsider. To be clear, Belshazzar—and there Chaucer is incorrect, since according to Dan 5:17–21 it was Belshazzar's father Nebuchadnezzar who “habitated” with the asses—is never truly an “insider” when such is the designation for the remnant of Israel—a qualification that Ezra–Nehemiah unabashedly employs. He becomes, nevertheless, an “affiliate” of the community in that he is, within Daniel, attached to the community as an external pillar of support as one who potentially validates and safeguards the Judean exilic community. That is the meaning of, “O king, the Most High God [who is the god of Israel/Judah] gave your father Nebuchadnezzar kingship, greatness, glory, and majesty. And because of the greatness that he gave him, all peoples, nations, and languages trembled and feared before him...” And also, “His dwelling was with the wild asses, he was fed grass like oxen, and his body was bathed with the dew of heaven, until he learned that the Most High God has sovereignty over the kingdom of mortals, and sets over it whomever he will” (5:18–19, 21). Upon “learning” about the sovereignty of God, Nebuchadnezzar was restored in all his glory. In the biblical text, restoration cannot occur without a preceding experience of looming chaos: whether Nebuchadnezzar's eating with the asses, or the Judean experience of exile. The epitomic Hebrew cannot enter the Promised Land without first having been oppressed *nor without first having suffered the disgrace of pursuing other gods*. And that expectation makes the traditional “golden calf” episode all the more interesting (see Exod 32:1–35;

Deut 9:6–29; Neh 9:18)! Suffering, conflict, or experiential chaos as a preliminary mechanism of identity (is there not a parallel here to the creative and world-preserving power of Elohim or Yahweh demonstrated as victory over chaos [cf. Gen 1:1–3; Isa 45:18–19; Jer 4:19–28]?⁷¹) means that the exiles cannot enter Yehud categorically as the “remnant,” the divinely preserved group, without first having experienced the exiles (the implication is there in Isa 45:13 and Jer 39:9–10). Trauma—but ritualized into something more archetypical than the historical events themselves—created the possibility for restoration. Restoration is contingent upon the ritualized trauma of the exile (its ritualization is what is associated with the exodus) as the “rupture” that breaks down a previous mode of existence, typically expressed in terms of the divine (*woe are we, we pursued other gods*), to make room for a new one (*Yahweh alone!*).

What this means, in short, is that restoration (the new “Israel”) requires a radical revision (exile) of the existing infrastructure (distributed relations between social-political agents and agencies—the productive processes in which people are involved that shape the social reality). Because there existed no previous basis or model for a similar social-political structure (which text and scholar tend to identify as “theocracy” or “hierocracy”), hierarchies of power must be rewritten to make room for the restoration envisioned by the biblical texts. Is there not an implicit acceptance of this in the biblical obsession with blaming the ancestors for the exiles? The ancestors failed. Their world was destroyed. But a new kid was in town, a new Israel full of vim and vigor and radical obedience to the divine. This need lays among those at the core of Ezra–Nehemiah’s emphasis upon an inflexible distinction between sacred and profane, foreigner and citizen—a point that we will revisit throughout the remainder of this work.

Casting Žižek Upon the Contraposition Between Annihilation and Restoration

This strategic contraposition between annihilation and restoration mirrors what in monotheistic religions has been identified as the distinction between evil and good. And for the moment, let’s analyze this contraposition for

71. See also Ralph W. Klein, *Israel in Exile: A Theological Interpretation* (Philadelphia: Fortress, 1985), 114, in which he discusses the metaphor of creation in relation to the exile. In particular, “We have already seen how God’s creation and preservation of the world provided the basis for affirming his ability and willingness to save (40:12–13). Affirmations about creation also supported God’s credentials in his contest with the gods (45:18; cf. 40:25–26) and in his promise to free Israel from its tyrants (51:13–16)” (114).

what it might reveal about the ideological positions that undergird Ezra–Nehemiah’s emphasis upon distinction. Let’s revisit the epigraph from Žižek that opened our first chapter:

