Cataldo, Jeremiah W. "Constructivism as a Consequence of Exile." *Biblical Terror: Why Law and Restoration in the Bible Depend Upon Fear*. London: Bloomsbury Publishing Plc, 2017. 154–188. *Bloomsbury Collections*. Web. 26 Apr. 2023. <<http://dx.doi.org/10.5040/9780567670847.ch-005>>.

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Chapter 5

CONSTRUCTIVISM AS A CONSEQUENCE OF EXILE

The Israelite state had become completely incompatible with the religious purposes for which the Israelite community had originally been created... It had not even been capable of acting competently enough to ensure its own political survival. It is not surprising that most of the preexilic biblical prophets predicted its destruction. Once the Israelites dropped the illusion that their state and its divine patron would protect them, they were free to inquire into the religious source of real and lasting security, such as represented by the Yahweh of the Sinai covenant.¹

To agree completely with George Mendenhall is to be caught up in the romance of the Bible. *"They were free to inquire into the religious source of real and lasting security."* But he does highlight an important trend: the belief preserved within the biblical narrative that the past nature of society (which amounted to anomic law-breaking) must be replaced by a more stabilized, orderly one (which is meant by "restoration"). Whether what the biblical texts describe is descriptive or constructive is another but desperately important matter, and one that will occupy, but not settle everything, for us here.

It is not new to say that the dislocation caused by exile resulted in utopian dreams for a restored world. This restored world would not be the world that was, that world had led to exile. *"Again I will build you, and you shall be built, O Virgin Israel" (Jer 31:4)*. It must be a purified world, one whose people had been judged and deemed worthy of divine salvation—where the line between member and nonmember was clear and powerful. *"Turn to me and be saved, all the ends of the earth! For I am God, and there is no other" (Isa 45:22)*... *"Listen to me... Israel... I will carry you" (46:3–4)*. The biblical texts describe the path to that world, the internal formation that the community must undergo. But it

1. Mendenhall, *Ancient Israel's Faith and History*, 179.

would be up to the community, like a bride regaining her virginity,² to make herself ready for that world.

In the sense of restoration as a “cleansing process,” Emil Fackenheim was correct when he wrote,

A people cannot survive in a disastrous exile unless it can view that exile as meaningful, and unless it has an abiding hope. In short, existence in Galut required Galut Judaism, defined by the belief that exile, while it lasts, must be patiently endured, and that its end is a secret in the keeping of God.³

While he refers specifically to the Diaspora Jewish community post-70 CE, the sociological mechanism of response he identifies remains appropriate as a description for even the sixth–fifth century BCE. There is an alluring similarity between the two events, both of which emphasized the importance of similar survival mechanisms or strategies. In both cases, the threatened community focused internally, centralizing around shared objectives that directed the community toward a common strategy of survival.

And in each case, the relevant community responded to external events that shook its world by focusing internally upon itself, by centralizing around shared objectives and ideals that once legitimated would provide the needed structural social-cultural (we need not distinguish religion from culture here) support. The biblical authors found meaning in the exile: it was an act that both purified the land (gave the land its sabbaths) *and* purified the community.

Understanding the Social and Political Aspects and Impacts of Constructivism

While Nicholas Onuf is often credited with the term “constructivism,”⁴ especially in the field of international studies, Alexander Wendt may be better known as the one who developed a more stable theory of social

2. On “humorous” note, Growthtrac Ministries claims there are seven steps to regaining one’s virginity, which the organization’s philosophy has effectively spiritualized. See <http://www.growthtrac.com/seven-steps-to-regaining-and-maintaining-virginity/#.VYF3-hNViko> (accessed June 17, 2015).

3. Emil L. Fackenheim, *To Mend the World: Foundations of Post-Holocaust Jewish Thought* (Bloomington: Indiana University Press, 1994), 16–17.

4. See Nicholas Greenwood Onuf, *World of Our Making: Rules and Rule in Social Theory and International Relations* (Columbia, SC: University of South Carolina Press, 1989).

constructivism.⁵ He states that constructivism maintains the position that the core aspects of any reality are products of ongoing processes in social practice. Core aspects are those things that a culture might hold to be objectively true (like the benefit of Western democracy to human rights) or those things taken for granted (like the value of money in a Capitalist context). All practices are relevant here, those that help comprise the norm and those that deviate from it, as well as those that shape various types of interaction (interpersonal, intra-personal, intercultural, etc.). These core aspects are not innate to human individuals, or even to interpersonal relations. In other words, we produce (and are always producing) the fabric of our social realities.⁶ As Wendt describes, “A fundamental principle of constructivist social theory is that people act toward objects, including other actors, on the basis of the meanings that the objects have for them.”⁷ And further, “the meanings in terms of which action is organized arise out of interaction.”⁸ Perhaps somewhat paradoxically, once it identifies objects primary to its enterprise, constructivism tends to resist changing its rules.⁹ This tendency reflects the social need to maintain stability by controlling change, even in a vision that sees change as the mechanism for bringing about a new, stabilized vision for the world (recall the above quote from Mendenhall).

The shared norms characterizing an organized social-political body (such as a State) must continually be acted upon.¹⁰ Their “objective” status is entirely contingent upon their continued affirmation. For instance:

If states stopped acting on those norms, their identity as “sovereigns” (if not necessarily as “states”) would disappear. The sovereign state is an ongoing accomplishment of practice, not a once-and-for-all creation of norms that somehow exist apart from practice. Thus, saying that the “institution of sovereignty transforms identities” is shorthand for saying that “regular practices produce mutually constituting sovereign identities (agents) and their associated institutional norms (structures).”¹¹

5. Alexander Wendt, “Anarchy Is What the States Make of It: The Social Construction in Power Politics,” *International Organization* 46, no. 2 (1992): 391–425.

6. Cf. the larger work of Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, Digital ed. (London: Penguin, 1967).

7. Wendt, “Anarchy,” 396–97.

8. *Ibid.*, 403.

9. See Nicholas Greenwood Onuf, *International Legal Theory: Essays and Engagements, 1966–2006* (New York: Routledge-Cavendish, 2008), 313.

10. Wendt, “Anarchy,” 413.

11. *Ibid.*

If in studying the social-political nature of Yehud one were to ask, Why is it even relevant to discuss sovereignty of a political community in relation to the biblical texts of the Neo-Babylonian and Persian periods?, the answer could only be, “Precisely!” That we cannot talk of any formal structure or sovereignty based on utopian thinking fashioned outside the real structure of empire and province is in itself a compelling argument against the existence of a theocracy—a reemphasized point from the previous chapter. But this does not mean one should throw out the biblical texts altogether—*the baby with the bath water!* The lack of a formal(ized) structure characteristic to a theocracy does not mean that the biblical authors themselves, or the communities they represented, did not envision one. A theocratic structure *does* best portray the nature of biblical restoration that has become intrinsic to monotheism, both in its historical more compact forms and its modern more complex ones.¹² But that portrayal is constructivist, utopian. To make it real would require a radical change to the social-political institutions that were already at work. But let’s argue this point in terms of power and its relation to constructivism.

According to Wendt, a fundamental principle of constructivist theory is that people act towards objects on the basis of the meanings those objects have for them. This principle should sound familiar. It is closely aligned with Foucault’s notion of power, though Foucault has been criticized for not adequately addressing “constructive agency”—*Can we build a new structure for our social world? Can we hope in it and orient our behaviors around that hope? Yes, we can!*¹³ In light of her critique of Foucault, Simone Bignall points out that power and desire are central to the postcolonial understanding of agency, a perspective that must be engaged because its influence is growing within the field of biblical studies.¹⁴

12. Cf. the larger discussion between compact and complex forms of monotheism in Cataldo, *Breaking Monotheism*, 1–4.

13. This critique of Foucault was pointed out by Bignall in *Postcolonial Agency*, 131. See also her definition of “constructive agency” in *ibid.*, 13.

14. Note further, “Central to the creation of a postcolonial concept of agency is the need to reconsider the nature of power and desire, which together constitute the conditions and the impetus for social action. The first aim of this chapter is to present an alternative perspective on power, not conceptualised in relation to mastery. This is found in Deleuze’s interpretation of Nietzsche, and in Foucault’s elaboration of this in *Discipline and Punish* and the *History of Sexuality*. However, Foucault’s analysis is largely limited to the constitutive effects of power upon the subject, and the scope for constructive agency is often not understood or is obscured in readings of Foucault’s work. I will suggest,” and here Bignall offers a Deleuzian correction to Foucault, “that this problem arises because Foucault does not adequately emphasize desire as

To understand the larger context, and to introduce Foucault's understanding of powered agency, one should note that Bignall mirrors precisely Deleuze's position in her attempt to rescue Foucault from illiteracy in terms of postcolonial agency. Despite his seeming obscurantism on the topic, she argues, Foucault was aware of the influences of relative desires on the construction of power; this awareness comes through in a few "explicit moments" from his work. Where most readings of Foucault conflate his differentiation of macro and micro categories of power in light of spatial relations and differences in degree or scale, Foucault was aware of a more profound distinction. As Bignall puts it:

This distinction is made in terms of time, duration or movement, in terms of differential speeds and slowness, flux and stoppage. For example, in *The History of Sexuality*, Foucault (1990: 93) distinguishes "power" and "Power" according to the different dynamics of the force relations that compose them. The first is conceived in terms of "the moving substrate of force relations which, by virtue of their inequality, constantly engender states of power; but the latter are always local and unstable." The second, Power, which "insofar as it is permanent, repetitious, inert and self-reproducing, is simply the overall effect that emerges from all these mobilities, the concatenation that rests on each of them and seeks in turn to arrest their movement."¹⁵

For Foucault, constructivism in power relations occurs at the level of production. That is, it shapes individual and collective ideological dispositions in their relations to others and to objects, such as symbols and institutions of authority, within a given cultural context. What this means is that his position reflects that of Deleuze, who emphasizes that "macropolitics" is a politics of form that "establishes and manipulates structures and strata," and "micropolitics" is a politics of transformation, "a politics of

a causal component of agency. While there are constant references to desire made in the context of his history of sexuality and his later work on the ethical practices of the self, ultimately Foucault shows how a *concept* and *practice* of 'desire' is produced in modernity as an effect of power, captured by discourses of sexuality and modernity as an effect of power, and reduced to an aspect of pleasure. This obscures the way the *force* of desire itself acts as a cause in the production of social forms" (ibid., 131, emphasis in original). On the growing influence of postcolonial studies, cf. the works of Berquist, "Constructions of Identity," 53–66, and R. S. Sugirtharajah, *Postcolonial Criticism and Biblical Interpretation* (Oxford: Oxford University Press, 2002); idem, *Exploring Postcolonial Biblical Criticism: History, Method, Practice* (Chichester: Wiley-Blackwell, 2012).

