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# IS THE EXPULSION OF WOMEN AS FOREIGNERS IN EZRA 9-10 JUSTIFIABLY COVENANTAL?

## ABSTRACT

A surface reading of Ezra 9-10 gives the impression that the Abrahamic and Mosaic covenants' codes concerning foreigners justify the expulsion of the so-called foreign women by Ezra and his associates. Consequently, the story has generated various viewpoints among Old Testament scholars. However, in this article, the author has attempted to show that Ezra and his associates did not provide convincing reasons for these massive expulsions. Rather, it appears, the expulsion was based upon a partial or narrower view and interpretation of the Abrahamic and Mosaic covenants' codes concerning foreigners. A close reading of the story and the purported covenants' codes concerning foreigners reveals that first, these women were not foreigners as presupposed by Ezra and his associates; second, had the reformers adopted a more holistic or broader perspective and interpretation of the Abrahamic and Mosaic covenants' codes about foreigners, it would have yielded a more positive, accommodating and inclusive disposition towards the so-called foreign women.

## 1. INTRODUCTION

The expulsion of women as foreigners in Ezra 9-10 gives the impression that the Abrahamic and Mosaic covenants' codes concerning foreigners justify these heart-breaking reforms. As a consequence, the story has been viewed variously in Old Testament scholarly circles. Some have observed it as attempts to preserve the identity and culture of the Jewish returned exiles (Smith-Christopher 1994:123; Dyck 1996:100 & Williamson 1985:160). Others have shared the impression that intermarriage in Ezra's perspective was directly associated with the subject of obedience to

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Yahweh's ordinance (Hoglund 1992:35). In other words, Ezra wanted the *golah* community to maintain religious purity (Anderson 1966:165). Yet, there is also another feeling that the so-called intermarriage in Ezra 9 and 10 threatened the economic stability of the Province of Yehud by threatening its land base and therefore necessitated the current social reforms (cf Dyck 1996:102; Farisani 2004:40).

However, this author has viewed this supposed intermarriage reforms with a great dismay because of the following reasons: first, the so-called foreign women were not necessarily foreigners as presupposed by the reforms of Ezra and his associates. But, second, Ezra and his associates used a narrower view by appealing to the Abrahamic and Mosaic covenants' codes concerning foreigners to expel the supposed foreign women. On the contrary, a close reading of the story and the purported covenants' codes concerning foreigners leads the author to an alternative impression that, if an inclusive understanding and interpretation of the Abrahamic and Mosaic covenants' codes concerning foreigners had been adopted by Ezra and his associates in their social reforms, the so-called foreign women would not have been expelled because they were simply Jews who did not go into the Babylonian exile.

## 2. A CRITICAL EVALUATION OF THE SO-CALLED INTERMARRIAGE REFORMS IN EZRA 9-10

The literary account of Ezra 9:1-10:44 is told from an exclusivist viewpoint. Part of the story, especially Ezra 9:1-15, is a first person narrative, probably described by Ezra himself. The remaining portion, particularly Ezra 10:1-44, is recounted by some other persons or author(s)/editor(s), while Ezra and his associates are referred to in the third person. Immediately following the coming of Ezra in Jerusalem, he noticed a serious religious deviation among the alleged 'holy race'. This alleged anomaly was intermarriage (cf Ezr 9:1-2<sup>1</sup>). Ezra spends a lot of time handling this apparent fundamental religious and social misconduct (cf Ezr 9:3-10:44). The alleged problem was this:

- First, that the people of Israel (*golah* community) have joined the "peoples of the land" in their abominations; and
- Second, that they have also mingled the "holy seed" with the "peoples of the land" by intermarrying with them (cf Ezr 9:1-2).

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1 Ezr 9:2 says: **וְרַע הַתְּעָרְבוּ זֵרַע הַקֹּדֶשׁ בְּעַמֵּי הָאֲרָצוֹת** (i.e. They [the returned exiles] have mortgaged the holy seed with the people of the land).

The above allegation appeared to reveal that there were three social/ethnic groups identified in Ezra 9:1-2 in relation to the so-called intermarriage problem:

- First, it was the returned exiles (the *golah* community – holy seed/ race – Israel)
- Second, it was the ‘peoples of the land’ (the Jews who did not go into exile but were supposedly redefined as non-Jews or non-Israel) and
- Third, the text mentions the Canaanites, Hittites, Perezites, Jebusites, Ammonites, Moabites, Egyptians and Amorites.