[T]he difference between Good and Evil is not that of content, but that of form—but, again, not in the sense that Good is the form of unconditional commitment to a Cause, and Evil the betrayal of this commitment. It is, on the contrary, the very unconditional “fanatical” commitment to a Cause which is the “death drive” at its purest and, as such, the primordial form of Evil: it introduces into the flow of (social) life a violent cut that throws it out of joint. The Good comes afterwards, it is an attempt to “gentrify,” to domesticate, the traumatic impact of the Evil Thing. In short, the Good is the screened/domesticated Evil.⁷²

The last statement in the quote is Žižek being Žižek. It is hyperbolic sensationalism for the sake of shock and awe as a de-centering tactic. After all, if good is evil, or vice versa, the distinction as something substantive between the two collapses. Yet perhaps there is something in that. Perhaps there is something inherently fruitful in reimagining any distinction between good and evil from some oppressive objective category into something better recognizable as a socially relative series of productive actions that characterize the society’s or community’s normative order. Social order is fragile, Žižek observes. “[W]e need strict law enforcement and ethical press to prevent the explosion of violent passions. Human nature is naturally evil, descent into social chaos is a permanent threat.”⁷³ Does not fundamentalism as a concept teach us there is some truth to that? That that what constitutes “evil” is that which threatens the stability of the stabilized (or “domesticated”) order? Thus, the struggle for fundamentalists is typically not between insider and outsider—that separation has already been determined—but between “co-religionists,” groups that show common traits, or members of the same society, and those who threaten the internal stability of the group, community, or society.⁷⁴ *The secularist on an island across the ocean doesn’t bother me. The secularist in my own country speaking out against my religious view of marriage does.* Is there not also a sense in which Ezra–Nehemiah’s portrayal of the conflicts surrounding the *golah* community are more intense when they describe the conflict between the community and those who might share

72. Žižek, *In Defense of Lost Causes*, 345.

73. Slavoj Žižek, *Violence: Six Sideways Reflections*, 1st Picador ed. (New York: Picador, 2008), 95.

74. Torkel Brekke, *Fundamentalism: Prophecy and Protest in the Age of Globalization* (Cambridge: Cambridge University Press, 2012), 24–25.

certain ideological and cultural traditions? Communities in which Yahweh was also a central god but ones whose collective identities were not ones based on restoration (cf. Ezra 4:2)? Such communities are the target of the oracle in Ezek 8:1–18, for example: “Have you not seen this, O Mortal? Is it not bad enough that the house of Judah commits the abominations done here?... I will not listen to them” (vv. 17–18).

What Žižek means by his distinction in the above quote is not that there is any absolute or objective thing as “good” or its antithesis. “Good” can only be a productive *action* that restricts the unmitigated possibilities of actions and their effects. In other words, “good” denotes “productive actions that stabilize the group.” Žižek’s distinction, and this is where his point becomes more helpful for our discussion, between the two concepts is based less on ideas of good and more upon *actions* that constitute the distinction: the ways in which a community internalizes its response to the threat of death or annihilation (what must be meant by the “death drive” on the level of a collective). In this sense, we understand better the situation in Ezra–Nehemiah in which what is “good,” or affiliated with a type of sacred or fundamental order, is that which supports the collective identity of the *golah* community as one in a position of authority. The text’s “violent” reaction to intermarriage is precisely the “cut” that Žižek describes which throws the social life of the province out of joint. After all, the economics of land ownership were closely tied to marriages as forms of legal contract and alliance.

Contraposition in Intermarriage

Tamara Eskenazi was correct when she argued that the concern over intermarriage in Ezra–Nehemiah was primarily a concern over land. The foreign spouse or children of a deceased Jew could, in theory, retain ownership of the land, the continued practice of which would result in the loss of land by the Judahites.⁷⁵ Control over the land and its economic production provided the community with the opportunity to shape the contours of power within the province.⁷⁶

75. Tamara C. Eskenazi, “The Structure of Ezra–Nehemiah and the Integrity of the Book,” *JBL* 107, no. 4 (1988): 124.

76. This is also what L. Fried meant when she argued that Nehemiah’s prohibition of intermarriage was an attempt to limit the influence and power of the landed aristocracy within the province (*The Priest and the Great King: Temple–Palace Relations in the Persian Empire* [Winona Lake: Eisenbrauns, 2004], 210–11).