15. Bignall, *Postcolonial Agency*, 136.

movement, of contestation, of difference, of the creation of novel identities through shifting political relations between selves.”¹⁶

What does Foucault’s (and Deleuze’s) distinction between micro- and macro-level politics mean for Yehud? The primary focus of the biblical texts upon the micro-level—their *obsessive* focus—implies either the absence of or an ignorance of any corresponding macro-level politics, the real “form” that stabilizes the ideological and relational elements fundamental to intersubjective relationships and desire production. And if we were to put a name to this hypothetical “form,” what other should we use than “theocracy”? The obsessive nature of this focus derives from the biblical attempt to construct something along the lines of what Wendt described above as the “shared norms of the State,” where “state” may for our purpose be a general reference to a self-governing social-political body. To better understand the patterns of relation on the “micro-level” that the Bible describes, we are, given that we are dealing with a historical text and context, limited primarily to the relations between individuals and objects as described by the ancient author. Moreover, by highlighting the lack of any “macro-level politics” that stabilizes, and therefore legitimates the “shared norms” of the social-political body, we better understand the biblical emphasis upon law and restoration as a *constructive* articulation of a new social-political identity. *There was no “politics of form” or structure that supported the “remnant” community’s utopian desire.* This “micro-level discourse,” which occupied itself with many matters that would otherwise have merely been taken for granted, was a direct consequence of the destabilizing impact of the exiles. In short, the community clearly expressed its vision for a stabilized world in the biblical texts, but it lacked the power to enforce its vision upon the broader social-political, provincial context. The biblical emphasis upon rituals and prioritization of shared objects exposes the fact that these things were not “taken for granted.” That is, they needed to be repeatedly emphasized as having objective values the people *should* internalize. This point can be seen in any number of the biblical books related to the “return” and to articulating desires for restoration. We’ll discuss some of these in the following sections.

16. According to *ibid.*, 137. Bignall writes further, “Macropolitics is a politics of consolidation, of stability, of the reproduction of identity by the fixture of power relations into regular hierarchies of dominant and subordination. Micropolitics or deterritorialisation describes the goal and action of resistances directed at the ‘permanent, repetitious, inert and self-reproducing’ structures of domination that constitute the ‘state-form,’ the ‘terminal forms’ of Power, which function by delimiting a conceptual ‘territory’ defined by its rigidity and its capacity to preserve its form” (*ibid.*).

*“We Are the World”:
Defining “People” as a Shared Object in Malachi*

I have loved you, says the LORD. But you say, “How have you love us?” Is not Esau Jacob’s brother? says the LORD. Yet I have loved Jacob but I have hated Esau; I have made his hill country a desolation and his heritage a desert for jackals. If Edom says, “We are shattered but we will rebuild the ruins,” the LORD of hosts says: They may build, but I will tear down, until they are called the wicked country, the people with whom the LORD is angry forever. Your own eyes shall see this, and you shall say, “Great is the LORD beyond the borders of Israel!” (Mal 1:2–5)

Malachi, which many scholars date between 515 BCE and 445 BCE, identifies the contours of the desired object (the autonomous social-political body) through negation: a “restored Israel” would be seen only after the true nature of “Israel” as chosen by Yahweh is understood.¹⁷ Jon Berquist puts Malachi before the traditional dates for Ezra and Nehemiah with the understanding that the text helps lay some of the framework for the attempted social stabilization Ezra–Nehemiah describes.¹⁸ Fueled by anxieties over social instability, Malachi maintains that restoration will be seen, to put it bluntly, when both clergy and lay—the entire cultic enterprise was at fault—“get their acts together.”¹⁹ Both parties, Paul Redditt

17. B. Glazier-McDonald is correct (in “Malachi,” in *Women’s Bible Commentary [Expanded Edition]*, ed. Carol A Newsom and Sharon H Ringe [Louisville: Westminster John Knox, 1998], 248) that the figures of Jacob and Esau should be interpreted not as literal individuals but as (shared) symbols of the nations descended from them. Regarding the dating of Malachi, see Paul L. Redditt, “The Book of Malachi in Its Social Setting,” *CBQ* 56, no. 2 (1994): 241–42. See also Assis (“Moses, Elijah and the Messianic Hope: A New Reading of Malachi 3,22–24,” *ZAW* 123, no. 4 [2011]: 215–16) who argues that Malachi was active after the time periods described in Haggai and Zechariah. Malachi seems to assume the temple was built.

18. Jon L. Berquist, “The Social Setting of Malachi,” *BTB* 19, no. 4 (1989): 121.

19. Using P. Hanson’s “four responses to calamity” (reinterpretations of the royal, priestly, prophetic, and wisdom traditions), which existed before the exile but were reinterpreted after exilic events, J. Berquist argues that social fragmentation prohibited religious uniformity. Malachi’s message, therefore, was meant to generate a commitment to a uniform, religious ideal (cf. *ibid.*). According to him, the consequences of social fragmentation can be clearly seen in the various foci of the six units, or oracles, within Malachi: (1) 1:2–5, with a focus on the ethnic hatred between Yehudites and Edomites; (2) 1:6–2:9, indicating a division between priest and laity; (3) 2:10–16, with a focus on marriage and divorce, which Berquist admits is slightly confusing in relation to the book’s overall focus; (4) the material surrounding 3:2 and the discussion of divine judgment; (5) the larger context of 3:9, 12 with its focus on

describes, were guilty of “interpersonal and cultic sins,” where one may read “sin” as attitudes and behaviors that threaten the normative order.²⁰ The redactor of the book, whom Redditt posits was a Levite, was largely concerned with the “protection of the community, conversion of some skeptics, and the purification of the Levites and, hence, of temple worship on the coming Day of Yahweh.”²¹ This emphasis upon protection fits with our argument that Malachi was written (or redacted) with the intent of rallying collective identity around the community as a body comprised of a defined set (i.e. fitting within certain ideological parameters) of intersubjective relationships itself as a shared object or ideal.²²

To emphasize its focus on the distinction of the community, Malachi uses Edom as a foil against which the identity of the religious community is cast. Note again, for instance, the statement from v. 4: “If Edom says, ‘We are shattered (רששו); or, ‘we have been beaten down’) but we will rebuild the ruins...’” The statement provides both a physical and an ideological description: (1) the physical ruins—but of Jerusalem and not Edom—must be rebuilt and (2) the full nature of “Edom” as a social-political identity has been effectively annihilated.²³ Even if the Edomites tried to rebuild—the

curse and blessings; and (6) 3:13–4:3 with its focus on the punishment of evildoers and the rewarding of those who are obedient (see 122). His omission of 3:22–24 [Eng. 4:4–6] is not accidental. A number of scholars view those verses as later additions that were not written by Malachi (cf. Assis, “A New Reading of Malachi 3:22–24,” 207; see also his discussion of those scholars who view Malachi as part of the unified corpus with Haggai and Zechariah, in 207 n. 4).

20. Redditt, “Book of Malachi,” 241. See also Assis, “A New Reading of Malachi 3:22–24,” 210. Redditt writes further, “[T]he redactor had at his disposal two written collections of materials from the same prophet. The first collection (1:6–2:9; 2:11[?]13–16) castigated the priests; the second (1:2–5; 2:10, 12; 2:17–3:1a + 3:5; 3:6–7; 3:8–12; and possibly 3:13–15) condemned the laity. The redactor provided the superscription (1:1) and most of ch. 3, specifically 3:1b–4, 13–21 (reapplying 3:13–15, 18). Either he or the redactor of the Book of the Twelve added 3:22–24 (Engl. 4:4–6)” (“Book of Malachi,” 249). Note also that Berquist, who builds off the work of C. C. Torrey and S. Talmon, makes a case for a three-party context rather than two (cf. “The Social Setting of Malachi,” 121–26; see also Charles C. Torrey, “The Prophecy of Malachi,” *JBL* 17 [1898]: 11 n. 21; Shemaryahu Talmon, “The Emergence of Jewish Sectarianism in the Early Second Temple Period,” in *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross*, ed. Patrick D. Miller Jr., Paul D. Hanson, and S. Dean McBride [Philadelphia: Fortress, 1987], 599).

21. Redditt, “Book of Malachi,” 241.

22. See also Berquist, “The Social Setting of Malachi,” 124.

23. Note Glazier-McDonald: “However, whereas Yahweh loved Jacob, Esau was detested, and Malachi refers to some recent desolation of Edom’s territory as proof

same activity Malachi was encouraging of the “returnees”—they would be discouraged from completing their task because they are “the people with whom the LORD is angry forever.” The juxtaposition between the favor and anger of Yahweh is one common within the biblical texts. Defining the body of an “other” as an object lesson for the remnant community is also a common technique, and one that betrays legitimated prejudices held by the community. Within Malachi the disposition of Yahweh becomes the primary means of identifying the contours of social-political identity and membership. One is considered a “member” or “nonmember” based on whether one is favored by Yahweh or the subject of his anger. Appealing to the frightening consequences of the Divine as disciplinary power—motivation through immediate realizable fear—shows a focus on actively defining the boundaries of social-political identity.²⁴ The author’s primary dependence upon emotional appeal suggests the lack of structural legitimation, or the lack of a dominant structure and a normative relationship

of that statement. Although no reason is given for the hatred of Edom, Malachi’s animosity is likely rooted in Edom’s participation in the Babylonian destruction of Judah in the sixth century B.C.E.” (“Malachi,” 248).

