

SEARCHING FOR FORCES OF GROUP COHESION IN THE BOOKS OF NEHEMIAH AND ISAIAH

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Examining the (re-)constitution of postexilic Israel and asking which resources various Old Testament texts use for this purpose, תורה is of vital importance in the theological concepts of the postexilic period. Though many scholars understand תורה as *the* Torah and identify it with the Pentateuch or the collections of laws within, תורה cannot be limited to this meaning in the postexilic period. The word תורה basically means 'oral and direct instruction'¹ and describes a process of communication. Even when תורה is understood as the content of the instruction, as in the book of Deuteronomy, or when the Pentateuch becomes תורה, the basic meaning still persists. There is no commonly accepted definition of תורה as an object, as a single written text.² Besides an exact definition, תורה can be considered as a key element of the constitution (and stabilization) of the community in postexilic period. Though the question of the constitution and stabilization of the community is closely related to the identity discourse, identity puts the focus on the aspect of the self-understanding of a group and the demarcation from other groups, whereas asking about the constitution of the community is about the internal forces, which form the cohesion of the group.

1. Ansgar Moenikes, 'Tora', in *Neues Bibel-Lexikon, Band III O-Z*, ed. Manfred Görg and Bernhard Lang (Düsseldorf: Patmos, 2001), cols. 899–904 (903).

2. Maria Häusl, 'Tora, Normenbegründung und Identität in persischer Zeit', in *Mehr als zehn Worte? Zur Bedeutung des Alten Testaments in ethischen Fragen*, ed. Chr. Frevel, QD 273 (Freiburg i.Br.: Herder, 2015), 239–62 (239–43); Thomas Willi, *Juda – Jehud – Israel. Studien zum Selbstverständnis des Judentums in persischer Zeit*, FAT 12 (Tübingen: Mohr, 1995), 91–101; Theodore E. Mullen, *Ethnic Myths and Pentateuchal Foundations: A New Approach to the Formation of the Pentateuch* (Atlanta, GA: Scholars Press, 1997), 182–237; John H. Choi, *Traditions at Odds: The Reception of the Pentateuch in Biblical and Second Temple Period Literature*, LHBOTS 518 (New York: T&T Clark International, 2010), 175–94.

In defining ‘force of group cohesion’³ two aspects have to be considered. The ‘force of group cohesion’ can be seen as the commonly shared ethos, understood normatively and appellatively, with its connecting and binding effects for the community. However, it also means the sense of the individual for the common good, creating a common orientation of action and behaviour.⁴ Thus, ‘force of group cohesion’ includes the element of voluntariness, as well as a normative dimension functioning as the rules and regulations of the community.

Asking about the forces of group cohesion within the context of re-constitution of Israel in the postexilic period, biblical texts show that תורה is highly relevant as an expression of the commonly shared ethos. However, תורה cannot be estimated as the only force, for תורה is not used in all postexilic texts as a constitutional force, for example, in the late texts of the book of Isaiah. In texts which do not speak of תורה or are not clearly related to it, further forces of group cohesion can be detected.

I have chosen postexilic texts which all deal with the same socio-ethical problem, namely the debt problem and the demand for debt relief. The debt problem represents a structural problem that cannot be ‘solved’ on the basis of individual ethics, that is, not by the ethically correct behaviour of one individual. It requires a collective effort, a commitment for the common good. By solving the problem, the forces of group cohesion become visible. Therefore, the narrative text Neh. 5.1–13, the text Nehemiah 9–10 with the contract in Neh. 10.31–40 and the two prophetic texts Isa. 58.1–12 and Isa. 65.16b–25 will be examined.⁵ The texts will first be analysed literarily. It then has to be determined which arguments can be considered to be forces of group cohesion.

Nehemiah 5.1–13

Literary Remarks

Nehemiah 5.1–13 is scarcely connected with the wall building in Jerusalem (as written in Neh. 1.1–4.17 and 6.1–19); neither is it assumed nor is

3. By defining ‘force of group cohesion’ in this way, it comes close to the German word ‘*Gemeinsinn*’.

4. Hans Vorländer, ‘Transzendenz und die Konstitution von Ordnungen. Eine Einführung in systematischer Absicht’, in *Transzendenz und die Konstitution von Ordnungen*, ed. H. Vorländer (Berlin: de Gruyter, 2013), 1–43 (18).

5. Deut. 15.1–8 is pre-exilic, Jer. 34.8–22 is about slave relief, not about debt relief. Further texts which could be taken into consideration are Lev. 25; Mic. 7.5–6; Job 24.2–12; Isa. 61.1–11; Mal. 3.5; see Rainer Kessler, *Sozialgeschichte des alten Israel. Eine Einführung* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2006), 142.

information contributed to it.⁶ Only the keywords חרפה (disgrace) and טוב (good) in Neh. 5.9 constitute a connection to the wall-building narrative.⁷ With the help of these terms, the following parallel figures appear in both narratives: the desolate state of the city wall and the precarious situation of part of the population are both considered to be a disgrace to the Judeans in the eyes of the surrounding nations. The pericope Neh. 5.14–19, connected to 5.1–13 with גם and completed in 5.19 with a prayer which has its nearest parallels in Neh. 13.4–31, describes Nehemiah's responsible and prudent governance. Hence, the entire chapter Nehemiah 5 can be understood in contrast to Nehemiah 6, where enemies presume that Nehemiah is reaching for the kingship.