But we cannot stop there and treat intermarriage as an isolated autonomous event or cause. In other words, intermarriage was not an isolated concern uniquely related to beliefs and attitudes about the land. It was part of a larger process of interruption, of distinction between the *golah* community and the *am ha'aretz* as groups that embodied in their actions good (world building and preserving) and bad (world destroying). This larger process of interruption was meant to create a space by despotically imposing artificial boundaries in the social-political context around the *golah* community as a community in a position of authority. Mary Douglas's observation that Ezra's correlation of defilement with intermarriage, including its canonization within the law, reflected the conflict between the priestly editors and the governmental officials, highlights the external and internal struggles that faced the community as it sought authority.⁷⁷ The former, for her, represented the "repatriates" while the latter represented the people already in the land. In her words, the volatile issue of intermarriage within the biblical text reflected a strong xenophobia on the part of the immigrating community. That fear of the "other," oftentimes irrational in nature, is directly the fear of a loss of the stable forces that define "my world" and "my sense of collective self." *The stranger represents a different way of doing things. If I let the stranger in, I must either accept his way of doing things, which destabilizes my world, or impose upon him my own, which confirms the strength of my own world.* We need only take that observation a short step further to point out that xenophobia results from an internal paranoia over anomy that the outsider has come to symbolize. Xenophobes, as sociologist of religion Jon Shields points out, operate from enclave cultures bent on resisting the "disintegrating effects" of pluralism, assimilation, and even tolerance in a mutually productive sense of groups entering into a mutually effective relationship.⁷⁸ And anthropologist Maurice Godelier states, after dismissing Levi-Strauss's hypothesis that kinship is based on men's domination of and exchange of women, that marriage is still founded upon a basis of alliance and exchange, though of various and sometimes unique types.⁷⁹ In that sense, intermarriage may have been prohibited in Ezra–Nehemiah to establish limits on the extent of social, economic, and

77. Mary Douglas, "Responding to Ezra: The Priests and the Foreign Wives," *BI* 10 (2002): 1–23.

78. Cf. Jon A. Shields, *The Democratic Virtues of the Christian Right*, Kindle ed. (Princeton: Princeton University Press, 2009), 12.

79. Maurice Godelier and Nora Scott, *The Metamorphoses of Kinship* (London: Verso, 2011), 127–28.

political exchange permitted with the people already in the land. And in turn those limits on intercultural exchange created boundaries around collective identity.

Julian Morgenstern, as early as 1957, stated concerning intermarriage in Ezra–Nehemiah,

These marriage reforms reflect the spirit and procedure of Jewish particularism and isolationism which evolved within a certain, small section of the Babylonian Jewish community and which were transmitted to Palestine and instituted there as an actively aggressive program only by Ezra and Nehemiah, rather than the spirit and purpose of the native Jewish population of Palestine in the period with which we are dealing.⁸⁰

He is correct, but only to an extent. The marriage reforms in Ezra–Nehemiah *do* reflect the “spirit and procedure” of “particularism and isolationism.” But particularism and isolationism as the type of sociological response to which he refers would have more logically occurred within the social-political context of Yehud, a territory in which the community had invested itself as the native in-group. There is very little question that the Judeans who had been exiled to the Babylonian territories underwent processes of assimilation, in which cultural or group differences were minimized, and in contrast, in which the same differences are exaggerated.⁸¹ Yet the exaggerated emphasis and rigidity that characterizes Ezra–Nehemiah reveals a deeper rooted concern than one shaped initially within a foreign cultural context. Morgenstern’s assertion is guilty of confusing history with theory, of using data to explain data.⁸² The very fact that Ezra–Nehemiah describes the existence and attributes of the *golah* community explains neither (1) that the Judeans in Babylon identified themselves through isolationist or particularist philosophies or behaviors, nor (2) that the community en bloc faithfully translated either strategic philosophy into an aggressive program. To put it differently, Ezra–Nehemiah’s description of particularist or isolationist behaviors is not a cause but an effect. In our argument, we say that it is an effect of

80. Julian Morgenstern, “Jerusalem—485 BC (Continued),” *HUCA* 28 (1957): 21.

81. Cf. Scott Plous, “The Psychology of Prejudice, Stereotyping, and Discrimination: An Overview,” in *Understanding Prejudice and Discrimination* (Boston: McGraw–Hill, 2003), 8–10.