24. This type of rhetorical strategy, motivation through a fear of impending chaos, is common among revolutionary ideologues. Stalin, for colorful example, wrote, “To enable the proletariat to utilise the impending revolution for the purposes of its own class struggle, to enable it to establish a democratic system that will provide the greatest guarantees for the subsequent struggle for socialism—it, the proletariat, around which the opposition is rallying, must not only be in the centre of the struggle, but become the leader and guide of the uprising. It is the technical guidance and organisational preparation of the all-Russian uprising that constitute the new tasks with which life has confronted the proletariat. And if our Party wishes to be the real political leader of the working class it cannot and must not repudiate these new tasks. And so, what must we do to achieve this object? What must our first steps be? Many of our organisations have already answered this question in a practical way by directing part of their forces and resources to the purpose of arming the proletariat. Our struggle against the autocracy has entered the stage when the necessity of arming is universally admitted. But mere realisation of the necessity of arming is not enough—the practical task must be bluntly and clearly put before the Party. Hence, our committees must at once, forthwith, proceed to arm the people locally, to set up special groups to arrange this matter, to organise district groups for the purpose of procuring arms, to organise workshops for the manufacture of different kinds of explosives, to draw up plans for seizing state and private stores of arms and arsenals. We must not only arm the people ‘with a burning desire to arm themselves,’ as the new Iskra advises us, but also ‘take the most energetic measures to arm the proletariat’ in actual fact, as the Third Party Congress made it incumbent upon us to do” (*Works* [Moscow: Foreign Languages Publishing, 1952], 135–36).

to it that already predisposes individuals toward the desired mode of behavior.²⁵ *If I lack the cultural support to compel you, I will appeal to your passions.*

In the case of Malachi, this appeal fits within the growing monotheistic sentiment of the “remnant” community associating itself with the ideal social-political community of a “restored Israel”—but an ideal that may be more in line with a theocracy than a monarchy.²⁶ Malachi 1:4–5 does not distinguish between the god(s) of Edom and the god(s) of Israel. The pseudonymous prophet (“malachi” means “my messenger”²⁷) maintains that Yahweh is authoritative over even Edom, which resides outside the political boundaries of Yehud—political boundaries were the typical borders of divine territories in the ancient Near East. The use of the term “Israel,” in contrast to Edom, in v. 5 is consistent with Ezra’s use of the term. In other words, it speaks of a restored political community, the product of Yahweh’s desire as an already identifiable reality whose borders mark the clear distinction between built and destroyed, order

25. We are suggesting that this was true for the community vis-à-vis the larger social-political body. Berquist makes a similar observation but extends it to the larger social-political body: “The empire chose a *laissez-faire* policy, and no internal group could exert sufficient socio-political pressure to unify the people. In the absence of a strong central group, the many minority positions continued to fragment the society” (“The Social Setting of Malachi,” 122). On the contrary, the empire’s *laissez-faire* policy extended only to allowing the local social-political institutions to operate but to do so in accordance with imperial policy (cf. Cataldo, *Theocratic Yehud*, 34–66). Berquist’s statement would be more correct if it said that the social-political context was marked by minority groups in competition and that none was strong enough to assert authority over the dominant social-political normative.

26. Cf. Assis, “A New Reading of Malachi 3:22–24,” 214–20.

27. See a supporting discussion in Blenkinsopp, *Judaism: The First Phase*, 201. But see also S. Cook, who is dismissive of translating the name as a general reference to an anonymous author. “The...position is an unnecessary hypothesis as there seems to be little basis for assuming (as some do) that the name was lifted from God’s reference to ‘my messenger’ later in the book (Mal. 3:1). The figure in 3:1 is no prophet at all, but the angel (in Hebrew, literally, ‘messenger’) who led Israel’s camp during and after the Exodus from Egypt (Exod. 14:19; 23:23; 32:34; Num. 20:16; cf. Josh. 5:14)” (“Malachi,” ed. Stephen L. Cook, 2009, n.p. Online: <http://www.oxfordbiblicalstudies.com/article/opr/t280/e47>). Cook’s conclusion is remiss, if not egregious. The Hebrew term does not denote a specific being but a category. Moreover, there are numerous uses of the term outside the context of the Exodus. The same word is used, for instance, in Gen 32:4, Deut 2:26, Judg 6:35, and 1 Sam 6:21, each time denoting a human messenger sent by another human with no relation to the context of the Exodus.

and chaos, favored member and *dis*-favored nonmember. And one should not lose sight of this critical point: “Yahweh’s desire,” or favor, is the community’s own externalized projection of an ideal normative order, one in support of the community as socially dominant. *For I the LORD do not change; therefore you, O children of Jacob, have not perished (Mal 3:6)*. In other words, we cannot consider Yahweh to be a cause (in terms of a cause that brings about an effect) that functions in isolation. “Yahweh” represents the shared ideal and desire the community maintained for itself: that it would be a unified body, with claim to the land, established in a position of social-political authority, and supported by an indefatigable source of power.

And we must remind ourselves of the source for this identity—which really is the assumed collective identity of the social-political body of a restored nation—as one found in religious ideology, which puts it under the control of priest and prophet. This correlation explains Malachi’s immediate shift to the corruption of the priesthood (see 1:6–14), which includes a curse against those who offer blemished sacrifices (v. 14). But note also the statement in the second part of the verse: *כִּי מֶלֶךְ גָּדוֹל* (“for I am a great king, says the LORD of Hosts, and my name will cause fear among the peoples”). The correlation between Yahweh as king and the recipient of cultic sacrifice should not be overlooked. Even if such correlation is explained as a common ancient Near Eastern motif—the divine as king who bestows regency upon a human representative—it assumes a central point of political authority that is ideologically justified by a dominant religious-cultural meaning framework. Elie Assis suggests that hopes in a restored monarchy were abandoned in Malachi, and were replaced by a greater emphasis upon the political authority of Yahweh and the prophet as his “statesman.”²⁸ The metaphor of Yahweh as king expresses the desire of the community for the re-articulation of the social-political body—and by “re-articulation” we mean the redefinition of the distributed relations of power (Yahweh as king, not Cyrus or his appointed representative). Yet to speak of Yahweh as king, as the “lord of hosts,” a militaristic title, implies that the desire expressed in the text was for a political authority and power that maintained the distinction, which would be preserved in the constitution of Israel as a new social-political body, over the borders between “Israel and Edom” and that subsequently preserved the social-political autonomy of a *restored* nation.²⁹ But during Malachi’s time,

28. Cf. Assis, “A New Reading of Malachi 3:22–24,” 218.

29. For further reference, note E. Gerstenberger, “A fundamental sociological philosophy plays an important role in all questions about the formation of identity and

that social-political reality was entirely utopian. And if Assis is correct that Mal 3:22–24 [4:4–6 Eng.] belongs to the original composition of the book and was not a later addition then this Utopia would look more like a theocracy than a monarchy.³⁰ After all, “Israel” did not exist in the ethnic or political senses; the Assyrian Empire saw to that in 722 BCE. Yet Malachi, like Ezra before him,³¹ employed the term in a constructivist sense—he defined the identity of the political before that body existed.³² This explains why physical actions (violence, division such as in divorce) were coupled with ideological assertions of “Israelite” identity. The new identity needed to be forged.

Joseph Blenkinsopp notes that Malachi and Ezra shared a concern for intermarriage, a theme that he uses to date Malachi, in contrast to Berquist, after Ezra and explain Malachi’s position as a repose to Ezra’s.³³ His statement regarding Malachi’s position on divorce is worth mentioning.

internal structure: the Judeans of the Persian epoch of necessity organized in a form that has to be situated between family and clan, on the one hand, and an impersonal bureaucratic imperial society, on the other. Such sociological patterns of a ‘middle’ position still participate in the personal relationships and conceptions of solidarity of the familial small groups, but they also share in the relations that are no longer based on the ‘I–you’ relationships but on broader governmental and nongovernmental levels of organization. Precisely this in-between existence holds major possibilities and risks for the communities of all times and their paradigms of faith. It explains the predominantly personal categories in theology and ethics that can be ascertained in the Judeo-Christian tradition. It also suggests that the biblical witnesses lack concepts representing the interests of the state due to lacking responsibility in the imperial realm” (*Israel in the Persian Period*, 448–49).

30. See his argument in Assis, “A New Reading of Malachi 3:22–24,” 207–11. Note also, “Elijah’s mission to ‘turn the hearts of the fathers to their children’ (3:24) is reminiscent of the call by the prophet in 3:7: ‘Return unto Me, and I will return unto you.’ The reference to the fathers and their children in the last verse of the book recalls 1:6. The threatening description of the Lord’s coming in 3:24 also takes us back to 3:1. The function of the prophet ‘and he shall return’ (וְהָשִׁיב), parallels the function of the priest in 2:6. These affinities strongly suggest that these verses were written from the outset as the closing to the Book of Malachi, though admittedly they would also serve as a fitting closing to the Pentateuch and Prophets” (209).

31. Cf. Blenkinsopp’s discussion of the dating of Malachi and the prophet’s dependence upon the “intermarriage situation” described in Ezra in *Judaism: The First Phase*, 201–4.

32. One cannot help but be reminded of our modern patent-oriented culture in which patents are claimed for possible uses or technologies that do not yet exist.

33. He dates the text as possibly before Nehemiah based on complaints about non-payment of tithes and general neglect of temple maintenance (cf. Blenkinsopp, *Judaism: The First Phase*, 202, see also n. 28).

[T]he polemical note about divorce associated with violence in 2:16, often taken to be an interpolation, could be construed, whether interpolated or not, as an attack on Ezra's policy of coercive separate from wives and children... Allusions to social injustice (3:5; cf. Neh 5:1–13), appeal to ethnic solidarity (2:10; cf. Neh 5:5), and emphasis on the levitical covenant (2:4–9; cf. Neh 13:29) could point in the same direction.³⁴

That Malachi might have reacted negatively to the violent enforcement of boundaries in legal unions in Ezra may seem contrary to the prophet's rather violent description of the distinction between Israel and Edom. But, and we will make this point below, Malachi's emphasis upon the "micro-level" to employ Foucault's concept, still fits the constructivist perception of identity in that "Israel" must be seen in contrast to "Edom," or the "other."³⁵ Malachi's seeming inconsistent concerns over divorce and over the priesthood also fit within a pattern of exclusivism vis-à-vis intersubjective relations—varied responses would have been a consequence of changes in those relations.

