

THE MBQR AT QUMRAN, THE EPISKOPOS
IN THE ATHENIAN EMPIRE, AND THE
MEANING OF LBQR³ IN EZRA 7:14:
ON THE RELATION OF EZRA'S MISSION
TO THE PERSIAN LEGAL PROJECT

RICHARD C. STEINER

rsteiner@ymail.yu.edu

Yeshiva University, New York, NY 10033

כָּל־קַבֵּל דִּי מִן־קִדְּם מִלְּכָא וְשַׁבְעָה יַעֲטֵהוּ שְׁלִיחַ לְבַקְרָא עַל־יְהוּד וְלִירוּשָׁלַם
בְּדַת אֱלֹהֵךְ דִּי בִידְךָ: (Ezra 7:14)

וְאִנְתָּה עֲזָרָא כְּחֻכְמַת אֱלֹהֵךְ דִּי־בִידְךָ מִנִּי שְׁפִטִין וְדִינִין דִּי־לְהוֹן דִּיאִנִּין (דִּינִין) לְכָל־
עַמָּה דִּי בַעֲבַר נְהִרָה לְכָל־יְדֵעֵי דַתִּי אֱלֹהֵךְ וְדִי לֹא יָדַע תְּהוֹדֵעוּן: (Ezra 7:25)

“The closer one looks, the more enigmatic Ezra’s mission becomes.”¹ So writes L. L. Grabbe, one of the many scholars who have tried to determine why—and indeed whether—Artaxerxes sent Ezra to Jerusalem. His solution? “We can only conclude that the mission of Ezra has yet to be explained.”²

The problem, of course, is to identify the historical context of Ezra’s mission, as set forth in his letter of appointment from Artaxerxes (Ezra 7:12–26). Although in the past, especially in the nineteenth century, many scholars rejected Artaxerxes’ letter as a fabrication, most scholars today accept it as

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¹ L. L. Grabbe, “What Was Ezra’s Mission?” in *Second Temple Studies 2. Temple Community in the Persian Period* (ed. T. C. Eskenazi and K. H. Richards; JSOTSup 175; Sheffield: Sheffield Academic Press, 1994), 297.

² L. L. Grabbe, *Judaism from Cyrus to Hadrian* (Minneapolis: Augsburg Fortress, 1992), 1:98.

authentic.³ In a recent article, D. Janzen has challenged the contemporary consensus:

Ezra's work is perfectly comprehensible within the background of administrator, priest, and scribe working within the framework of the temple assembly in Yehud. Attempting to reconcile his actions in the narrative with the letter's description of his duties is an unnecessary and unhelpful task, there being no compelling reason to regard the bulk of the letter as historically reliable, and certainly not the parts that seem to point to Ezra as a Persian official commissioned by the king to institute legal reforms in Yehud.⁴

Building on Grabbe's work, Janzen writes:

... there is no hard evidence that the Persian administration was in the habit of sending people, scribes or otherwise, on missions to reform legal practices. ... We know of no historical background that would explain the type of mission upon which Ezra is supposedly sent, and so we must conclude that Ezra's "mission" as such is suspect.⁵

Janzen also presents linguistic and stylistic arguments against the authenticity of the letter. He believes that the letter betrays its Palestinian origin by using the words *כל קבל* ("in accordance with"), *רעו(ת)* ("will [n.]"), *קצף* ("wrath"), *רמא* ("throw"); by introducing direct discourse with the particle *די*; and by failing to use the formula *PN kn 'mr + imperative*.

In the body of this article, I shall argue that, contrary to Janzen's claim, the legal aspects of Ezra's mission fit the history of the period quite well. In appendix 1, I shall argue that the linguistic and stylistic features of Artaxerxes' letter cited by Janzen are not evidence of a Palestinian origin. First, however, it is necessary to clear up a misunderstanding concerning the meaning of a key phrase in the letter.

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In Ezra 7:14, Ezra is told that his mission is *לְבַקְרָא עַל יְהוּד וְלִירוּשָׁלַם בְּדַת*.⁶ The phrase *לְבַקְרָא עַל יְהוּד וְלִירוּשָׁלַם* has generally been taken to

³ See the surveys in J. C. H. Lebram, "Die Traditionsgeschichte der Esrageralt und die Frage nach dem historischen Esra," in *Achaemenid History I* (ed. H. Sancisi-Weerdenburg et al.; Leiden: Nederlands Instituut voor het Nabije Oosten, 1987), 106–7; Grabbe, "Ezra's Mission," 291; and D. Janzen, "The 'Mission' of Ezra and the Persian-Period Temple Community," *JBL* 119 (2000): 621–23.

⁴ Janzen, "'Mission' of Ezra," 643.

⁵ *Ibid.*, 638.

⁶ Most scholars believe that the understood subject of both *לְבַקְרָא* and the preceding participle *שְׁלִיחַ* is "you," referring to Ezra. Those who disagree, disagree only about *שְׁלִיחַ*; see B. Porten

mean “to make investigation regarding Judea and Jerusalem,”⁷ “to conduct an investigation about Judah and Jerusalem,”⁸ “to conduct an inquiry into the situation in Judah and Jerusalem,”⁹ “to enquire/inquire about/concerning Judah and Jerusalem,”¹⁰ “to investigate Judah and Jerusalem,”¹¹ “to make inquiry concerning Yehud and Jerusalem,”¹² or “to seek out concerning Yehud and Jerusalem.”¹³ After noting the meaning of the verb *בקר* elsewhere in Biblical Aramaic (Ezra 4:15, 19; 5:17; 6:1) and Hebrew, A. S. Kapelrud concludes: “We cannot therefore assume a different meaning in the present passage, but must translate it by ‘to undertake an investigation.’”¹⁴

At first glance, this interpretation, which has the weight of both tradition and usage behind it, appears unproblematic. Closer examination, however, reveals that it creates a number of difficulties. In the words of Williamson:

The meaning of the first stated aim of his mission, “to conduct an inquiry (*לבקר*) into the situation in Judah and Jerusalem on the basis of the law of your God,” is unfortunately not clear to us; it is one of the examples where the orders of this letter do not exactly match the narrative that follows. Elsewhere in Ezra, the verb refers only to searching for records, and is never followed by the preposition *על*, as it is here (cf. 4:15, 19; 5:17; 6:1). The verb is not attested elsewhere in Imperial Aramaic. The difficulty is compounded by the fact that on the one hand it can hardly be so broadly defined as to mean “teach and enforce the law” (something that is in any case explicitly demanded in vv 25–26), while on the other hand it would be difficult to understand the purpose of simply investigating whether or not the law was being observed.¹⁵

and A. Yardeni, *Textbook of Aramaic Documents from Ancient Egypt* (Jerusalem: Hebrew University, 1986–), 1:141 (henceforth TAD); and Janzen, “‘Mission’ of Ezra,” 635.

⁷ C. C. Torrey, *Ezra Studies* (Chicago: University of Chicago Press, 1910), 205.

⁸ J. M. Myers, *Ezra • Nehemiah* (AB 14; Garden City, NY: Doubleday, 1965), 56. Cf. “eine Untersuchung . . . vorzunehmen” in S. Mowinckel, *Studien zu dem Buche Ezra-Nehemia III* (Oslo: Universitetsforlaget, 1965), 126; and “um eine Untersuchung durchzuführen” in R. Rendtorff, “Ezra und das ‘Gesetz,’” ZAW 96 (1984): 171.

⁹ H. G. M. Williamson, *Ezra, Nehemiah* (WBC 16; Waco: Word, 1985), 95; idem, “Judah and the Jews,” in *Achaemenid History XI: Studies in Persian History: Essays in Memory of David M. Lewis* (ed. P. Briant et al.; Leiden: Nederlands Instituut voor het Nabije Oosten, 1998), 161.

¹⁰ O. Margalith, “The Political Role of Ezra as Persian Governor,” ZAW 98 (1986): 110; J. Blenkinsopp, *Ezra-Nehemiah: A Commentary* (Philadelphia: Westminster, 1988), 145; Grabbe, “Ezra’s Mission,” 287.

¹¹ Grabbe, “Ezra’s Mission,” 288.

¹² K. G. Hoglund, *Achaemenid Imperial Administration in Syria-Palestine and the Missions of Ezra and Nehemiah* (Atlanta: Scholars Press, 1992), 228–29.

¹³ Janzen, “‘Mission’ of Ezra,” 630.

¹⁴ A. S. Kapelrud, *The Question of Authorship in the Ezra-Narrative: A Lexical Investigation* (Oslo: Jacob Dybwad, 1944), 30.

¹⁵ Williamson, *Ezra, Nehemiah*, 101. It should be noted that it is no longer the case that “the verb is not attested elsewhere in Imperial Aramaic.” It is attested dozens of times in the recently

These difficulties make the conventional interpretation dubious. I suggest that the correct interpretation of לבקרא על יהוד וירושלם may be deduced from parallels such as האיש המבקר על הרבים (1QS 6:11–12) and האיש המבקר על מלאכה הרבים (1QS 6:19–20). These phrases cannot mean “the man who conducts inquiries concerning the community” and “the man who conducts inquiries concerning the community’s property.” Surely Weinfeld is right to translate לבקרא as “the overseer over.”¹⁶

I would suggest that, in Ezra 7:14 too, the meaning of the preposition על is not “concerning” but “over,” as in Ezra 4:20 על ירושלם, “over Jerusalem,” etc. As a first approximation, we may translate לבקרא על יהוד וירושלם as “to oversee Judah and Jerusalem” on the analogy of האיש המבקר על הרבים, “the man who oversees the community,” and האיש המבקר על מלאכה הרבים, “the man who oversees the community’s property.”

