

*Covenant in the
Persian Period*

From Genesis to Chronicles

Edited by

RICHARD J. BAUTCH and GARY N. KNOPPERS

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Achaemenid Persian Concepts Pertaining to Covenant and Haggai, Zechariah, and Malachi

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With the conquest of Babylon by Cyrus the Great in 539 B.C.E. and the later conquest of Egypt by Cambyses,¹ the axis of power in the ancient eastern Mediterranean shifted dramatically away from Babylon-to-Memphis to Persia. Persian military might based on cavalry, Persian ideology of kingship, Persian political organization, Persian cult and theology all began to exert their influence on a world hitherto dominated by the systems of Mesopotamia and Egypt. But there is a dearth of studies of this influence on the authors of what came to be biblical texts, in favor of studies of continuing Mesopotamian and/or Egyptian influence along with the influence of the rising Greek power. If covenant as a concept had its origins in the form and substance of treaties, then when there is only one Great King, and no more treaties between vassals and suzerains, what kind of shifts might have happened to the concept of covenant during the period of Achaemenid rule? In this contribution, I will examine one particular Achaemenid Persian concept, *bandaka*, and its echoes in the biblical texts of Haggai, Zechariah, and Malachi as an example of how a Persian concept is a better analogue than Mesopotamian ones during this period.

Achaemenid Covenants?

What meaning might covenant have had or how might it have been expressed by the Achaemenids? There is a lacuna in the discussion of

1. While Herodotus gives Cambyses the credit for conquering Egypt (*Hist.* 3), Darius claims its conquest for himself in one of the Suez inscriptions (DZc). Note that Bisitun says only that Cambyses went to Egypt, not that he conquered it (DB I.32–33). On balance, the modern historian would agree with the claim for Cambyses (cf. Briant 2002: 50–61). All Old Persian inscriptions are labelled as in Kent 1953, with text based on Schmitt 2009.

covenant, understandably, given the general nondiscussion of Achaemenid ideology by biblical scholars. There has been a tendency to assume that earlier ancient Near Eastern text-forms, such as Assyrian vassal treaties, and related concepts, such as covenant, continued on in the Persian period. This is an unwarranted assumption; even if the Achaemenids borrowed liberally from other cultures in terms of iconography, artistic technique, writing, and so on, there are some very specifically Persian—that is, Iranian—aspects to their ideology (Lincoln 2007, 2012; Skaervø 2005). Relationships, whether personal or corporate, can reasonably be examined for their indigenous dynamics; relationships form the core of social and cultural interactions.

The common ancient Near Eastern analog to covenant, vassal treaty, does not exist from the Achaemenid period. This may be because of the dearth of historical documents from the Achaemenids: as we know, for historical reconstruction we have to rely on the Greek sources. But there are many archival documents that exist from the Persian period, for example, the Persepolis Fortification tablets, Elephantine archives, and so on, and they do not include things such as vassal treaties. More importantly, the imperial inscriptions do not include vassal treaties. I submit that this is due not to a gap in our evidence but instead to a shift in ideology with the advent of the Achaemenids.

Achaemenid Ideology

As the Achaemenids did relate to non-Persians, we might ask what the “replacement” for the vassal treaty form might be. There is not a new genre of text, because of the shift in ideologies. The work of Bruce Lincoln and Clarisse Herrenschildt, among others, has shown that the ideology around the Achaemenid king was based on a profoundly different cosmology and theology than that of the previous ancient Near Eastern regimes (Lincoln 2012, Herrenschildt 1977).² The following is a brief summary of the Achaemenid cosmology and ideology, based on the arguments of these scholars; the arguments are made largely by analysis of the royal inscriptions and art.³ The great creator God, Ahuramazda, had created a perfect universe and chosen Darius to be its king:

2. This essay was largely written before the publication of Bruce Lincoln’s most recent book (2012) and drew on pieces that have been incorporated into the book. The 2012 book is magisterial in its scope and detail and should be consulted as the most comprehensive discussion of Achaemenid ideology/theology now extant.

3. The most important set of sources is the Old Persian texts, with the Greek and Avestan texts used as corroboration or as further support for a notion that may be extrapolated from the OP texts. See Skaervø 1999.