Malachi criticizes the priests because they "have caused many to stumble" (2:8). The author holds the priests responsible for the behavior of the people "For the lips of a priest should guard knowledge, and people should seek instruction from his mouth, for he is the messenger of the LORD of hosts" (v. 7). The priests, then, should be the examples of "the way" (הדרך; v. 8) that offers stability rather than leading people to "stumble" or "stagger." In this particular instance, the prophet identifies the priesthood as the representative ideal for the shared norms of the community; their actions should mirror the proper modes of behavior, bound to the religious law of the cult, that legitimate the authority of the deity over the people—the priests preserve in ritual the shared ideal of the social-political body. The prophet's concern is less the appearance of the priesthood and more the meanings and values that the community internalizes in response to its interaction with the priesthood as a shared symbol of the authority of Yahweh. It is with that sense that we should understand the text's reference to the divine covenant with Levi:

Know, then, that I have sent this command to you, that my covenant with Levi may hold, says the LORD of hosts. My covenant with him was a covenant of life and well-being, which I gave him; this called for reverence, and he revered me and stood in awe of my name. True instruction was in his mouth, and no wrong was found on his lips. He walked with me in integrity and uprightness, and he turned many from iniquity. (Mal 2:4–6)

34. Ibid., 202.

35. As described by Bignall, *Postcolonial Agency*, 212–13.

Take note of the correlation between reverence and life and well-being (החיים והשלום). Both concepts are attributes of a perceived stabilized normative order. Obedience to Yahweh resulted—*should we say “produced” in the sense of desire production, à la Deleuze?*—in stability, peace, order, within the social-political order. What’s at stake here is not the divine as real objective “Other.” We must avoid the trap that has ensnared so many others who perform methodological gymnastics to avoid considering “Yahweh” or “God” as entirely a social-political fabrication.³⁶ This fabrication is the product of an ideological self-perception, where identity is a reflection of belief and performance, projected as the contours of a desired world in a state of perfect equilibrium. In Malachi, this world does not exist, but it should. “[Y]ou have corrupted the covenant of Levi...and so I make you despised and abased before all the people, inasmuch as you have not kept my ways but have shown partiality in your instruction” (2:8–9).

The prophet’s push for the centrality of Yahweh as a shared symbol denoting political identity connects the behavior of the priests with the behavior of the people:

Have we not all one father? Has not one God created us? Why then are we faithless to one another, profaning the covenant of our ancestors? Judah has been faithless, and abominations have been committed in Israel and in Jerusalem; for Judah has profaned the sanctuary of the LORD, which he loves, and has married the daughter of a foreign god. May the LORD cut off from the tents of Jacob anyone who does this—any to witness or answer, or to bring an offering to the LORD of hosts. (2:10–12)

E. Gerstenberger was correct that this passage emphasizes the family metaphor to express social-political solidarity. “Whoever,” he writes, “does not accept the ‘brother,’ showing solidarity, and does not care about him puts one’s relationship to Yahweh, the God of the covenant, on the line.”³⁷ The centrality of Yahweh depends upon obedience to the “laws of

36. This should not be read as promoting atheism as a philosophical belief system. Instead, it advocates that apart from personal commitments, the social-scientific endeavor must be agnostic. Even atheism is guilty of the same unverifiable belief patterns that theistic belief is. The atheist maintains a pattern of belief inverse to a theistic one. The best position to maintain in any social-scientific endeavor, which demands a detached observer perspective, is “I don’t know. I observe people believing in some idea of a God or gods, but all I can know is how they collectively externalize their belief(s) and how they internalize those beliefs by orienting their lives around them.”

37. Gerstenberger, *Israel in the Persian Period*, 496.

the covenant,” that characterize the intersubjective relationship between members themselves and between members and nonmembers. Moreover, we are not looking at ethics for the sake of ethics. These behaviors are meant to legitimate the authority of Yahweh and its mediation through the institution of the cult. Gerstenberger is certainly on the mark that the metaphor of “father” for God is a communal one.³⁸ Its use invokes the model of the patriarchal family. The absence of a royal metaphor implies that the institutional authority to which the prophet refers existed only at the communal level and not the provincial one. And that the prophet describes *building* the proper, institutionalized, and ritualized modes of behavior at the communal level implies that it was a work *in progress*. In other words, the dominant normative order that defined the then current social-political reality was not the one envisioned by the prophet. It needed to be replaced. It is in that sense that A. Rofé is correct when he states that Mal 2:10–16 denotes “a new type of Judaism...characterized by its ability to reinterpret the laws.”³⁹ The community reinterpreted old laws and most likely added new ones to respond to its anxiety-driven need: to preserve the collective identity of the community in light of the events of the exile(s) and a continually threatening environment in Yehud.

With the construction of the social-political body in mind, should we not read Malachi’s position on divorce in this manner as well (cf. 2:13–17)? That it refers primarily to the transgression of the divine–human covenant modeled after a legal contract? That the central social-cultural core of “Israel,” which we are seeing increasingly to refer to an idealized state, was at risk of dissolution? This anxiety is apparent in Malachi:

See, I am sending my messenger to prepare the way before me, and the Lord you seek will suddenly come to his temple. The messenger of the covenant in whom you delight—indeed, he is coming, says the LORD of hosts. But who can endure the day of his coming, and who can stand when he appears? For he is like a refiner’s fire and like fullers’ soap; he will set as a refiner and a purifier of silver, and he will purify the descendants of Levi and refine them like gold and silver, until they present offerings to the LORD in righteousness. (3:1–3)

38. Ibid., 206.

39. A. Rofé, “The Onset of Sects in Postexilic Judaism: Neglected Evidence from the Septuagint, Trito-Isaiah, Ben Sira, and Malachi,” in *The Social World of Formative Christianity and Judaism: Essays in Tribute to Howard Clark Kee*, ed. Jacob Neusner, E. S. Frerichs, P. Borgen, and Richard A. Horsley (Philadelphia: Fortress, 1988), 42.

Thompson rightly pointed out the irony in Mal 3:1–5 of individuals seeking fulfillment of their desires in divine presence. “[I]t identifies the two metaphors of God’s presence, as Yahweh and as his angel, and...it marks the contradiction central to the tradition of a longing for justice: this God of judgment, fully aware of the potential horror implicit in this human desire for perfection.”⁴⁰ We can put that sentiment in these terms: restoration demands radical intervention—a divine “refiner” and “purifier”—that opens the way for new distributed relations and powers to serve as the basis for new institutions of authority.⁴¹ “*I will shake the heavens and the earth and the sea and the dry land; and I will shake the nations...*” (*Hag* 2:6–7). And only then could the Mosaic theocracy, so beloved by the Deuteronomist, come to fruition. But such a reality would be the product of ideological aspiration and be without firm basis in material reality.⁴² “See, the day is coming, burning like an oven, when all the arrogant and all evildoers will be stubble; the day that comes shall burn them up, says the LORD of hosts, so that it will leave them neither root nor branch” (Mal 4:1 NRSV [3:19 HB]). And those who revere the name of Yahweh “shall go out leaping like calves from the stall” and they shall “tread down the wicked, for they will be ashes under the soles of your feet” (v. 3). The creation of a restored state, the product of utopian aspiration, requires the destruction of the prevailing one under the control of “evildoers,” who are not essentially “evil” but who symbolize those identities central to a competing political body.⁴³ The utopian nature of this revolutionary day is confirmed by the prophet’s invocation of Moses and

40. Thompson, *The Mythic Past*, 355. According to A. Petterson, while Malachi does not specifically mention a Davidic king, 3:1 implies a fulfillment of the hopes articulated in Haggai and Zechariah for a Davidic king (see “The Shape of the Davidic Hope Across the Book of the Twelve,” *JSOT* 35 [2010]: 245–46). This is certainly possible, but not entirely convincing.

41. This act of radical intervention entails both purification and punishment of “wicked Israelites” (cf. 3:19 [Eng. 4:1]), an event in which those who revered Yahweh would tread the wicked down (3:20–21 [Eng. 4:2–3]). See also Redditt, “Book of Malachi,” 250.

42. W. J. Dumbrell, for one, argues that Malachi builds on the deuteronomic code (see “Malachi and the Ezra–Nehemiah Reforms,” *Reformed Theological Review* 35 [1976]: 43–49). But compare to Redditt, “Book of Malachi,” 242 n.10.

43. This position is consistent with the academic position regarding the context of Yehud represented by Berquist, “The dynamic was the struggle by several distinct groups to maintain and further their own traditions and identity [*sic*], while adjusting to new situations of life in the Jerusalem vicinity. These various groups struggled to define themselves, both against the ambient culture and against each other. This complex dynamic is a more accurate representation of the religious and social setting

Elijah (vv. 4–5), who are symbols of the coming, revolutionary, bloody Day of the Lord. The Day of the Lord is the day in which physical force would be given to utopian aspiration. It is a day in which the construction of the new political body would follow the destruction of the extant one. It is a day in which the covenant would be renewed and in which the people would be purified of all “negative elements.”⁴⁴ “Such hope for the future may be called eschatological in the sense that it entails the end of evil, or conditions of history so radically improved that only God could have brought about the new order.”⁴⁵ It is, as Žižek would have defined the idea, a “true revolution.”

*“We Bow Down at Your Temple...and Give Thanks”:
Temple as a Shared Object in Haggai–Zechariah*

The temple is a central symbol in Haggai and to a less obvious extent in Zechariah (note also that Ezra 5:1–2, 6, 14 suggests both Haggai and Zechariah were involved in rebuilding the Jerusalem temple).⁴⁶ Within the latter, its influence is present through direct reference, to be sure, but equally so through inference (cf. Zech 3:1–10; 4:1–14; 6:9–15; 8:1–17). Moreover, the prevailing utopian ideology regarding restoration within the biblical texts assumes a clear connection between cultic and political office. Within Haggai–Zechariah, we argue here, the office of centralized power exists by causal linkage to the temple institution. This network of meaning and inference while easily discernible from the texts nevertheless requires elaboration.

*Foucault’s Theory on Power Helps Us Discern
Some Important Things About the Temple*

But first, according to Foucault, constructivism in terms of power occurs at the level in which individuals create meaning through their productive activities in their relations to each other and to objects, such as symbols and institutions of authority, within a given cultural context. If Haggai–Zechariah reflects an attempt, by author or community, to change the contours of networks or distributional patterns of power, we need to

of Malachi, and perhaps of the entire early post-exilic period” (“The Social Setting of Malachi,” 125).