Similar conclusions have been reached in a few modern commentaries written in Hebrew.¹⁷ Moses Isaac Ashkenazi of Trieste, a student of Samuel David Luzatto, glosses לבקרא with להשגיח, seemingly in the postbiblical sense of “supervise.”¹⁸ And M. Kochman writes that the interpretation לפקח (“to supervise”) fits the context better than “to search, examine, investigate.”¹⁹ Finally, NJPS should also be mentioned here. It departs from virtually all English versions in translating “to regulate.”²⁰

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Further insight into the meanings of לבקרא and מבקר is provided by the corresponding Greek terms, ἐπισκοπέω and ἐπίσκοπος.²¹ Like Aramaic בקר,

deciphered Egyptian Aramaic Customs Account, where it is used of inspecting incoming and outgoing ships for the purpose of assessing duty, etc.; Porten and Yardeni, *TAD*, 3:xxviii, 82–193. For two attestations in Qumran Aramaic, see J. A. Fitzmyer and D. J. Harrington, *A Manual of Palestinian Aramaic Texts* (Rome: Biblical Institute Press, 1978), 312 s.v. *bqr*.

¹⁶ M. Weinfeld, *The Organizational Pattern and the Penal Code of the Qumran Sect* (Göttingen: Vandenhoeck & Ruprecht, 1986), 19. See also appendix 2, below.

¹⁷ I am indebted to S. Z. Leiman for the two references that follow.

¹⁸ Moses Isaac Ashkenazi of Trieste, *עורא ונחמיה*, ביאור על ספרי עורא ונחמיה (Przemysł: Zupnik, Knoller et Hammerschmidt, 1888), 74.

¹⁹ *עורא ונחמיה* (Jerusalem/Ramat-Gan: Revivim, 1985), 69.

²⁰ So too Porten and Yardeni, *TAD*, 1:141.

²¹ The correspondence between the Semitic terms and the Greek ones has often been noted; see, e.g., B. Thiering, “Mebaqquer and Episkopos in the Light of the Temple Scroll,” *JBL* 100 (1981): 69–74. Indeed, the Greek verb that renders לבקרא in 1 Esdr (8:12) and 2 Esdr is a variant of ἐπισκοπέω. In the postbiblical period, the correspondence appears to have produced a loan translation. Thus, the verb בקר acquires the meaning “visit (esp. the sick)” in Mishnaic Hebrew and Galilean Aramaic, a well-known meaning of ἐπισκοπέω; see Jastrow, 187 s.v. בקר; M. Sokoloff, *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period* (Ramat-Gan: Bar Ilan University,

ἐπισκοπέω has the meaning “inspect, examine,” but it can also mean “exercise the office of ἐπίσκοπος.”²² The latter means “inspector, overseer,” but it can also have the technical meaning of “supervisor, inspector sent by Athens to subject states.”²³

All the occurrences of ἐπίσκοπος in this technical sense are from the mid/late fifth century B.C.E., around the time of Ezra. According to R. Meiggs, “the title did not survive the fifth century in Athens.”²⁴ In all but one of the texts, we find the ἐπίσκοποι involved in setting up governmental, especially judicial, institutions in subject states on behalf of the imperial power.

In a decree from Erythrae, dated 453/452 B.C.E., “the *episkopoi* are concerned with the establishment of the first democratic Council, but not its successors, which are to be the responsibility of the *phourarchos*.”²⁵ Another fragment of what may be the same decree “mentions *phouroi*, *phourarchos*, and *episkopoi* and certain judicial arrangements are laid down, but not enough survives to define the nature of the cases and the responsibility for deciding them.”²⁶ The decree of Clinias, dated 447 B.C.E., also mentions these traveling commissioners: “The Boule and the *archontes* in the cities and the *episkopoi* . . . are to ensure that the tribute be collected each year and brought to Athens.”²⁷

Finally, we have a satirical portrait of an ἐπίσκοπος in Aristophanes’ *Birds* (1021–1057), produced in 414 B.C.E. In this comedy, the ἐπίσκοπος, who “may be wearing rich Persian clothes,” carries a “scroll containing the Assembly decree authorizing the sending of an ἐπίσκοπος” and “a pair of voting-urns, one for acquittal pebbles, one for conviction, familiar from their use in the law-courts.”²⁸ These urns (designated, incidentally, by the Semitic loanword κάδος

1990), 110 s.v. ܩܪܒ: H. G. Liddell and R. Scott, *A Greek-English Lexicon* (Oxford: Clarendon Press, 1996), 657 s.v. ἐπισκοπέω, meaning 2. And the regular use of ܩܪܒ with ܩܪܒܐ in Samaritan Aramaic (A. Tal, *A Dictionary of Samaritan Aramaic* [Leiden: Brill, 2000], 111) may be due to a calque on the Greek verb. In an e-mail communication (Oct. 19, 2000), Tal writes: “The way I see it, *bqr ʿl* is a quasi-idiomatic connection (collocation) between a verb and a preposition, forming a single unit. . . . This, of course, makes the preposition a part of the verb, nearly abolishing its own meaning. . . . In Syriac, a single case [of *bqr ʿl*] is mentioned by Payne-Smith [p. 575]. . . . I think that [*bqr ʿl*] in the passage in Bereshit Rabba 91 (p. 1124 of the Theodor-Albeck edition), is a calque of the same Aramaic collocation.” All of this accords perfectly with the interpretation of ܩܪܒ advocated here.

²² Liddell and Scott, *Lexicon*, 657 s.v. ἐπισκοπέω, meaning 5.

²³ *Ibid.*, s.v. ἐπίσκοπος, meaning 3.

²⁴ R. Meiggs, *The Athenian Empire* (Oxford: Clarendon, 1972), 212.

²⁵ *Ibid.*, 212; cf. P. J. Rhodes, “The Delian League to 449 B.C.,” in *CAH*, 2d ed., 5:56–57; and W. Schuller, *Die Herrschaft der Athener im Ersten Attischen Seebund* (Berlin: de Gruyter, 1974), 40–42. I am indebted to M. Ostwald for the latter two references.

²⁶ Meiggs, *Athenian Empire*, 114.

²⁷ *Ibid.*, 165.

²⁸ Aristophanes, *Birds* (ed. N. Dumbar; Oxford: Clarendon, 1995), 563, 564, 566.

< כר >²⁹ “would suggest that the Inspector had been sent (though he never gets round to saying so) to set up a legal system on the Athenian model in Cloud-cuckootown.”³⁰ When the ἐπίσκοπος is beaten by Pisthetairos, all he can do is threaten to sue; clearly he has no military escort and no real power to carry out his mission.

Ezra resembles the Athenian ἐπίσκοπος in a surprising number of ways. He too was sent by an imperial government in the fifth century B.C.E., presumably wearing rich Persian clothes, to set up a legal system in a subject state. He too carried a scroll from the government containing the decree authorizing him to do that. He too came without a military escort to enforce his decisions.³¹ And he too ceded his authority to another official (viz., the governor, Nehemiah), with broader and more permanent powers, after completing his mission.³²

I suggest, therefore, that מִבְּקָר has the meaning “to exercise the office of מִבְּקָר” (just as ἐπισκοπέω has the meaning “to exercise the office of ἐπίσκοπος” and just as BH לכהן has the meaning “to exercise the office of כהן”) and that the מִבְּקָר was a “temporary overseer” or “visiting commissioner”³³ sent by the Persian government to subject states to oversee major projects, like the setting up of a judicial system.

It has often been claimed that the מִבְּקָר of the Qumran community served as the model for the ἐπίσκοπος of the Christian community.³⁴ The evidence considered above raises the possibility that the מִבְּקָר in the Persian empire was the model for the ἐπίσκοπος in the Athenian empire. After all, the Athenian empire grew out of an alliance of Greek states against Persia.³⁵ And it is certainly suggestive that the earliest attestation of the term ἐπίσκοπος in the technical sense is in a decree from Erythrae in Ionia.³⁶ The Greek cities of Ionia were part of the Persian empire before being incorporated into the Athenian empire, and Erythrae in particular was a hotbed of Medizers before they were

²⁹ See E. Masson, *Recherches sur les plus anciens emprunts sémitiques en grec* (Paris: Klincksieck, 1967), 42–44.

³⁰ Aristophanes, *Birds*, 567.

³¹ As noted by Grabbe, “Ezra’s Mission,” 295; and R. North, “Civil Authority in Ezra,” in *Studi in onore di Edoardo Volterra* (Milan: A. Giuffrè, 1971), 385.

³² So, at least, according to the traditional date of Ezra’s mission. See further below.

³³ These are the terms used by Rhodes (“Delian League,” 56–57) and Meiggs (*Athenian Empire*, 213), respectively, in referring to the ἐπίσκοπος. Ezra has been described in similar terms. Thus, M. Smith writes: “It may be that Ezra was sent out as a special commissioner, instead of a normal governor, because of the legal change the court contemplated at that time” (*Palestinian Parties and Politics that Shaped the Old Testament* [New York/London: Columbia University Press, 1971], 196).