<i>baga vazarka Auramazdā</i>	A great God is Ahuramazda,
<i>haya imām būmīm adā</i>	who created this Earth,
<i>haya avam asmānam adā</i>	who created that Sky,
<i>haya martiyam adā</i>	who created humanity,
<i>haya šiyātim adā martiyahayā</i>	who created well-being ⁴ for humanity,
<i>haya Dārayavaum xsāyaθiyam</i>	who made Darius king;
<i>akunauš</i>	
<i>aivam parūnām xsāyaθiyam</i>	One king over many,
<i>aivam parūnām framātāram</i>	one commander over many. (DE 1–11) ⁵

Opponents of the king were not merely misguided or rebellious; they were synonymous with the Lie (*drauga*), as we can see in the next text where the enemy army, famine, and the Lie are the three threats to Darius's kingdom. This trio is listed from last to first causation; that is, the Lie is listed last but it causes famine, and also causes or propels the enemy army (Lincoln 2012: 181–83):

<i>θātiy Dārayavauš xsāyaθiya</i>	Says King Darius:
<i>manā Auramazdā upastām baratuv</i>	May Ahuramazda bear me aid
<i>hadā visaibiš bagaibiš</i>	along with all the Gods,
<i>utā imām dahayāum</i>	and this land/people
<i>Auramazdā pātuv</i>	may Ahuramazda protect:
<i>hacā haināyā</i>	From the enemy army,
<i>hacā dušiyārā</i>	from famine,
<i>hacā draugā</i>	from the Lie;
<i>abi imām dahayāum</i>	Over this land/people
<i>mā ājamiyā</i>	may they not come:
<i>mā hainā</i>	Neither the enemy army,
<i>mā dušiyāram</i>	nor famine,
<i>mā drauga</i>	nor the Lie;
<i>aita adam yānam jadiyāmi</i>	This I ask as a gift of
<i>Auramazdām</i>	Ahuramazda. (DPd 12–22)

The opposite of the Lie was Order (*arta*). Proper worship of Ahuramazda was done according to Order and Law (*dāta*). These two concepts also regulated one's life:

<i>Auramazdām yadaisā</i>	You should worship Ahuramazda
<i>artācā barzmani</i>	according to the highest Order.

4. *Šiyāti* is usually translated “happiness,” but has a more comprehensive semantic range. I discuss this later in the essay.

5. All translations my own. The “Creation formula” is found in DE, DNa, DSe, DSf, DSt, DSab, DZc, XE, XPa, XPb, XPc, XPd, XPf, XPh, XV, D²H, A²Hc, A³Pa. Along with the royal titulary formula, it is the most common extended formula in the extant inscriptions. Cf. Herrenschildt 1977; 1976.

<i>martiya haya avanā dātā</i>	The person who behaves according
<i>pariyaiti</i>	to the law
<i>taya Auramazdā ništāya</i>	that Ahuramazda has laid down,
<i>utā Auramazdām yadataiy</i>	and worships Ahuramazda
<i>artācā barzmaniy</i>	according to the highest Order,
<i>hauv utā jīva šiyāta bavatiy</i>	shall both become full of well-being
	while alive
<i>utā marta artāva bavatiy</i>	and become according to Order
	when dead. (XPh 50–56)

Ahuramazda gave the perfect created universe, regulated by Order and Law. It could be disrupted by the Lie, which Darius tells his successors to destroy:

<i>θātiy Dārayavauš xsāyaθiya</i>	Says King Darius:
<i>tuvam kā xsāyaθiya haya aparam āhiy</i>	You who may be king hereafter,
<i>hacā draugā daršam patipayauvā</i>	from the Lie protect yourself
	strongly;
<i>martiya haya draujana abati</i>	The person who is a Liar
<i>avam ufraštam parsā</i>	punish well
<i>yadiy avaθā maniyāhaiy</i>	if you in this manner think
<i>dabayāušmaiy duruvā abati</i>	“My land/people shall be
	secure.” (DB 4.36–40)

In the Old Persian inscriptions, the subject peoples are described as doing the king’s will, upholding his law and bearing him tribute. The phraseology is slightly different in the various inscriptions, but the text from Darius’s tomb is broadly representative:

<i>imā dahayāva</i>	These are the lands/peoples
<i>tayā adam agarbāyam</i>	that I seized
<i>apartam hacā Pārsā</i>	far from Persia.
<i>adamšām patiaxsāyayiy</i>	I ruled over them;
<i>manā bājim abaraha</i>	They bore me tribute;
<i>tayašām hacāma aθanhaya</i>	That which was commanded of them by me,
<i>ava akunava</i>	they did;
<i>dātam taya manā</i>	My law
<i>avadiš adāraya</i>	they held. (DNa 16–21)

In this ideology, there is no room for vassals and overlords; there is simply obedience to the king’s will or not. It is in this ideology that we can see the roots of the Greek depiction of the Persian king as an Oriental despot.⁶

6. Indeed, the depiction of Ahasuerus in Esther has much in common with the Greek ideology, and given that it is likely a Hellenistic-era composition, should be seen as dependent on the common Hellenistic motif.