82. Mayhew describes the details of this error in “Causality, Historical Particularism and Other Errors in Sociological Discourse,” *Journal for the Theory of Social Behavior* 13, no. 3 (1983): 289–90. Put briefly, this error uses data to explain itself which suggests an elementary reliance upon existentialism.

immigration into an environment perceived as hostile to *golah* ideals.⁸³ *When we arrived, they did not accept our claims to the land. So we dug our heels in deeper.*

Joseph Blenkinsopp proposed that during the 139 years or so from the deportation of Jehoiachin in 597 BCE to the arrival of Ezra in 458 BCE there was “enough time for the Jewish community in and around Nippur to have settled down and developed its own *modus vivendi*, institutions, traditions, and no doubt parties and factions. There was also time enough for the complex of theological ideas associated with Ezra and Nehemiah to emerge and incubate.”⁸⁴ And in this, he is close in philosophical position to Morgenstern. He is correct in terms of sociological development that the Judeans would have developed their own cultural responses, attitudes, behaviors, institutions, and ideologies to meet their changing circumstances. But to assume that the community in Babylonia (in and around Nippur, al-Yahudu, and possibly other locations⁸⁵) provided an inculcating context for a set of totalitarian, rigid counterparts capable of navigating the turmoil and anxieties in Yehud is certainly incorrect. While that move credits the initial development of those strategies with being responses to changed circumstances demanding a reconfiguration of defenses against anxieties old and new, it also assumes that such strategies can be faithfully transplanted between foreign contexts. Is not a similar assumption characteristic to many older style Christian missionary strategies of the nineteenth and twentieth centuries framed by an Orientalist perception of the world? That what the missionary has developed within the incubator of a Western, Christian society can be applied whole-scale to a foreign

83. One must say “perceived” because not all authors viewed the context as threatening. M. Moore and B. Kelle, for example, summarize S. Japhet’s position on the Chronicler who wrote and redacted from a more removed historical context, as: “The Chronicler cannot accept the foundations of Ezra–Nehemiah’s theology: the exclusive, narrow concept of Israel as a ‘holy seed,’ the supremacy of the ‘returned exiles’ or simply ‘exiles,’ the attitude to the native inhabitants of the land and to intermarriage” (*Biblical History and Israel’s Past*, Digital [Grand Rapids: Eerdmans, 2011], 446–59). P. Ackroyd put the Chronicler in the mid-fourth century during which time he linked Ezra and Nehemiah (cf. *I & II Chronicles*, 26). For the Chronicler, what we’ve described as “*golah* ideals” should be understood as an idealization of restoration. Ackroyd writes, for example, “The community of the post-exilic period to which the Chronicler belonged and for which he wrote is seen to be the descendant of that totality of Israel which lay within the creative and redemptive purpose of God” (31).

84. Blenkinsopp, *Judaism: The First Phase*, 122.

85. Cf. Joannès and Lemaire, “Trois tablettes cunéiformes,” 399–411.

context? And isn't that more guilty of producing anomy by trying to "fix" a foreign context rather than by working to develop ways of internally resolving its own instability?

Blenkinsopp suggests that the strategies for defining *golah* collective identity within Yehud were developed in and around Nippur and employed by the sectarian community. Consequently, if the confessional prayers in Ezra–Nehemiah (Ezra 9:6–15; Neh 9:6–37) are responses to a changed social-political situation, they are responses that occurred within a specific social-political community in Babylon.⁸⁶ One must take great pains to show how the responses (strategies) translated from one social-political context to another. Identity, for either the individual or the collective, is nurtured through active and immediate relationships with others and with the surrounding environment.⁸⁷ More importantly for our discussion here, Ezra–Nehemiah's prohibition on intermarriage, Blenkinsopp believes, was the consequence of a predetermined view of Judah as a "defiled land" that needed the divine process of restoration in order to be fruitful again.

