

**Fish for the Jewish High Holidays in Fifth Century BCE Babylonia
and Some Further Thoughts on Al-Yahudu¹**

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The publication of the first large group of Late Babylonian administrative documents from the Judean town of Al-Yahudu and nearby communities (Pearce and Wunsch 2014), has peaked a renewed interest in the life and times of the early Babylonian diaspora. Beside this primary publication of the tablets, with its fine introduction, full editions, copies, photographs, and thorough indexes, the recent years have also seen the publication of a Hebrew translation of most of the tablets that appear in the publication of Pearce and Wunsch (Horowitz, Greenberg and Zilberg 2015). The tablets were presented to the general public for the first time in the exhibition *By the Rivers of Babylon* at the Bible Lands Museum Jerusalem (BLMJ), which dealt with the Babylonian Exile. The catalogue to this exhibition offers discussion, photographs, and translations of selected tablets (Vukosavović 2015). To these one can already add the review article Waerzeggers 2015,² as well as two academic meetings: the conference “Jerusalem in Babylonia” held in February 2015 at the BLMJ, and a symposium, “By the Rivers of Babylon” held in New York in May 2015, under the auspices of the American Friends of the BLMJ, the Yeshiva University Museum, and the Skirball Department of Hebrew and Judaic Studies of the New York University. The tablets have already become the subject of numerous lectures by various scholars around the world, of advanced Akkadian seminars at the Hebrew University, and of a class on reading the Al-Yahudu texts at the BLMJ where we made use of an innovative method for reading Akkadian in cuneiform to allow non-Akkadian reading members of the BLMJ community to experience the riches of the Al-Yahudu tablets first-hand from the original cuneiform script.³ Today, in 2017, Al-Yahudu texts from the Cindy and David Sofer Collection are once again on display at the BLMJ in the new exhibition *Jerusalem in Babylon: New Light on the Judean Exiles*.

The above mentioned exhibitions, publications and conferences are but the first drops

¹ The Assyriological abbreviations employed below follow those of *The Assyrian Dictionary of the Oriental Institute of the University of Chicago (CAD)*, U-W, pp. vii-xxix.

² For a review with some corrections see Waerzeggers 2015. The second printing of Pearce and Wunsch 2014 also includes some corrections.

³ One hopes that publication of the remaining tablets from the archive (Wunsch forthcoming) will appear soon.

of a tidal wave of classes, events, and academic and popular writings on the subject of the Al-Yahudu texts and related topics, which are to be expected over the coming years and decades. However, there are also other tablets and archives attesting to the life of Judeans in Babylonia in the 6th-5th centuries BCE. The most important of them is the business archive of the Murašû family, discovered in the ruins of the ancient city of Nippur (about 90 km southeast of Babylon) in the 1890s. Some of the information on the Judean life in Babylonia, offered by the Murašû archive, has no parallel in the Al-Yahudu tablets.

The present article is intended to add a small contribution to the emerging field of the study of the Judean diaspora in Babylonia — a new edition of the long known Babylonian administrative text from the Murašû archive,⁴ PBS 2/1 208. This text was studied by the BLMJ class, and sheds light on Judean life in Babylonia in the late 5th century BCE, about three generations after the end of the Al-Yahudu archive. The present article, by Wayne Horowitz (the teacher of the BLMJ class) and David Gheva (a participant in the class), will be followed by another article, by David Gheva alone, which will discuss some of the issues raised in PBS 2/1 208 from the perspective of later Jewish sources.

PBS 2/1 208: The Fish Tablet⁵

PBS 2/1 208 (= MIO 595), now held in the Arkeoloji Müzesi in Istanbul,⁶ is dated to the 25th day of the Babylonian month *Ulūlu* (Elul), in the 5th regnal year of Darius II, corresponding to the Julian date of September 15, 419 BCE. The place of writing is a town named on the tablet as *Titurru*, ‘the Bridge,’ and so presumably by the side of a river or canal in southern Babylonia near the city of Nippur where the business enterprise of the Murašû family was based. The text reads as follows:

⁴ The deep and diverse bibliography of the *Murašû* archive reflects the enormous interest in this collection of cuneiform tablets over the past century for both cuneiform and Judaic studies. For a general overview of the archive, see Stolper 1993-97.

