



THE USE OF LEVITICUS IN EZRA-NEHEMIAH

HANNAH K. HARRINGTON
(PATTEN UNIVERSITY, OAKLAND)

The significant dependence of Ezra-Nehemiah on Deuteronomic traditions is indisputable, but the relationship between Ezra-Nehemiah and Leviticus is less clear.¹ Recently, scholarship has focused attention on social-political contexts recorded in Ezra-Nehemiah which may have given rise to the writing of Leviticus, or parts of it. However, with the current wide disparity of views along this line of inquiry, it seems appropriate to revisit particular traditions found in these books in order to gain a sense of logical progression of thought. The analysis below examines significant cultic traditions from Leviticus along with their counterparts in Ezra-Nehemiah and asks which version of the law is primary.

REVIEW OF RESEARCH

Many scholars have suggested that the book of Leviticus, or parts of it, were written in response to events recorded in Ezra-Nehemiah.² Usually these theories place Leviticus 1–16 somewhere

¹ J. Blenkinsopp, *Ezra-Nehemiah: A Commentary* (OTL, Philadelphia: Westminster, 1988), 152–153 cites several examples of Deuteronomic law which are basic to the reforms of Ezra and Nehemiah (e.g. Ezra 9:1/Neh 13:1 build on Deut 7:1–6; 23:1–9), although he admits influence from the priestly traditions as well.

² Cf. the collected essays in T. Römer and K. Schmid (eds.), *Les dernières rédactions du Pentateuque, de l'Hexateuque et de l'Ennéateuque* (BETL, 203; Leuven: Peeters, 2007), and T. Römer (ed.), *The Books of Leviticus and Numbers* (BETL, 215; Leuven: Peeters, 2008), especially, J.W. Watts, “Ritual Rhetoric in the Pentateuch: The Case of Leviticus 1–16,” 305–318. Cf. also L. L. Grabbe (ed.) *Did Moses Speak Attic? Jewish Historiography and Scripture in the Hellenistic Period* (JSOTSup, 317; Sheffield: Sheffield Academic Press, 2001), notice esp. R. Albertz, “An End to the Confusion? Why the Old Testament Can Not Be a Hellenistic Book!” (pp. 30–46) and B. Becking “The Hellenistic Period and Ancient Israel: Three Preliminary Statements,” (pp. 78–90). Becking makes a strong case that the Hebrew Bible is Yahwistic, not Jewish. He notes that there are no

in the fifth century BCE with the holiness material following some decades later. For example, C. Nihan argues for three stages of composition in Leviticus parallel to the time of Ezra-Nehemiah, during the Persian Period, reaching closure in the late Persian or early Hellenistic period.³ He regards the earliest part of Leviticus, chapters 1–16, to reflect the aspirations of the Aaronide priests in the early fifth century BCE after the demise of the Davidide leader, Zerubbabel.⁴ M. Leuchter regards the composition of Lev 1–16 with its emphasis on the Aaronide priests as a fifth century protest against the layman Nehemiah’s pro-levitic state.⁵ B. Levinson considers all of Leviticus as part of Ezra’s codification of the law.⁶ Nevertheless, the lack of Persian socio-linguistics in Leviticus is an argument favoring an earlier setting for Leviticus.⁷ For I. Knohl, this lack of concern for context is a reflection of the actual self-perception and presentation of the pre-Hezekian Jerusalem

references to the struggles of the Hellenistic period or the notion of divine providence (see esp., p. 86). The final redaction of Leviticus, in any case, cannot be later than the mid-third century BCE, because of the book’s appearance among early Dead Sea Scrolls.

³ C. Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus* (FAT, II, 25; Tübingen: Mohr Siebeck, 2007), 19.

⁴ Nihan, *From Priestly Torah to Pentateuch*, 394. Nihan agrees with Jacob Milgrom and Israel Knohl that H never stood as an independent document outside of Leviticus but revises P (op. cit., 546). Nihan also sees H as a redactor of D (against Milgrom and Knohl), (see p. 547). According to Nihan, H originates “in a first edition of the Torah in the Persian period, as argued by Otto, probably in the second half of the fifth century BCE,” (citation from p. 559).

⁵ According to M. Leuchter, “The Politics of Ritual Rhetoric: A Proposed Sociopolitical Context for the Redaction of Leviticus 1–16,” *JBL* 60 (2010), 345–365, Leviticus 1–16 supports Aaronide authority and combats Nehemiah’s support of the Levites. Leviticus 1–16 supports the temple where Nehemiah extends prestige to the entire city of Jerusalem. Leuchter admits earlier traditions influencing the work but does not explore this angle.

⁶ B. Levinson claims that Leviticus appears in the fifth century BCE when the local leadership would have favored the codification of ritual law. See Levinson, “The Birth of the Lemma: The Restrictive Reinterpretation of the Covenant Code’s Manumission Law by the Holiness Code (Leviticus 25:44–46)” *JBL* 125 (2005), 617–639.

⁷ F. H. Polak, “Sociolinguistics and the Judean Speech Community in the Achaemenid Empire,” in O. Lipschits and M. Oeming (eds.), *Judah and the Judeans in the Persian Period* (Winona Lake, Ind.: Eisenbrauns, 2006), 592, 600–606, has identified the Persian period “speech community” emerging in the texts of Ezra-Nehemiah and Chronicles. According to Polak’s criteria, the style of Hebrew promoted in the scribal-administrative chancery of Persian Yehud is not that exhibited by the authors of Leviticus 1–16. Some may argue that this is an intentional use of earlier styles on the part of Lev 1–16 but the easier argument is that Lev 1–16 is simply older.

priesthood, which he argues sought to separate itself from the outside world. Knohl dates the P stratum to the mid-tenth to mid-eighth centuries BCE.⁸ Indeed the language of Leviticus is Yahwistic as opposed to the emphasis on “the Jews” found in Ezra-Nehemiah. On the other hand, N. P. Lemche suggests that the entire Hebrew Bible was produced in a Hellenistic context.⁹ The problem with all of these constructions is that the data can arguably be fit into multiple contexts. Just because a historical background can be extrapolated from the Ezra-Nehemiah material for a position or argument in Leviticus does not mean that, in fact, the two are connected.¹⁰ The lack of geographical or temporal setting present in Leviticus makes it almost impossible to locate it in history with any degree of certainty.

Scholarship on the dating of Ezra-Nehemiah complicates the matter further since the book is composite with different sections written at different times. Most scholars follow some version of H. G. M. Williamson’s theory of composition which results in three stages of writing: 1) the primary sources contemporary with the events; 2) the compilation of the Ezra Memoirs, the Nehemiah Memoirs and other sources to form most of Ezra 7–10 and Neh 1–13; 3) the later addition of the prologue of Ezra 1–6.¹¹ The redaction of Ezra-Nehemiah as a complete work is placed at widely different junctures of history. Some place the redaction of Ezra-Nehemiah at around 400 BCE with later additions following, e.g. the priestly genealogy of Nehemiah 12; others see the redaction of the book as a process of accretions to a core which does not end until Hellenistic times.¹²

⁸ I. Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995), 152–157; 220–221. B. Halpern has suggested that the cosmology of P is best seen as originating during the neo-Assyrian through neo-Babylonian periods; cf. “Late Israelite Astronomies and the Early Greeks”, in W. G. Dever and S. Gittin (eds.), *Symbiosis, Symbolism and the Power of the Past* (Winona Lake, Ind.: Eisenbrauns 2003), 323–346.