Due to the change in the cast of characters, Neh. 5.1–13 has to be divided into two scenes. The first scene in vv. 1–5 focuses on the complaint of the people, the second scene, vv. 6–13, on the problem-solving intervention of Nehemiah. In addition to Nehemiah, who speaks in first person, we find three other groups of characters. Firstly, the people (עם) – the women of the people (נשיהם) are explicitly mentioned – who complain in v. 1 about their precarious economic situation. Secondly, the nobles (חרים)⁸ and the leaders (סגנים) in v. 7. Thirdly, the foreign nations (גוים in vv. 8, 9) who do not appear in an acting role, but who are spoken of and who are referred to by Nehemiah in v. 9 as being hostile. In order to distinguish them from the hostile nations, the first two groups are referred to as Judean (יהודים, vv. 1, 8) and as 'brothers' (אחים, vv. 1, 5, 7, 8). Thereby אח, the most frequent lexeme in the text, can be considered as keyword of the text.⁹ Thus, the two groups, though in completely different economic situations, are united as an ethnic group isolated from other nations.

The segment of the people who are in a precarious situation get their hearing and describe their situation in vv. 2–5.¹⁰ Men and women have problems getting sufficient grain for themselves and their children to live

6. However, there are no narrative indications of a beginning in Neh. 5.1.

7. חרפה: Neh. 1.3; 2.17; 3.36, טוב: Neh. 2.10.

8. According to Ch. Karrer, חרים are prior to the other people and have much financial power and social influence; see Christiane Karrer, *Ringens um die Verfassung Judas. Eine Studie zu den theologisch-politischen Vorstellungen im Esra-Nehemia-Buch*, BZAW 308 (Berlin: de Gruyter 2001), 92.

9. Ralf Rothenbusch, '...abgesondert zur Tora Gottes hin'. *Ethnisch-religiöse Identitäten im Esra/Nehemiabuch*, HBS 70 (Freiburg i.Br.: Herder, 2012), 189.

10. H. Kippenberg outlines three phases on the way to debt slavery; see Hans Kippenberg, *Religion und Klassenbildung im antiken Judda. Eine religionssoziologische Studie zum Verhältnis von Tradition und gesellschaftlicher Entwicklung*, 2nd ed. (repr., Göttingen: Vandenhoeck & Ruprecht, 1982), 56–57.

on (v. 2).¹¹ They must mortgage (ערב) their fields, vineyards and houses in order to eat (v. 3). In order to pay taxes to the king, they have to borrow (לוה), using their fields and vineyards as security. Therefore, the current situation seems to indicate that they are in danger of having to sell their children as slaves – some daughters have already been sold – and their property already belongs to others. Nehemiah responds to the complaints of these people in vv. 6–7, reprimands the nobles and leaders and demands that they change their behaviour.

Arguing for Debt Relief

As the lending of money to each other is considered to be the cause of the precarious situation (Neh. 5.7b, נשא משא),¹² Nehemiah argues for debt relief. He uses the following arguments: in v. 8 he refers to his own exemplary commitment. He has bought back Judean ‘brothers’ who had been sold to the nations (מכר, קנה). He accuses the nobles and leaders of selling their own ‘brothers’, so that he, Nehemiah, has to buy them back. It cannot be established whether this allegation has a basis in reality or is an exaggeration. In v. 9 their behaviour is assessed as ‘not good’ (לא טוב); such behaviour does not bespeak the fear of God (יראת אלהים), but rather leads to disgrace (חרפה) in the eyes of the hostile nations. In v. 10 Nehemiah requests the relief of debts for loans of money and grain. He includes himself and his people explicitly. The cohortative is followed by the imperatives in v. 11 to return fields, vineyards, olive groves and houses that were given as a pledge and to waive the return of borrowed goods (money, grain, wine, oil).

The assembled nobles and the leaders accept the return of goods and remission of debts (v. 12). This decision is confirmed by an oath (v. 13). Finally, v. 13 confirms that everything has been implemented according to the decisions taken.

Nehemiah 5.1–13 has its topic and relevant terms in common with the relevant texts on debt relief in Deut. 15.1–11, 12–18 and Leviticus 25,¹³ but there are no specific intertextual relations. Moreover, there are no

11. No text-critical correction of v. 2 is necessary.

12. נשא משא does not mean practicing usury.

13. Titus Reinmuth, *Der Bericht Nehemias. Zur literarischen Eigenart, traditions-geschichtlichen Prägung und innerbiblischen Rezeption des Ich-Berichts Nehemias*, OBO 183 (Freiburg, Schweiz: Universitätsverlag, 2002), 160–82. Neh. 5.1–13 has the keyword און in common with Deuteronomy. Neh. 5.5 can be compared to Lev. 25.39–41; Deut. 28.32, and Neh. 5.7 to Deut. 15.2; 24.10–12. Reinmuth assumes that Lev. 25 presupposes Neh. 5.1–13 (ibid., 181).