The closest analogue under the Achaemenids to a system of vassals and overlords is the *bandaka* relationship (or bond) between the satraps and the king. The Greeks, who did not fully understand the cosmology of the Persians, are our lens through which we tend to view the Persians. But what the Greeks called despotism was what the Persians called maintaining the cosmic order.

Juxtaposed with the picture of the Oriental despot is the scholarly construct of the Persians as rather benevolent, tolerant, and *laissez-faire* rulers. This construct also has its roots in Greek writings (for example, Xenophon's depictions of Cyrus the Great and Cyrus the Younger), as well as the Cyrus Cylinder and the biblical texts of Deutero-Isaiah and Ezra-Nehemiah. Cyrus in particular has had very good press over the millennia. Amelie Kuhrt already almost 30 years ago demonstrated that this reading of the Cyrus Cylinder as tolerant is misguided (1983); Bruce Lincoln's book (2007) has more thoroughly debunked the scholarly reliance on the Greek and biblical encomiums. Understanding Achaemenid ideology on its own terms and using the Greek, Mesopotamian and biblical texts critically are key to understanding the disappearance of the concept of covenant as treaty.

Bandaka and Covenant

Manfred Oeming has argued that עבד in Neh 9:36–37 is used in a way analogous to the Old Persian term *bandaka* in the Bisitun inscription (DB). He does so in order to suggest that Nehemiah's statement "See we are עבדים in our own land" should be read not as a lament for the state the Yehudim have fallen to, but as a proud declaration of loyalty to the Achaemenid rulers; that is, we are not "slaves" but "subjects" (Oeming 2006: 579). Oeming's proposal raises interesting possibilities for understanding Nehemiah. In this part of my essay, I propose to do two things. First, I will examine further the Old Persian term *bandaka* and whether עבד is a plausible rendering of it into Hebrew. Second, I will analyze the instances of עבד in Haggai-Zechariah in order to see whether Oeming's hypothesis for Nehemiah holds for those texts. Because Haggai-Zechariah 1–8 show definite interest in Darius I (for example, the date formulas used to mark the book), it seems reasonable to me to connect Oeming's work on Nehemiah with these texts. This is part of a larger project on the relationship between Achaemenid imperial and administrative texts and the text-forms of Haggai and Zechariah.

The Old Persian word *bandaka*, often translated as servant or subject, perhaps dependant (Wiesehofer 2001: 31), but not slave (Eilers and

Herrenschmidt 1988), occurs only in the Bisitun inscription, in ten places: DB 1.19, 2.20, 2.30, 2.49–50, 2.82, 3.13, 3.31, 3.56, 3.85, 5.8. Only the first is in the plural: *vašnā Auramazdāba manā bandakā āhatā*, “by the desire of Ahuramazda they were my *bandakas*,” followed immediately by the phrase *manā bājim abaratā*, “they bore me tribute/taxes.” The phrase “they bore me tribute” is a common expression describing subject peoples, illustrated also by the iconography of the Persepolis reliefs.⁷ In the other four occurrences in the imperial inscriptions (DPe 9–10; DNa 19; DSe 19; XPh 18) the “bearing tribute” phrase precedes the list of subject peoples, and does not imply anything other than the restoration of the created order by means of the subject peoples’ bringing of gifts to the king (Lincoln 2007: 75–76). The use of *bandaka* in conjunction with bearing tribute in DB 1.19, therefore, is an anomaly in the inscriptions.

Further examination of *bandaka* in DB shows that the subsequent nine occurrences are in the singular and always qualified with *manā*, “my *bandaka*,” and always referring to one of Darius’s men who was given command of a force to conquer one of the rebels depicted in the inscription and the reliefs (Eilers and Herrenschmidt 1988). The followers of the rebels, the loyal Persian army of Darius’s father Hystaspes, and the six men named at the end of the inscription as Darius’s followers are all called *anušīyā* “loyal followers.” *Anušīyā* may be close to *bandaka* in meaning (cf. Gnoli 1981 as cited in Briant 2002: 902), but it is not identical. Notably, it is used for the followers of the rebel kings, and so likely had a broader semantic range.