44. Cf. Assis, “A New Reading of Malachi 3:22–24,” 215.

45. Redditt, “Book of Malachi,” 254.

46. See also the discussion of the temple in relation to Haggai and Zechariah in Assis, “A New Reading of Malachi 3:22–24,” 215–16.

identify, as Foucault and Deleuze independently do, the patterns of transformation (what Bignall designates as “micro-level” for Foucault) and of stabilization (“macro-level,” in contrast), or the lack thereof.

The text of Haggai opens with complaint after the “word of the LORD” is linked to levels of political and religious authority (1:1–2). The order in which the individuals are named is likely important, first to Zerubbabel, governor of Judah, then to Joshua, the high priest. While it certainly is possible that Haggai spoke to both individuals simultaneously, it is uncertain. It would, however, have been proper procedure to list names according to importance or social-political standing.

Haggai complained that the people were not supportive of rebuilding the temple, which put temple as a central symbol in jeopardy. Haggai certainly interprets the construction of the temple in a particular, intentional fashion as confirmation of collective identity. There is suggestion that the rebuilding project had imperial support, but this rebuilding emphasis fell within the larger imperial policy of the Persian government to strengthen the territories under its jurisdiction.⁴⁷ This policy was one reason, and most likely a main one, why previously captured peoples were allowed to “go home.” While there is still significant debate regarding the dating of the temple itself, its actual date of completion is of less importance to our discussion than is the weight of the symbolic value given it. In Haggai, the temple symbolizes the ideal pattern of the social-political body that has been “restored,” and that view is taken despite, or perhaps in light of, imperial policy. It is the symbolic object upon which the favorable experiences of the community are projected in a positivistic statement of identity.⁴⁸ “You have looked for much, and, lo, it came to little; and when you brought it home, I blew it away. Why? said the LORD of hosts. Because my house lies in ruins, while all you hurry off to your own houses” (Hag 1:6 NRSV).

How often the symbolic value of the Jerusalem temple in Haggai is inadequately understood! The general scholarly pattern, for instance,

47. For further discussion, see Gerstenberger, *Israel in the Persian Period*, 88–90.

48. For some of the debates regarding the connection of Haggai–Zech 1–8 to the temple, see C. and E. Meyers, who argue that Haggai–Zech 1–8 was composed for the dedication of the Jerusalem temple. M. Boda, however, believes the text was written for the foundation laying rather than the completion of the temple (“Messengers of Hope,” 116–17). D. Edelman goes so far as to connect Zerubbabel as a contemporary of Nehemiah, or separated by a single generation rather than the 65 years generally proposed (*The Origins of the “Second” Temple: Persian Imperial Policy and the Rebuilding of Jerusalem* [Durham: Acumen, 2005], 2–3, 75). On the connection of the temple to identity in Haggai, see Cataldo, “Yahweh’s Breast.”

has tended to focus on the value of the temple for the social or political authority of the cult within Yehud, and sometimes as far as Babylon and Elephantine. Most scholars, based on an uncritical reliance upon the biblical texts, have emphasized the central importance of the Jerusalem cult and its priesthood—as though Persian-period Yehud brought about the fulfillment of the Deuteronomic qualification of proper ritualistic behavior in the place “that Yahweh chooses” (cf. 12:14, 21). As but two examples, Assis and Kessler emphasize the theological importance of the temple as the driving force behind social-political order, that the temple already represented the shared norms of the existing provincial culture. Assis states that the sole purpose of the temple in Haggai was “to give glory to God and make His name great.”⁴⁹ Kessler argues that the temple was central to the *life and faith* of the Yehudean (the entire province? or just the immigrants?) community.⁵⁰

Haggai’s opening provides some clarity on the social-political context. The prophet’s activity during the Persian period seems fairly certain, but the more important point is how the author refers first to Zerubbabel, the political leader, then to Joshua, the high priest. This pattern is continued throughout the book of Haggai (cf. vv. 12, 14; see also 2:2, 4). There are several possible ways of interpreting this. The first is that as a possible Davidic fulfillment, Zerubbabel was in the forefront of the author’s mind as confirmation of restoration. The second possible interpretation, which despite its common practice in the ancient Near East does not find much enthusiasm in scholarship seeking to find a theocracy in Yehud, is that the author follows the social-political hierarchy: first he mentions the governor, the real authority of the social-political body, then he mentions Joshua, the authority over the cult and the pattern of religious ideology. (That Yahweh is mentioned after Darius is more a grammatical necessity: “in the year of...the word of...”⁵¹) This last is made more curious in that in Zechariah, Zerubbabel is never referred to as the governor.⁵² Where Haggai may pay heed to the political hierarchy, Zechariah attempts to undermine it.

49. Assis, “Temple in the Book of Haggai.”

50. Kessler, *Book of Haggai*, 275–79.

51. But Coggins’ comment is apropos: “It is striking that in Haggai (1.1, 15) Darius is simply called ‘the king.’ One can scarcely imagine the words of pre-exilic prophets being dated by the years of the rule of an Assyrian king” (*Haggai, Zechariah, Malachi*, 8).

52. Cf. the discussion of this point in Meyers and Meyers, *Haggai, Zechariah* 1–8, xxxiv.

The evidence is not strong enough to confirm that Joshua was the real political authority. He was a religious authority, but in what state was the cult? And what might that say about his actual influence? None of the Persian-period and later biblical texts provide us with any image of a strong, productive cult—the temple is in disrepair, the people have married “foreign” women, tithes were not being given, etc. Recalcitrance is clear in Haggai: “Thus says the LORD of hosts: These people say the time has not yet come to rebuild the LORD’s house” (1:2). If, as every conscious political scientist would admit, authority must be legitimated by the people, and if the Jerusalem temple was a symbol of religious and political authority, the lack of support for its completion can do naught but question the real authority of the cult. Of what social impact is a cult if the people it is meant to serve do not see it as a central “object” of collective identity? This lack of motivation toward the cult and its temple is precisely why Haggai appealed to the inspiring tradition (mythic or real makes no difference here) of the exodus. One may be reminded of that famous line, with a slight emendation, from the movie *Field of Dreams*: “If you build it, [He] will come.”

Haggai appeals to that tradition in 2:4–5: “Yet now take courage, O Zerubbabel, says the LORD; take courage O Joshua, son of Jehozadak, the high priest; take courage, all you people of the land, says the LORD; work, for I am with you, says the LORD of hosts, according to the promise that I made you when you came out of Egypt. My spirit abides among you; do not fear.” This analogy with the exodus from Egypt is telling. Haggai identifies the people under the leadership of Zerubbabel and Joshua with the Hebrews who entered into Canaan in acquisition of the so-called Promised Land. And one cannot ignore the larger tradition that belongs to this exodus-acquisition event: “But as for the towns of these peoples that the LORD your God is giving you as an inheritance, you must not let anything that breathes remain alive. You shall annihilate them—the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites—just as the LORD your God has commanded, so that they may not teach you to do all the abhorrent things that they do for their gods, and you thus sin against the LORD your God” (Deut 20:16–18).⁵³ Creating a new social-political body consistent with the community’s idealization of restoration requires the destruction of preexisting social, political, and religious institutions and structures. *You shall annihilate them*. In their places new institutions and structures embodying

53. Compare with Exod 33:2, which describes Yahweh sending an angel to drive the people out. The sentiment is the same regardless of the actor.

the shared norms of the desired society (sans men with crushed testes or missing penises [Deut 23:1]!), the restored “world,” would be built; power networks would be constructed according to the community’s desire for power following its own “traumatic” experiences.⁵⁴ Yet there is also a complicitness between the individuals within the community and the ideological forces that repress them.⁵⁵ The social world that the prophet imagines is bound by the repressive nature of religious law. Redefining the social-political body revised boundaries demarcating the dominant collective identity and the dominant mode of intersubjective relation. Within that process, repression (of the foreigner) becomes a necessary mechanism for remapping the dominant relations of power.⁵⁶

For Foucault, desire is a servant of power.⁵⁷ If this provides an interpretive strategy for Haggai, then, this means that the prophet’s desire for restoration, a utopian desire, is the product of a real relation of power—though inverted in terms of desire. *Our desire for restoration is more intense because we are on the margins of power.*

It is poignant that Haggai has Zerubbabel and Joshua, political and religious, respectively, authorities, hear the words of the prophet connecting the events of the exodus with what Yahweh will do: “Once again, in a little while, I will shake the heavens and the earth and the sea and the dry land; and I will shake all the nations, so that the treasure of all nations shall come, and I will fill this house with splendor, says the LORD of hosts” (2:6–7). Connecting the experiences of the returnee community in Yehud with those of the Hebrews during the exodus, Haggai draws upon the symbolic ideal of the social-political hierarchy under Moses—the Deuteronomist, for related reference, favors this utopian theocracy as a social-political model—as that which should serve as the basis for intersubjective relations that provide the basis for the distribution of power. But in this, the prophet is doing more than offering up a dream as a source for enthusiasm. He is identifying a point of subjective resistance.⁵⁸ That

54. At this point, we are following R. Leys’ mimetic theory on trauma and how it shapes identity, individual and collective (*From Guilt to Shame*, 8–10).

55. Seeking to explain how individuals can be complicit with forces that suppress them is one of Foucault’s main objectives in his theory on the transitory nature of power (cf. Bignall, *Postcolonial Agency*, 138).

56. For further discussion on the causes behind power and desire in Foucault’s theory, see *ibid.*, 142–43. See also S. Lash, “Genealogy and the Body: Foucault/Deleuze/Nietzsche,” *Theory, Culture & Society* 2, no. 2 (1984): 7.

57. *Ibid.*, 3.

58. For further reference, note Žižek: “At first sight, it may appear that Lacan’s big Other is the poor cousin of Foucault’s notion of the *dispositif*, which is much more

this resistance occurs primarily on an ideological level—we *resist not with physical force to convince you but with an obsessive focus on ideological boundaries*—should remind us that the community did not have control over the material resources of the province. In that, the group uses religion to define the contours of and provide support for the base of the envisioned distributed relations of the social-political body.⁵⁹

For Haggai, the Jerusalem temple was the shared symbol of this strategy, a role in which it connected Yahweh's plan for restoration to the community. Rebuilding the temple symbolized the restoration of the people, and its completion would mark it as the "gratifying object" upon which the collective desire of the community would be projected (the core of the people's "object-relation"). And there is a greater synergy in the temple: rebuilding the temple and liberating it from annihilation symbolizes the "restoration" of a social-political body, the people of "Israel." Consequently, it is not only the absence of the physical temple that frightens the prophet, but so also do the alluring realities that seduce the people toward finding themselves in individual successes or in alternative social communities (cf. Hag 1:2–6). This fear is found also in Zechariah: "The LORD was very angry with your ancestors. Therefore say to them, Thus says the Lord of hosts: Return to me, says the LORD of hosts, and I will return to you, says the LORD of hosts" (Zech 1:3–4). This fear operates on the level of ideology as a motivation for group cohesion and distinction.