explicit or implicit references to such texts in the Pentateuch.¹⁴ Although the situation described is similar to the solution of the mixed marriage problem in Ezra 10,¹⁵ and Ezra 10 mentions a covenant and highlights the conformity of the actions with תורה (Ezra 10.3), a covenant and references to תורה or Pentateuch texts are missing in Neh. 5.1–13.¹⁶ The reasons given for debt relief, which are listed in v. 9, cannot be interpreted as references to תורה or to texts of the Pentateuch,¹⁷ for ‘Fear of God’ (יראת אלהים) as a justification is mainly found in wisdom contexts.¹⁸ Within the Pentateuch the ‘Fear of God’ is only referred to in the Holiness Code¹⁹ and is too much of a general topos to assume a dependency of Neh. 5.1–13 on Leviticus 25. The other two reasons that the behaviour of the nobles and the leaders is not good (לא טוב) and is considered disgraceful (חרפה) in the eyes of the hostile nations can be found in the wall-building narrative, that is, in the immediate literary context. The reference to the disgrace in the eyes of the nations is even surprising when pleading for relief from debt, because the debt relief is primarily an internal social problem; foreign nations should not be an issue here. However, Neh. 5.1–13 regards the debt problem as an ethnic, and not exclusively as a social, problem: Nehemiah explicitly points out that he and his people bought back enslaved Judeans from the foreign nations. He also accuses the nobles and the leaders of selling impoverished Judeans to the foreign nations. The terms ‘Judean’ (יהודים), ‘brother’ (אח) and ‘flesh’ (בשר) thus obtain an ethnic, demarcating meaning. In the wall-building narrative, the rebuilding of the city wall marks the end of disgrace in the eyes of the nations. Similarly, the solution of the debt problem marks the end of disgrace in Neh. 5.1–13. Karrer even estimates the ethnic argument as the only effective argument to motivate the nobles to accept debt relief.

Plaintiffs and defendants are represented as members of a people fundamentally ‘equal’ and belonging together. Because of this, a development making one a slave of another appears to be a scandal. It is essential to keep in mind that the practice of lending by pledging property, and if necessary also family members...cannot be legally attacked. This is true even if it can

14. Karrer, *Verfassung Judas*, 58 n. 107.

15. Rothenbusch, ‘...abgesondert’, 140.

16. Reinmuth, *Der Bericht Nehemias*, 143.

17. This is not to say that the actions in Neh. 5.1–13 contradict תורה, or that the reference to the Pentateuch texts should be ignored.

18. Gen. 20.11; Neh. 5.15; Job 28.28; Ps. 34.12; Prov. 1.7, 29; 2.5; 8.13; 9.10; 10.27; 14.26, 27; 15.16, 33; 19.23; 22.4; 23.17.

19. Reinmuth, *Der Bericht Nehemias*, 164.

become a threat to the community by a depletion of large parts of the population and an increase in social tensions. Nevertheless, to condemn these conditions, the importance of ethnic affiliation is referred to here... 'Judeans as slaves of other nations' – this idea is qualified as חרפה and לא טוב as an occasion for scorn and contempt of the other nations that are assessed as enemies across the board. The 'foreign policy' argument, that the people as a whole loses its reputation when its members are perceived by other nations as slaves, is added to the (argument of) unity within the Judean people... A weakening of one's own ethnic group is theologically qualified as an action lacking the 'Fear of God'.²⁰

To sum up, Neh. 5.1–13 represents debt relief as a unique event, which corresponds to a social emergency, that is, to a worsening precarious situation. Nehemiah, the nobles, and the leaders agree to cancel all debts, return fields and other property and re-establish balanced economic structures.

Nehemiah's reasons for his request for debt relief focus on the concrete situation described in the complaints. The general wisdom topos of the 'Fear of God' and the evaluation of the precarious situation as being not good, can be found. Nehemiah refers neither to thematically relevant traditions nor to legal texts or valid standards. Reference to תורה or to texts of the Pentateuch are missing as well. Nehemiah 5.1–13 mainly emphasizes the solidarity among the Judeans. Ethnicity and solidarity are grouped together, although the criteria of ethnicity are not explicitly mentioned. Based on solidarity within the ethnic group, debt relief is regarded as behaviour which results in the end of disgrace in the eyes of the nations.

20. Karrer, *Verfassung Judas*, 158–59; original German quotation: 'Kläger und Beklagte werden als Angehörige eines Volkes als grundsätzlich "gleich" und zusammengehörig dargestellt. Dadurch erscheint eine Entwicklung, die die einen zu Sklaven der anderen macht, als Skandal. Es ist wesentlich, sich vor Augen zu halten, dass die Praxis von Kreditvergabe gegen Verpfändung von Besitz und notfalls auch von Familienangehörigen... rechtlich nicht anzugreifen ist, auch wenn sie durch eine Verarmung großer Bevölkerungsteile und wachsender sozialer Spannungen zu einer Bedrohung des Gemeinwesens werden kann. Um diese Zustände trotzdem anklagen zu können, wird hier auf die Bedeutung der ethnischen Zusammengehörigkeit rekurriert. ... "Judäer als Sklaven anderer Völker" – diese Vorstellung wird als חרפה und לא טוב qualifiziert, als Anlass für Hohn und Verachtung der übrigen Völker, die pauschal als Feinde beurteilt werden. So kommt zur Zusammengehörigkeit innerhalb des jüdischen Volkes das "außenpolitische" Argument, dass das eigene Volk an Ansehen verliert, wenn seine Angehörigen von anderen Völkern als Sklaven wahrgenommen werden... Eine Schwächung des eigenen Ethnos wird theologisch abqualifiziert als ein Handeln, das der "Furcht Gottes" entbehrt.'