The term *bandaka* has been the subject of some discussion among Iranists: because Greek texts rendered the term as *doulos*, earlier generation of Iranists construed it as having that semantic range of servant/slave, similar to the range of Hebrew עֶבֶד. However, Pierre Briant (2002: 508) noted that Greek translations may have come through Aramaic; *doulos* might be a rendering of עֶבֶד, not a rendering of the Old Persian *bandaka*. More recently scholars have suggested that *bandaka* has the connotation of “bondsman,” i.e. a relationship sworn by oath, based on both DB and the Middle Persian texts (Eilers & Herrenschmidt 1988). Certainly this latter meaning of “bondsman” is the one that Oeming takes and correlates with עֶבֶד in Nehemiah 9. The relationship is signified by the belt worn by all Persians, including the king; to grasp the belt was to abandon a

7. The tribute procession relief at Persepolis has been thoroughly discussed by Root (1979: 262, 279–84), who concludes that it depicts an abstraction, not an actual event, and that it does not pertain to military conquest.

bandaka bond (Eilers and Herrenschmidt 1988, Briant 2002: 325). This relationship was personal, based on personal loyalty.

There is a further body of evidence to consider: the Egyptian Aramaic texts, and the recently published fourth-century Bactrian Aramaic texts. In the translation of Bisitun (DB) found at Elephantine, there is one extant fragment corresponding to a *bandaka* passage in the Old Persian: the piece corresponding to DB 2.49–50. There *bandaka* is rendered by עלים (TAD C2.1).⁸ Further, while עבד is the more frequent term in the Egyptian Aramaic corpus,⁹ the term עלים is used more than 30 times in the corpus, sometimes in contexts where it might reasonably be considered to be rendering the Old Persian *bandaka*. For example, in one of Arshama's letters, he refers to עזימיא זילי בר עזחפי, "Psamshek by name, son of Ahhapi, my *ulem*," and goes on to refer to other individuals as עבדי עזחפי, "slaves of Ahhapi" (TAD A6.3). In all of the correspondence, whenever עלים is used, it is used with the qualifier זילי, "my" (TAD A.6.4, 6.11, 6.12), just as *manā bandaka* is used in DB. In the Bactrian Aramaic documents the same usage is found: the satrap Akhvamazda refers to זילי א זילי עזימיא ווהומתי עזימיא זי ברסטכני, "Vahya-ātar, the officer in Dastakani-and-Vahumati, my *ulem*" (Naveh and Shaked 2012: A6). In Aramaic correspondence not directly pertaining to Persian officials, עלים seems to be closer in meaning to עבד (e.g., TAD A3.5; Naveh and Shaked 2012: C3, C4), but the use of both עלים and עבד by Arshama in the same letter suggests that a distinction was being made. Finally, in the DB translation at Elephantine, in the fragment corresponding to DB 4:82, Darius's six loyal followers, called *anusīyā* in Old Persian, are called in Aramaic שגיאי עמי, "much with me," which is a literal translation of the Old Persian term.

The Babylonian version of DB does not clarify the relationship between *bandaka* and עבד. The Old Persian term *bandaka*, while rendered into Aramaic by עלים, derived from the root עלם, "to be strong," is rendered into Akkadian as *qallu*, except for DB 1.19, where it is rendered as *ardū*, with *qallu* suggesting subordinates and *ardū* suggesting subjects (Eilers and Herrenschmidt 1988). This evidence suggests a different understanding of *bandaka* in DB 1.19 from the remaining instances in the inscription. The anomalous use of *bandaka* in DB 1.19 that I referred to above—subjects bearing tribute—is also the only use of the word in the plural in the text. It is in this anomalous instance to which the plural of עבד

8. Porten and Yardeni (1986–89) will be cited as TAD.

9. The word עבד never appears in the Bactrian Aramaic documents; it appears that loan-words from Iranian languages are used to refer to servants/slaves (Naveh and Shaked 2012).

in Neh 9:36 may be compared profitably to *bandaka*, thus deriving the connotation of “loyal subjects” as Oeming has done. Typically, DB uses the plural of *anušiyā* when referring to more than one loyal subject, and perhaps the plural forms of *bandakā* and *anušiyā* more closely correspond than do the singular (as Gnoli 1981 cited in Briant 2002: 902).

In conclusion, only the Greek texts render the presumed term *bandaka* as *doulos*, with its connotations of subservience rather than loyalty.¹⁰ Given the Orientalizing cast of the Hellenistic authors, this evidence should be used cautiously: there is a difference between those who participated in the system of *bandaka* and king and those who observed the system from the outside with their own perspectives on the system. While the Greek-speakers who observed the Persian court may have been in a colonized position themselves, it is their perspective that has become the dominant Western view, and by following it we “Other” the Persian court as a despotic and decadent Oriental place. *Bandaka* did not have the connotations of treaty: it was built on a personal relationship, and individuals entered into this relationship at various levels of society.