⁹ N. P. Lemche, “The Old Testament – A Hellenistic Book?” in L. L. Grabbe (ed.) *Did Moses Speak Attic? Jewish Historiography and Scripture in the Hellenistic Period* (Sheffield: Sheffield Academic Press, 2001), 287–318 (312). The original version of this essay was published in *SJOT* 7 (1993) 163–193).

¹⁰ Becking, “Hellenistic Period and Ancient Israel,” 85; T. C. Eskenazi, “Unity and Disunity in Ezra-Nehemiah: Responses and Reflections,” in M. J. Boda and P. L. Redditt (eds.), *Unity and Disunity in Ezra-Nehemiah: Redaction, Rhetoric, and Reader* (Hebrew Bible Monographs, 17; Sheffield: Sheffield Phoenix Press, 2008), 327.

¹¹ H. G. M. Williamson, *Ezra, Nehemiah* (WBC, 16; Waco, TX: Word, 1985), xxxv.

¹² For theories regarding redaction layers in Ezra-Nehemiah, cf. the collected essays in M. J. Boda and P. L. Redditt (eds.), *Unity and Disunity in*

Thus, there is a wide range of dating and composition theories among scholars when it comes to both Leviticus and Ezra-Nehemiah and consensus is unlikely in the near future. Hoping to provide a tool for refining compositional theories, I aim to trace in this paper the logical trajectory of significant cultic traditions found in Leviticus in parts of Ezra-Nehemiah. The position argued here is that significant cultic traditions from various parts of Leviticus, no matter when its state of redaction as a book, were well-known to the authors of the sources of Ezra-Nehemiah, who utilized and revised them in significant ways.

D. Carr has offered a reasonable explanation for the process of transmitting pre-exilic traditions after the Babylonian invasion. Scribes and priests, the elite, were no doubt in charge of national and cultic traditions before the exile but these would have been hard to come by after the destruction of Jerusalem. Carr refers to “memorized building blocks” as well as “radically reused parts of older long-duration texts so that they were no more recognizable as wholes than reused architectural elements are in a village of houses made up of columns, lintels, and other parts of older buildings.”¹³ Scribes eager to draw on memories of the older traditions could produce, as well as revise, them in their written forms. In my view, many of the cultic traditions found in Ezra-Nehemiah make most sense as reconfigured oral or written traditions rather than as de novo regulations. In the current debate over which sections of Leviticus were written when, the antiquity of specific cultic traditions and their later impact on Ezra-Nehemiah must be taken into account. Focus which is placed simply on the latest rendition of Leviticus obscures the fact that it is comprised of earlier traditions which influenced Ezra-Nehemiah. This diachronic trajectory of key components of Leviticus must be taken into account when determining the relationship between the two books.

The purity and holiness sections of Leviticus, in particular, provide fertile soil for tracing the roots of cultic law in Ezra-Nehemiah.¹⁴ Remaining sensitive to the sources of Ezra-

Ezra-Nehemiah. In the same volume A. Siedlecki, “Contextualizations of Ezra-Nehemiah,” 263–276, places the cultural milieu of Ezra-Nehemiah in the early Hellenistic period, but as T. C. Eskenazi argues, “his insights as readily allow for a Persian period context,” 327. She notes the emphasis on reconciling Judah and Benjamin, one of Ezra-Nehemiah’s agendas, which she sees rooted in the early Persian period. For the notion of a textual core centered in Nehemiah with accretions into the Hellenistic period, cf. J. L. Wright, “A New Model for the Composition of Ezra-Nehemiah,” in O. Lipschits, R. Albertz and G. Knoppers (eds.), *Judah and the Judeans in the 4th Century BCE* (Winona Lake, Ind.: Eisenbrauns, 2007), 333–348.

¹³ D. Carr, *Writing on the Tablets of the Heart* (Oxford: Oxford University Press, 2005), 168.

¹⁴ Cf. the seminal work of M. Fishbane, *Biblical Interpretation in Ancient*

Nehemiah, S. Olyan argues for various views of purity among them based on older Leviticus traditions.¹⁵ Promoting a different understanding of the same data, however, Mary Douglas regards the book of Leviticus to be a response to the strict intermarriage restrictions of Ezra and Nehemiah. Douglas argues that the generous stance toward the *gēr* in the book of Leviticus is a reaction to its harsh position toward foreigners. Douglas claims that the purity laws of Leviticus, which allow some integration of the resident alien among Israel, were written in response to Ezra-Nehemiah's hardline exclusion of outsiders.¹⁶ Nevertheless, the impurity laws of Leviticus are not of the same type as Ezra-Nehemiah but reflect an earlier system, one which was more hospitable to settlers of foreign origin, often called resident aliens, *gērim*. The *gēr* of Leviticus performed the purity laws and even sacrifices (Lev 17:15–16), an attitude which makes more sense when the nation held political autonomy than after its occupation by foreigners.

A QUESTION OF PRIORITY AND INFLUENCE

So, the question must be addressed, what is the relationship between the cultic traditions found in Ezra-Nehemiah to their counterparts in Leviticus? Who is revising whom, and where are the polemics? In this paper I examine this issue by looking at the most logical development of the law in several areas based on its language and interpretation. Taking the position that the tolerant attitude toward the *gēr* in Leviticus reflects an earlier time of less crisis vis-à-vis foreigners, I beg for reconsideration of the chronology of these traditions. I call attention to elements from Leviticus which are present in Ezra-Nehemiah but are not found elsewhere in the Torah and argue for the chronological priority of these traditions over Ezra-Nehemiah. I will address issues with regard to the following topics: Cultic Terminology; Impurity; Sukkot; and Wood Collection.

Israel (Oxford: Clarendon Press, 1985). Cf. also M. Boda, who analyzes the strands of priestly and Deuteronomic influence on Ezra-Nehemiah's penitential prayers (Ezra 9; Nehemiah 1, 9) and overall theology; cf. M. Boda, "Confession as Theological Expression: Ideological Origins of Penitential Prayer" in M. J. Boda, D. K. Falk, and R.A. Werline (eds.) *Seeking the Favor of God. Volume 1: The Origins of Penitential Prayer in Second Temple Judaism* (SBLJL, 21; Atlanta: SBL, 2006) 21–50.

¹⁵ S. M. Olyan, "Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community," *JSJ* 35 (2004), 1–16. Cf. also H. K. Harrington, "Holiness and Purity in Ezra-Nehemiah" in M. J. Boda and P. L. Redditt (eds.), *Unity and Disunity*, 98–116.