[Ezra 9:6–15's] prohibition of intermarriage with the narratives is also behind the first and principle stipulation of Nehemiah's covenant (Neh 10:30 [MT 31]). Closely related is the absolute exclusion from the Israelite assembly of Ammonites and Moabites and the banning to the third generation of Edomites and Egyptians in Deut 23:3–8 (MT 4–9). This stipulation was invoked by Nehemiah (Neh 13:1–2, 23) and insinuated into the account of Ezra's campaign against intermarriage (Ezra 9:1)."⁸⁸

Blenkinsopp explains Ezra–Nehemiah's prohibition of intermarriage as a theological strategy for dealing with outsiders. And one can find a point of agreement with his argument in that it reflects a strategy of

86. Blenkinsopp, *Judaism: The First Phase*, 125.

87. Cf. Frank Schimmelfennig, "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union," *International Organization* 55, no. 1 (2001): 47–80; Jon L. Berquist, "Constructions of Identity in Postcolonial Yehud," in Lipschits and Oeming, eds., *Judah and the Judeans in the Persian Period*, 53–66; John Berry, "Immigration, Acculturation, and Adaptation," *Applied Psychology Appl. Psychol.* 46, no. 1 (1997): 5–34; Karen A. Cerulo, "Identity Construction: New Issues, New Directions," *Annual Review of Sociology* 23 (1997): 385–409; R. D. Hinshelwood, "Ideology and Identity: A Psychoanalytic Investigation of a Social Phenomenon," *Psychoanalysis, Culture & Society* 14, no. 2 (2009): 131–48; Judith A. Howard, "Social Psychology of Identities," *Annual Reviews in Sociology* 26 (2000): 367–93.

88. Blenkinsopp, *Judaism: The First Phase*, 126.

social-political engagement. But as we've pointed out he also proposes that this strategy was developed *before* any real social engagement with the people already in the land occurred. It was a strategy of response developed *before* knowing who one needed to respond to and what any ideological position might have been. *I don't know who lives in the country next to mine, but I already know how I'm going to respond to anyone who tries to get in the way of my building my house when I get there.* In his explanation, Blenkinsopp centralizes theology as the barometer for social-political engagement, which is intended to provide a more "universal" ideological strategy. In other words, for him the *golah* community was a theologically defined community; theology defined the identity of the community, when in fact the reverse is more accurate.⁸⁹

The better conclusion is that the theological attitudes and positions expressed in Nehemiah concerning intermarriage and other related matters were products of the community's experience in Yehud *not* in Babylonia. Can one not see a strategy of active engagement of the cultural context in Yehud when Nehemiah inspects the walls of Jerusalem and decides to restore them? "Then I said to them, 'You see the trouble we are in, how Jerusalem lies in ruins with its gates burned. Come, let us rebuild the wall of Jerusalem, so that we may no longer suffer disgrace.' I told them that the hand of my God had been gracious upon me, and also the words that the king had spoken to me. Then they said, 'Let us start building!' *So they committed themselves to the common good*" (Neh 2:17–18, emphasis mine). The "common good" in this context is the preservation of the community, both physically and ideologically. *That* is the barometer against which Nehemiah's actions should be measured. "Thus I cleansed them from everything foreign, and I established the duties of the priests and Levites, each in his work; and I provided for the wood offering, at appointed times,