³⁴ Thiering, “Mebaqqer and Episkopos,” 69–74.

³⁵ Meiggs, *Athenian Empire*, 5.

³⁶ The term appears in a nontechnical sense already in Homer.

driven out.³⁷ It seems likely that ἐπίσκοπος was their term for the occasional מבקר sent by the Persian government. One might even theorize that the Athenians learned both the institution and the technical use of the term (and perhaps even a Persian-style uniform) from the Ionians, but this is not essential to my argument.

One thing emerges clearly from the discussion above: although Ezra's administrative title was probably מבקרא על יהוד וירושלם, he had no mandate to oversee the affairs of Judah and Jerusalem in every sphere. Janzen is right on the mark when he observes that "Nehemiah, as governor, can act in a way that Ezra, as administrator, cannot."³⁸ But his inference from this observation is less convincing: "Had Ezra the sort of power that the letter ascribes to him, were he a royal appointee like Nehemiah, he could have taken decisive and final action with or without the approval of the assembly."³⁹ It is not true that the letter ascribes to Ezra powers similar to those of Nehemiah. A close reading of the text shows that his authority was limited to setting up a judicial system. The similarity between the phrase בידך די ברה אלהך די, "in the law of your god that you possess (lit., that is in your hand)," in 7:14 and the phrases די ברה אלהך די, "in accordance with the wisdom of your god that you possess (lit., that is in your hand),"⁴⁰ and לכל ידעי דתי אלהך, "all who know the laws of your god," in 7:25 suggests that 7:25 harks back to 7:14. More precisely, די בידך די ברה אלהך די, "in accordance with the wisdom of your god that you possess, appoint magistrates and judges," resumes the theme of ברה אלהך די . . . לבקרא, "to serve as overseer . . . in (the sphere of) the law of your god that you possess," with די בידך די ברה אלהך די paralleling—and delimiting—לבקרא.

One of the great advantages of the theory propounded above is that it clarifies, in a completely natural way, the relationship between the missions of Ezra and Nehemiah. Those two missions have been perceived by many as being incompatible. In the words of R. H. Pfeiffer:

If we regard the account of his [Ezra's] activity as substantially historical, it is difficult to reconcile it with Nehemiah's memoirs. The Chronicler, unaware of the contradictions, apparently regards Ezra and Nehemiah as contemporaries (Neh. 8:9; 12:36). In reality, if Artaxerxes I had dispatched Ezra to Jerusalem with full powers in 458, he could hardly have sent Nehemiah with similar authority in 445–444, when Ezra was still active. . . .⁴¹

However, if Ezra held an office similar to that of the ἐπίσκοπος, his mission was always meant to be limited in scope and duration and to overlap that of

³⁷ Meiggs, *Athenian Empire*, 6, 23–24, 112–14; Rhodes, "Delian League," 56–57.

³⁸ Janzen, "Mission' of Ezra," 641.

³⁹ *Ibid.*

⁴⁰ Hoglund calls this "a probable reiteration" (*Imperial Administration*, 230).

⁴¹ R. H. Pfeiffer, *Introduction to the Old Testament* (New York: Harper, 1941), 819.

the next governor (whoever that might turn out to be). The new judicial system would come under the authority of the new governor. Surely the latter would want a briefing, preferably from the מִבְּקֵר himself, on what had been accomplished and what remained to be done.

In short, the legal component of Ezra's mission and even the term for it fit squarely into the fifth century B.C.E. This calls into question Janzen's claim that "we know of no historical background that would explain the type of mission upon which Ezra is supposedly sent."

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Janzen's claim concerning the legal component of Ezra's mission is further undermined by a short Demotic text written on the verso of the papyrus containing the Demotic Chronicle. According to that text, Darius I convened a commission in Egypt to codify the laws that had been in effect until the end of Amasis's reign in both the national language and Aramaic ("Assyrian script").⁴²

The idea of connecting Ezra's mission with Darius's codification of Egyptian law has its roots in the nineteenth century. Even before the publication of the aforementioned Demotic text, E. Meyer discerned a link between Artaxerxes' charge to Ezra and the tradition preserved by Diodorus Siculus (1.95) and others that Darius was the last great lawgiver of Egypt.⁴³ Since then, many scholars from the fields of biblical and Iranian studies have accepted this connection in some form, despite disagreement on the precise nature of Ezra's mission and his law.⁴⁴ But what do Darius's activities in Egypt have to do with Ezra, who flourished in a different time and place?

⁴² W. Spiegelberg, *Die sogenannte demotische Chronik des Pap. 215 der Bibliothèque Nationale zu Paris nebst den auf der Rückseite des Papyrus stehenden Texten* (Leipzig: Hinrichs, 1914), 30–31. For more recent translations, see E. Seidl, *Ägyptische Rechtsgeschichte der Saiten- und Perserzeit* (2d ed.; Glückstadt: Augustin, 1968), 1–2; D. Devauchelle, "Le sentiment anti-perses des anciens Égyptiens," *Transeuphratène* 9 (1995): 74–75; and E. Bresciani, "Cambyse, Darius I et le droit des temples égyptiens," in *Egypte pharaonique: Pouvoir, Société* (ed. B. Menu; Paris: Harmattan, 1996), 113. For the term "Assyrian script," see n. 70 below.

⁴³ E. Meyer, *Die Entstehung des Judentums* (Halle: Max Niemeyer, 1896), 70–71.

⁴⁴ See H. H. Schaefer, *Das persische Weltreich* (Breslau: Wilh. Gottl. Korn, 1941), 25; W. Rudolph, *Ezra und Nehemia* (Tübingen: J. C. B. Mohr, 1949), 76; U. Kellermann, "Erwägungen zum Problem der Esradatierung," *ZAW* 80 (1968): 82–83; M. A. Dandamayev, "Politische und wirtschaftliche Geschichte," in *Beiträge zu Achämenidengeschichte* (ed. G. Walser; Wiesbaden: Franz Steiner, 1972), 27; R. N. Frye, "Institutions," in *Beiträge zu Achämenidengeschichte*, ed. Walser, 92; K. Koch, "Ezra and the Origins of Judaism," *JSS* 19 (1974): 183; P. Frei, "Zentralgewalt und Lokalautonomie im Achämenidenreich," in *Reichsidee und Reichsorganisation im Perserreich* (ed. P. Frei and K. Koch; Freiburg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1984), 14–17; G. Widengren, "The Persian Period," in *Israelite and Judaean History* (ed. J. H. Hayes and J. M. Miller; Philadelphia: Westminster, 1977), 515; D. J. A. Clines, *Ezra, Nehemiah*,

Let us deal first with the place. Most authorities agree that Egypt cannot have been the only province ordered by Darius to set up a legal commission. Thus, J. D. Ray speaks of Darius's "codification of the laws of the empire, a process which reached Egypt in the king's fourth year."⁴⁵ R. A. Parker asserts that "the 'restoration of order' inscription of Darius, Susa *e* = No. 15 (cf. Kent, *JAOS* LIV [1934], 40 ff.; *ibid.*, LVIII [1938], 112 ff.; Weissbach, *ZDMG*, XCI [1937], 80 ff.) certainly indicates codification throughout all the empire."⁴⁶ M. A. Dandamaev and V. G. Lukonin write:

Intensive work on the codification of the laws of the conquered peoples was carried out during the reign of Darius I, while ancient laws, particularly the Code of Hammurappi, were also studied. . . . The laws existing in various countries were made uniform within the limits of a given country, while where necessary they were also changed according to the policy of the king.⁴⁷

So too J. M. Cook:

Darius certainly did not originate a body of law for the Persians or for the Persian empire. But he did recognize the importance of codified law and was much concerned to have the regulations or patents that existed in the socially advanced provinces of the empire written down and transcribed for the use of officials there.⁴⁸

In the same vein, P. Frei attempts to prove that there was a procedure for royal authorization of the laws of local communities.⁴⁹

It appears that Darius came to the throne convinced that the Persian government needed to be aware of the laws—both civil and religious—already in

Esther (London: Marshall, Morgan & Scott, 1984), 105; Williamson, *Ezra, Nehemiah*, 104–5; Blenkinsopp, *Ezra-Nehemiah*, 157; P. R. Ackroyd, "The Written Evidence for Palestine," in *Achaemenid History IV* (ed. H. Sancisi-Weerdenburg et al.; Leiden: Nederlands Instituut voor het Nabije Oosten, 1990), 216; E. M. Yamauchi, *Persia and the Bible* (Grand Rapids: Baker, 1990), 256–57; Hoglund, *Imperial Administration*, 235; K. Koch, "Der Artaxerxes-Erlaß im Esrabuch," in *Meilenstein: Festgabe für Herbert Donner zum 16. Februar 1995* (ed. M. Weippert and S. Timm; Wiesbaden: Harrassowitz, 1995), 92, 93 n. 31; E. Blum, "Esra, die Mosestora und die persische Politik," *Trumah* 9 (2000): 12.

⁴⁵ J. D. Ray, "Egypt 525–404 B.C.," in *CAH*, 2d ed., 4:262.

⁴⁶ R. A. Parker, "Darius and his Egyptian Campaign," *AJSL* 58 (1941): 374 n. 7.

⁴⁷ M. A. Dandamaev and V. G. Lukonin, in *The Culture and Social Institutions of Ancient Iran* (Cambridge: Cambridge University Press, 1989), 117.