¹⁶ M. Douglas, "Responding to Ezra: The Priests and the Foreign Wives," *BibInt* 10 (2002), 16–23.

I CULTIC TERMINOLOGY

The cultic traditions of the Torah are arguably some of its oldest material. J. Watts points out that Josiah's legislation after finding the "book of the law" led directly to his rehabilitation of the cultic system.¹⁷ Similarly, Zerubbabel reportedly built an altar and celebrated Sukkot after consulting the written "Law of Moses" (Ezra 3:2–5). Much of the sacrificial procedures of the Torah are located in Leviticus. According to Ezra 6, Darius orders the cult to be supplied with animals for sacrifice, grain, salt, wine, and oil, all of which are prescribed in detail by Leviticus.¹⁸ One might argue that these were commonly used items for cults throughout the ancient world and not the sole property of Leviticus. However, the writer of Ezra-Nehemiah 9–10 demonstrates extensive knowledge of the usage of certain technical terms, *ma'al*, *ḥērem* and *'āšām*, as they are introduced in Leviticus. These terms are never explained in Ezra-Nehemiah nor presented in polemic fashion because they are well accepted and understood to be embedded in the cult.

Leviticus 5:15–26 explains that *ma'al*, "sacrilege," is a trespass on sancta which requires an *'āšām*, "a reparation [or guilt] offering," for atonement. The author offers two major areas of concern: inappropriate handling or encroachment on the Lord's sancta, e.g. holy furniture, tithes, and offerings, and 2) the misappropriation of someone else's property accompanied by a false oath.¹⁹ Leviticus 26 develops the concept of *ma'al* further by

¹⁷ J.W. Watts, *Ritual and Rhetoric in Leviticus* (Cambridge: Cambridge University Press, 2007), 209.

¹⁸ According to Pentateuchal laws, a lamb was offered every morning and evening along with grain and drink offerings (Lev 6:2–6 [most common ET 9–13]; Num 28:3–4), in addition to national feasts (Lev 23:4–44; Num 28:16–29:40), Sabbath and new moon celebrations (Num 28:9–15). Wheat was offered up as grain offerings in a variety of ways, e.g. raw flour, baked dough, toasted bread, or pancakes (Lev 2:1–7). Salt was necessary for all offerings, but especially the grain offering (Lev 2:13). Wine was needed for drink offerings (Exod 29:40; Lev 23:13), which like the grain offerings accompanied the meat sacrifices. Grain offerings were cooked with oil (Lev 2:1–7). More particularly, the *tôdâ*, "thanksgiving sacrifice," of Leviticus 7, which is accompanied by loaves of bread, is not explained either (cf. Lev 7:12–13), but plays a strong role in Nehemiah's dedication of the wall (Neh 12:31). The Rabbis understand *tôdot* to mean, "thanksgiving sacrifices," in particular the loaves of unleavened bread mentioned in Leviticus (Lev 7:12–13; b. Šebi'it 14a). On this view, each procession leader carried one of these large loaves of bread around the city wall meeting finally at the sanctuary where animal sacrifices were offered in front of the entire congregation.

¹⁹ See full discussion of these two aspects and their ancient near eastern context in J. Milgrom, *Leviticus 1–16*, (AB, 3; New York: Doubleday, 1991), 345–356.

applying it to breaking any of God's holy commands (Lev 26:40; cf. also Num 5:6, "When a man or woman commits any wrong against man (thereby) committing *ma'al* against the Lord").²⁰ According to Leviticus and re-affirmed in Nehemiah 1, the sacrilege of breaking Israel's oath to be God's covenant partner brings about the nation's exile and destruction (Lev 26:14–45; Neh 1:8). The term *ma'al* usually operates more specifically in Ezra-Nehemiah to describe the sacrilegious effects of intermarriage.²¹ Let us look at Ezra 9–10.

According to Ezra 9:2, some leaders report to the priest Ezra that a *ma'al* has taken place among the people, primarily among the leaders, by their intermarriage with the local populations. The holy seed has been desecrated. Ezra goes into mourning, tearing clothes and hair, and prays to God (Ezra 9:3). Clearly the matter is the defilement of the holy people by intermarriage; the nation itself is considered a *sanctum* but no explanation of this concept is provided. Where does Ezra get this notion? Deuteronomy calls Israel a holy nation (Deut 7:6) but does not set forth technical modes of contamination and purification to support it.

Where does the author of Ezra-Nehemiah get the notion that holiness requires physical separation and ritual purity in order to avoid desecration? The answer comes from two passages in Leviticus: 1) Lev 5:15 teaches that encroachment on "holy things belonging to the Lord" causes a desecration which must be ameliorated by an *'āšām*. Thus, a ram was sacrificed as a reparation offering, one of the "most holy" types of sacrifice, to appease God's wrath for inadvertent violations of *sancta* (Lev 5:15; 7:1); and, 2) Lev 20:24b–26 where the nation is urged to maintain holiness by keeping pure food laws which force separation from pagan populations. Although sacrilege would normally be a capital punishment in Israel and elsewhere, Leviticus provides the notice

²⁰ See discussion in Milgrom, *Leviticus 1–16*, 345–356; also cf. P. J. Budd's comments, "Ma'al in Leviticus 5.14–19 and Other Sources: Response to William Johnstone," in J. F. A. Sawyer (ed.), *Reading Leviticus: A Conversation with Mary Douglas*, (JSOTSup, 227; Sheffield: Sheffield Academic Press, 1996), 257, who acknowledges other interpretations but argues that, in contrast to the purification offering where errors become known to the sinner, the reparation offering is "precautionary, for a situation where an error is suspected or feared." Budd emphasizes the technical and specific meaning of these offerings no matter which interpretation is favored, 257. Cf. also C. Hayes, "Intermarriage and Impurity in Ancient Jewish Sources," *HTR* 92 (1999), 3–36 (10), who also sees the *'āšām* as an effort to atone for the desecration of the *sanctum* of Israel by intermarriage in Ezra 9–10.