Bandaka and עבד in Haggai–Zechariah

Having discussed the function of *bandaka* and its translation, I return to Oeming’s argument about the term עבד and how עבד is used in Haggai and Zechariah. There are no instances of the word in Zechariah 9–14, and only four in Haggai and Zechariah 1–8: Hag 2:23; Zech 1:6, 2:13, 3.8. I shall deal with each of these in turn, comparing them to Neh 9:36 and to the Old Persian and Aramaic texts.

It is only in the last verse of Haggai, in the final enigmatic oracle to Zerubbabel, that עבד appears: “On that day—oracle of YHWH-Sebaoth—I will take you, O Zerubbabel son of Shealtiel, my עבד—oracle of YHWH-Sebaoth—and I will set you as a signet ring, for you I have chosen [בחרתי]—oracle of YHWH-Sebaoth.” In this utterance, heavily marked—three times—by the נאם יהוה (oracle of YHWH) formula, Zerubbabel is called “my עבד.” It is the term עבד in the singular when used with the first-person singular possessive that is similar to the use of *manā bandaka*, “my loyal subject” by Darius. While the origins of “my servant” as a reference to a person with special connection to the deity in Hebrew texts is obvious and well-known (e.g., Meyers and Meyers 1984: 68–69), we should not

10. Briant (2002: 324–25) suggests that *pistis* would be a good rendering of *bandaka*. Because *doulos* was apparently used instead, the argument that the Greek evidence may not be the best choice for understanding the Persian concept is strengthened.

presume that those origins account for all the meaning of the word. It is possible that a typically Judahite ideology expressed in Hebrew could also be understood in a new time and context as having new and additional overtones. An old meaning does not preclude a new meaning!

If we read עֶבֶד as having resonances with *manā bandaka*, then there are new possibilities for reading the entire oracle. The notion that YHWH has “chosen” (בָּחַר) Zerubbabel is very similar to a notion found in many if not most of the Old Persian inscriptions.¹¹ That is, it was by the *vaśnā* of Ahuramazda that Darius and his descendants became king, where *vaśnā* has the connotation “wish” or “desire,” that is, choice. Ahuramazda chose Darius to be king; the entire Bisitun inscription is a narrative depicting and justifying that choice. Similarly, Xerxes in XPf describes how Ahuramazda chose him to be king even though Darius had other sons who, one presumes, had an equally good if not better claim to the throne. The relationship between Darius and Ahuramazda is paramount in the inscriptions: the king is Ahuramazda’s agent on earth, chosen, we might say, as his *bandaka*: as Darius’s own belt symbolizes in the iconography.

What then of the חֹתֶם, the signet ring, that Zerubbabel is compared to? While Hag 2:23 picks up Jer 22:24 and reverses it, the term also has implications for a close relationship between Zerubbabel and YHWH, perhaps like the one subsisting between Ahuramazda and Darius. Perhaps we might even compare the signet ring on YHWH to the image of the winged disk with a male form in its center so prevalent in Achaemenid iconography: this image is usually taken by scholars to be Ahuramazda, although there continues to be debate on its exact meaning (cf. Lincoln 2012: 190).

From the appearance of עֶבֶד in Haggai, I turn next to the final instance in Zechariah, in Zech 3:8, the other use of עֶבֶד in the singular. As in Hag 2:23, it is עֶבְדִּי, “my עֶבֶד”: “For look, I am bringing my עֶבֶד Sprout.” Whether Sprout (צֶמַח) is identified or identifiable with Zerubbabel is not the issue here but rather that the speaking voice of YHWH is using עֶבֶד with a first-person singular possessive suffix. Although the nature of the connection of the arrival of Sprout with YHWH’s removal of guilt and the seven-eyed stone in v. 9 is unclear, the one seems to have something to do with the other. The seven-eyed stone might be read as having a connection with the seven men of DB (Darius and his six *anusīyā*—his six companion-followers), and the עוֹן (“guilt”) of the land might be read as having a connection with the *drauga*, the Lie, in the land in DB 1.34. It is the Lie that

11. Meyers and Meyers point out that בָּחַר is a verb not used of any Davidide other than David (1984: 70); this is not exactly the case, as Solomon is described by David as having been chosen by YHWH in 1 Chr 28:5.

Darius and his six companions root out on behalf of Ahuramazda; perhaps the Sprout in Zech 3:8 may be read as analogous to Darius in DB.