From the above description of the various social groups mentioned in this story, it should become obvious that those who are labelled “the peoples of the land” (i.e. the second group cf. Ezra 9:1-2) are different from the third group, that is, the Canaanites tribes (Breneman 1993:148). But what appears to be the main problem here is that the practices of “the peoples of the land” (the second social group) are alleged to have been similar to that of the third group, namely, the Canaanites, Hittites, Perizzites, Jebusites, Ammonites, Moabites, Egyptians, or Amorites (cf Breneman 1993:148). In other words, the second group (“the peoples of the land”) is not considered as part of the third group (the Canaanites’ tribes). Rather, the attitude of the second group is simply compared or likened to that of the third group. Therefore, the *golah* community or returned exiles (the first group) who got married to “the peoples of the land” (the second group) are alleged to have adopted the life style of the Canaanites tribes (the third group). It is not that, the first group (the returned exiles) had directly intermarried with the third group (the Canaanites tribes). Rather, the returned exiles (the first social group) got married to the “peoples of the land” (the second social group i.e. those Jews who did not go into exile). Apparently, this was deemed sinful by Ezra and his associates based on their narrow view of the Abrahamic and Mosaic covenant codes concerning foreigners. This allegation, to me is not convincing.

A close reading and examination of Ezra 9 and 10 reveals that “the peoples of the land” are those Jews who did not go into exile; rather, they remained in the land of Judah during the Babylonian exile. Unfortunately, these remnants were excluded from the *golah* community as non-Israel (Klein 1999:733). Nonetheless, I am in support of those who have shared the conviction that the “peoples of the land” were Jews who had not gone into the Babylonian exile (or at least, they were partly Jewish from the descendants of the Moabites and Edomites). Whereas the Canaanites tribes mentioned in Ezra 9 had ceased to exist during the period of the

reforms of Ezra and his associates (Clines 1984:119 and Blenkinsopp 1989:175).

The above conclusion finds support from a research conducted by Eskenazi and Judd (1994:266-285) on the sociological and theological classification of the strange women in Ezra 9-10. Their findings suggested that these women, classified as strangers or foreigners, were not really strangers as the editor(s)/author(s) of the book of Ezra may have presupposed. The women were Judahites or Israelites who had never gone into either the Assyrian or the Babylonian exile (cf Grabbe 2000:15). Thus, it may have happened that the early Jewish returnees saw these so-called foreign women as appropriate marriage partners. Another factor which has convinced me to adopt the view that these women were not foreigners is the fact that Ezra 9:1-2 does not recognize these women as Ammonites or Canaanites people because they were not. Rather, it seems to me that the notion of redefining the identity of true Israelites during the early post-exilic period may have made these women to be considered or labelled as foreigners (cf Grabbe 1998:138; Knoppers 2001:29).

If these women were not foreigners as was alleged, why was the *golah* community accused of intermarriage with “the peoples of the land”? It is evident that there are prohibitions of intermarriages with heathen nations in Deuteronomy 7:1-6. Thus, could it be that the editor(s)/author(s) of Ezra 9 and 10 narrative brought a list of heathen nations together probably from Genesis 15:19-21; Exodus 3:8, 17; 33:2; 34:11; Nehemiah 9:8 and Deuteronomy 7:1-6 et cetera, in order to show that there was prohibition of intermarriage with heathen nations in the *torah*? If this was the reason why the prohibition of intermarriage was applied to this new post-exilic situation, it seemed, the reformers had missed the point of the Abrahamic and Mosaic covenants’ codes concerning foreigners. This is because the covenants’ codes and the deuteronomic Law did not prohibit intermarriage between the Israelites and the Edomites or the Egyptians (Clines 1984:119; cf Dt 23:7). My viewpoint is therefore that Ezra and his associates re-interpreted the Abrahamic and Mosaic covenants codes as well as the deuteronomic law (cf Dt 7:3-4) concerning intermarriage with foreigners and re-applied it to the new situation to support their current religious and social exclusive reforms (Clines 1984:119).