The Judeans should therefore be motivated to behave according to the common good, with the argument that such a behaviour would bring back prestige to the ethnic group from the surrounding nations.

Nehemiah 9–10

Literary Remarks

With respect to the narrative and the topics, Nehemiah 9–10²¹ belong very closely together. The ritual acts in Neh. 9.1–5 and the penitential prayer in Neh. 9.6–37²² serve as preparation for the conclusion of the contract which is fulfilled in Nehemiah 10.²³ The prayer in Neh. 9.6–37 recalls the most important stages of the history of Israel with its God. ‘Remembering’ is the essential performative act of this prayer. It invokes the central formative aspects of the people’s own self-understanding, speaking of the main stages of its own tradition from Abraham to the Judges.

Receiving the Sinai Torah (Neh. 9.13, 14) is the crucial formative element. The history of YHWH with his people Israel is described as a regular sequence of the two elements: apostasy of Israel from YHWH, failing to observe תורה and its instructions, and the renewed devotion of God to his people. Therefore, the conclusion of the covenant (ברית) or contract (אמנה) (Neh. 9.8, 32 and Neh. 10.1) and the observance of תורה (Neh. 9.26, 29, 34 and 10.30) are the most important contents which interweave prayer and contract with each other.

Concluding a Contract

The conclusion of the contract in Nehemiah 10 is equal to the observance of God’s word, since in v. 30, everybody agrees to keep the Torah of God and all the commandments of YHWH, though the contents of the contract in Neh. 10.31–40 are not referred to as the word of God. The contents of the contract are formulated rather as self-commitment; they gain authority through the act of concluding the contract, that is, signing the contract (v. 30).

21. More closely, Häusl, ‘Tora’, 254–57.

22. The prayer Neh. 9.6–37 might have been an independent prayer until it became part of the composition of Neh. 9–10.

23. The prayer in Neh. 9.6–37 follows Neh. 9.5 without an introduction or opening. The prayer’s end is also not marked. However, the speech of the first person plural continues in Neh. 10.1–40. Hence, the conclusion of the contract is not told by the narrator but is part of the speech of the praying community.

The following contract contents are mentioned: prohibition of exogamy, the hallowing of the Sabbath, observance of the fallow year, the debt relief and the supply of the temple as well. The contract picks up the four problems that Nehemiah tackles in Neh. 5.1–13 and 13.4–30.²⁴ Nehemiah 5.1–13 speaks of debt relief, 13.4–30 of the supply of the temple, of the observance of the Sabbath and of the prohibition of exogamy. A dependence of the contract's contents in Neh. 10.31–40* on 5.1–13 and 13.4–30 can be assumed. The problems, the 'solution' for which Nehemiah speaks of in 5.1–13 and 13.4–30, now find in Nehemiah 10 a contractual framework.

Depending on Neh. 5.1–13 and 13.4–30, there are no further reasons given for the individual contents of the contract or the compilation of these contract contents in Nehemiah 10. Though concluding the contract is understood as observing תורה (v. 30), there is neither an explicit reference to already existing normative texts, nor direct quotes from the Pentateuch for the individual contents. Except within the secondary part (vv. 33–37) of the supply of the temple,²⁵ nowhere is it mentioned that the current contents of the contract are according to the Torah or are an interpretation of Torah texts. The compilation of the contract's contents cannot be deduced from texts of the Pentateuch either. Even the individual regulations have hardly any references to the Pentateuch texts. In Neh. 10.32b, for example, there are two obligations combined: a fallow field every seventh year and a waiver of any debt claim.²⁶ This combination has no direct parallels in the Pentateuch, and both obligations have only general terms in common with Exod. 23.10–11, Deuteronomy 15 or Leviticus 25 (נטש השביעית in Exod. 23.11, משא in Deut. 15.2; שנה השביעית in Lev. 25.4).²⁷ Thus it can be concluded that the regulations in Neh. 10.31–40* are not derived from the Pentateuch, though they are meant to be תורה. This inconsistency cannot be explained by Torah commandments which are not known to us, or by another Torah which was not identical to the Pentateuch. For at the same time, Pentateuchal contents are well known and present in the prayer in Neh. 9.6–37. The Pentateuch is thus regarded as an authoritative text presenting the essential formative traditions. Listening to תורה is considered as central to one's own self-understanding, and concluding the contract is identical with observing תורה.

24. Reinmuth, *Der Bericht Nehemias*, 211; Karrer, *Verfassung Judas*, 291.

25. Reinmuth, *Der Bericht Nehemias*, 211–12; he argues that within Neh. 10.31–40 only vv. 31, 32, 38a and 40b are original, the other parts were added later.

26. *Ibid.*, 216.

27. *Ibid.* 'Wer erwartet, ähnliche Formulierungen etwa in den Sabbatjahrregelungen Dtn 15,1–11 oder in der Jubeljahrgesetzgebung Lev 25 zu finden, geht fehl!'