²¹ Both the Ezra Memoir, the third-person narrative connected to it, and Nehemiah 13 consider intermarriage a desecration (Ezra 9:2,4; 10:2,10; Neh 13:27). See discussion in H. K. Harrington, "Holiness and Purity in Ezra-Nehemiah," esp. pp. 107, 111–115.

that an inadvertent sacrilege can be neutralized by this offering (see Lev 5:15). Since Ezra had just taught the law to the returnees (Ezra 8–9), they may have inadvertently transgressed and thus their sin was expiable (cf. Lev 5:14–16). Accordingly, an *ʾāšām* is offered by the priests who represent the nation (Ezra 10:10).²²

A third law from Leviticus which may inform the decision to require a reparation offering of those who had married foreigners is the ruling on a man who has had sexual relations with a female slave who was betrothed to another man (Lev 19:20–22).²³ Due to her status as a slave, capital punishment is not required of the offender, and he may atone for his sin by simply bringing an *ʾāšām*. The woman is probably a foreigner since Israelites were not allowed to enslave fellow Israelites. This scenario then is comparable to the situation of intermarriages in Ezra 9–10 for which Ezra prescribes an *ʾāšām*.²⁴ Also, the place of this law in Leviticus immediately follows the prohibition to mix animals, seeds and cloth of two different kinds (Lev 19:19), a law that was understood in Second Temple times to prohibit mixed marriages.²⁵

Related to this matter, Ezra 10:8 decrees that the offenders' property be confiscated: "all his possessions should be forfeited (*yohōram*)." The term *hērem* refers to the destruction of persons, especially the Canaanite peoples, during war as a devotion to Yahweh, usually at his command (Deut 20:16–17; Josh 6:16–19). P. Stern defines it as consecrating an item to Yahweh by destroying it.²⁶ In each case the people are killed, and sometimes the property is burned (Deut 13:16–17) or consecrated to the sanctuary (Josh

²² Alternatively, scholars have suggested that since the Torah restriction is only explicitly against the seven Canaanite tribes, sacrifices could be offered, Milgrom, *Leviticus 17–22*, 1585, but see C. Hayes' comment that the sanctum in Ezra-Nehemiah is not the foreigners but the Israelites, "Intermarriage and Impurity," 12–13. For the notion that the offenders did not realize that their wives could not be counted as Jewish, cf. H. Maccoby, "Holiness and Purity: The Holy People in Leviticus and Ezra-Nehemiah," in *Reading Leviticus* (JSOTSup, 227; Sheffield Academic Press, 1996), 153–179 (167).

²³ This is R. Hisda's point of view; other rabbis discount it (b. *Keritot* 11a).

²⁴ A. E. Steinmann, *Ezra and Nehemiah* (Concordia Commentary; St. Louis: Concordia Publishing House, 2010), 365. It is curious that only the priests bring the guilt offering. In fact, only priests from the high priest's extended family sacrificed these guilt offerings. In keeping with the high priest's representative role (Lev 16:15), these sacrifices were probably offered on behalf of all of the offenders.

²⁵ cf. 4QMMT B 75–76, 81–82.

²⁶ P. Stern, *The Biblical Hērem* (Atlanta: Scholars Press, 1991), 1, gives the example of Jericho: "After the city walls fell, Israel executed the *hērem*, destroying the city and its people and devoting the city and its spoil to YHWH—consecrating Jericho to YHWH through destruction."

6:16–19), or kept as booty (Deut 2:34–35; 3:6–7; 20:16; Josh 8:2, 26–27; 10:28–39; cf. 11:14). In fact, this is the way the root *ḥrm* is understood also in non-Israelite texts, e.g. Mesha Inscription. But Ezra kills no one; he simply threatens to confiscate property. Scholars call this a “peacetime *ḥērem*.”²⁷ The only biblical instruction for this type of *ḥērem* comes from Lev 27:28: “But no *ḥērem* that anyone devotes to the Lord from all his belongings, whether, human, animal, or land of his holding, may be sold or redeemed; all *ḥērem* is totally consecrated (*qōdeš qodāšim*) to the Lord” (JPS).²⁸

The point here is that while there is a lack of understanding for the best solution to the marriage crisis and even some dissidence to Ezra’s decree, none of the Jewish leaders offer a competing view for how sacrilege should be averted or how offenders should be punished, nor do any explanations seem to be necessary. How could the concepts of *maʿal* and *ʾāšām*, be applied to people, without the rudimentary aspects of them related to temple furniture and dedications already be understood? How could Ezra initiate a non-violent *ḥērem*, if it had never been taught? And, if these concepts were already understood, why would a later author of Leviticus need to explain it? Rather, the notions of *maʿal*, *ʾāšām*, and *ḥērem* were well known not only in their general definitions throughout the ancient world but also in the specific applications found in Leviticus. The most logical development of these concepts is from their original technical usages to later general applications (cf. 1 Chron 10:13; 2 Chron 29:6; 30:7).²⁹ The innovation of Ezra-Nehemiah is that intermarriage should be understood as a technical desecration requiring cultic measures for reparation just like any other sacrilege.

II IMPURITY

With regard to impurity terminology, again Ezra-Nehemiah rests on traditions found in Leviticus, not the other way around. Leviticus treats ritual impurity as a condition of the human body

²⁷ Milgrom, *Leviticus 23–27*, 2392–2393, places the development of the peacetime *ḥērem* in the pre-exilic history of Israel’s cult.

²⁸ As Milgrom states, “The *ḥērem* on persons must have been ameliorated by the time of Ezra; banishment replaced death, and hence it must be, at least, older than the time of Ezra” (*Leviticus 23–27*, 2392). H. G. M. Williamson suggests that the two angles of *ḥērem*, i.e. destruction of the Canaanites and the dedication of goods to God, are combined here where the offenders who have married foreigners must forfeit their goods to the temple unless they expel their wives and children. See Williamson, *Ezra, Nehemiah* (WBC, 16; Waco, TX: 1984), 154.

²⁹ Cf. S. Japhet, *I & II Chronicles* (OTL: London; SCM press, 1993), 229–230, on 1 Chron 10:13.

which can create distance and even ostracization from the community and its cult (cf. Lev 12:4; 13:46; 15:31). Unlike Leviticus, however, Ezra-Nehemiah applies this label directly to outsiders.³⁰ Nevertheless, Ezra-Nehemiah is familiar with ritual purity procedures and never pauses to define them. Passover is treated as a sacred occasion (cf. Lev 23:4–5), and holy occasions require ritual purification beforehand (Ezra 6:20–21; Neh 12:30; cf. Num 9:1–14). Even rooms can become polluted areas requiring purification procedures (Neh 13:8–9; cf. Lev 14:34–45; Num 19:18). Thus, the redactor of Ezra-Nehemiah was not unfamiliar with the purification concepts of Leviticus and Numbers but applies them in more exclusive ways.

There is evidence of even more specific reliance of Ezra-Nehemiah on Leviticus. Ezra 9:10–11 reads:

...For we have abandoned your commands (11) that you ordered through your servants, the prophets, saying, “The land that you are entering to possess is a polluted land because of the pollution of the peoples of the lands; with their abominable practices they have filled it from end to end with their impurity.”

As M. Fishbane notes, these verses rest directly on earlier biblical sources, especially Lev 18:24–27:

“Do not defile yourselves in any of those ways, for it is by such that the nations that I am casting out before you polluted themselves. Thus the land became polluted and I called it to account for its iniquity, and the land spewed out its inhabitants...For all those abominable practices were done by the people who were in the land before you, and the land became polluted.”³¹

³⁰ J. Klawans argues, based on the use of “abominations” (Ezra 9:11), that Gentiles did not bring ritual impurity into the community, only moral impurity. The echoes of Leviticus 18 and Ezekiel 36 place the purity issue, he claims, in the moral rather than the ritual category, J. Klawans, “Idolatry, Incest, and Impurity,” *JSJ* 29 (1998), 398–402. He correctly rejects the assessment of M. Smith and others that ritual purity was the basis for the attack on mixed marriages (cf. 398 n 29). But, in his efforts to get moral purity back on the agenda, Klawans seems to have created an unnecessary either/or scenario. While the Holiness section of Leviticus, commonly referred to as H with its emphasis on morality, is indeed a strong source behind Ezra-Nehemiah, as noted above, it does not cancel the earlier ritual legislation of the priests (see discussion on *maʿal* above; cf. also Lev 20:3; 22:4–8). In fact, H teaches the notion of ritual contamination of belongings, e.g. clothes (Lev 17:15), taken up in Neh 13:9.