⁴⁸ J. M. Cook, "The Rise of the Achaemenids and Establishment of their Empire," in *The Cambridge History of Iran* (Cambridge: Cambridge University Press, 1985), 2:221.

⁴⁹ Frei, "Zentralgewalt," 7–43. See also C. Tuplin, "The Administration of the Achaemenid Empire," in *Coinage and Administration in the Athenian and Persian Empires* (ed. I. Carradice; Oxford: BAR International Series, 1987), 112–13. For representation of local communities at the court in other areas, see M. Heltzer, "Neh. 11,24 and the Provincial Representative at the Persian Royal Court," *Transuephratène* 8 (1994): 109–19.

existence in the provinces of the empire. Before these laws could be officially recognized, they had to be codified and translated into Aramaic, the language of the empire. In places such as Babylonia, where codes already existed, the first step was unnecessary:

The so-called Neo-Babylonian Laws . . . continued to function under the Achaemenids in Babylonia. . . .

The Laws of Hammurapi also continued to be rewritten and studied during Achaemenid times, as is attested by the numerous copies of them dating from the sixth and fifth centuries. Some sections of these laws were also valid under the Achaemenids. . . .⁵⁰

In other places, such as Egypt, codification was also required. As has frequently been noted, this is the background of Plato's remark in *Letters* 7.332b that Darius was an exemplary lawgiver, who preserved the Persian empire through the laws that he framed.

Although it is the codification component of the Persian legal project that has been the focus of attention in ancient and modern times, a few scholars have recognized that the translation component was no less important for Darius's purpose. Bresciani points out that "in ordering a copy of the corpus of Egyptian law in Aramaic, Darius clearly wanted to make the code available to government officials, and above all to the satrap, in the official language of the empire."⁵¹ Ray notes that the Aramaic version was "for the guidance of officials in general, similar perhaps to the *Gnomon* of the Idios Logos, which was used in Roman Egypt."⁵²

Darius's thinking seems to have been influenced by the mistakes of his predecessor, Cambyses:

Before Darius, Cambyses' decree . . . had disrupted the "temple law" in force under Amasis; Darius' legislative decree, together with his liberal measures concerning the Egyptian temples, added to his reputation as a lawgiver. Confirmation of this role can also be found in Diodorus (I, 95): part of Cambyses' impiety consisted in the way he flouted Egyptian law; Darius' legislative activity is described as an attempt to atone for these legal impieties.⁵³

In other words, the implacable hatred engendered by Cambyses' trampling of the old temple laws⁵⁴ probably contributed to Darius's decision to launch his

⁵⁰ Dandamaev and Lukonin, *Culture and Social Institutions*, 123.

⁵¹ E. Bresciani, "Egypt and the Persian Empire," in *The Greeks and the Persians From the Sixth to the Fourth Centuries* (ed. H. Bengtson; New York: Delacorte, 1968), 338. See also E. Bresciani, "The Persian Occupation of Egypt," in *Cambridge History of Iran*, 2:508.

⁵² Ray, "Egypt 525–404 B.C.," 262.

⁵³ Bresciani, "Egypt and the Persian Empire," 338.

⁵⁴ *Ibid.*, 335–36; Bresciani, "Persian Occupation," 2:506.

legal project. The goal was to avoid future blunders stemming from ignorance of local laws.

Given this background, it is not surprising that Darius's order to set up a legal commission in Egypt is closely tied to a campaign to cultivate good relations with the Egyptian priesthood:

The Great King's protection of Egyptian worship and its priesthood was . . . expressed in the building of a grandiose Temple to Amon-Ra in the Oasis of El-Khārga. Proof of Darius' building activity in Egypt is given by the inscriptions in the caves at Wādī Hammāmāt; and blocks bearing his name have been found at El-Kāb in Upper Egypt and at Busiris in the Delta. A great number of stelae from the Serapeum can be dated to between the third and fourteenth year of Darius; A stela from Fayyūm is dedicated to Darius as the god Horus; and we know from the statue of Udjahorresne that Darius gave orders for the restoration of the "house of life" at Saïs.⁵⁵

At least some of these conciliatory gestures came at the beginning of Darius's reign. Udjahorresne's mission is generally dated to year 3 of Darius, the same year that signs of Persian interest in the Serapeum first appear. In year 4, during a visit to Egypt, Darius won over the Egyptians with a show of pious love for the Apis-bull.⁵⁶ Later in year 4, after leaving Egypt, Darius gave the order to establish the commission.⁵⁷ In view of the chronology, there may well have been a connection between these events, as suggested by Bresciani and Blenkinsopp.⁵⁸ Darius may have felt that he needed to gain the trust of the priests before embarking on a project requiring their cooperation. In other words, Darius's displays of piety were only step 1 of a two-step policy.

There is no reason to believe that Darius excluded the province of Yehud from this two-step policy. If anything, the opposite is true. Step 1 was implemented there already in year 2 of Darius, with permission granted to Jeshua and Zerubbabel to restore the temple. This would seem to enhance the probability that step 2 was implemented in Yehud as well.

⁵⁵ Bresciani, "Persian Occupation," 2:508–9.

⁵⁶ G. G. Cameron, "Darius, Egypt, and the 'Lands Beyond the Sea,'" *JNES* 2 (1943): 310–11; Yamauchi, *Persia and the Bible*, 148–49.

⁵⁷ Most scholars continue to speak of year 3, following Spiegelberg's transcription and translation (*Chronik*, 30–31) rather than his glossary (*ibid.*, 144). The confusion was pointed out by Parker ("Darius," 373), but even some Demotists appear to have overlooked his note. Among the Demotists who give the revised reading are Ray ("Egypt 525–404 B.C.," 262) and J. H. Johnson ("The Persians and the Continuity of Egyptian Culture," in *Achaemenid History VIII* [ed. H. Sancisi-Weerdenburg et al.; Leiden: Nederlands Instituut voor het Nabije Oosten, 1994], 157).

⁵⁸ Bresciani, "Egypt and the Persian Empire," 338–39; J. Blenkinsopp, "The Mission of Udjahorresnet and those of Ezra and Nehemiah," *JBL* 106 (1987): 412–13. However, Blenkinsopp, like almost all biblical scholars, and Bresciani give the date of the formation of the legal commission as year 3 of Darius rather than year 4; see the preceding footnote.



The above discussion has narrowed the gap between Darius's codification of Egyptian law and Ezra's mission but by no means eliminated it. For Grabbe, it is the chronological gap, the fact that "Ezra was long after Darius," that makes any connection between them dubious.⁵⁹ Let us turn now to this problem.

Even in Egypt, the Persian legal project proved to be a very time-consuming undertaking. The text on the verso of the Demotic Chronicle reports that the commission worked on the code from year 4 (518 B.C.E.) of Darius I until year 19 (503 B.C.E.), but the story does not end there. In the continuation, the year 27 (495 B.C.E.) is mentioned, and, though the papyrus is damaged at this point, it seems clear that the entire process was not completed until that year. The Demotists who have studied the text assume that after laboring for fifteen years in Egypt, the commission was forced to spend an additional eight years in Susa, explaining their work and getting governmental approval.⁶⁰

Clearly the Egyptian portion of the project was completed during Darius's reign, but that tells us little about the progress of the project in the rest of the empire; given the background of the project, it is likely that Darius gave top priority to Egypt. A leading Iranist, R. N. Frye, believes that it was left for Darius's successors to complete the project:

Although the work was not finished before his death, the successors of Darius continued to be interested in the codification of the laws of their subject peoples. It is in this light that one must understand the efforts of Ezra (7, 11) and Nehemiah (8, 1) to codify the Mosaic law, which was not accomplished until the reign of Artaxerxes I.⁶¹

Frye's reference to "the efforts of Ezra . . . to codify the Mosaic law" needlessly exacerbates the chronological problem raised by Grabbe. Ezra's mission, as set forth in Artaxerxes' letter, would have been possible only *after* the completion of the Jewish portion of the Persian legal project. Assuming the traditional dating of Nisan 458 B.C.E. (year 7 of Artaxerxes I) for Ezra's departure from Babylonia⁶² and a period of preparation preceding that, this would imply

⁵⁹ Grabbe, "Ezra's Mission," 297.

⁶⁰ See Spiegelberg, *Chronik*, 31 n. 5; N. J. Reich, "The Codification of the Egyptian Laws by Darius and the Origin of the 'Demotic Chronicle,'" *Mizraim* 1 (1933): 180; Bresciani, "Cambyse," 109, 113. These additional years are routinely overlooked by biblical scholars. According to Bresciani's translation, there is an explicit reference to the confirmation process in the text: "Il y eut la vérification quand il (Darius I?) vint chez eux (c.à.d. les sages de la commission), en l'an 27." Bresciani rejects the view of Reich (loc. cit.) that, during this process, "these laws were . . . adjusted according to the wishes and the policy of the king" (see Bresciani, "Persian Occupation," 2:508 n. 1).

⁶¹ Frye, "Institutions," 92.

⁶² It is impossible within the framework of this article to enter into the debate concerning the

that the Jews received governmental approval for their laws in 459 B.C.E. at the latest,⁶³ that is, thirty-six years at most after the Egyptians. This does not seem unreasonable given the number of provinces involved and the length of time required for approval. The resources of any government would have been strained by an undertaking of this magnitude.