Working from Zech 3:8 back to the earlier two appearances of עבד in Zechariah, both Zech 1:6 and 2:13 use the word in the plural. Zech 1:6 reads, “Surely my words and my statutes which I commanded עבדי the prophets” has YHWH as the speaking voice. The more interesting passage is Zech 2:13: “For look, I am stretching out my hand against them and they will be spoil to their עבדים, so that you may know that YHWH-Sebaoth has sent me.” The former oppressors will be the oppressed by their subjects. This instance of עבדים might be compared to the use of *bandakā* in the plural at DB 1.19. Although Meyers and Meyers assert that עבדים is not other than “slaves” in this instance (1984: 167), I think it could be read as “loyal subjects” here, but with irony. It is the undoing of the bond-making that the Persepolis reliefs depict, where tribute is brought by all the *bandaka* peoples to Darius; now Darius will be the tribute brought to Yehud.

In summary, the analysis here supports Oeming’s proposal that עבד in Neh 9:36–37 be read as rendering the concept of *bandaka*, and opens up possibilities for reading in other biblical texts, which in turn reinforce Oeming’s proposal for Nehemiah 9. While *bandaka* in the Old Persian texts and עלים in the Arshama correspondence are always used by the superior in the bonded relationship, perhaps it was appropriate in Hebrew (or Aramaic) for the inferior to use עבד. In that case, עבדים as used in Neh 9:36 would be consistent. Perhaps there was no really good word to render the Old Persian concept of *bandaka* into Hebrew, and so עבד was chosen, much as *doulos* was chosen by Greek-speakers. When עבד in Haggai-Zechariah 1–8 is read as *bandaka*, a broader network of Achaemenid ideology around relationships with the Persian king may also be seen.

It seems to me that most modern readers of Persian-period biblical texts read YHWH and the Achaemenid king as counterparts. My brief examination of these texts from Haggai-Zechariah rather suggests that Zerubbabel/Semah and Darius are in an analogous position to YHWH and Ahuramazda, respectively. That is, the text of Haggai-Zechariah knows the worldview of the Achaemenids and uses that worldview to make a point about Zerubbabel’s role in the world: Zerubbabel’s relationship to YHWH is like Darius’s relationship to Ahuramazda. However, postcolonial theory has taught us that mimicry of the colonizer by the colonized can have either a “straight” or a subversive function. That is, the colonized can adopt the colonizer’s worldview or can parody it. From our distance, it is hard to see which mimicry function is at work in Haggai-Zechariah 1–8. Perhaps our Yehudite literati were adapting Achaemenid symbolism

and ideology to make their Yahwism “up-to-date” or contextual: it was not that Zerubbabel was YHWH’s slave (or vassal), but he was YHWH’s bondsman. Or perhaps our Yehudite literati were parodying and thereby subverting Achaemenid symbolism and ideology. In that case, Darius’s claims to be the one who works to restore divine order from chaos are overturned.

The Persian concept of *bandaka* is fundamental to understanding how covenant might have functioned during the Achaemenid period. The *bandaka*-bond was a bond between individuals, freely entered into. The inferior in the relationship acted in the best interests of the superior; the superior chose the inferior based on personal loyalty. There was mutuality in the relationship, and a kind of intimacy: not all inferiors or subordinates were *bandakas*. It was a sacred relationship, but could be broken by the symbolic act of grasping the belt. While there is no explicit mention of “covenant” in Haggai–Zechariah 1–8, the use of עבד in the sense of *bandaka* does suggest an updating of the understanding of the concept.

Achaemenid Covenants and Malachi

Unlike Haggai–Zechariah 1–8, Malachi uses plenty of explicitly covenantal language. The word ברית appears six times, and covenantal language such as אהב and שנא is used in the first disputation.¹² The covenantal theme of the book is clear right from the start. However, there may be more subtle indications about the nature of the covenant in Malachi. In this part of my essay, I turn to the well-known and difficult Mal 3:1, the appearance of the messenger of the covenant. Rather than tracing the roots of this unique formulation to Deuteronomy or Exodus, as is the usual interpretive move (Hill 1998: 265; Glazier-McDonald 1987: 128–35), I will examine the text as it connects to the servant passages in Isaiah 42 and 49. While this may seem to be a strange and unhelpful move, I contend that the servant texts may help us to see how Malachi’s idea of covenant is particularly Persian, and more specifically, Malachi’s idea of covenant is a repudiation of Achaemenid forms of covenant. The discussion of *bandaka* in the previous part of the essay is crucial for this understanding of the servant passages in Isaiah and the relationship of Malachi’s messenger to these passages.