89. Blenkinsopp's position on the importance of theology seems to be due to his hypothesis that Ezra–Nehemiah and Ezekiel share important, theological, points of contact, especially the areas of intermarriage and the law (cf. *ibid.*, 127–28). Note, for further reference, "The movement of the Glory from Jerusalem to the Babylonian *golah* and its anticipated return to take up residence in the Jerusalem temple, once it was built according to a prophetically-mandated blueprint, *provided the theological template for those in the eastern diaspora who entertained the hope of an eventual religious and political restoration in Judah.* Preeminent among these, according to Ezra–Nehemiah, were the Zadokite priests Joshua ben Jehozadak and Ezra" (130, emphasis mine.). Note especially the emphasized point that what was gained was a "theological template" for religious, certainly, but also political restoration. Blenkinsopp here is dangerously close to describing Yehud as a theocracy in the manner that J. Weinberg has done (cf. the larger work, Weinberg, *Citizen-Temple Community*).

and for the first fruits. Remember me, O my God, *for good*” (13:30–31, emphasis mine).

Gary Knoppers offers a similar argument to the one we’ve posed here when he describes Ezra–Nehemiah’s injunction against intermarriages as a strategy that was employed within a particular social-political situation:

But the repertoire of autochthonous nations in Ezra 9:1—“the Canaanites, Hittites, Perizzites, Jebusites, Ammonites, Moabites, Egyptians, and Edomites”—is drawn only in part from the standard pentateuchal lists. The authority of earlier injunctions against intermarriage is both applied and expanded to deal with a new situation. The new nations not originally covered by the injunctions of Exod. 34:11–15 and Deut. 7:1–4 include Egyptians, Ammonites, Moabites, and Edomites. To this list Nehemiah adds Ashdodites. The expansion in the number of peoples is, in fact, critical, to mandating the divorce and expulsion of wives not included in the earlier prohibitions.⁹⁰

In context, his approach is better than Morgenstern’s. Where Morgenstern (and Blenkinsopp is similar here) must rely upon the exiles entering into Yehud already with a fully complex program, regardless of what situation awaited their arrival, there is space within Knoppers’s position to allow for Ezra–Nehemiah’s injunction against intermarriage to be an active response to the situation into which the exiles, or immigrants, arrived, whether or not Ezra–Nehemiah replicated the attitudes and philosophies of all individuals who “returned” or just a small sampling. The law, into which Ezra–Nehemiah’s injunction was codified, makes no sense outside the social-political context of Yehud. What Morgenstern’s theory (and Blenkinsopp’s to a lesser degree) requires, of course, is an empty land.

Why Prohibiting Intermarriage Interrupted the Social Order

The *golah* community’s acting out Ezra–Nehemiah’s prohibition on intermarriage and the text’s position on ritualistic separation is, in Žižek’s terms, an interruptive act. It interrupts the normative order by changing the nature of the social-political (and economic) relations that until that point were central in the power hierarchy. It heightens fears of anomy. Which means that the complex machinery for producing a stabilized normative order—institutional and legal requirements on interpersonal relations, hierarchies on power and value necessary for economic exchange, and

90. Gary N. Knoppers, “Intermarriage, Social Complexity, and Ethnic Diversity in the Genealogy of Judah,” *JBL* 120 (2001): 29.

the ability to insulate group members from threats of anomy or death or even the power to accept and include outsiders as members—was subject to revision by a minority group, but one without a clear hold on material power.

There is also a sense in which the proposed act betrays a contradiction at a fundamental level in group identity: the *golah* community is both identifiable as a group *within* Yehud but also as one that carried out actions of separation and exclusion. In other words, it excludes the very society that provided the institutional parameters and powers⁹¹ within which the group's identity was defined and nurtured—a contradiction that finds passionate expression in the community's apparent xenophobia against the people already in the land.⁹²

As an act by the *golah* community, the negative projection of the *am ha'aretz* as "foreign," "other," etc., does not find the attainment of its goal alone in creating a categorical outsider. Its goal is better found in the community's desire to create a stabilized world based on its own collective identity.⁹³ The *am ha'aretz* were the object upon which the experiences of instability and anomy were cast.⁹⁴ And in that we find the frustrated core of the contraposition between annihilation and restoration. *My restoration requires the annihilation of your way of life.*

Establishing clear categorical boundaries between insider and outsider was a clearly felt need in Ezra–Nehemiah. When Nehemiah beats and pulls the hair of those who had intermarried "foreigners," his intent was to create a rupture in the preexisting social-political order by radically altering

91. "One needs to be nominalistic, no doubt: power is not an institution, and not a structure; neither is it a certain strength we are endowed with; it is the name that one attributes to a complex strategical situation in a particular society" (Foucault, *The History of Sexuality, Volume I*, location 1210.).