Another reason for the delay may have been the special situation of the Jews. In Egypt and Babylonia, there was an existing judicial system that continued to function after the Persian conquest. Persian recognition of Jewish law entailed the establishment of a new judicial system in Judah, no doubt at the expense of some other system already in effect there. In the words of Koch: "The appointment of officers and judges in the towns of Palestine would have been a severe encroachment on the civil administration of the province."⁶⁴ The fierce resistance to Jewish autonomy on the part of the Samaritan provincial officials and the resulting political intrigue are well documented in Ezra 4.

Finally, the Persians may have had objections to some of the contents of the Jewish law code. As noted by Y. Kaufmann, the ban on idolatry and idolaters would have been offensive to many Persians.⁶⁵ The other law codes studied in Susa in the time of Darius and Xerxes contained no such laws. An echo of such an objection, set in that very place and time, is found in Esth 3:8: "their laws are different from those of every other people."⁶⁶ Thus, there may well have been circles within the Persian government hostile to the Jews and opposed to putting their law code on a par with the officially sanctioned law codes of the empire. Such opposition could easily have prolonged the ratification process and kept members of the commission cooling their heels "in the king's gate" at Susa.

In short, the fact that "Ezra was long after Darius" is not an argument against connecting Ezra's mission with Darius's codification of Egyptian law.

date of Ezra's mission. Suffice it to say that many scholars uphold the traditional date, and that it is the one that best fits our interpretation of Ezra's mission.

⁶³ It has been suggested that Artaxerxes I granted permission for Ezra's mission because of worries caused by the fall of Memphis in the autumn of 459; see M. Smith, "Palestinian Judaism in the Persian Period," in *The Greeks and the Persians From the Sixth to the Fourth Centuries*, ed. Bengtson, 391–92; Margalith, "Political Role"; and R. J. Littman, "Athens, Persia and The Book of Ezra," *TAPA* 125 (1995): 251–59. Ratification of the Jewish law code could have come at the same time or at an earlier date.

⁶⁴ Koch, "Ezra," 181 n. 1.

⁶⁵ Y. Kaufmann, *הולדת האומה הישראלית* (Jerusalem: Mosad Bialik; Tel-Aviv: Dvir, 1967), 281.

⁶⁶ Leaving aside the question of the overall historicity of the book of Esther, it is difficult to imagine a more appropriate setting for this accusation than Susa during the reign of Xerxes. By the time of Xerxes, Susa would have been home to an unprecedented library of law codes, making possible the study of comparative law for the first time in history.

Any one of the factors discussed above is sufficient to account for a delay amounting to thirty-six years at most. Once again we see that there is no basis for Janzen's claim that "we know of no historical background that would explain the type of mission upon which Ezra is supposedly sent, and so we must conclude that Ezra's 'mission' as such is suspect."

* * *

The task of a Jewish legal commission would have been to provide the government with authoritative texts of the Jewish law code in Hebrew and in Aramaic translation. As argued above, the Aramaic version was of critical importance to the Persians. The whole point of the Persian legal project was to produce law codes written in Aramaic to guide the officials who governed the provinces.

We must therefore imagine a major translation project under royal patronage. The *Letter of Aristeas* provides an instructive parallel.⁶⁷ It tells of Ptolemy II Philadelphus (285–246 B.C.E.) summoning seventy-two Jewish elders from Palestine to translate the Law from Hebrew into Greek. We need not enter into the debate concerning the historicity of this story. For our purposes, all that matters is that someone—either Ptolemy or a later writer—thought that the idea made good sense. That someone may well have been influenced by a tradition about the translation of the Law by a royal commission in an earlier period.

Ezra's mission was to implement the work of this commission, and we should probably assume that he was a member, at least *ex officio*. Artaxerxes' letter of appointment refers to Ezra in terms very similar to the terms used by Darius in describing the men to be appointed to the Egyptian legal commission. According to the Demotic account, Darius asked his satrap to appoint "the wise men (*rmt rh*) . . . among the military men, the priests (*w'bw*), and the scribes (*sh.w*) of Egypt" to the commission. Artaxerxes' letter twice calls Ezra a "priest and law-scribe." The second term means "legal expert" or, as NJPS translates, "scholar in the law." As a legal expert possessing "the wisdom of [his] god," Ezra was uniquely qualified to be a member of such a commission and to implement its conclusions.

Rabbinic traditions about Ezra point in the same direction, making him a member of a Great Assembly and associating him with two innovations: the Targum and the "Assyrian script." These traditions, which are generally dis-

⁶⁷ M. Greenberg informs me that a similar comparison was made by E. Bickerman. Bickerman pointed to the Aramaic translation of the Egyptian law code produced for Darius (and the Ptolemaic Greek translation of the Egyptian law code) as evidence that ancient governments sometimes undertook extensive translation projects and as confirmation of the traditional account of the origin of the Septuagint; see E. Bickerman, "The Septuagint as a Translation," in *Studies in Jewish and Christian History* (Leiden: Brill, 1976), 1:173–74 (reprinted from *PAAJR* 28 [1959]).

missed by modern scholars, need to be reexamined in the light of the Demotic text, which also speaks of an Aramaic version in "Assyrian script" produced by a great assembly. Such a reexamination should take a close look at terminology. For example, the Late Babylonian term *kiništu*⁶⁸ may be evidence that the term כְּנִישְׁתָּא רַבְתָּא ("the Great Assembly"), preserved in *Tg. Cant.* 7:3,⁶⁹ was at home in the Achaemenid period. Other evidence may show that "Assyrian script" was the term used by Darius for the official Aramaic script of his empire.⁷⁰

There is no way of knowing whether Ezra joined the commission early enough to participate in its work. Nevertheless, it is suggestive that a number of rabbinic sources from Palestine and, later, from Byzantium portray Ezra as a text critic using various strategies to deal with variant readings in the Torah.⁷¹ Perhaps we are to think of Ezra doing this work in his capacity as a member of the Great Assembly,⁷² long before Artaxerxes sent him to Jerusalem.

⁶⁸ The meaning of this term, a borrowing of Aramaic כְּנִישְׁתָּא, is controversial, and it may well have had several senses. M. J. Geller defines it as "a college of priests that met in the Temple to decide matters relating to the Temple and in addition acted as a court of law" ("The Influence of Ancient Mesopotamia on Hellenistic Judaism," in *Civilizations of the Ancient Near East* [ed. J. M. Sasson; New York: Scribner, 1995], 44). He believes that it sheds light on the origin of the Great Assembly, which he equates with the Sanhedrin.

⁶⁹ All of the members of the Great Assembly named there flourished during the period of the Persian legal project: Zerubbabel, Jeshua, Bilshan, Mordecai, Ezra, and Nehemiah.

⁷⁰ Old Persian *Aθurā*, presumably derived from Old Aramaic אַשּׁוּר ("Assyria"; pronounced [ʔAθu:r]), is used of the Transeuphratene satrapy in at least one of Darius's inscriptions; see P. R. Helms, "Greeks in the Neo-Assyrian Levant and 'Assyria' in Early Greek Writers" (doctoral diss., University of Pennsylvania, 1980), 298–301; M. Dandamayev, "Achaemenid Aθurā," in *Encyclopedia Iranica* (ed. E. Yarshater; London/New York: Routledge & Kegan Paul, 1987), 816. Darius was not the first to call Aram "Assyria." That usage is attested already in a Demotic text dated to year 41 of Amasis (529 B.C.E.) and may be attested even earlier in Greek; see W. Erichsen, "Erwähnung eines Zuges nach Nubien unter Amasis in einem demotischen Text," *Klio* 34 (1941): 57, 59; Helms, "Greeks," 21 n. 1; R. N. Frye, "Assyria and Syria: Synonyms," *JNES* 51 (1992): 282. Nor was he the first to use the term "Assyrian script"; however, he may well have been responsible for popularizing a change in the usage of that term. Before it was used of the Aramaic script, the term referred to cuneiform writing; it is used that way already in a hieroglyphic Luwian text from Carcemish dated to ca. 800 B.C.E.; see J. D. Hawkins, "Assyrians and Hittites," *Iraq* 36 (1974): 68 n. 6; and J. C. Greenfield, "Of Scribes, Scripts and Languages," in *Phoinikea Grammata* (ed. C. Baurain et al.; Liège/Namur: Société des Études Classiques, 1991), 179. The Greeks of the fifth century retain the old usage alongside the new one: C. A. Nylander, "ΑΣΣΥΡΙΑ ΓΡΑΜΜΑΤΑ: Remarks on the 21st 'Letter of Themistokles,'" *Opuscula Atheniensia* 8 (1968) 122 n. 16. The picture is, thus, far more complicated than I imagined when I wrote "Why the Aramaic Script Was Called 'Assyrian' in Hebrew, Greek, and Demotic," *Orientalia* 62 (1993): 80–82, and some of the conclusions of that article need to be revised accordingly.

⁷¹ See my "The Byzantine Biblical Commentaries from the Genizah: A 'Missing Link' in the Evolution of Biblical Exegesis," to appear in *Jewish Studies: An Internet Journal*.

⁷² In David Qimhi's paraphrase of the aforementioned sources, "the men of the Great Assembly" is substituted for Ezra (see again my "Byzantine Biblical Commentaries").