These observations – the Pentateuch, known in the prayer, and the fact of the contract's contents' inability to be derived from the Pentateuch – suggest that in Nehemiah 9–10, תורה is not exclusively identified with the Pentateuch. תורה in Nehemiah 9–10 is rather wider and more comprehensive in its meaning. The contents of the contract in Neh. 10.31–40* do not result through interpretation of already existing legal texts from the Pentateuch.²⁸ Rather, the contract's content itself is understood as manifestation of תורה (v. 30). In 10.30, the conclusion of the contract is declared as an obligation to follow the Torah of God and to observe the commandments and instructions of God. This means that the written contract with its contents quoted in 10.31–40 is identified with תורה. Keeping this contract is equal to following תורה. Hence, תורה in 10.30 does not describe legal texts existing before the conclusion of the contract but considers the cited contract contents as a manifestation of תורה. The current contract text is תורה in written form.²⁹ The concrete regulations, however, arise in dealing with concrete situations, not by interpretation of texts. Similarly, Reinmuth reads this passage as follows:

Thus we can see in Neh. 10.31–40 how Torah is created in postexilic times: reforms lead to legally binding regulations. The lively debate about how to act properly before God in concrete social and cultic matters apparently goes much farther beyond the activities of Nehemiah.³⁰

To summarize, debt relief becomes a binding rule because it is part of the contract concluded by all the people. However, the concrete content arises out of the situation described in Neh. 5.1–13. According to Neh. 10.30, the self-commitment to obey the commandments quoted in 10.31–40 is

28. However, according to many scholars Neh. 10.30–41 results through interpretation of the Torah; e.g., most recently, Rothenbusch, '...abgesondert', 371, or Frank Crüsemann, *Die Tora. Theologie und Sozialgeschichte des alttestamentlichen Gesetzes* (Munich: Kaiser, 1992), 395–7: 'Neh 10 belegt, was auch sonst offenkundig ist: mit der Entstehung des Pentateuch ist die Notwendigkeit seiner Interpretation gegeben'.

29. Maria Häusl, 'Eine Schriftrolle, darin ist geschrieben (Esr 6.2). Zur Bedeutung der Schriftlichkeit im Buch Esra/Nehemia', in *'Ich werde meinen Bund mit euch niemals brechen!'* (Ri 2,1). *Festschrift für Walter Groß zum 70. Geburtstag*, ed. Erasmus Gaß and Hermann-Josef Stipp, HBS 62 (Freiburg i.Br.: Herder, 2011), 175–94 (186).

30. Reinmuth, *Der Bericht Nehemias*, 218; original German quotation: 'So lässt sich anhand von Neh 10,31–40 ablesen, wie in nachexilischer Zeit Tora entsteht: Reformen münden in rechtsverbindliche Bestimmungen. Die lebendige Auseinandersetzung darüber, wie in konkreten sozialen und kulturellen Belangen angemessen vor Gott zu handeln ist, reicht offenbar noch weit über die Wirksamkeit Nehemias hinaus.'

identical with following תורה, regarding 10.31–40 as a manifestation of תורה. Such a manifestation of תורה results from the foregoing memory of a ‘formative תורה’, present in the prayer 9.6–37. Such a תורה alludes to the central formative traditions, especially the receiving of the Sinai Torah.

Isaiah 58.1–12

Literary Remarks

Isaiah 58.1–12³¹ does not explicitly mention the debt problem or explicitly advocate debt relief, but the text calls for the elimination of social injustices. While Isa. 58.1–12 agrees with Neh. 5.1–13 and Nehemiah 9–10 against social injustice in this matter, it is also a critical intertext to Nehemiah 9–10. Isaiah 58.1–12 criticizes the cultic-ritual setting in Nehemiah 9–10. However, it is hard to prove that Isa. 58.1–12 directly responds to Nehemiah 9–10.

Isaiah 58.1–12 attempts to show that it is not the cultic-ritual way of fasting which draws the people near to God. It is rather the orientation of all behaviour to צדקה which draws them to God. For that the prophetic voice is necessary to explain it to the people. The prophetic voice does not give up on the idea of fasting; however, it is reinterpreted as a call to do righteousness and justice. The key concept is צדקה, which forms the basis of the argumentation in Isa. 58.1–12. Verses 6–7 and vv. 9–10 substantiate what צדקה means. The implied social ills can be interpreted as a result of over-indebtedness and impoverishment; thus they do not focus exclusively on the debt problem.³² Nevertheless, Isa. 58.1–12 is in several respects similar to the precarious situation in Neh. 5.1–13. In both texts the topic is that of oppression, hunger and loss of possession. ‘In Isa. 58.6, 7, “prisoners”, “enslaved”, “hungry”, “poor”, “homeless” and “naked” are listed. Here, all the elements of debt slavery (see also Isa. 61.1–2) and destitution come together.’³³ The parties in the conflict are also referred to in Isa. 58.1–12 as ‘from the same flesh’ whereby it cannot

31. See more closely Maria Häusl, ‘Heiligung, Sinnstiftung und Transzendenz – Jes 58 und Neh 9.10 im Vergleich’, in Vorländer, ed., *Transzendenz*, 313–30 (319–25).