Return (*Return to me!*) defines individual relationships by (re)establishing, and thereby legitimating, a mutual or shared normative. Yet it also, in its creative moment, identifies the primary network of power. There is always one who calls and one who responds. In the act of turning, the individual accepts the authority of the "other" to both identify the individual and motivate her into a response. Yet the desire of the one who turns remains a driving factor. *I accept your presumed authority because there is something that I want from you; something that meets*

productive for social analysis. However, there is the deadlock of the *dispositif* with regard to the status of the subject: first (in his *History of Madness*), Foucault tended to exclude from it the resisting core of subjectivity; then, he shifted his position to its opposite, to the radical inclusion of resistant subjectivity into the *dispositif* (power itself generates resistance, and so on—the themes of his *Discipline and Punish*); finally, he tried to outline the space of the 'care of the self' that allows the subject to articulate through self-relating his own 'mode of life' within a *dispositif*, and thus to regain a minimum of distance from it" (*In Defense of Lost Causes*, 113).

59. Cf. Eagleton's discussion of this general sociological pattern in *Why Marx Was Right*, 148.

some primary need of mine. And in that, I associate the "other" with meaning that is valuable for me. Recall the similar arguments by Wendt and Foucault that people act towards objects based on the meanings they have for them but meanings oriented around reserving the stability of the normative order. Within Zechariah, then, return is a constructive act not because it reflects Yahweh's desire. It is a constructive act because it entails what the *I*, or in Zechariah's case, the community, wants: a stabilized order in which "my" position in authority and more fundamentally "my" livelihood are unthreatened. Is that not the motivating power behind Zechariah's statement here, "Therefore, thus says the Lord, I have returned to Jerusalem with compassion; my house shall be built in it, says the Lord of hosts, and the measuring line shall be stretched out over Jerusalem. Proclaim further: Thus says the Lord of hosts: My cities shall again overflow with prosperity; the Lord will again comfort Zion and again choose Jerusalem" (1:16–17)? The material benefit of return is unmistakable, and it is hard to miss the greater implication: material prosperity is the basis for economic and political authority. The fanciful nature of this—meaning that we are looking at an expression of wistful desire and not a pragmatic description of reality—is further confirmed in Zech 2:4–5 in which Jerusalem is described as a city without walls surrounded only by the fire that is Yahweh. Such fire is both purifying and judging—the very dichotomy at the heart of monotheistic identity and that sustains the gap between member and nonmember. The judgment of Yahweh enforces the parameters of the political body. As A. R. Petterson states of Zech 7–8, describing a consequence of a political body destabilized and torn,

In Zechariah 7–8, the exile is pictured as a scattering and desolation (7.14), a time when everyone was against their neighbor (8.10; cf. 11.6). Yahweh promises to save the houses of Judah and Israel so that they might be a blessing (8.13). The implication is that the division of the kingdom and the exile were the direct result of Yahweh's judgment on their covenant unfaithfulness (cf. 1.4–6; 7.9–10). In addition, shepherd and sheep imagery is a feature of Zechariah 9–10, and this approach to Zechariah 11 offers an explanation for why the people wandered like sheep and were afflicted for lack of a shepherd (10.2). It is because they had rejected Yahweh as their true shepherd.⁶⁰

60. Petterson, "The Shape of the Davidic Hope Across the Book of the Twelve," 237.

Ezra–Nehemiah: The Law as a Lurking Body

One of the more telling things is that Ezra–Nehemiah never explicitly quotes the law; the text always offers an interpretation of it. One cannot help but be reminded of the earlier practice of the Catholic Church to make interpretation the symbolic capital of the institutional structure and the priest as its representative. Congregants were told what the religious law (and the Bible as a whole) meant and the manner in which it should be applied to their lives. Something similar seems to be at play in Ezra–Nehemiah. When Ezra⁶¹ read and interpreted the law, the people gathered in that place depended upon him for their next action. As Ezra 10:5 states, “Then Ezra stood up and made the leading priests, the Levites, and all Israel swear that they would do as had been said. So they swore.” In other words, the author presents a scenario in which the people become dependent upon the representative and interpreter of the law—the law took on a central function in collective identity. And that may be the reason why the author leads the reader to infer that Ezra was a high priest (but does not explicitly make the case). Lester Grabbe identified the tasks that Ezra performs, which are tasks traditionally performed by the high priest, as confirmation of Ezra’s elevated status.⁶² Blenkinsopp, however, while addressing the problems of any genealogical reconstruction that verifies Ezra’s status as high priest in Ezra–Nehemiah, writes,

Ezra was not, of course, high priest. He appears in none of the lists (Neh 12:10–11, 22) and is nowhere described as such (see also Ezra 8:33). If this genealogy is to be considered at all historical, he must have stood in the collateral line of descent. But it is much more likely that the genealogy is fiction designed to convey the message that Ezra’s function with respect to the law and the cult continued that of the pre-exilic priesthood.⁶³

Blenkinsopp’s position on this point is in line with ours. The text of Ezra is a text with an agenda, not to provide an accurate historical accounting but to shape actively the contours of the (new) social-political body around the centrality of the law as interpreted through the figure of Ezra. Later redactors likely assumed that if Ezra was responsible for interpreting the

61. Descriptions of Ezra as a priest are likely later additions (see also the below description of Blenkinsopp’s point). Ezra 7:1–6 puts him in the line of Aaronide priests; see also 1 Esd 8:8; see also *Ant.* 11.121, 123, 127.

62. Lester L. Grabbe, “What Was Ezra’s Mission?,” in *Second Temple Studies*, 2, ed. T. C. Eskenazi and K. H. Richards (Sheffield: Sheffield Academic, 1994), 292.

63. Joseph Blenkinsopp, *Ezra–Nehemiah* (Philadelphia: Fortress, 1988), 136.

law for the people, then he must have been associated (lineage would have been the only possibility in the absence of the temple) with the institution tasked with interpretation.

Prior to receiving Ezra's interpretation, one may safely infer, the people were governed by a law of the land (*otherwise we must conclude that the territory was in anarchy!*). In Ezra, the imported, divine law is something that must be taught and the proper response of the collective body be given. There is no way to read this reality apart from concluding that Ezra's law was *not* already a fundamental fixture in the normative order of the social-political body. And we would do well to remember that the "law of the land" was a social-political law that had developed within the province in the absence of those who returned and in general consistency with imperial law, first Babylonian and then Persian. With the religious law in Ezra–Nehemiah we do not have a law that operates as the norm, by which we mean that "the law operates more and more as a norm, and that the judicial institution is increasingly incorporated into a continuum of apparatuses (medical, administrative, and so on) whose functions are for the most part regulatory. A normalizing society is the historical outcome of a technology of power centered on life."⁶⁴ Consequently, the only expression of power the law can represent is the ideological imperative for a restored social-political body. Blenkinsopp describes this constructivist attempt in terms of blending the jurisdictions of social and civil law under the authority of Ezra.⁶⁵ Success there would be a necessary prerequisite before redefining the contours of the social-political body.

The text of Ezra–Nehemiah opens with, "In the first year of King Cyrus of Persia, in order that the word of the LORD by the mouth of Jeremiah might be accomplished..." (Ezra 1:1). This is, of course, a reference to the seventy-year exile promised by the prophet Jeremiah (see 25:11–13), a theme that was adopted also in 2 Chr 36:19 and 1 Esd 1:58. Yet the prophecy does not end only with an exile of people, which would make the collective body the only subject in need of cleansing. There exists an additional expectation that the "whole land shall become a ruin and waste" (v. 11). Passages such as this last have contributed to a wealth of attempted historical reconstructions of Yehud as empty during the time of the exile.⁶⁶ Outside such problematic reconstructions, Ezra–Nehemiah's

64. Foucault, *The History of Sexuality, Volume I*, location 1905.

65. Blenkinsopp, *Judaism: The First Phase*, 53.

66. Cf. the discussions in Barstad, "After the 'Myth of the Empty Land,'" 3–20; Oded, "Where Is the 'Myth of the Empty Land' to Be Found?," 55–74; Carroll, "Exile! What Exile?," 62–79; Davies, "Exile!," 128–38.

attitude toward the people already in the land was likely influenced by the similar attitude expressed in Jeremiah (cf. Jer 24:2–8). Or even, “Thus says the Lord of hosts, I am going to let loose on them sword, famine, and pestilence, and I will make them like rotten figs that are so bad they cannot be eaten” (29:17). The land required its own “sabbaths” and those who remained in the land were identified as impure obstacles to restoration (cf. Jer 25:11–12; 29:10; see also 1 Esd 1:57–58; 2 Chr 36:21).⁶⁷ Consequently, the reality of people who remained in the land could be explained in one of two ways: (1) either Jeremiah’s prophecy would never come true, there was no foreseeable end to people living in the land; or, (2) the people who remained didn’t matter, weren’t a factor worthy of consideration, because their identities could be stricken from the record. With the latter, the exodus tradition became even more poignant, if the “return” from Babylon was not already the original context for what is likely a fictional tradition: pollution of the land could be projected upon the people already in the land making them objects that must be removed in the purification of the land and its “true” people. Thus, the people already in the land became the foil against which the contours of identity of the new social-political body could be cast; they became, in other words, the “other” that must exist as the fundamental, perceivable difference in the expression of identity. This is along the lines of what Judith Howard wrote regarding social identity theory: “Social identity theory focuses on the extent to which individuals identify themselves in terms of group memberships. The central tenet of social identity theory is that individuals define their identities along two dimensions: social, defined by membership in various social groups; and personal, the idiosyncratic attributes that distinguish an individual from others.”⁶⁸ And for Foucault, the “other” symbolizes the consequence of the law: loss of identity, loss of authority, and loss of economic blessing that comes with being in favor with the presumed god of the land. Josephus interpreted the situation in similar terms:

God commiserated the captivity and calamity of these poor people, according as he had foretold to them by Jeremiah the prophet, before the destruction of the city, that after they had served Nebuchadnezzar and his posterity,

67. There is an implicit expectation of “return” in the sabbath: work, rest, work. Eliade identifies this type of ritualistic behavior as repetition of an archetype meant to preserve ordered reality (cf. *The Sacred and the Profane: The Nature of Religion* [New York: Harcourt, Brace, 1959], 81).