The relationship between Ezra's mission and the Persian legal project may be hinted at in Ezra 8:36: ויהנו את דתו המלך לאחשדרפני המלך ופחוות עבר הנהר "and they gave the king's edicts [lit., laws] to the king's satraps and the governors of Beyond the River."⁷³ It is well known that the expression used here, דתו המלך, is the plural counterpart of Late Babylonian *dātu ša šarri*, "the king's law." The use of this expression—instead of, say, "the king's letter(s)"—is noteworthy; cf. Neh 2:9: ואבוא אל פחוות עבר הנהר ואחנה להם את אנרות המלך "I came to the governors of Beyond the River, and I gave them the king's letters." What were these royal edicts/laws that Ezra delivered? Certainly, they must have included a copy of the king's letter to him. At a minimum, then, the verse describes Ezra's presentation of his credentials.

But there was probably more, as hinted by the plural. We have already seen that, in discussing the officials for whom the Aramaic translation of the Egyptian law code was intended, Bresciani specifically singles out the satrap.⁷⁴ If so, Ezra must have delivered to the king's satraps all of the דתו המלך relevant to his mission: the king's Aramaic edict mandating that he establish a new system of courts together with an Aramaic version, approved by the king, of the law (Old Iranian *dāta*) that his judges (Old Iranian *dātabara*) would be upholding.⁷⁵

Ezra's mission is, thus, the culmination of the work of a Jewish legal commission. After the commission presented the Jewish code to the Persian government in Aramaic translation and the government finally ratified it, he was sent to set up the mechanism for enforcing it.

Appendix I

Janzen's Linguistic and Stylistic Arguments against the Authenticity of Artaxerxes' Letter to Ezra

D. Janzen argues, on linguistic and stylistic grounds, that Artaxerxes' letter to Ezra is not authentic. He points to four "generic words that appear in the let-

⁷³ It has been claimed that this verse carries the absurd implication that Ezra "was able to give orders to the 'king's satraps and to the governors'" (Grabbe, "Ezra's Mission," 293). This analysis distorts the meaning of the Hebrew and ignores both the parallel in Neh 2:9 (see below) and the prevalent tradition (going back at least as far as AV) of translating ויהנו in this verse with "delivered" or the like. The expression "give orders to" in the sense of commanding a subordinate is an English idiom that is clearly inappropriate here, if only because the verse says explicitly that the orders or laws that he gave to the satraps and governors were the king's, not his own. This English idiom is quite different in meaning from the superficially similar Hebrew one found in Esth 3:14, 15; 9:14; etc.

⁷⁴ See n. 51 above.

⁷⁵ See Koch, "Ezra," 183: "The Egyptian parallel, the codification of the law of the forefathers and its introduction as a provincial law by the Persian government, included the delivery of an Aramaic copy of this law to the Persian authorities. I wonder if the edict of Artaxerxes did not also presuppose the delivery of an Aramaic copy of the Torah to the Persian court."

ter that suggest a Palestinian rather than a Persian or Babylonian origin of the letter": כל קבל ("in accordance with"), רעו(ה) ("will [n.]"), קצף ("wrath"), רמא ("throw").⁷⁶ The Aramaist will find this claim rather startling—especially as regards רמא, which is found in Jewish Babylonian Aramaic, Mandaic, and Pehlevi (as an Aramaic logogram), not to mention Syriac and (according to some) Palmyrene.⁷⁷ How many Aramaic words can boast of being better attested in Eastern Aramaic, including the Aramaic of Persia and Babylonia? As for רעו(ה) and קצף, they are found in Jewish Babylonian Aramaic (see below) and Syriac, respectively.⁷⁸

It is only by arbitrarily excluding all of these data that Janzen is able to cite the last three lexical items as evidence for his claim. Janzen does not bother to defend this exclusion or even to mention the excluded data; he simply restricts his discussion to "epigraphical Aramaic," as though the reason for this were self-evident. But exclusion of data is hardly what one would expect in the presentation of an argument from silence. Such an argument needs to rest on the largest possible database if it is to escape the charge of statistical insignificance.

In one case, however, Janzen makes a more daring claim: "The term רעו is unknown in any dialect of Aramaic beyond that spoken in Palestine."⁷⁹ In the next breath, however, Janzen says that it "is found in Rabbinic Aramaic," citing Jastrow, 1486. What he does not say is that one of Jastrow's examples—ברעוהו נפשיה, "of his own free will"—is from the *Babylonian* Talmud and exhibits *Babylonian* Aramaic. Janzen's categories—"epigraphical Aramaic" versus "Rabbinic Aramaic" (instead of the usual "Eastern Aramaic" versus "Western Aramaic")—have certainly led him astray. ברעוהו נפשיה is an excellent Babylonian parallel to רעוהו מלכא in Artaxerxes' letter. It would be difficult to imagine an argument from silence that would be convincing in these circumstances.

Actually, it would be quite surprising if רעו(ה) were not found in Eastern Aramaic in the Persian period. That is because the root goes back to Proto-Semitic (as Janzen himself notes), and the pattern (with the abstract *-ūt* ending) is probably attested already in the fourteenth century B.C.E.⁸⁰ The same is true, *mutatis mutandis*, for the verb רמא. Janzen's claim is thus tantamount to a claim that these words had become obsolete outside of Palestine by Ezra's time, despite the fact that they are attested later in Syria, Babylonia, and Persia. Does

⁷⁶ Janzen, "'Mission' of Ezra," 628–29.

⁷⁷ See the standard dictionaries.

⁷⁸ See the standard dictionaries.

⁷⁹ Janzen, "'Mission' of Ezra," 628.

⁸⁰ The word אסיה ("healing"), with the same pattern and root type as רעוהו, appears in hieratic transcription as *ʿs-t-m* in the London Medical Papyrus; see my "Northwest Semitic Incantations in an Egyptian Medical Papyrus of the Fourteenth Century B.C.E.," *JNES* 51 (1992): 195; and my "The London Medical Papyrus," in *The Context of Scripture* (ed. William W. Hallo and K. Lawson Younger, Jr.; Leiden: Brill, 1997), 1:328.

Janzen believe that these words disappeared from Eastern Aramaic and then reappeared? If so, on what basis?

Janzen's first example, *כל קבל*, has more substance. As he notes, the form found outside of Palestine is *לִקְבַל*. But this could easily be one of those small changes that inevitably creep in when a document is copied by speakers of a different dialect. There are other examples of such small changes in this document, and Janzen has rightly ignored them.

What about the Persian loanwords (*אִסְפְּרָנָא* [3x], *גְּנִי*, *גּוּבְרִיא*, *גּוּרְדָא*, *אֲדָרְדָא*, *שְׂרָשִׁי*, *אֲדָרְדָא*, *גּוּבְרִיא*, *גְּנִי*, *הָהּ* [6x]) in the letter? Can they really be ignored in an article proposing "a Palestinian rather than a Persian or Babylonian origin of the letter" based on its vocabulary? They would seem to be at least as relevant to the question as the common Aramaic terms mentioned above, and yet Janzen does not discuss them at all. Indeed, were it not for a statement that H. G. M. Williamson argues for the letter's authenticity based on "its Persian loanwords,"⁸¹ there would be no mention of them in the article. If Janzen wishes to dismiss them, he needs to show that all of these words were in common use in Palestine during the period to which he dates the letter and that the density of Persian words exhibited by this text (expressed as a percentage of the total) is typical of Palestinian compositions.

Janzen's stylistic arguments are equally unconvincing. He asserts that "the introduction of direct discourse with the particle *וְ* is unlikely to have originated from the hand of a Persian official."⁸² He also knows that "the style that the letter uses to convey these orders is not what we expect in a piece of official Persian correspondence. We expect the phrase *PN kn 'mr* followed by an imperative, but nothing of the sort occurs here."⁸³ One would hardly guess from these confident assertions that not a single Aramaic royal edict from the Persian empire is available for comparison with the letters in the Bible. In the words of Grabbe: "it must be acknowledged that we have only *one* royal letter generally admitted as genuine, and this is only in Greek translation. . . ."⁸⁴

Let us begin with the second of Janzen's stylistic arguments:

Even if Ezra's mission had come completely at the monarch's initiative, we would still expect Artaxerxes to employ the usual phrases of command found in official Persian correspondence. When Arsames issued an order, he employed the phrase *כַּעַת אֲרִשֵׁם כִּן אֲמַר*, "Now, Arsames says thus: . . ." In this way was a command from a superior communicated; yet it is a phrase that never appears in the Artaxerxes letter.⁸⁵

⁸¹ Janzen, "'Mission' of Ezra," 622.

⁸² *Ibid.*, 627.

⁸³ *Ibid.*

⁸⁴ Grabbe, "Ezra's Mission," 292 n. 16.

⁸⁵ Janzen, "'Mission' of Ezra," 627.

Now, one may question the assumption that the style of a royal firman must conform to the style of a satrap's letter. Is it not possible, for example, that Arsames writes כעת ארשם כן אמר because he is not entitled to write בני שים מעם, "I hereby decree [lit., from me an order is hereby issued]"? But even if we accept Janzen's assumption, his assertion is at variance with the facts.