³¹ Fishbane, *Biblical Interpretation*, 119.

The author of Ezra 9:10–11 refers to earlier traditions denouncing the “abominable practices” of the local population and linking them with impurity. The author must be referring to acts of sexual immorality, a catalog of which is found in Leviticus 18; these defile the sinners irrevocably and are punishable by expulsion and extirpation (Lev 18:24–30).³² By using terminology reflective of Leviticus 18, the author in effect inserts intermarriage with non-Israelites into this list of sexual ‘abominable practices’ (cf. Ezra 9:11, 14). Like several other Jewish texts in Second Temple times (e.g. MMT, Aramaic Levi, Jubilees), Ezra-Nehemiah applies levitical regulations to the matter of intermarriage, a step that Leviticus does not take.³³

The use of the root *bdl* in Ezra-Nehemiah shows a similar expansion beyond the usage found throughout Leviticus. This verb governs the important priestly dichotomy between “pure and impure” and “holy and profane” in Leviticus (cf. Lev 10:10; 11:44–47; 20:25–26).³⁴ According to Leviticus 20, the very purpose of Israel’s purity system is to reflect and reinforce her separation from other people:

“I, Yahweh, am your God who has set you apart [root *bdl*] from other peoples. So you shall set apart [root *bdl*] the clean beast from the unclean, the unclean bird from the clean... You shall be holy to me, for I, Yahweh, am holy, and I have set you apart [root *bdl*] from other peoples to be Mine” (Lev 20:24b–26).”³⁵

³² According to Leviticus 18, sexual deviance is remediable only by *kārēt* of the individual offender and when the community becomes full of this kind of impurity, it will be expelled from the polluted land of Israel, Milgrom, *Leviticus 17–22*, 1573–1578, from Lev 18:25, 28–29; Lev 26:14–38. Moral sins pollute the sanctuary too (Lev 20:3), but here sanctity at some level extends to the entire land.

³³ MMT, Jubilees, Aramaic Levi, are all third-second century BCE Jewish texts which refer to intermarriage as *zēnūt*, sexual impurity, cf. W. Loader, *Enoch, Levi, and Jubilees on Sexuality: Attitudes towards Sexuality in the Early Enoch Literature, the Aramaic Levi Document, and the Book of Jubilees* (Grand Rapids, Mich.: Eerdmans, 2007); *The Dead Sea Scrolls on Sexuality: Attitudes towards Sexuality in Sectarian and Related Literature at Qumran* (Grand Rapids, Mich.: Eerdmans, 2009). Williamson, *Ezra, Nehemiah*, 136, notes the more forceful language of Ezra 9:11 over Lev 18:24–30.

³⁴ As J. Schaper points out, the purpose of the priestly source was “to inculcate in the Israelites a sense of that binary world, to make them think in terms of pairs of opposites in order to sharpen their sensibility for matters of purity,” “Priestly Purity and Social Organisation in Persian Period Judah” *BN* 118 (2003), 51–57 (56–57).

³⁵ “Even when the system has not specifically labeled the nature of an act, the structure of thought could lead to classification” (D. P. Wright, “The Spectrum of Priestly Impurity,” in G. A. Anderson and S. M. Olyan (eds) *Priesthood and Cult in Ancient Israel* [JSOTSup, 125; Sheffield, JSOT

Thus, Israel is to eat by a unique standard of food laws so that she will not be able to interact socially with her pagan neighbors and thus be engaged in pagan practices and especially be entrapped by intermarriage (cf. Exod 34:15–16; Num 16:21).

But while Leviticus' pure food laws were enforcers of separation between Israel and non-Israel, the writer of Ezra-Nehemiah moves on to using verbal forms from the root *bdl* to separate genealogical Israelite insiders of his community from all outsiders. The *gēr*, a gentile who may wish to live among the community and subscribe to its regulation, and even some Jews are excluded and referred to as impure. Nowhere in the Pentateuch are gentiles viewed as a source of pollution specifically because they are gentiles.³⁶ Like Leviticus 20, Ezra-Nehemiah uses purity rhetoric for social ends, but unlike Leviticus, Ezra-Nehemiah does not allow for permeability in this boundary.³⁷ For example, the foreign spouses are not given the chance to convert to Judaism, even as resident aliens, but are banished. Building on the concept of Leviticus 20 that Yahweh wants a distinction between his people and others, Ezra-Nehemiah moves to labeling those others as impure, and separating them. Scholars ask how Ezra-Nehemiah could make such a leap if Leviticus was known. But, surely Deuteronomy, which allows for inclusion of the resident alien (cf. Deut 16:14; 29:11) and even marriage with a foreign captive bride (Deut 21:10–14), was known, but the author of Ezra-Nehemiah chose to ignore this flexibility (cf. also Deut 31:12 with Neh 8:2).

Next, the term *niddâ*, refers only to menstrual impurity in Leviticus with one exception for incest (Lev 20:21). In Ezra-Nehemiah, the term appears more abstractly in the phrases “impure land” and “impurity of the peoples of the land” (Ezra 9:11). The technical usage of *niddâ* in Leviticus contrasts sharply

Press, 1991], 150–181 [176]).

³⁶ S. Cohen, “From the Bible to the Talmud: The Prohibition of Intermarriage” in *HAR* 7 (1983) [=R. Ahroni (ed.), *Biblical and Other Studies in Honor of Robert Gordis*], 23–39 (23). C. Hayes, *Gentile Impurities and Jewish Identities* (Oxford: Oxford University Press, 2002), 24–26.