12. With the majority of scholars, I read Malachi as a series of disputations. Cf. Hill (1998: 37) for references. This is not to say that there are only disputations in the book; in fact, one of the major pieces on covenant in the book is not in the disputation form, as I will discuss below.

The author of Deutero-Isaiah may or may not have written before the Achaemenid takeover of the Persian throne by Darius, but regardless, the text appropriates Judahite royalist theology for Cyrus in the notion of Cyrus as anointed as described in Isa 45:1 (Blenkinsopp 2002: 210, 248–50). By implication, Cyrus is thus associated with the servant of YHWH in Isaiah 42, particularly as introduced in 42:1: “Behold, my עבד, whom I am upholding, my chosen one in whom my being delights.”¹³ This servant, especially as the chosen one, has strong resonances with the Achaemenid kings as the chosen of Ahuramazda (e.g., DB, XPh, etc.). The Achaemenid king brings order and law (*arta* and *data*) to the earth as the servant brings משפט to the nations in 42:1 and משפט to the ארץ (“earth”) and תורה to the coastlands in 42:4.

Scholars usually separate out 42:1–4 from the following verses as one of the so-called “Servant Songs.” But the description of YHWH as creator God in 42:5 is followed by YHWH’s call to the servant to become a covenant of the people and a light to the nations. These attributes of YHWH as creator and chooser of covenant servant must be closely linked, and Blenkinsopp is correct to see the whole of 42:1–9 as a unity (2002: 211). Similarly, and significantly, the Old Persian inscriptions usually begin with the glorification of Ahuramazda as creator God before moving to Darius/Xerxes or others being chosen king. The NRSV and NJPSV coyly suggest that in the case of the phrase ואתנך לברית עם in 42:6, the meaning of the Hebrew is uncertain. But on the face of it, the עבד becomes the covenant. Cyrus—and by extension the Persian kings—is the covenant. No Achaemenid king would have been displeased by the notion that he has taken the place of the former treaties between Yehud and its deity. He would however, have been less pleased at 42:8: “I am YHWH, that is my name, and my glory to another I shall not give,” which would seem to denigrate Ahuramazda, except that it is followed by, “nor my praise to idols,” which lets the mostly nonanthropomorphic Ahuramazda off the hook.

Turning to Isaiah 49, the servant is now Israel (49:3), formed before birth.¹⁴ This servant Israel is now the one who is set as the light to the nations (49:6), chosen by YHWH (49:7) to be a covenant of people, ברית עם,

13. The LXX inserts “Jacob” in apposition to עבדי, which explicitly rules out Cyrus as the עבד. In a post-Achaemenid age there would have been no need to define the Persian king’s role in YHWH’s plan of restoration. Or, the Persian king’s role was seen not as YHWH’s servant or anointed but as one more oppressive king in a series (cf. Daniel 7).

14. Blenkinsopp interprets Israel in Isa 49:3 as being a later insertion or gloss, even though it is attested in almost all of the Hebrew mss., and he argues that the text of 49:1–6 is still referring to Cyrus (2002: 299).

(49:8). Israel has become the covenant instead of Cyrus. This shift is very subtle, especially because the servant is referred to as an individual and not a corporate or collective being. But make no mistake, this is a subversive move. In an Achaemenid ideology in which the king is chosen by the deity to enact and maintain the cosmic paradise, if one of the subject peoples, bound to the king, were to play that role, it would express a dissatisfaction with the divinely sanctioned Achaemenid order. This would be seen by the Achaemenids as the introduction of the Lie into the land.

Turning to Malachi, a good part of chap. 2 deals with covenant explicitly, culminating in the figure of the מלאך הברית in 3:1. The covenant itself is described by the speaker YHWH in a number of ways. In 2:4, “my covenant with Levi” is actually המצוה הזו, “this commandment.” In 2:5, “my covenant with him is החיים והשלום, ‘alive and well,’” perhaps, rather than the more typical rendering of “life and peace.” The covenant is named again explicitly as the “covenant with Levi” in 2:8. In 2:10, it is “the covenant of our ancestors” or “our ancestral covenant,” marking the shift in perspective and speakers from YHWH to the prophetic voice. This may mark a shift between a covenant with Levi and a broader covenant with Israel. Finally, in 2:14, “she” is “the wife of your covenant” or “your covenanted wife,” where covenant is used adjectivally rather than nominally. This adjectival use coincides with the introduction of the metaphor of marriage into the passage: it is part of a shift from saying what the covenant *is* to saying what the covenant is *like*; a shift from descriptive and analytical language to metaphoric and analogic language. I will deal with these two types of language in turn.