In as much as “the peoples of the land” are shown to have been the Jews who did not go into exile, the attitude of Ezra towards them in this story is emotionally very disheartening. When he heard the charge against the returning exiles (Ezr 9:1-2), he broke in tears, rends his clothes, and pulls out his hair and sits down for the whole day (cf Ezr 9:3). Everyone who trembled at this incident joined Ezra in his self-abasement (9:4). Ezra

confessed Israel's alleged sin later in the evening (cf Ezr 9:5-10:4). He made the case appear very serious: intermarriage between these returned exiles and "the peoples of the land" constituted a serious breach of Yahweh's covenant with Israel via his prophets. The tone of Ezra's speech suggest that the commands referred to here were thought to have come from the Mosaic covenant (cf Ex 2:24, 25; 3:6-18; 19:1-24:18; Dt 1:8, 10, 11; 6:3-12, 18) which is the fruit of the Abrahamic covenant (Gn 15:1-19 and 17:1-27).

The narrative (Ezr 10:3) makes it obvious that the only alternative solution to the above alleged problem was the renewal of the covenant. The covenant between Yahweh and the *golah* community or the holy race/seed must be renewed. During such a ceremony, every person who is alleged to have married the so-called foreign women was required to divorce that partner together with their children. This proposal meant that there should be a complete separation from those who are deemed outsiders or foreigners. In as much as the allegation of marrying foreign women was unconvincing, most people accepted the plan to divorce their so-called foreign women (Ezr 10:10-15). But a handful of people did not accept the proposal (cf Keil & Delitzsch 1975b:131). Could it be that the four people mentioned in Ezra 10:15 took a more rigid and exclusive approach than the divorce proposal? (Klein 1999:742-743; Williamson 1985:156-157). Or could it be that the four people actually opposed the divorce proposal? Were these people more sympathetic towards the alleged foreigners than the majority of the returnees who accepted the divorce proposal? (Keil & Delitzsch 1975b:131).

The fact that the stance of the four men is not explained in this passage suggests that they were against the decision to divorce the alleged foreign women (cf Allen 2003: 80). But it is most likely that the whole community may have prevailed over the four men despite their refusal to divorce their wives and children. Thus, since the voice of the majority takes precedence, the divorce proceedings were carried out on the insistence of the majority. Finally, those who opposed the divorce proposal were ignored or silenced (cf Ezr 10:15; see Van Wyk & Breytenbach 2001:1256). As a consequence, the process of divorce took its painful toll upon the alleged foreign women and their children (cf Ezr 10:18-44).

In view of the divorce proceedings, the question may also be asked: which book of the Law did Ezra use as his basis for this painful divorce solution? Did Ezra and his associates derive the law prohibiting intermarriage from Deuteronomy 7:3<sup>2</sup>? Grabbe (1998:146-147) is with the opinion that the book of the Law (or Moses) referred to in several passages

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2 Dt 7:3 "Furthermore, you shall not intermarry with them; you shall not give your daughters to their sons, nor shall you take their daughters for your sons."

by Ezra and Nehemiah may have been the complete Pentateuch (cf also Graham 1998:206). This does not mean that the Law book was the final copy as we have it in the canon today. It only means that Ezra had all five books of the Pentateuch in his Law book. Grabbe (1998:146-147) also noted that Ezra and Nehemiah contain several passages that have been derived from all the five books of the Pentateuch.

Thus, Deuteronomy 7:3 was likely the basis from which Ezra administered his social or intermarriage reforms. Consequently, it looks to me that the author(s)/editor(s) of Ezra re-interpreted this passage in a peculiar way in order to support this social exclusion (cf Blenkinsopp 1988:200-201). It is evident from the context of Deuteronomy 7:3 that idolatry was the focus of the prohibition. Nowhere in the Pentateuch do we find an explicit rejection of intermarriage without the worship of foreign deities as the main reason for that prohibition (cf also Breneman 1993:149; Williamson 1985:130-131).

It is a further question of how Ezra would interpret other biblical passages<sup>3</sup> that clearly contained cases of intermarriage between the Israelites and other people or foreigners. The above mentioned passages show that foreigners who embrace Yahweh, the God of Israel, could intermarry legitimately with the people of Israel. Ezra referred to Moses' law as the basis on which his divorce proceedings were sustained. But Moses is reported to have married an African woman<sup>4</sup> (cf Nm 12:1-3). Therefore, it can be argued that Ezra re-interpreted the deuteronomic passage or a related law to support his exclusive intermarriage reforms.

However, it is a fact that Ezra's decision concerning intermarriage was unacceptable to some other people (cf Ezr 10:15<sup>5</sup>). The passage provides a hint of this opposition but fails to tell what really happened to those who opposed Ezra's divorce proposal. Were these opponents excluded from Israel together with their families or were they allowed to remain among the supposed "holy race" (seed)? The text is silent on that aspect, but the

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3 See e.g. the cases of Tamar in Gn 38:6-30, cf. Mt 1:3; Ruth in Rt 1:16-17; 4:13-22, cf. Mt 1:5b; Rahab in Jos 6:22-23, cf. Mt 1:5a and Bathsheba in 2 Sm 11:3, 26-27; 12:24-25, cf. Mt 1:6b et cetera.