⁵ PBS 2/1 = Clay 1912. For previous bibliography see Meissner 1914; Ebeling 1914: 13-14; Radcliffe 1921: 360-62; Gressmann 1926-27: 436-37; Cardascia 1951: 171; Zadok 1979: 75-77; Zadok 2002: 43-44; Kleber 2004: 149-50, 157. The tablet also appears, as of yet, without edition or photograph, in the Cuneiform Digital Library Initiative database (http://cdli.ucla.edu/search/archival_view.php?ObjectID=P453554).

⁶ Collation of the tablet was not possible.

Edition⁷

1. [m]ΓMa¹-ki-im-ni-²-an-ni A^{md}Bēl-ab-ušur³ mBi-⁴-lí-ia A-šú u A-ha-qam-Γma⁵?
2. [A] mI-ši-ia⁶ mNa-ti-in A^mTāb-ša-lam⁸ mZa-bad-ia-a-ma A šá
3. mHi-in-ni-⁹-^dBēl ina hu-ud līb-bi-šú-nu a-na mRi-bat A-šú šá
4. [mBēl]-erība¹⁰ lú¹¹IR šá mRe-mut-^dNinurta iq-bu-ú um-ma
5. Γ5¹ sa-li-tum i-bi in-na-an-šim-ma
6. 5 ME KU₆.HÁ tu-uq-qu-nu a-di UD.15.KAM šá^{itu}DU₆
7. MU.5.KAM ni-id-dak-ku ár-ku^mRi-bat iš-me-šu-nu-ti-ma
8. 5 sa-li-tum id-da-šú-nu-tú UD.15.KAM šá^{itu}DU₆
9. KU₆.HÁ a₄ 5 ME tu-uq-qu-nu i-nam-din-²u
10. [ina]Γu₄¹-mu a-na a-dan-ni-šú-nu KU₆.HÁ a₄ 5 ME tu-uq-qu-nu
11. [l]a id-dan-nu UD.20.KAM šá^{itu}DU₆ 1 LIM KU₆.HÁ
12. [ina]-an-din-²u 1+en pu-ut 2-i ana KAR(eṭēru) na-šú-u šáΓqé-reb¹
13. [i]t-ṭir pu-ut KAR šá KU₆.HÁ a₄ 5 ME^{md}Bēl-ibni A-šú šá
14. mAp^{lā}-a na-ši
15. [lú]mu-kin₇
16. mBēl-eṭēr-^dŠamaš A-šú šá mŠamaš-šar-bullit^{md}x¹-[(x)-i]d²-ri-a-bi A-šú šá
17. mHi-in-nu-ni-³mNa-Γx-x A¹ šá¹ΓmI²-ki-il-tam-meš
18. ^{md}Bēl-x-x⁹ A-šú šá mNa`id-^dNinurta mŠum-iddin A-šú šá Amēl-^dEn-líl
19. mHa-tin A-šú šá mI-ba-a
20. lúUMBISAG^{md}Ninurta-bēl-ahhē-šú A-šú šá mUpehhir-^dEn-líl¹⁰ uruTi-tur¹-ru
21. ^{itu}KIN UD 25.KAM ΓMU.5¹.KAM mDa-ri-ia-a-muš
22. LUGAL KUR.KUR

⁷ In the edition presented here, a number of the personal names in full or in part with Sumerograms are rendered directly into Akkadian. In these instances, the expected Akkadian rendering of the names is indicated in the transliteration. For example ^dBēl for ^dEN, ^dNinurta for ^dMAŠ, ^dŠamaš for ^dUTU. The relevant personal names appear in line 1: ^{md}EN-AD.ÛRU, 4: [EN]-SU, 13: ^dEN-DÛ, 14: mA-a 16: ^dEN-KAR-^dUTU, ^dUTU-LUGAL-DIN-it, 18: I-^dMAŠ, MU-MU, mLU-^dEn-líl, 20: ^{md}MAŠ-IDIM-ŠEŠ.MEŠ-šú, mNIGIN-^dEn-líl.