Covenant, ברית, is described as having form, essence, and history in this passage. In form, it is a commandment, מצוה, not an agreement or something entered into by the Levites. It resembles the phrase used by the Achaemenid king in all the inscriptions in which he talks about the peoples over whom he rules: “My law they held. What was commanded of them by me, they did” (DB, etc.). Here “covenant” is not like the *bandaka* bond, but is like the law (*data*) of Darius. YHWH uses the same kind of language about the Levites. While in texts such as Isaiah 40–48 and Haggai–Zechariah 1–8 there is an intermediary figure, the עבד (“servant,” or, *bandaka*?), between YHWH and the people, in Mal 2:4–9 there is no intermediary figure like the Achaemenid king who is between Ahuramazda and the empire, instrumental in causing the empire to mirror the cosmic order.

Perhaps, though, there is such a figure. Instead of the servant, there is Levi, the levitical priests, who are being exhorted to behave properly.

While Mal 2:1–3 uses what we might call deuteronomic covenantal language and a treaty form of blessings and curses, with the shift in Mal 2:4 to covenant as commandment, a different form is used. Levi is the intermediary figure, a figure who shows reverence and is put in awe (נחת) before YHWH (2:5), just as the Persian king shows reverence and stands before Ahuramazda in the Achaemenid iconography, especially the seals.¹⁵ Levi also has truthful teachings, has no corruption, guards knowledge (דעת) and seeks instruction (תורה; 2:6–7), summarized as being a מלאך of YHWH. The essence of the covenant is life and peace, or in Old Persian terms, life and *šiyāti*: life and well-being, the creation of Ahuramazda. This is what is created by Ahuramazda and guarded by the Achaemenid king; the king guards it by promulgating law (*data*) and the proper order (*arta*). In Mal 2:4–9, it is reimagined as knowledge (דעת) and instruction (תורה) guarded by Levi. The servant of Isaiah 42, Haggai, and Zechariah 1–8 has become the levitical מאלך of Mal 2:4–9. Not a king, but a priest. The Levi-priest, however, has in the past introduced the Lie, as the Achaemenids would put it, or has caused many to stumble and corrupted the covenant, in Malachi's terms.

Mal 2:10–17 is attached to 2:1–9 by the catchword ברית, but the shift in speaking voice and the move into a metaphorical register signals a shift in form from the descriptive proclamation back to the disputation form that has been used from the beginning of the book. In that way, 2:1–9 is an embedded genre within the Malachi disputation: 2:1–3 recalls the treaty form of covenant and 2:4–9 updates it to the Achaemenid form of covenant, which is no covenant at all. The disputations continue with the metaphor of marriage in 2:10–17.

The figure described as the messenger of the covenant in Mal 3:1 is taken from the levitical covenant and the levitical messenger. He is the embodiment of the new kind of covenant that operates in Achaemenid ideology: the mediator between the deity and the people, whose role it is to impose cosmic order. The עבד of Isaiah 42, Cyrus the Persian king, is reinterpreted as the collective Israel in Isaiah 49. But the individual figure (rather than the collective) is reimagined as a messenger in Malachi 2–3. The pro-Persian rhetoric of Isaiah 42 has become subtly anti-Persian in Isaiah 49, and actively anti-Persian in Malachi, as the servant/messenger has moved from being Cyrus to Israel to Levi. The Levite has taken the place—or, should take the place—of the Persian king.

15. Root argues that the representation of Darius and Ahuramazda on Darius's tomb depicted a reciprocal or symbiotic relationship rather than the kind of reverence depicted in the forerunning Assyrian reliefs (1979: 179).

Conclusions

Under the Achaemenids, there was no ideological purpose to treaties. In the rhetoric of the Great Kings, the entire earth was under their rule, thus obviating any need for treaties. The organizing principle of the empire was the *bandaka* relationship, or the bondsman relationship between individuals and the king, and between the king and Ahuramazda. During this period, this ideology came to be known widely, and taken into the terminology of many of the subject peoples. It is not surprising that the concept of covenant in biblical texts was reimagined in ways that aligned with Achaemenid ideology. The relationship becomes more personal, based on loyalty and reciprocity. Various figures (Zerubbabel; the messenger of Malachi) stand in the place of Darius as the mediating figure between the deity and creation. Law, or the upholding of it, becomes a key part of covenant, rather than treaty. While these trends may be extrapolated from earlier biblical texts, it would be unwise to ignore the broader social, cultural, political, and ideological contexts of the Achaemenids, under whose rule these texts were written.

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