32. Quarrelling and wrangling are also mentioned in v. 4, defamation and compromising in v. 10.

33. Kessler, *Sozialgeschichte*, 143–44; he also stresses the parallels between Isa. 58.1–12 and Neh. 5.1–13; original German quotation: ‘In Jes 58,6.7 werden “Gefangene”, “Geknechtete”, “Hungrige”, “Arme”, “Heimatlose” und “Nackte” aufgezählt. Hier sind alle Elemente von Schuldklaverei (vgl. dazu auch Jes. 61.1–2) und Bettelarmut versammelt.’

be identified for certain which unit is addressed: the family, the clan or the ethnic group. Isaiah 58.1–12, in contrast to Neh. 5.1–13, makes no clear demarcation to other groups. The calls to loosen the bonds of injustice and to break the yoke is a call to end mutual oppression and slavery and to free people from slavery. The calls to share bread, to grant the homeless a shelter and to clothe the naked is directed against impoverishment. These calls are addressed to the people, and are not to be interpreted in the sense of giving alms, which would be based on the commitment of individuals.

Sedaqa as Force for Group Cohesion

If one asks about the forces of group cohesion in Isa. 58.1–12, the idea of צדקה is central. In this text, צדקה can be understood as equivalent to ‘force of group cohesion’ or German ‘*Gemeinsinn*’, holding together a community.³⁴ Doing צדקה is substantiated in the calls to work against deprivation of rights, exploitation and exclusion.

If צדקה is applied to the actions of a person, it means ‘positive action in favor of the existing social order and its members’.³⁵ צדקה indicates, as a relational concept, ‘a mutually connecting behaviour that cares for the fragile network of human relations as well as the relationship of God to the people or the people to God’.³⁶ The idea of צדקה is thus closely connected with the idea of order. The צדקה-order is an order decreed by God, but it remains at risk and is to be stabilized anew by God and humans; that is, a stabilizing and life-promoting function is given to human actions.

Isaiah 58.1–12 illustrates this aspect of צדקה, requiring specific behaviour to stabilize a life-supporting order, referred to in the text as drawing near to God. The claims are communicated to the people by the prophetic voice, which gains authority by designing the prophetic message as a speech of God and by God’s assignment of the prophet. The text lacks any explicit reference to a previous tradition or to תורה.

34. See also the brief description of צדקה in the Introduction.

35. Klaus Koch, ‘Sadaq und Ma’at. Konnektive Gerechtigkeit in Israel und Ägypten?’, in *Gerechtigkeit. Richten und Retten in der abendländischen Tradition und ihren altorientalischen Ursprüngen*, ed. Jan Assmann, Bernd Janowski and Michael Welker (Munich: Fink, Reihe Kulte, Kulturen, 1998), 37–64 (41); original German quotation: ‘aktives Handeln zugunsten der bestehenden gesellschaftlichen Ordnung und ihrer Mitglieder’.

36. Klaus Bieberstein and Lukas Bornmann, ‘Gerechtigkeit/Recht’, in *Sozialgeschichtliches Wörterbuch zur Bibel*, ed. F. Crüsemann et al. (Gütersloh: Gütersloher Verlagshaus 2009), 197–203 (198); original German quotation: ‘ein gegenseitig verbindendes Verhalten, welches das fragile Netz der zwischenmenschlichen Beziehungen ebenso wie die Beziehungen Gottes zu den Menschen oder der Menschen zu Gott pflegt’.

Isaiah 65.16b–25

Literary Remarks

As with Isa. 58.1–12, 65.16b–25 does not explicitly mention the debt problem. However, 65.16b–25 goes one step further than 58.1–12 by criticizing a theology that is based too much on the remembrance of tradition, as done in Nehemiah 9–10.

In the context of Isaiah 56–66, 65.16b–25 responds, along with 65.1–7 and 65.8–16a to the lamentation 63.7–64.11. The opposition of the ‘former’ and the ‘new’ is the main characteristic of 65.16b–25. God promises to create a new heaven and a new earth (vv. 16b–19). Therefore, the former distress and everything else previous to it, will no longer be considered. Verses 20–24 and 25 then describe this new situation.

Since הרִאשׁוֹנוֹת in v. 17 is in contrast to a new creation, it is very unlikely that הרִאשׁוֹנוֹת in v. 17 refers only to the former troubles, as it does in v. 16. By the intertextual references to Isa. 43.18, 19; 41.22 and 42.9 it is more likely that הרִאשׁוֹנוֹת means the former mighty deeds of God. In 41.22 and 42.9, the former guarantees the arrival of the new, while this is not the case in 43.18, 19 and 65.16b–17.³⁷ In 65.16b–19, it is clearly stated that the former will be forgotten, will no longer be considered and will no longer come to mind. Instead, the addressed recipients will be happy and will rejoice in the newly created city of Jerusalem and the people. The non-remembering intensifies the intertextual references to Isa. 43.16–21, where a veritable remembrance prohibition is expressed. With reference to Isa. 43.18, 19, Berges writes:

However, what does the unusual call not to remember these events mean?... The realization of the past saving acts that constituted the people of God as a community of memory...is to be suspended in order to be free for the novelty of the current dawning of time.³⁸

When checking when the non-remembering and forgetting are theologically significant, it can be seen that these statements are directed against the idea that forgetting the miracles of God causes a situation of distress.³⁹

37. רִאשׁוֹן in the book of Isaiah: Isa. 1.26; 8.23; 41.22; 42.9; 43.9, 18; 46.9; 48.3; 61.4; 65.7; חִדָּשׁ in the book of Isaiah: Isa. 42.9; 43.19; 48.6; 62.2; 66.22.