4 Moses' wife is reported to be a Cushite woman. The word *Cush* is used in many instances to refer to the black race or Africa (cf Adamo 2001:11-15; Olson 1996:70-71). According to Adamo, Ethiopia is mostly identified with Cush in biblical stories (cf Gn 2:13; 2 Ki 19:9; Is 11:11; 20:3-5; 43:3; 45:14; Ezk 30:4-5; 38:5; Nah 3:9). Adamo (2001:15) therefore argues convincingly that Moses' wife was from Cush or Africa and not from Arabia or elsewhere as presupposed by others (cf Davies 1995:118-119; Budd 1984:136; Baldwin s.a: 349).

5 Ezr 10:15 "Only Jonathan the son of Asahel and Jahzeiah the son of Tikvah opposed this, with Meshullam and Shabbethai the Levite supporting them."

probability is that such people may have been allowed to live among the holy race under certain strict conditions.

### 3. AN INCLUSIVE OR HOLISTIC UNDERSTANDING AND INTERPRETATION OF THE ABRAHAMIC AND MOSAIC COVENANTS CODES CONCERNING FOREIGNERS

Before I will discuss this inclusive viewpoint, I would like to highlight once again the studies of Eskenazi and Judd (1994:285) to bear on this discussion. Eskenazi and Judd (1994:285) already indicated from their sociological studies that these women were unjustly excluded from the *golah* community by the reforms of Ezra. There are three important points which could be deduced from Eskenazi and Judd's research findings:

- First, it can hardly be proven from the text of Ezra 9-10 that these women who were expelled from the *golah* community were foreigners like Ammonites or Canaanites as Ezra's reforms appeared to have presupposed.
- Second, these women were not members of the returned exiles; rather, they were Jews or partly Jews who remained in the land during and after the exile. Thus, part of the reasons they were identified as "peoples of the land" was that they had not gone into exile.
- Third, it seems that Ezra and his associates attempted to redefine the concept of "Yahweh's people" exclusively as the *golah* community. This redefinition of Yahweh's people inevitably rendered these women as outsiders. Thus, they became foreigners in their own land and unfit to intermarry with the *golah* community.

Ezra's concept of holiness (cf Ezra 9:2<sup>6</sup>) concerning the *golah* community is irreconcilable with other passages like Deuteronomy 9:4-6.<sup>7</sup> Both the pre-exilic Israel and the *golah* community had possessed the

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6 Ezr 10:2 "For they have taken some of their daughters as *wives* for themselves and for their sons, so that the holy race has intermingled with the peoples of the lands."

7 Dt 9:4-6 says: "4 Do not say in your heart when the LORD your God has driven them out before you, 'Because of my righteousness the LORD has brought me in to possess this land,' but *it is* because of the wickedness of these nations *that* the LORD is dispossessing them before you. 5 "It is not for your righteousness or for the uprightness of your heart that you are going to possess their land, but *it is* because of the wickedness of these nations *that* the LORD

land not because of their own righteousness or holiness. According to the deuteronomic passage, it was because of the wickedness of the nations. But in this incident, the women who are divorced from their partners were not reported to be wicked as described by the deuteronomic law. Nothing is specifically said negatively about these women except that they were not members of the redefined Israelite (*golah*) community. The narrative leaves the reader(s) pondering even about the situation concerning the families that had been separated. What was the fate of the babies and women that were left without a male supporter and vice versa? How will such children deal with the reality of being separated from their families (cf Klein 1999:746)? There are no answers given to these questions. The book of Ezra ends on this sad note.