³⁷ There are indications in the Pentateuch that Gentiles can shed their idolatry and its moral impurity and align themselves to Israel (cf. Deut 21:10–14). They do not become Israelites per se but take on certain laws and are allowed to dwell peacefully among the nation. Indeed the biblical *gēr* was required to maintain the purity laws of Israel: “Any person, whether citizen or *gēr*, who eats what has died or has been torn by beasts shall launder his clothes, bathe in water, and remain impure until the evening; then he shall be pure. But if he does not launder (his clothes) and bathe his body, he shall bear his punishment” (Lev 17:15–16). This prohibition implies that a *gēr* is obligated to maintain purity and purifications are effective for him. In addition, Num 15:16 requires a purification offering which will atone for both the sins of Israel and those of the *gēr*.

with the broader usage employed later by the author of Ezra-Nehemiah. As in Ezekiel and Lamentations, menstruation is used metaphorically to describe the wickedness of Israel and elicit recoil (Ezek 7:19–20; Lam 1:8, 17). It is more likely that the concrete definition and laws of *niddâ* were well established by levitical traditions and later expanded by Ezra-Nehemiah and others to apply to moral impurity. Ezra-Nehemiah follows exilic and post-exilic usage (Ezek 7:19–20; Lam 1:17; 2 Chron 29:5), in using *niddâ* as a metaphor for sin. Additionally, the root *gʿl*, “defile, pollute, stain,” with *ʾālep* is introduced to describe the defilement of the priesthood by intermarriage (Neh 13.29). This root is a later form of *gʿl*, with *ʿayin*, a pollution term found in Leviticus (e.g. Lev 26:11, 43).³⁸

So who is borrowing from whom? Mary Douglas argues that Leviticus is a response to the harsh decrees of Ezra-Nehemiah toward outsiders. I argue the opposite. The answer lies in the language itself. Just as the case with terms from the semantic realms of *mʿl*, *ʾšm* and *ḥrm*, the terms *ṭumʾâ* and *tôʿēbâ* are assumed to be common knowledge, and the concepts expanded in new ways. *Maʿal* and *ʾāšām* have moved from sacrilege and reparation of holy items to the desecration of all Jewish persons. The semantic realm of *ḥrm* has moved from a wartime destruction commanded by Yahweh to a peacetime dedication of goods to the sanctuary. *Ṭumʾâ*, “impurity,” is applied to outsiders. The scope of separation indicated by the root *bdl* is expanded to all ethnically unauthorized persons. *Niddâ* moves from menstrual to moral impurity. And, the root *gʿl* exchanges its middle guttural letter.

Mary Douglas argues that Leviticus’ progressive notions about impurity follow Ezra-Nehemiah rather than precede them. However, if this were the case, why is there no overt polemic in Leviticus and instead a neutral sense of teaching the particulars of the laws of purity and pollution? (cf. Lev 11:1–2; 12:1–2; 14:1–2; 15:1–2). Also, it makes more sense to see Leviticus’ generous attitude to the *gēr* as having roots in an Israel which is in charge of her own destiny and land from pre-exilic times, no matter when its final redaction. Ezra-Nehemiah, on the other hand, reveals the constraints of invasion, deportation and finally return as a threatened minority group.

³⁸ Cf. further discussion in Harrington, “Holiness and Purity in Ezra-Nehemiah,” esp. pp. 106–111. Cf. also later usage of this root, spelled with *ṽ* only, in rabbinic literature (e.g. m. *AZ* 5:12; b. *AZ* 76a; b. *Zeb.* 88a, M. Jastrow, *Sefer Milim: Dictionary of the Targumim, Talmud Babli, Yerushalmi, and Midrashic Literature* (New York: The Judaic Press, 1982; orig. pub. 1903), 261.

III SUKKOT

According to Neh 8:14–16, after Ezra read the law, the Jews went up into the mountains and gathered tree branches to make booths, for the Festival of Sukkot:

(14) And they found written in the Torah, which Yahweh had commanded through Moses, that the Israelites should dwell in booths during the festival of the seventh month. (15) And that they should announce and advertise it in all of their cities and in Jerusalem, saying “Go out to the mountains, and bring leafy branches of olive trees, wild olive trees, myrtles, date palms and shade trees in order to make booths as it is written.” (16) And the people went out and brought them and made for themselves booths, each man on his roof or in their courtyards, as well as in the courtyards of the house of God, in the square of the Water Gate and in the square of the Ephraim Gate.³⁹

Scholars have argued that this text does not follow Leviticus but represents a contrary tradition. In particular, Lev 23:40 requires different tree branches than those stated here in Nehemiah 8. Lev 23:40 prescribes, “the boughs of majestic trees, fronds of palms, branches of leafy trees, and willows of the brook” (Milgrom’s translation) whereas Nehemiah 8 requires two types of olive trees, myrtles, and date palms. In addition, Leviticus says to “rejoice before Yahweh” with these branches, whereas Nehemiah 8 orders that booths be made from these branches. Both texts emphasize rejoicing (cf. Neh 8:17).

On the other hand, Nehemiah 8 states that the tradition to build booths for the festival came from the Torah. In fact, Leviticus 23 is the only text of the Torah which requires making booths for the festival. According to Leviticus, living in these temporary shacks was a way of remembering Israel’s journeys in the wilderness under the supernatural provision and protection of Yahweh. Similarly, the returnees had been guided and enabled by Yahweh in the journey across the desert from Babylon to the homeland.⁴⁰

³⁹ This festival not only marks the full harvest of the crops in autumn, it celebrates divine provision and protection of ancient Israel during the wilderness journey (Lev 23:34–43; Deut 16:13–15; 31:10–13; *Ant.* XI, 5).

⁴⁰ J. Milgrom argues that the booth making was the important feature of the festival during the exile where the temple related rituals of Sukkot were not possible to implement. He sees Ezra’s innovation as requiring all Israel, no matter where they lived, to erect these booths on their roofs and live in them for a week based on the customary interpretation during the exile: “Ezra transferred what had become common practice in the exile to Jerusalem. For the first time all Israelites had to erect sukkot, not just in the Temple environs but on the roofs of their homes,” *Leviticus 1–16*, 27–

But the difference between Nehemiah 8 and Leviticus 23 is one of interpretation resulting from the ambiguous Leviticus text rather than different traditions. It is possible to read Lev 23:40 *‘ētz ‘ābōt*, as simply a generalization “leafy trees,” of which the palms and willows are examples.⁴¹ A general rendering is supported by Second Temple literature which supplied other types of foliage (cf. 2 Macc 10:6–7, ivy, palms, no willows nor fruit; Jub 16:29–30, leafy boughs, willows, palm branches, fruit). Hasmonean coins exhibit the *lūlāb* with branches of myrtle and poplar. Certainly, all of these authors had the text of Leviticus, which is evidenced among the Dead Sea Scrolls as early as the mid-third century BCE. The author of Ezra-Nehemiah makes two plausible inferences from Lev 23:40–42: 1) that various types of tree branches are used in this sacred festival, and 2) that the tree branches are used to make the required booths. Consequently, he specifies particular trees which were available in his time and area; the “wild olive” is probably the Jerusalem Pine.⁴²

Apparently, Jews in later Second Temple times rejected Ezra-Nehemiah’s exegesis of Leviticus 23, because they require both the building of booths as well as a procession at the temple with the waving of a bouquet, *lūlāb*, of certain types of branches (cf. 2 Macc 10:7; *Ant.* III, 245).⁴³ The author of Jubilees gives this description:

28; *Leviticus 23–27*, 2050. The special reference to Jerusalem (v. 15) may indicate that the booths had been built by pilgrims to the festival but not by residents of Jerusalem. Ezra may be pointing out that even Jews with homes within the city must observe this aspect of the festival. The point may be that the returning Jews need to recognize the provision of Yahweh especially after safely coming out of Exile. There may be a hint here of simulating the experience of the first Israelite generations who spent the early years under foreign domination in Egypt, lived in temporary dwellings, or booths, in the wilderness and then, under Joshua, took up residence again in the promised Land. Dwelling in booths is part of the heritage, in fact, the first way-station of the freed Israelite slaves was at Succoth (=Sukkot), literally, “Booths” and here Moses reiterates Yahweh’s promises to bring them safely to the Land of Canaan (Exod. 12:37; 13:5,11). Hence, the Festival with its booth component must be re-enacted and ritualized by all successive generations whether in Jerusalem, the rest of the Land, or in the Diaspora.