68. Howard, “Social Psychology of Identities,” 368–69.

and after they had undergone that servitude seventy years, he would restore them again to the land of their fathers, and they should build their temple, and enjoy their ancient prosperity; and these things God did afford them... (*Ant.* 2.1–2 || 2.1.1)

Josephus assumes that the grace and blessing of God (*restoration!*) requires the terrible, rejected body of the “other” upon which the terror of the law is written.

The expectation of economic blessing is consistent with the Deuteronomic assertion that obedience would result in blessings while disobedience would result in curses (Deut 11:26–31). These two alternatives cannot be read in isolation of Jerusalem as the place that Yahweh would choose to reside (cf. Deut 12:4–12). In other words, blessings are consequences of obedience to the law. Law is linked with possession of the territory surrounding Jerusalem:

If you will diligently observe this entire commandment that I am commanding you, loving the LORD your God, walking in all his ways, and holding fast to him, then the LORD will drive out all these nations before you, and you will dispossess nations larger and mightier than yourselves. Every place on which you set foot shall be yours; your territory shall extend from the wilderness to the Lebanon and from the River, the river Euphrates, to the Western Sea. (Deut 11:22–24)

Ezra shows affinity with this expectation by making Cyrus the Persian imperial king issue an edict that charges that a temple be built in Jerusalem. In addition, the text charged that everywhere the “survivors” reside they shall be assisted “with silver and gold, with goods and with animals” (1:4). The symbolic gesture behind this is that the “survivors” are everywhere recognized as distinct by virtue of their selection (which also partly reflects the resistance to rebuilding described in Ezra 4:1–5). That this identity is connected with the temple in Cyrus’ decree expects the law to be the principle source for regulating the normative order, a role it embodies by emphasizing behaviors meant to shape the political body. That this is true is confirmed in the first noted act after the so-called return, and after a lengthy genealogical listing or roster: “When the seventh month came, and the Israelites were in the towns, the people gathered together in Jerusalem. Then Jeshua son of Jozadak, with his fellow priests, and Zerubbabel son of Shealtiel with his kin set out to build the altar of the God of Israel, to offer burnt offerings on it, *as prescribed in the law of Moses the man of God*” (Ezra 3:1–2; emphasis mine).

The importance of *torah* as a symbolic model of regulated behavior is confirmed again after the described completion of the temple in two events. The first, sin offerings are offered for the “twelve tribes of Israel,” and that event followed by another, “they set the priests in their divisions and the Levites in their courses for the service of God at Jerusalem, *as it is written in the book of Moses*” (Ezra 6:18; emphasis mine). The second takes place in the observance of the Passover, the fundamental symbolic importance of which is an assertion of distinction between the people and the “pollutions of the nations of the land” (cf. Ezra 6:19–22). Throntveit posits that Ezra left for Jerusalem when he did because “his study of the Torah had uncovered the first day of the first month as the time of the Passover festival commemorating the first exodus” (Exod 20:2).⁶⁹ His interpretation frames Ezra’s actions as religious ritual. But Ezra’s use of religious ritual and tradition was less for any purist theological purpose; it was more a mechanism through which to construct a “restored” social-political body. Toward that end, the not-quite surreptitious presence of the *torah* underlines the more climactic moment when Ezra, “a scribe skilled in the law of Moses that the LORD the God of Israel had given,” arrives in the land with the weight of the imperial king (cf. 7:1–6). The so-called decree of Artaxerxes unabashedly details the people’s free access to the imperial coffers for the purpose of rebuilding the temple and establishing the “law of Moses” as the law of the land (see 7:11–28). Ideally, then, Ezra’s denunciation of mixed marriages, so wrapped up as it is in the law, would also bear the full weight of the imperial king.

In marrying foreign women, in mixing the “holy seed” with the peoples of the land, the people in their faithlessness were guilty of transgressing the law—according to Ezra 9:10–15 a sentiment shared with Deut 7:1–6. We can’t ignore the strongly utopian character of the text and its description of a reality that seems to centralize the remnant community as the physical manifestation of Yahweh’s divine sovereignty—and we should remember that the end goal was not divine sovereignty in itself but what divine sovereignty represented: the necessary control over the physical world to create space and possibility for restoration.

In Foucault’s terms, under the law the collective life of the community became the substance and matter of political object and political struggle.⁷⁰ Religious law protected the political object from external forces threatening to undermine the collective identity of the community. Its validation within the cultural institution of religion is further confirmation that this

69. Throntveit, *Ezra–Nehemiah*, 44.

70. Foucault, *History of Sexuality, Volume 1*, location 1910.

protection was one-sided; it protected the gap between “us” and “them” but simultaneously collapsed any other similar gaps or distinctions between outside groups into a homogenous category of “them” or “other.”⁷¹ It was, in short, reductionist for the sake of highlighting the remnant as a “restored” social-political body. This point is further emphasized in Shecaniah’s address to Ezra: “We have broken faith with our God and have married foreign women from the peoples of the land, but even now there is hope for Israel in spite of this. So now let us make a covenant with our God to send away all these wives and their children, according to the counsel of my lord and of those who tremble at the commandment of our God; and let it be done according to the law” (Ezra 10:2–4). In the same chapter, Ezra provides a list of priests, Levites, and of “Israel” generally who had married foreign women and increased the guilt of the people. *We are complex individuals, you are dismissible as a single category.*

Ezra–Nehemiah’s emphasis is upon the restored community. It identifies the “contours” of collective identity with a more driving agenda: the community must become the ideal envisioned by the law. In this regard, Berquist was correct in his description of Ezra’s law as intended to define a new society around which the law is constructed. He is less so in his crediting the law with the full weight of imperial backing.⁷² Instead, the author of Ezra–Nehemiah credits the law with imperial backing in order to provide the remnant community with a greater sense of legitimacy. Blenkinsopp connects the law with a clearly defined community in this way: “We are dealing in the first place with those referred to in the book as *haggola*...by an oath to which the participants appended their own names.”⁷³ For Ezra–Nehemiah, the law and a strictly regulated adherence to it (through imposed cultural means) meant restoration of “Israel” as a social-political body.

“I’m Better Than You”:

Deutero-Isaiah the Ideal Social-Political Body

The ideology of divine selection as a fundamental requirement of restoration, one legitimated by the law, is found also in Deutero-Isaiah.⁷⁴ This shows that there was a consistent and common focus on this idea

71. In this sense, references to Moabites, Ashdodites, etc., are quickly dissolved into a singular subject who is “not permitted for intermingling, etc.”

72. Berquist, *Judaism in Persia’s Shadow*, 144.

73. Blenkinsopp, *Judaism: The First Phase*, 198–99.

74. Smith (*Palestinian Parties and Politics*, 76–77) also maintains the position that Deutero-Isaiah, along with Ezekiel and the Deuteronomic and Priestly traditions,

among those who were responsible for the biblical texts during the Neo-Babylonian and Persian periods. One need not look only to the Hellenistic period or later for rationale that motivated Ezra–Nehemiah or other texts.⁷⁵ To accept that does not mean we must credit the biblical texts with historical clairvoyance. We need only accept that they are responding to something that happened, whether as a first-hand witness or through cultural memory.

Deutero-Isaiah begins with Yahweh naming Cyrus “his anointed” and commanding him to subdue nations: “For the sake of my servant Jacob, and Israel my chosen, I call you by your name, I surname you, though you do not know me. I am the LORD, and there is no other; besides me there is no god... I form light and create darkness, I make weal and create woe; I the LORD do all these things” (45:4–5, 7).⁷⁶ The call also connects Yahweh to creation as an assertion of the god’s dominion over natural and political powers. Not only is the Persian Empire under the control of Yahweh but so also the natural world. The prophet’s intent is not so much cosmogony as it is a type of dominionism. Absent any real political power, which was in the hands of the Persian Empire, the prophet and his community, those who would be “restored,” can depend *only* upon the absolute sovereignty of Yahweh, who has “called Israel by name.” Yet this dependence is one-directional: the sovereignty of Yahweh is a presumed reality for the community but not accepted as such by external individuals or other communities. The fragility of this position offers an underlying reason why the biblical literature focuses so poignantly upon the distinction between members and nonmembers as the final frontier between identity and annihilation.⁷⁷ For this reason, we get passages such as:

and the Holiness Code, were written or at least largely shaped by the so-called “Yahweh-alone” party, a party identity that is consistent with Ezra–Nehemiah’s *golah* community.

75. A point that Blenkinsopp also makes in *Judaism: The First Phase*, 228–30.

76. One may do well to note that this view of Cyrus seems to have been limited to Deutero-Isaiah within the Judeans but was also one expressed by Babylonian priests in the Cyrus Cylinder (see also the discussion of Mayer I. Gruber, “The Achaemenid Period,” in *Esther’s Children: A Portrait of Iranian Jews*, ed. Houman Sarshar [Philadelphia: Jewish Publication Society, 2002], 4). Blenkinsopp adds that the expectations set up in Deutero-Isaiah were not fulfilled, which resulted in the unsatisfactory situation depicted in Trito-Isaiah (see *Judaism: The First Phase*, 123).