Porten's stylistic study of the Artaxerxes letter is important here,⁸⁶ but there is no mention of it in Janzen's article. Porten notes that many of the official letters found in Egypt have a command beginning with "you" following a reference to a letter having been sent. However, the command is not invariably introduced by *PN kn ʿmr*; there is an alternate pattern without that introduction.⁸⁷ Among Porten's examples, there are two in which the two patterns contrast neatly: a pair of letters, one from Arsames and the other from Prince Varuvahya, written to the same person about the failure of Varuvahya's official, Hatubasti, to deliver the rent for Varuvahya's domains. In Arsames' letter (*TAD* A6.13.4 = Driver 10.4), the order begins: כעת ארשם כן אמר אתם הנדרו עבדו, "Now, Arsames says thus: 'You, issue instruction to Hatubasti, official of Varuvahya.'" The parallel order in Varuvahya's letter (*TAD* A6.14.2-3 = Driver 11.2-3) begins: כ[ע]ת אתם אתנצח[ו] והנדרוא עבדו לפקידא [ו]י[ל], "Now, you, be diligen[t] and issue instruction to [m]y official." Another good example of the second pattern (without *PN kn ʿmr*) cited by Porten is from the Passover Letter (*TAD* A4.1.3 = Cowley 21.3), where the order begins: כעת אתם כן מנו, "Now, you thus count." Thus, Janzen's stylistic rule is invalid.

Even if Janzen's stylistic rules were valid, they would be irrelevant, because they apply only to "administrative correspondence sent in reply to an earlier query."⁸⁸ Artaxerxes' letter to Ezra does not belong to this category; it is more like *TAD* A6.16.1 = Driver 13.1, where we find ובע[ת] אנ[ת] אתנצח, "and no[w, yo]u, be diligent," immediately after the salutation. Despite this, Janzen maintains that this failure to cite a letter from Ezra is itself evidence that the letter is not authentic:

So had Ezra desired to return to Jerusalem to attend to matters within the cultus there, he would have sent a request to the king, who, in his reply, would have cited this request verbatim. Ezra would not, as Meyer suggested, have written a letter for Artaxerxes to sign. The lack of quotation of the kind that we have seen above speaks against the letter's authenticity. Now, one could argue that Ezra's journey was Artaxerxes' idea and that there was no original request on the part of the Judean that [sic] his mission originated in the mind of Artaxerxes. If that were the case, however, it

⁸⁶ B. Porten, "The Mission of Ezra," *Shnaton* 3 (1978-79): 186-89.

⁸⁷ *Ibid.*, 187.

⁸⁸ Janzen, "'Mission' of Ezra," 627.

becomes difficult to explain the letter writer's detailed knowledge of aspects of the Jerusalem cultus.⁸⁹

If Artaxerxes' letter is the result of a joint effort of the Persian government and a Jewish legal commission, however, it is hardly surprising that the letter reflects knowledge of the Jerusalem cult.

Janzen's other stylistic argument against the authenticity of the letter is based on an interpretation of 7:21 that few English-speaking scholars share:

In 7:21–24, Artaxerxes apparently quotes a letter that he has sent to his treasurers, informing them that they are to supply the Jerusalem temple with a certain amount of provisions. This type of quotation clearly falls within the epistolary tradition of the Persian administration. A difficulty, however, lies with its introduction. Artaxerxes leads into the quote this way: וּמִנִּי אֶתְּנָה, אֲרַתְּחַשְׁתָּהּ מִלְּכָא שִׁים טַעַם לְכָל גְּזַבְרֵיָא דִּי בְעֵבֵר נְהָרָה דִּי אַרְטַחְשֶׁרְסָה, “And from me, I, Artaxerxes the king, an order has been given to all the treasurers who are in Across-the-River, saying: . . .” (7:21). Nowhere in the extrabiblical Persian-period governmental correspondence do we find a quotation of another letter introduced with the relative particle וּ or וּי.⁹⁰

This passage is problematic. Janzen's use of the term “relative particle” makes it appear that he is referring to the first וּ, for the second וּ is not a relative particle by any definition. Nevertheless, he must be referring to the second וּ, which he has translated as “saying.”

A more substantive problem is Janzen's translation of שִׁים טַעַם מִנִּי with “from me . . . an order has been given” in 7:21. The past tense of this translation, implying the existence of a previous letter, is crucial to his argument, but it is well known that passive שִׁים can be either a participle or a perfect in Biblical Aramaic. Thus, the phrase שִׁים טַעַם מִנִּי clearly contains a participle and has the meaning “from me an order is hereby issued” in Ezra 6:8, 11; 7:13; and Dan 3:29.⁹¹ If it has the same meaning in Ezra 7:21, the second וּ is completely natural, even according to Janzen's criteria, and there is no justification for trans-

⁸⁹ Ibid., 626.

⁹⁰ Ibid., 626–27.

⁹¹ Cf. שִׁים as passive participle in BH, e.g., Num 24:21 and Obad 4. In Hebrew too, we find the performative (“hereby”) expressed by the participle in the Persian period, instead of the perfect used in the preexilic period; see my “Ancient Hebrew,” in *The Semitic Languages* (ed. R. Hetzron; London: Routledge, 1997), 158. Thus, 1 Kgs 3:12, הִנֵּה נְתַתִּי לְךָ לֵב חָכֵם וְנָבוֹן, “I (hereby) grant you a wise and discerning mind,” is reformulated as 2 Chr 1:12, הַחֲכֵמָה וְהַמִּדְעָה נָתַתִּי לְךָ, “wisdom and knowledge are (hereby) granted to you.” For the use of the passive (שִׁים, נְתַתִּי) rather than the active, see E. Y. Kutscher, “Two ‘Passive’ Constructions in Aramaic in the Light of Persian,” in *Proceedings of the International Conference on Semitic Studies* (Jerusalem: Israel Academy of Sciences and Humanities, 1969), 148–51; reprinted in E. Y. Kutscher, *Hebrew and Aramaic Studies* (ed. Z. Ben-Hayyim et al.; Jerusalem: Magnes, 1977), 86–89.

lating it as “saying.” Janzen makes no attempt to defend his assumption about $\square\psi$, despite the fact that almost all English versions, from the time of AV until today, translate it with the present tense in this verse. If it is true that taking ψ as a perfect makes the second η unnatural, then the proper conclusion to be drawn is that ψ is a participle, not that the letter is a fabrication.

Appendix 2

The Qumran מִבְּקָר and the Nabatean מִבְּקָרָא

Much has been written about the Qumran official known as the מִבְּקָר, whose duties are described in the *Damascus Covenant* and the *Community Rule*. It has been shown that those duties “concentrate particularly on three areas: admission into the community (4QD^a 5 i 14; CD 13:13; 15:8, 11, 14), the administration of finances and supervision of trade (1QS 6:20; CD 13:16; 14:13), and judicial proceedings (CD 9:18, 19, 22; 14:11–12; 4QD^a 11:16; see also 4Q477).”⁹² However, the origin of the office and the term has yet to be fully clarified.

Based on the role of the מִבְּקָר in admitting new members, S. Schechter compared him to the Roman censor, whose original duty was to register citizens and their property. “Such an office,” he wrote, “entirely unknown to Judaism, could have been only borrowed from the Romans.”⁹³ Although I. Lévi and R. H. Charles accepted this comparison,⁹⁴ other scholars did not. E. Meyer objected to the connotations of the term: “‘Censor’, womit Schechter ihn übersetzt, berücksichtigt nur eine Seite seiner Tätigkeit und erweckt überdies als römischer Amtstitel falsche Vorstellungen.”⁹⁵ M. H. Segal attempted to replace Schechter’s theory of borrowing with a theory of internal evolution:

The מִבְּקָר must have been originally the officer entrusted with the examination of charges against members of the Sect. and also with the examination of neophytes and repentants; . . . Gradually, however, his powers and influence extended, until he became the direct ruler of the community. The office of

⁹² C. Hempel, “Community Structures in the Dead Sea Scrolls: Admission, Organization, Disciplinary Procedures,” in *The Dead Sea Scrolls After Fifty Years* (ed. P. W. Flint and J. C. VanderKam; Leiden: Brill, 1999), 2:81. I am indebted to M. J. Bernstein for this reference.

⁹³ S. Schechter, *Fragments of a Zadokite Work*, vol. 1 of *Documents of Jewish Sectaries* (Cambridge: Cambridge University Press, 1910), XXIII n. 41.

⁹⁴ I. Lévi, “Un écrit sadducéen antérieur à la destruction du Temple,” *REJ* 61 (1911): 195; R. H. Charles, “Fragments of a Zadokite Work,” in *APOT*, 787, 824.