38. Ulrich Berges, *Jesaja 40–48*, HTKAT (Freiburg i.Br.: Herder, 2008), 300–301; original German quotation: ‘Aber was bedeutet der eigenartige Aufruf, dieser Ereignisse nicht zu gedenken?... Die Vergegenwärtigung der vergangenen Heilstaten, die das Gottesvolk als Erinnerungsgemeinschaft konstituiert...soll ausgesetzt werden, um für die Neuheit der jetzt anbrechenden Zeit frei zu sein.’

39. *Ibid.*, 301; Isa. 63.7, 11; 64.4; Deut. 5.15; 7.18; 8.2, 18; 15.15; 16.3; 32.7.

Isaiah 65.16b–25 can thus be interpreted as a criticism of the theology of remembrance of Nehemiah 9–10.

The new situation, as described in Isa. 65.20–24, has two characteristics.⁴⁰ The new situation is firstly a future time in which the children do not suffer an early death, in which people reach a blessed age and in which the generations will follow each other without any breaks. Thus, time or the future will be characterized as longevity and as the succession of generations. Death does not enter into people's existence to destroy blessings and diminish lives. The future is characterized secondly by the fact that people can thrive on their labour and the produce of their fields. Thus, a life is described which is not threatened by debt slavery and misery.⁴¹ The naming of Jerusalem, the people, the chosen and those blessed by YHWH, make it obvious that the future of God's people is being described. Who exactly belongs or does not belong to the people of God is, however, not clarified by the text.

Future as Argument

In terms of justification, two elements are especially to be mentioned. A striking first feature of the text is that it argues with the future and not with the past. This raises the question of how future is understood in this text. 'Time' in the Old Testament is not primarily a measurable, flowing continuum, but is distinguished by the quality of events and experiences.⁴² 'Abstract, continuously running time implies the idea of a future that continuously runs from the past to the present to the future and can be filled.'⁴³ Although the future in the Old Testament is also the time-space which is still pending, it is not an abstract time-space. The future is rather identical with the events, conditions and actions that are still to happen.⁴⁴ Prophecy that speaks of the future

40. Verse 25 adds peace between all animals (Isa. 11.6–9) as the third element.

41. Isa. 1.7; 61.5; 62.8; Jer. 6.12; 8.10 and Deut. 28.30, 38–39 show that the reason for misery can be oppression by foreigners as well as mutual exploitation. Deut. 28 is not, however, the only parallel text, as Konrad Schmid, *Schriftgelehrte Traditionsliteratur. Fallstudien zur innerbiblischen Schriftauslegung im Alten Testament*, FAT 77 (Tübingen: Mohr Siebeck, 2011), 197–99, points out. Therefore, his conclusion that Isa. 65.16b–25 alludes to the whole Pentateuch (p. 202), is unconvincing.

42. Uta Schmidt, *Zukunftsvorstellungen in Jesaja 49–55. Eine textpragmatische Untersuchung von Kommunikation und Bildwelt*, WMANT 138 (Neukirchen-Vluyn: Neukirchener Theologie, 2013), 20–21.

43. Ibid., 22; original German quotation: 'Abstrakte, kontinuierlich verlaufende Zeit impliziert die Vorstellung einer Zukunft, die aus der Vergangenheit über die Gegenwart in die Zukunft immer weiterläuft und die gefüllt werden kann'.

44. Ibid., 24.

is [therefore] not comparable to a modern future prognosis, because prophetic texts do not simply foretell upcoming events. Here, instead, futures are unfolded from the known experiences, and with a difference and analogy to the experienced present or past. These futures have their own quality. In a few cases they are the opposite of the familiar, in others they are reminiscent of experienced joy.⁴⁵

Future is tied to the past and present and it develops from it, but also has repercussions on the present. 'It...is significant for the relationship of future times to the present and the past that not only past events, but also future times and hopes change the present, precisely because of their quality of experience.'⁴⁶ Contrary to a theology that wants to change the current desolate situation by remembering the past, Isa. 65.16b–25 considers a future shared by all as the basis of change. The future is described as a situation free of economic exploitation and oppressive structures, and as a good life for all people.⁴⁷ Such living conditions are equated with a new creation, a new heaven and a new earth. Speaking of a new heaven and a new earth means – and this is to be regarded as a second foundational element – that God will bring about this new creation by himself. His work is, however, not explained more closely, and the text does not show how people will contribute to it.

45. Ibid., 36; original German quotation: 'ist [daher] nicht vergleichbar mit einer modernen Zukunftsprognose. Denn in prophetischen Texten werden niemals einfach kommende Geschehnisse vorhergesagt. Hier werden vielmehr aus bekannten Erfahrungen und in Differenz und Analogie zu erlebter Gegenwart oder Vergangenheit Zukünfte entfaltet. Diese Zukünfte haben ihre ganz eigene Qualität. Teilweise sind sie das Gegenteil von Bekanntem, teilweise erinnern sie an erlebte Freude.'