77. Perhaps this helps explain the Isaianic passage referring to Sarah. Note Blenkinsopp, “Sarah, mother of the race, is mentioned only once outside of Genesis, in a postexilic Isaianic passage (Isa. 51:2). Her initial infertility (Gen. 11:30) and

Thus says the LORD, the Holy One of Israel, and its Maker: Will you question me about my children, or command me concerning the work of my hands? I made the earth, and created humankind upon it; it was my hands that stretched out the heavens, and I commanded all their host. I have aroused Cyrus in his righteousness, and I will make all his paths straight; he shall build my city and set my exiles free, not for price or reward, says the LORD: The wealth of Egypt and the merchandise of Ethiopia, and the Sabeans, tall of stature, shall come over to you and be yours, they shall follow you; they shall come over in chains and bow down to you. (Isa 45:11–14)

The emphasis upon “hand” and “command” should not go unnoticed. While the meaning of “command” is obvious, the image of “hand” is frequently used to denote authority and control (cf. Gen 14:20; 22:10; 32:11; Exod 3:20; 4:17; Deut 8:17; Neh 9:27; Job 1:11; Jer 51:7). The claim that Yahweh is in power, that Yahweh controls the social-political world of even the Persian Empire, bolsters the restoration hopes of the prophet and his audience. Consequently, the radical dependence upon the divine world, which was not entirely common in the ancient Near East during this time,⁷⁸ reveals the community’s desire for survival or for control or authority over the social-political body. Moreover, connecting the “God of Israel” to creation provides the basis for: “But Israel is saved by the LORD with everlasting salvation; you shall not be put to shame or confounded to all eternity” (Isa 45:17; see also 48:12–13). Certainly, appeals such as this will set up later theologies of eternal salvation, such as those found in Christianity. But the intent here is not upon an other-worldly promise but upon the material realization of utopian aspiration through the creative and authoritative actions of the divine.⁷⁹ In a restored

eventual miraculous maternity (Gen. 17:15–19; 18:9–15) are mirrored in the destiny of the mother-city Zion, initially infertile but whose numerous children will settle the ruined towns of Judah (Isa. 54:1–3)” (*Judaism: The First Phase*, 41).

78. The gods were more frequently seen as subjects that needed to be placated for the communal goal of survival or, in the case of kings, provided a fundamental legitimation of kingly authority.

79. Berquist offers a similar observation of Isa 40:1–2, whose audience was in Babylon rather than the province of Yehud: “The comfort of salvation for this prophet points toward Jerusalem. The emphasis is strange, since the audience consists of Babylonian Jews. However, the promise to these exiles is that they will receive the land of Yehud; the audience will be the comfort for Jerusalem. The prophet depicts an emigration from Babylonia to Yehud, so that the exiles can take over a Persian colony. Deutero-Isaiah defines this occupation as good news for Jerusalem (Isaiah 41:27), even though one might reason that the native inhabitants of Yehud would have disagreed” (*Judaism in Persia’s Shadow*, 36).

world, the normative order is stable and divinely protected from lawless or chaotic intrusion—that is the meaning of *eternal* in Isa 45:17.

For thus says the LORD, who created the heavens (he is God!), who formed the earth and made it (he established it; he did not create it a chaos, he formed it to be inhabited!): I am the LORD, and there is no other. I did not speak in secret, in a land of darkness; I did not say to the offspring of Jacob, “Seek me in chaos.” I the LORD speak the truth, I declare what is right. (Isa 45:18–19)

Yet the possibility of anomy, as punishment for disobedience of the law, remains. Moreover, like other biblical texts, Isaiah links obedience to economic prosperity and stability: “O that you had paid attention to my commandments! Then your prosperity would have been like a river, and your success like the waves of the sea; your offspring would have been like the same, and your descendants like its grains; their name would never be cut off or destroyed before me” (Isa 48:18–19). This emphasis is upon the anomic world as materially prosperous. What is implied here is that the order of that world is consistent with the community’s perception of a restored world, one in which the distributed relations of the political body are defined primarily according to the organization of the “restored” community. This conclusion, for instance, supports Berquist’s assertion that in Isa 52:1–2, 7–10, Jerusalem was “fit only for the exiles.”⁸⁰ Or Blenkinsopp’s proposal that “tremblers” led a sectarian (exclusive) movement during the Persian period.⁸¹ And it offers the only possible basis for Robert Gnuse’s argument that without exilic theologians “and especially Second-Isaiah” the emergence of strict monotheism would not have happened.⁸² Paul Hanson remarked that Second Isaiah “sees all of creation restored to its divinely intended wholeness.”⁸³ But to be clear, none of our scholars imply that Isaiah single-handedly produced monotheism. Rather each seems to accept that the particular sequence of events that resulted in Yahwistic strict monotheism, which benefitted from Isaiah’s contribution, was the result of changing networks of interrelationships.

80. Ibid., 38.

81. Joseph Blenkinsopp, “A Jewish Sect of the Persian Period,” *CBQ* 52 (1990): 5–20.

82. Gnuse, *No Other Gods*, 142.

83. Paul Hanson, *Isaiah 40–66* (Louisville: John Knox, 1995), 11.

*“This Land Is My Land”:
“Law” and the Power of Land Claim as Shared Objects
in Jeremiah*

Jeremiah shows a constructivist view of law. His emphasis upon preservation of the words of Yahweh in “a book” reflects an association of a textual preservation of the *torah*: “Write in a book all the words that I have spoken to you. For the days are surely coming, says the LORD, when I will restore the fortunes of my people, Israel and Judah, says the LORD, and I will bring them back to the land that I gave their ancestors and they shall take possession of it” (Jer 30:1–3). The connection to the prevailing ideology of restoration (i.e. within the Neo-Babylonian and Persian periods) is obvious here. In some contrast with Ezra–Nehemiah, for example, Jeremiah uses the terms “Israel and Judah” presumably in their social-political senses rather than in the more theological sense employed by the former. Yet the prophet invokes the so-called Mosaic Covenant, the symbolic ideal *par excellence* of a political body structured around the authority of the deity’s representative (both individual and institutional), with his reference to the land as a gift given by Yahweh. In the tradition of the Mosaic Covenant, this gift is conditional and dependent upon the people’s obedience of the law. The repeated use of Exodus analogies confirms a conditional component of restoration in the prophet’s view (cf. Jer 32:36–41 || Exod 29:43–46). It is found also in Jeremiah’s emphasis upon seeking Yahweh:

Then when you call upon me and come and pray to me, I will hear you. When you search for me, you will find me; if you seek me with all your heart, I will let you find me, says the LORD, and I will restore your fortunes and gather you from all the nations and all the places where I have driven you, says the LORD, and I will bring you back to the place from which I sent you into exile. (Jer 29:12–14)

There is novelty in this return: restoration follows exile and the restored individual must also be the exiled one. Consequently, Robert Carroll may be correct that one should not accept Jer 32 as paradigmatic for land transactions in ancient Israel.⁸⁴ In fact, there is greater reason to see this claim as something unique to the situation in Persian-period Yehud. Preserving the land claim in the land itself offers a symbolic gesture that appeals to the tradition of the exile: Yahweh gave the land to the people but the land

84. Robert P. Carroll, “Textual Strategies and Ideology in the Second Temple Period,” in Davies, eds., *Second Temple Studies*, 1, 115–16.

needed its own “sabbaths” because of the people’s disobedience. The sabbath freezes the passing of “legal time.”⁸⁵ It is like the hypothetical homeowner who goes on a prolonged vacation but leaves his mailbox full of bills to signal his eventual return. Yet he never returns and his children come in his place.⁸⁶ The promise of return is linked directly to a utopian aspiration for restoration of people and land. And the connection between past and future symbolized by the land deed, for instance, brackets the historical period during which the returning remnants were in Babylonia and so out of the ongoing process of social-political production in Yehud.⁸⁷ Along these lines, Julie Galambush highlights the intimate relationship between Yahweh and the land in Jeremiah: the land is a victim whose injury Yahweh will avenge.⁸⁸

In terms more reminiscent of Foucaultian vocabulary, Jeremiah politicizes the body of those who would “return.” What is important here is the intersubjective relationship being established: those that the prophet imagines being “restored” are those who have suffered intimately the requirements and punishments directed within the *torah*. That is what Freedman meant when he wrote, “[T]he texture of the book is full of immediate and confused presences...”⁸⁹ But contrary to Foucault’s crucial point, and this is precisely because the religious law was constructivist in intent or nature and *not* descriptive, punishment *within Jeremiah*, and in contrast to Ezra–Nehemiah (see above), is not written so much on the body of the criminal as outsider as upon the insider as criminal (cf. Jer 29:15–23; 30:12–17).

85. Carroll writes, “I suspect that we should read the story of Jeremiah the landowner as a textual strategy helping to enforce the ideological claim to the land on the part of those who could trace or claim association with the Babylonian Jews” (ibid., 115). But note also his observation (116) that Lev 25:23 brings tension to the claim in Jeremiah because it mentions that the land belongs to Yahweh.

86. S. Japhet’s claim (see “The Concept of the ‘Remnant’ in the Restoration Period: On the Vocabulary of Self-Definition,” in *From the Rivers of Babylon to the Highlands of Judah: Collected Studies on the Restoration Period* [Winona Lake, IN: Eisenbrauns, 2006], 435–36) that the remnant according to Jeremiah was those who remained in the land certainly cannot be correct based on Jeremiah’s narrative of preserving his land deed. Moreover, chs. 29–32 are replete with assertions that Yahweh will *bring the people back* (cf. 29:10).

87. Which is one reason why Japhet asserted that Jeremiah (and subsequently Haggai) defended the people in the land as “remnant” (ibid., 435–36).

88. Galambush, *This Land Is My Land*, 84.

89. David N. Freedman, “Son of Man, Can These Bones Live?” *Interpretation* 29 (1975): 180.

Thus says the LORD: The people who survived the sword found grace in the wilderness; when Israel sought for rest, the LORD appeared to him from far away. I have loved you with an everlasting love; therefore I have continued my faithfulness to you... Hear the word of the LORD, O nations, and declare it in the coastlands far away; say, "He who scattered Israel will gather him, and will keep him as a shepherd a flock. For the LORD has ransomed Jacob, and has redeemed him from hands too strong for him." (Jer 31:2–3, 10–11)

The restored political body would be comprised of exiled individuals, those who were outside the land and, as immigrants, on the margins of the distributed relations of power already in Yehud before their arrival. Jeremiah's act of burying a land deed is connected to his constructivist view of law. Within the framework of that understanding, the restored community (and political body) maintains possession of the land so long as it obeys the law. One can only assume, however, that any future land transactions would occur within the legitimated normatives established by the "restored" social-political body.⁹⁰ *Or might we risk Sanballat finding a land deed in a jar?*

90. Cf. Carroll, "Textual Strategies," 113.