⁹⁵ E. Meyer, *Die Gemeinde des neuen Bundes im Lande Damaskus* (Abhandlungen der Preussischen Akademie der Wissenschaften 1919, Phil.-Hist. Klasse 9; Berlin: Verlag der Akademie der Wissenschaften, 1919), 46 n. 4.

the מבקר is thus of native origin, and has no connection with the Roman Censor (as supposed by the editor, . . .).⁹⁶

Neither theory has stood the test of time. A. R. C. Leaney writes that, unlike the episcopacy, whose evolution can be traced, "there is no history of the office of *mebaqqer*."⁹⁷

The origin of the title is equally problematic. Some scholars view the term as being isolated. Leaney writes that "the term is not found elsewhere in OT or later Hebrew, although the participle of a common enough verb."⁹⁸ Similarly, J. H. Charlesworth reports that מבקר is "a term found at Qumran only in the Damascus Covenant and in the Rule of the Community, but nowhere else in other Jewish literature, including the apocryphal compositions and rabbinic writings."⁹⁹

According to other scholars, the term has biblical roots. This view appears already in F. F. Hvidberg's discussion of the phrase כרועה עדרו in CD 13:9, a passage that describes the duties of the מבקר. Earlier scholars had connected כרועה עדרו to Isa 40:11.¹⁰⁰ Hvidberg initially does too, but then he goes on to ask: "Is this expression derived from Isa 10:11 [sic, for 40:11] or [is it] from Ezek 34:12 כבקר רעה עדרו and the name מבקר taken from there?"¹⁰¹

C. Rabin tries to settle the matter in favor of Hvidberg's second alternative by creating a second allusion to Ezek 34 in that passage.¹⁰² He reads the line in question as ויש[יב] לכל לכל מרהובם כרועה עדרו and then emends it to ויש[יב] לכל לכל, "and he shall bring back all those among them that have strayed, as a shepherd, his flock," producing an allusion to Ezek 34:16, ואח והנחתי אשבי, "and I will bring back the strayed."¹⁰³

Weinfeld states unequivocally that "the two titles which we find in the Qumran sect writings, פקיד and מבקר, have roots in Biblical literature."¹⁰⁴ Like Rabin, Weinfeld finds the biblical roots of the title מבקר in Ezek 34:12.¹⁰⁵

⁹⁶ M. H. Segal, "Additional Notes on 'Fragments of a Zadokite Work,'" *JQR* n.s. 3 (1912-13): 311.

⁹⁷ A. R. C. Leaney, *The Rule of Qumran and Its Meaning* (Philadelphia: Westminster, 1966), 189.

⁹⁸ *Ibid.*

⁹⁹ J. H. Charlesworth, "Community Organization: Rule of the Community," in *Encyclopedia of the Dead Sea Scrolls* (ed. L. H. Schiffman and J. C. VanderKam; Oxford: University Press, 2000), 1:135.

¹⁰⁰ Lévi, "Écrit sadducéen," 202 n. 4; M.-J. Lagrange, "La secte juive de la nouvelle alliance au pays de Damas," *RB* 21 (1912): 236; Charles, "Fragments," 831.

¹⁰¹ F. F. Hvidberg, *Menigheden af den nye Pagt i Damascus* (Copenhagen: G. E. C. Gad, 1928), 173.

¹⁰² C. Rabin, *The Zadokite Documents* (2d ed.; Oxford: Clarendon, 1958), 65, line 9, nn. 3 and 5. The siglum ¶ in these two footnotes stands for "allusion or reminiscence" (*ibid.*, xiii).

¹⁰³ Rabin, *Zadokite Documents*, 65; see also Thiering, "Mebaqqer and Episkopos," 66.

¹⁰⁴ Weinfeld, *Organizational Pattern*, 20.

¹⁰⁵ *Ibid.*

However, Rabin's second allusion disappears if we follow recent scholarship in rejecting the reading [ישׁ]ב in favor of וישקוד or וישקה.¹⁰⁶ That takes us back to the original form of Hvidberg's suggestion. That suggestion is very ingenious, but is it convincing? After all, if the author of the description really meant to connect מבקר with עדרו רעה בבקרת רעה, why did he omit the word בבקרת? Moreover, even if it could be shown that the author believed the term to be derived from Ezek 34:11, that derivation would have to be viewed as a midrashic folk etymology.

Based on the above discussion, it appears that the title מבקר does have a biblical antecedent—not the Aramaizing infinitive בקרת in Ezekiel but the very similar Aramaic infinitive לבקרא in Ezra's letter of appointment from Artaxerxes (Ezra 7:14). This conclusion raises new questions. Did the Achaemenid מבקרא evolve into the Qumran מבקר? If so, how? One could point to the role of the latter in judicial proceedings, noted above, as a key link between the two, but more evidence will be needed before these questions can be answered.

Another question that must be left open concerns the Nabatean title מבקרא. Although it is well attested, its interpretation "is not at all certain."¹⁰⁷ As a result, the connection between the Qumran מבקר and the Nabatean מבקרא is far from clear.

Most of the attestations of the latter are from one site: a Nabatean sanctuary at Jebel Moneijah in Southern Sinai.¹⁰⁸ The sanctuary contains stele-shaped stones carved with inscriptions commemorating various individuals, who are accorded titles such as אכפלא/אפכלא, כהנא, and מבקרא. Since the first two are clearly sacerdotal titles, it is generally agreed that מבקרא is one as well.¹⁰⁹

The title מבקרא is applied to four different individuals in four different inscriptions. In one of the four inscriptions, the name is of interest in addition to the title. It reads דכיר אלמבקר בר זידו מבקרא.¹¹⁰ If this individual was given the Arabic name אלמבקר at birth in the expectation that he would eventually hold the office of מבקר, then the office was probably hereditary among the

¹⁰⁶ Both of these readings are possible, according to E. Qimron, "The Text of CDC," in *The Damascus Document Reconsidered* (ed. M. Broshi; Jerusalem: Israel Exploration Society, 1992), 35. The latter is preferred by *The Dead Sea Scrolls Study Edition* (ed. F. García Martínez and E. J. C. Tigchelaar; Leiden: Brill, 1997), 1:572. The former, by *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations* (ed. J. H. Charlesworth et al.; Tübingen: J. C. B. Mohr, 1995), 2:54 and 55, n. 199; J. M. Baumgarten, *Qumran Cave 4 XIII: The Damascus Document (4Q266–273)* (DJD 18; Oxford: Clarendon, 1996), 109; C. Hempel, *The Laws of the Damascus Document: Sources, Tradition and Redaction* (Leiden: Brill, 1998), 114, 122.

¹⁰⁷ A. Negev, "A Nabatean Sanctuary at Jebel Moneijah, Southern Sinai," *IEJ* 27 (1977): 221.

¹⁰⁸ *Ibid.*, 219–31.

¹⁰⁹ The only exception that I know of is J. Levinson, "The Nabatean Aramaic Inscriptions" (doctoral diss., New York University, 1974), 140, where it is taken to mean "visitor."

¹¹⁰ Negev, "Nabatean Sanctuary," 223.

Nabateans. Outside of Jebel Moneijah, the title מִבְּקָרָא is rare, but the name מִבְּקָרָא אֱלִמְבַּקְרוּ Αλμοβακκερου is widespread.¹¹¹

What precisely was the function of the מִבְּקָרָא? Since the texts provide no answer to that question, scholars have fallen back on etymology. They have usually assumed that he was “a priest who was in charge of examining the sacrificial victims.”¹¹² This assumption finds some support in rabbinic literature. In the Mishnah (*Tamid* 3:4, *Arak.* 2:5), בִּקְרָא refers to examination of animals before they are sacrificed to ensure that they are unblemished. And it is reported in the name of the third-century Palestinian *amora* R. Ammi that the מִבְּקָרָא מוֹמִין שְׁבִירוּשָׁלַיִם, “examiners of blemishes in Jerusalem” (*b. Ketub.* 106a), or the מִבְּקָרָא מוֹמֵי קִרְשִׁים, “examiners of blemishes of sacrificial animals” (*y. Šeqal.* IV, ii, 48a), were paid for their services with coins withdrawn from the Shekel Chamber.

At the same time, this rabbinic usage raises serious doubts about Mowinckel’s conjecture that the Nabatean term “is used about a cultic person, probably a vaticinator of the sacrifice.”¹¹³ Mowinckel’s attempt to extend this conjecture to the *Damascus Covenant* is even less convincing:

In the sect of Damascus *mēbhaqqēr* is known to indicate the administrative and judicial leader of the sect, corresponding to *episkopos*. Among other things he is to “instruct (the priest) in the interpretation of the tora” and see to it that the “casting of lots” . . . was performed in the proper way, when matters of dispute were to be decided. This seems to suggest that *mēbhaqqēr* originally indicated the person who “distinguishes,” “discriminates” between the oracular tokens, who gives oracles of some kind or other.¹¹⁴

This conjecture has rightly been ignored by Qumran scholars. Indeed, the conventional view of the function of the Nabatean מִבְּקָרָא makes it difficult to find a connection with the מִבְּקָרָא at Qumran. Weinfeld’s view that the Nabatean מִבְּקָרָא was a supervisor¹¹⁵ makes matters simpler, but it too is only a conjecture at the moment. New evidence will be required to clarify the function of the Nabatean מִבְּקָרָא.

¹¹¹ *Ibid.*, 227; J. Cantineau, *Le nabatéen* (Paris: Ernest Leroux, 1930–32), 38 (top); *DNWSI*, 187.

¹¹² Negev, “Nabatean Sanctuary,” 229. Similarly, *DNWSI*, 187 s.v. *bqr*₁. Cf. already the suggestion that the meaning of Nabatean *mubaqqiru* is “vielleicht Opferschauer” in G. von Rad, “Gerechtigkeit’ und ‘Leben’ in der Kultsprache der Psalmen,” in *Festschrift Alfred Bertholet* (Tübingen: J. C. B. Mohr, 1950), 430 n. 1.

¹¹³ S. Mowinckel, *The Psalms in Israel’s Worship* (trans. D. R. Ap-Thomas; Nashville: Abingdon, 1962), 2:54 n. 5.

¹¹⁴ *Ibid.*

¹¹⁵ Weinfeld, *Organizational Pattern*, 21.