46. Ibid., 25; original German quotation: 'Zum Verhältnis der Zukunftzeiten zu Gegenwart und Vergangenheit gehört immer, dass nicht nur die vergangenen Ereignisse, sondern auch die Zukunftzeiten und -hoffnungen die Gegenwart verändern, gerade weil sie durch ihre Erlebnisqualität auf ein Subjekt bezogen sind'.

47. Schmid, *Schriftgelehrte Traditionsliteratur*, 197; original German quotation: 'Die erwarteten neuen Elemente der Neuschöpfung nehmen sich vergleichsweise bescheiden aus und beschränken sich auf dauerhafte Freude, Beseitigung von früher Sterblichkeit, besonders Kindersterblichkeit, Genuss der Früchte der eigenen Arbeit, intakte Beziehung zu Gott sowie – das ist das einzig wirklich über den Rahmen einer perfektionierten lebensweltlichen Realität hinauschießende Element – den Tierfrieden'.

A Final Comparison

All four texts clearly follow the goal of countering the debt problem and other aspects of social tension as well. The texts agree with each other and share the effort to solve the problem collectively. Regarding the justification of the common value, however, the texts differ considerably.

In Neh. 5.1–13, the recourse to prior traditions or to a תורה, as a reason for the debt relief, does not matter; instead, the debt relief is justified by wisdom topoi in a more general way (evaluated as not good, fear of God). More important than these wisdom topoi, however, is the argument of inter-ethnic solidarity, for Neh. 5.1–13 specifies the conflict as a conflict within the own ethnic group, which is obliged to solidarity. The implementation of the debt relief is almost a boundary marker of ethnicity, working against the disgrace before the surrounding nations.

Nehemiah 9–10 assumes Neh. 5.1–13 and formulates a mandatory standard in the form of a contract. The single contractual contents, however, are not further explained. They gain authority through the act of concluding the contract. The commitment to this contract is referred to as an obligation to follow the Torah of God. The act of commitment is also grounded in the formative tradition of the group. So, the prayer in Neh. 9.6–37 refers to the identity-forming elements in the Pentateuch, particularly to the giving of תורה by God to Moses at Sinai. However, there is no reference to legal texts of the Pentateuch. Nehemiah 9–10 therefore knows תורה firstly as the instruction in one's own formative traditions (Neh. 9.6–37) and secondly as the currently formulated normative contract content (Neh. 10.31–40).

The two texts Isa. 58.1–12 and Isa. 65.16b–25 respectively criticize one theological element in Nehemiah 9–10. In the matter of going against indebtedness, they agree completely with Neh. 5.1–13 and Nehemiah 9–10, although the solution of this social-ethical problem is embedded in broader visions of a good life. Isaiah 58.1–12 criticizes Nehemiah 9–10 regarding the cultic-ritual way, which should lead people near to God. In contrast, doing righteousness and justice is emphasized as a central norm in Isa. 58.1–12. Going against debt and impoverishment are concrete examples of how people can stabilize good relations with each other, a good social order, and צדקה. Isaiah 58.1–12 does not explicitly recall formative traditions or תורה, it is rather the prophetic voice that calls the people to righteousness and justice.

In the end, the text Isa. 65.16b–25 does not mention any specific normative requirement. It rather creates a vision of a good life, whereby a good life means living an old age without exploitation and risk of debt. In clear distinction to a theology as in Nehemiah 9–10, which considers

the memory of one's own formative traditions as a central theme, Isa. 65.16b–25 designs a theology of the future. This future time is a time wrought by God, since God will create new heavens and a new earth. Concrete steps that people can take for this future of a good life are not provided. But since the future works back on the present, this vision of a good life justifies the action in the present toward such a future.

Returning to the initial questions, of which elements may be considered as forces of group cohesion constituting the postexilic community and of how תורה is understood, some of the foundational elements which are used in the texts are not internal forces, but are closely related to God: God as the sole acting character in Isa. 65.16b–25, and the prophetic voice commissioned by God in Isa. 58.1–12.

צדקה used in Isa. 58.1–12 comes closest to the definition of 'force of group cohesion', meaning the sense of the individual for the community and the commonly shared ethos. The demands to take action against debt and impoverishment should stabilize the community and the צדקה-order. The commonly shared vision of the future in Isa. 65.16b–25 can be interpreted as an expression of a צדקה-order, without formulating concrete standards or normative claims. The vision of the future itself has a stabilizing effect on a community. In Nehemiah 9–10 however, the memory of one's own formative tradition is the basis for a commitment formulated as a contract, which can be regarded as an expression of a group cohesion. The תורה-concept of Nehemiah 9–10 unites two aspects, a formative as well as a normative aspect. The older text Neh. 5.1–13 justifies the debt relief through more general (wisdom) *topoi*, and does not refer to תורה understood in some way or another. Rather, the text aims to establish the ethnic group as a mutually supportive community. Most interestingly, both texts Neh. 5.1–13 and Nehemiah 9–10 do not use תורה identical with the Pentateuch.

As for the use of תורה as a force of group cohesion, תורה is the central element in Nehemiah 9–10 only, whereas other elements are used in the other three texts. In Isa. 58.1–12 צדקה is used appellatively, representing the common ethos, and in Isa. 65.16b–25 we find the vision of a צדקה-order. Finally Neh. 5.1–13 emphasizes the solidarity among the Judeans by the general wisdom *topos* of the 'Fear of God' and by the evaluation of the precarious situation as being not good.