⁴¹ Milgrom, *Leviticus 23–27*, 2042; Steinmann, *Ezra and Nehemiah*, 516–517. Also, “the boughs of majestic trees” was interpreted from ancient times as “the fruit of majestic trees” giving rise to the practice of carrying a citron also in the procession around the altar (cf. *Ant.* III, 372; y. Suk. 3:5). The citron is described as early as Theophrastus (fourth century BCE) and depicted on Hasmonean coins and early mosaics, Milgrom, *Leviticus 23–27*, 2041. Curiously, it is not mentioned in Nehemiah 8.

⁴² Y. Felix, *Plant World of the Bible* [Hebrew] (Tel-Aviv: Massada Press, 1968), 88; Milgrom, *Leviticus 23–27*, 2064.

⁴³ Cf. also later traditions based on Lev 23:40, 42, which reveal the development of the law: m. Sukk 4:1–7; Lev. Rab. 30:15; b. Sukk. 12a and

...It is ordained forever regarding Israel that they should celebrate it [Sukkot] and dwell in booths, and set wreaths upon their heads, and take leafy boughs, and willows from the brook. And Abraham took branches of palm trees, and the fruit of goodly trees, and every day going round the altar with the branches seven times [a day] in the morning, he praised and gave thanks to his God for all things in joy (Jub 16:29–31).

This view is also attested at Qumran (4Q409), but it is noteworthy that later Karaite sectarian tradition corresponds with Ezra-Nehemiah that the branches of Leviticus 23:40 were the materials of the booths of 23:42.⁴⁴

Further supporting the influence of traditions found in Leviticus on Ezra-Nehemiah is the inclusion of the *’āṣeret*, the eighth day celebration after Sukkot. The author of Neh 8:18 states clearly that this is *kammišpāt*, “according to the regulation.” Where does this regulation come from? The Sukkot Festival described in Deuteronomy 16 is a seven-day celebration with an *’āṣeret*, a holy assembly, on the seventh, not the eighth day, but, according to both Lev 23:36, 39 and Num 29:35, the *’āṣeret* was held on the eighth day. No work was to be done, and sacrifices were to be offered (Num 29:36–38) possibly to pray for the necessary rains of the upcoming season.⁴⁵

The omission of any reference to Yom Kippur, the Day of Atonement, normally five days before Sukkot, is curious. Some think it was not yet instituted and thus Leviticus may be after Ezra-Nehemiah, but as J. Myers puts it, “It is difficult to imagine how such a significant celebration could have been introduced with Mosaic authority after the Exile.”⁴⁶ It may have been observed but simply did not fit the theme of the writer, who was emphasizing the joy of the Lord, not confession and weeping.⁴⁷ Milgrom, on the other hand, argues for the existence of Yom Kippur even in First Temple times and points out that the laws concerning it are clear in the Torah while those of Sukkot are ambiguous and require clarification.⁴⁸

38a.

⁴⁴ Milgrom, *Leviticus 23–27*, 2040.

⁴⁵ This is indeed the understanding of the Targum Pseudo-Jonathan and is reflected in a prayer for rain on this day in the modern synagogue liturgy (Targ. Ps-J. on Leviticus 23; cf. Qoh. Rab. 7:14).

⁴⁶ J. Myers, *Ezra, Nehemiah: Introduction, Translation, and Notes* (AB, 14; New York: Doubleday, 1965), 165.

⁴⁷ D. Kidner suggests that since this day is not a pilgrimage festival, it was not as significant for the writer; others argue that the Pentateuch of Ezra’s day had no Day of Atonement in it as yet, cf. discussion in D. Kidner, *Ezra and Nehemiah: An Introduction and Commentary* (Tyndale Old Testament Commentary; Downers Grove, IL: Inter-Varsity, 1979), 108.

⁴⁸ Milgrom, *Leviticus 1–16*, 1071.

Again terms help substantiate the priority of Leviticus over Ezra-Nehemiah. Affliction (root *ʿny* “afflict”) is part of the order to the Israelites on Yom Kippur, “afflict yourselves” (Lev 16:29), but this is clarified as “fast” in Second Temple sources.⁴⁹ Ezra-Nehemiah reflects this shift by referring more than once to petitioning Yahweh’s help in a crisis by way of fasting (cf. Ezra 8:21–23; 10:6; Neh 1:4; 9:1). He reports that on one of these occasions Ezra prays for guidance and protection on the road and declares a fast ‘in order to afflict ourselves (root *ʿny*) before our God’ (Ezra 8:21). By using this phrase, which includes the only instance of the root *ʿny* in Ezra-Nehemiah, the writer reveals knowledge of the levitical Yom Kippur regulation which is worded similarly: *těʿannû ʾet napšôtêkem...lipnê YHWH tiṯhârû*, “You will afflict yourselves...you will become pure before Yahweh” (Lev 16:29–30). The author of Ezra-Nehemiah clarifies the ambiguity inherent in the older phrase “to afflict oneself” in light of its current association with fasting.”

IV WOOD COLLECTION

Finally, some form of Leviticus provides the basis for Nehemiah’s wood collection decree which, according to Neh 10:35 [Heb], is “written in the law.” At first glance, Nehemiah’s insistence that the wood command is written in the Torah seems erroneous since there is no reference to such a wood offering in the Pentateuch although it appears in several other ancient Jewish sources.⁵⁰ Some

⁴⁹ Fasting was undertaken in post-exilic times as a way of petitioning Yahweh’s help in a time of crisis, e.g. an enemy invasion, drought, famine, or pestilence (e.g. Esth 4:16). A fast could be initiated by the community or as well by an individual expressing deep sorrow (Dan 10:3).