In view of the above, an inclusive or holistic understanding and interpretation of the Abrahamic and Mosaic covenants' codes concerning foreigners is proposed in this article as the appropriate orientation that ought to have governed Ezra's intermarriage reforms. It is obvious from the Abrahamic and the Mosaic covenants' codes that all other nations, races and people could associate and intermarry with "Yahweh's people" (Israel) through appropriate covenant means. These covenants' codes describing such processes have been summarized in what follows:

- Yahweh promised to become the God of the Patriarchs as well as the God of Israel (cf Gn 17:7-8);
- Yahweh tells Abraham that he becomes the father of a multitude of nations pointing to a fact that other nations are inseparably linked with Abraham as their father (cf Gn 17:5);
- Circumcision of Ishmael and all male servants in the house of Abraham points to the inclusion of outsiders in the Abrahamic covenant framework (cf Gn 17:10-14);
- The blessing of other nations via Abraham and his descendants also suggest that foreigners are inevitably linked with Abraham and his descendants (cf Gn 12:3; 18:18; 22:18; 26:4; 28:14). Such nations cannot be isolated from Abraham and his descendants as portrayed in Ezra 9 – 10;
- Food provision for foreigners and aliens living among Israel draws home the message that Israel and foreigners are cared for by the

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your God is driving them out before you, in order to confirm the oath which the LORD swore to your fathers, to Abraham, Isaac and Jacob. 6 "Know, then, *it is* not because of your righteousness *that* the LORD your God is giving you this good land to possess, for you are a stubborn people".



same Yahweh since all are Yahweh's people (cf Ex 23:10-11; Lv 19:9-10; 23:22; 25:1-7; Dt 14:28-29; 24:19-21; 26:12-15);

- Participation of foreigners in Sabbath keeping draws home the importance of the Sabbath rest both for Israel and other nations (cf Ex 20:8-11; 23:12; Dt 5:12-15);
- Inclusion of aliens and other nations in the celebration of Passover, feasts of Weeks and Tabernacles indicate the inclusion of foreigners in the religious and spiritual life of Israel (cf Ex 12:17-20, 48-49; Nm 9:14; Dt 16:10-14);
- Equality of both the Israelites and the aliens before the law of Yahweh fly in the face of Ezra and his intermarriage reforms (cf Ex 12:49; Lv 24:22; Nm 9:14; 15:13-16, 29-30);
- Successful intermarriage relations between Israelites and people from other nations are prevalent in the history of Israel (cf Tamar-Gn 38:6-30; Moses-Nm 12:1-2; Ruth-Rt 1:16-17; 4:13-22; Rahab-Jos 6:22-23 and Bathsheba-2 Sm 11:3, 26-27; 12:24-25);
- Foreigners also could offer sacrifices to Yahweh since they also share in Yahweh's provision (cf Lv 22:17-20, 25; Nm 15:13-16) and
- Cities of refuge were opened not only for Israel but also for foreigners who commit murder unintentionally (cf Nm 35:14-15). This shows that Yahweh the God of Israel was interested also in the life of foreigners.

Given the above textual and historical facts and references relating to the positive disposition of the Abrahamic and the Mosaic covenants' codes concerning foreigners, it is rather unfortunate that the intermarriage reforms of Ezra and his associates ignored this strong and self-revealing inclusive examples of the Abrahamic and Mosaic covenants' codes concerning the so-called foreign women. On the contrary, Ezra and his associates adopted a narrower or an exclusive view of the covenants as the basis for their intermarriage reforms. In my judgment, this is a one-sided understanding of the Abrahamic and the Mosaic covenants' codes concerning foreigners. The appropriate orientation that ought to have guided Ezra and his associates is that all nations, races, peoples and ethnic groups could associate with Yahweh's people through appropriate covenant means. This is to suggest that the decision to divorce the supposed foreign women was informed by a narrower view of the Abrahamic and Mosaic covenants' codes concerning foreigners. There is no question that these two covenants are open to foreigners provided such foreigners embrace Yahweh as their God. Biblical texts therefore,

need to be handled with a lot of care in order to strike a balance especially in conflict situations.

#### 4. CONCLUSION

This paper has examined the basis for the expulsion of women in Ezra 9-10 with a lot of dismay. It has described the various views by Old Testament scholars on the subject. The paper also discusses whether the action of Ezra and his associates concerning the so-called foreign women was justifiably covenantal or not. Apparently, this expulsion appears to have been based upon an exclusive interpretation of the Abrahamic and Mosaic covenants' codes concerning foreigners. But I have suggested that the decision to expel these supposed foreign women was informed by a narrow view and interpretation of the Abrahamic and Mosaic covenants codes concerning foreigners by Ezra and his associates. As a consequence, I have pointed out an inclusive or holistic positive disposition of the Abrahamic and Mosaic covenants codes concerning foreigners. In my judgment, this broader and inclusive predisposition of the covenants' codes ought to have governed Ezra's intermarriage reforms since all nations, peoples and ethnic groups who embrace Yahweh as their God are welcomed in his sanctuary or among his social/religious in-group.

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