92. Cf. Galambush, *This Land Is My Land*, 91.

93. Note also, for further instance, the levirate marriage in Deut 25:5, in which the emphasis is upon the assumption of economic burden for other group members for the benefit of preserving the group.

94. M. Klein's theory is quite helpful. For instance, "Projection...originates from the deflection of the death instinct outwards and in my view it helps the ego to overcome anxiety by ridding it of danger and badness. Introjection of the good object is also used by the ego as a defense against anxiety... Idealization is bound up with the splitting of the object, for the good aspects of the breast are exaggerated as a safeguard against the fear of the persecuting great. While idealization is thus the corollary of persecutory fear, it also springs from the power of the intellectual desire which aims at unlimited gratification and therefore creates the picture of an inexhaustible and always bountiful breast—an ideal breast" (in Klein, *Envy and Gratitude*, 6–7).

behavioral patterns.⁹⁵ Intermarriage, which presumably was compatible⁹⁶ with the old order, and so could have been an assimilation strategy, could not be accepted lest it allow the old order to bleed into the new one. Ezra's imposition of the divine law was intended to sustain the consequence of that rupture, a new social-political normative, by codifying a new set of behaviors. As it is portrayed in Ezra–Nehemiah, its intent is primarily to categorize permanently the distinction found in both geographic occupation and ideological expression (where one is and how one thinks), things that directly influence expressions of collective identity. Its introduction into the social-political context of Yehud interrupts the normative order. But more importantly, it codifies a set of social (including political and religious) behaviors, responses, and rituals (e.g., the Passover) intended to preserve the collective identity of the *golah* community, one that is itself entirely a product of the (attempted) ruptured normative order in Yehud. In other words, the community—which, we must recall, was an immigrating community—was only knowable via productive actions that broke it away from, made it distinct from, and preserved its separation from the people already in the land. In this emphasis, Ezra–Nehemiah is not alone; there is precedence in Deuteronomy:

When the Lord your God brings you into the land that you are about to enter and occupy, and he clears away many nations before you—the Hittites, the Gergashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, seven nations mightier and more numerous than you— and when

95. I am basing this in part on Žižek's discussion of "divine violence": "[D]ivine violence is not divine because it serves a divine purpose (such as the sanctity of life); it is divine in itself, it manifests in itself the divine dimension. In the divine, the difference between means and end falls away, becomes irrelevant: divine violence doesn't serve the divine, it is directly a sign of, or, rather, a manifestation of the divine" (*In Defense of Lost Causes*, 484). For Žižek, "divine violence" in contrast to other more aggressive or bloody forms is the act or process that creates the possibility for producing a social order that disturbs, and ideally destroys, an old social order. In that role, it must radically *interrupt* the preexisting order and impose in its place something new. When the aid of Sanballat, Tobiah, and others, for example, is rejected, the intent is not only to establish a private claim over the Jerusalem temple, it is to interrupt the traditional order of things. It is to impose a new, restrictive set of behaviors, values, and meanings that comprise the core of collective identity—where identity is a product of mobilization around a shared ideology of restoration. See Cerulo, "Identity Construction," 385–409, for a discussion of identity as a production of mobilization.

96. Cf. James C. VanderKam, *From Joshua to Caiaphas: High Priests After the Exile* (Minneapolis: Fortress, 2004), 53–54.

the Lord your God gives them over to you and you defeat them, then you must utterly destroy them. Make no covenant with them and show them no mercy. Do not intermarry with them, giving your daughters to their sons or taking their daughters for your sons, for that would turn away your children from following me, to serve other gods. Then the anger of the Lord would be kindled against you, and he would destroy you quickly. (Deut 7:1–4)