⁵⁰ Josephus refers to “the festival of wood-offering” on the 15th day of the 5th month (Ab), when all the people were accustomed to bring wood for the altar (*War* II, 425), and the Mishnah (m. *Taʿan.* 4.5) lists nine times during the year when certain families brought wood), one of which was a public collection on the 15th of Ab from the entire people; preferred manuscripts attest a public collection also on the 9th of Ab (Milgrom, *Leviticus 1–16*, 387). According to Maimonides, there was a fixed time for certain families to hike out into the forests and bring wood for the altar and at that time they would sacrifice voluntary burnt offerings (Temple Service, “Temple Vessels” 6:9). According to the Mishnah, all types of wood except the grapevine and olive wood were valid for the wood offering (m. *Tamid* 2:3). This was probably due to the fact that these types did not burn well and produced too much smoke (b. *Taʿan.* 29b). Milgrom, *Leviticus 1–16*, 388 explains: “The wood was brought to the Temple with great ceremony. Bearers of the wood were forbidden to work on that day and were required to spend the night in Jerusalem, returning to their homes the following morning. Aggadic tradition tells of the courage and perseverance of those bringing the wood even in the face

have suggested that the prescription does not refer to the collection process but to the immediately preceding words, “to burn on the altar of the Lord our God,” an order recorded in Lev 6:1–6 [Heb]. In fact, the altar fire had to be continual because it originated from Yahweh, not from the hands of the priests. The divine origin of this fire is important in light of the fact that atonement comes via the sacrifices burned on this altar (cf. Lev 9:24; 2 Chron 7:1). But, is Nehemiah’s insistence that the prescription is in the law directed to a decree that wood must be burned on the altar? This seems self-evident, and a well-accepted cultic convention hardly in need of reference to the law. Rather, Nehemiah is more likely arguing that an organized community wood collection is based on the law. But where is this law?

There is a possible solution. A heretofore unknown section of Leviticus may be reflected among the Dead Sea Scrolls and may be the base text for Nehemiah’s wood collection: 4Q365, fragment 23.⁵¹ Scholars are presently developing criteria for determining if a Qumran text following a biblical book is an interpretation or an actual version of that book, for example, the extent and manner of reworking, voice, scope, and coverage.⁵² The original assessment of 4Q365, fragment 23, by E. Tov and S. White was that the text was non-scriptural, but this conclusion has been challenged separately

of danger to their lives (t. *Ta’an.* 4:7–8).”

⁵¹ Lines 4–11 read:

4 And Yahweh spoke to Moses, saying, command the children of Israel, [Lev 24:1–2a] saying, when you come to the land which 5 I am giving to you for an inheritance, and you dwell upon it, securely, you will bring calves for a burnt offering and for all the wo[r]k of 6[the H]ouse which you will build for me in the land, to arrange them upon the altar of burnt offering, and the calv[es] ... 7... for passover sacrifices and for whole burnt offerings and for thank offerings and for free-will offerings and for burnt-offerings, daily ... 8... and for the doors and for all the work of the House the[y] (or: he) will br[ing] ... 9... the [fe]stival (or: appointed time) of fresh oil they will bring wood two [by two] ... 10... the ones who bring on the fir[st] day, Levi ... 11 ... [Reu]ben and Simeon and [on t]he fou[rth] day. (S. Crawford White, “4Q364 & 365: A Preliminary Report” in J. Treballe Barrera and L. Vegas Montaner (eds.), *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March, 1991*, vol. I [Leiden: Brill, 1992], 217–228 [225–226]).

⁵² M. Segal, “4QReworked Pentateuch or 4QPentateuch?” in L. H. Schiffman, et al. (eds.), *The Dead Sea Scrolls: Fifty Years After Their Discovery* (Jerusalem: Israel Museum, 2000), 391–399 (394–395); “Between Bible and Rewritten Bible,” in M. Henze (ed.), *Biblical Interpretation at Qumran* (Grand Rapids: Eerdmans, 2005), 10–28 (15–16); cf. M. M. Zahn, “The Problem of Characterizing the 4QReworked Pentateuch Manuscripts: Bible, Rewritten Bible, or None of the Above?” *DSD* 15 (2008), 315–339 (316).

by several scholars because of the known variation among versions of the biblical text in the early Second Temple period, and recently Tov has changed his position to the Scripture camp as well.⁵³ Indeed the text speaks in the same voice of the Leviticus material without interruption. In fact, 4Q365 23, introduces the legislation on the wood offering, “And the Lord spoke to Moses, saying.” This is an introductory formula which occurs throughout Leviticus, and is especially prominent in the Festival Calendar (Lev 23:1, 9, 23, 26, 33; 24:1).⁵⁴ Thus, in 4Q365 we have possible evidence of a version of Leviticus which did have a wood festival. The tradition of a wood festival in the Second Temple is corroborated by the Temple Scroll, Josephus and the Mishna (cf. Wars II, 425).⁵⁵ Perhaps a version of Leviticus was circulating in Second Temple times which contained a prescription for wood collection. Nehemiah may have found the regulation, as he said, in the law.

CONCLUSION

In conclusion, it appears most logical that many cultic traditions from various parts of Leviticus preceded the composition of Ezra-Nehemiah. Perhaps, as David Carr has argued, these traditions were memorized either individually or in blocks and were preserved and/or reconfigured during the exile and afterward. It may be that these traditions circulated among Jews of the early Second Temple period prior to the full redaction of Leviticus. In any case, the cultic traditions discussed above derive from both the “P” and “H” sections of Leviticus and they are not *de novo* regulations in Ezra-Nehemiah for the following

⁵³ E. Tov and S. White, “Reworked Pentateuch,” in H. Attridge et al., *Qumran Cave 4. VIII, Parabiblical Texts, Part 1* (DJD, 13; Oxford: Clarendon, 1994), 191; E. Tov, “Biblical Texts as Reworked in Some Qumran Manuscripts with Special Attention to 4QRP [4Q364-367] and 4QParaGen-Exod [4Q422],” in E. Ulrich and J. C. VanderKam (eds.), *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls* (Notre Dame, IN: University of Notre Dame Press, 1994), 111–134 (113–114). See further citations and discussion in Zahn, “Problem of Characterizing,” 316–317.

⁵⁴ Zahn, “Problem of Characterizing,” 331

⁵⁵ On the basis of 4Q365 23, Y. Yadin identified the festival of Columns 23–25 in the Temple Scroll as a wood offering festival to be celebrated exactly 50 days after the New Oil festival (last week of Elul, the 6th month). The author describes the festival continuing for 6 days, with two different tribes bringing wood per day (11Q19; 4Q365). The equanimity of the tribes is reflected in both the Temple Scroll and 4Q365. Unlike the later Rabbis, neither of these authors nor Nehemiah gives privilege to any group of Israel concerning the wood collection. The order of days too is the same in the Temple Scroll as in 4Q365, Y. Yadin, *The Temple Scroll*, I (Jerusalem: Israel Exploration Society, 1983), 125; Milgrom, *Leviticus 23–27*, 2073–2074.

reasons: 1) the use of terms such *ma'al*, *ḥērem* and *ʾāšām* in *Ezra* 9–10 can best be explained by levitical traditions embedded in the cult; 2) the use of ritual purity and other terms reveal an evolution which is best explained by recognizing the *Leviticus* versions as primary; 3) the description of Sukkot found in *Leviticus* 23 can be explained to inform *Nehemiah* 8; and 4) *Leviticus* is the only book of the Torah which orders a perpetual altar fire and which, in an early version, may have also required an organized supply of wood by the tribes, forming the basis for Nehemiah's wood collection decree.