⁸ Sumerian DU₁₀.GA = Akkadian ṭābu, cognate to Hebrew טב.

⁹ Given the traces, perhaps read ^dEN- ΓA-KÁD¹ for Bēl-aplu-ikšur.

¹⁰ This is a most unusual attestation of a name with NIGIN = pahāru in the initial position. For Bēlupehhir at Al-Yahudu see Pearce and Wunsch 2014: 268, spelled mostly ^{md}EN-ú-pe-hi-ir, but once ^{md}EN-NIGIN-ir.

Translation

1. Ma-kī-imnianni son of Bēl-ab-ušur, Bi'ilia, his son, and Ahaqam
2. [son of] Išia, Natīn son of Ṭāb-šalām, and Zabad-Yāma son of
3. Hinnī-Bēl, of their own free will to Rībāt son of
4. [Bēl]-erība, the servant of Rēmūt-Ninurta, said as follows:
5. “5 fishing nets please give to us, and then
6. 500 fish of standard quality by day 15 of Tishre (Sukkot)
7. of year 5 we will give you.” Then Rībāt heard them (favorably), and
8. 5 nets he gave to them. On day 15 of Tishre (Sukkot)
9. that fish, 500, of the standard quality, they will give over.
10. [If] on their fixed date, that fish, 500, of standard quality,
11. they will [n]ot have given, (then) on day 20 of Tishre, 1000 fish
12. they will [g]ive. Each bears responsibility to pay for the other; the one who is nearby
13. will [p]ay. For the payment of the 500 fish, Bēl-ibni son of
14. Aplāya bears responsibility.
15. Witnesses:
16. Bēl-eṭēr-Šamaš son of Šamaš-šar-bullit, . [. .-i]dri[?]-abī son of
17. Hinnunī, Na- . . son of Ilki-Iltammeš
18. Bēl- . . son of Na'id-Ninurta, Šum-iddin son Amēl-Enlil,
19. Hātin son of Ibāya.
20. The scribe: Ninurta-bēl-ahhēšu son of Uppehir-Enlil. (Written in) Bridgetown,
21. Elul, day 25, year 5 of Darius (II),
22. King of (All) the Lands.

Commentary

The tablet records a contract for fishing rights in the vicinity of a town named *Titurru*, Bridgetown (lit., ‘The Bridge’). Five partners, the last three of whom bear typical Judean names (Ahaqam son of Išia, Natīn son of Ṭāb-šalām, and Zabad-Yāma son of Hinnī-Bēl),¹¹ approach Rībāt, a servant of the landholder Rēmūt-Ninurta on the 25th of Elul, 419 BCE. They offer a payment of 500 fish for the use of fishing nets (and presumably for the rights to fish in Rēmūt-Ninurta’s area)¹² for the period of 20 days ending on the 15th of Tishre; a rate of 25 fish

¹¹ For analysis of the Judean personal names, see below pp. 8-9.

¹² This topic will be discussed in the forthcoming study by David Gheva.

per day. This is agreed between the two parties. A clause is then inserted saying that in the event of a late payment, 1000 fish must be paid on the 20th of Tishre: the original 500 fish due on the 15th of Tishre plus an apparent penalty of additional 500 fish. Over these five days, the rate of fish to be paid is quadrupled to 100 fish per day. The fact that five business partners are involved in this transaction, the large number of fish involved, and the use of nets, assure that what we have here is a contract for commercial fishing, rather than fishing for personal use. Each of the partners then guarantees payment, and should they not pay, a man bearing the Babylonian name Enlil-ibni son of Aplāya guarantees the payment of 500 fish – apparently the original group of 500, due on the 15th of Tishre. The tablet then continues with the list of witnesses and the name of the scribe, all of those being Babylonian names, and ends with the place of writing Bridgetown, and the date formula.

The Judean names of at least some of the partners, along with the dates specified in the contract, the 25th of Elul, the 15th of Tishre, and the 20th of Tishre, suggest a specific historical-cultural context for the transaction.¹³ The 25th of Elul is five days before Rosh Hashanah, the Jewish New Year, which falls on the 1st of Tishre. The 20-day period of the contract then extends from Rosh Hashanah through Yom Kippur, and on to the 15th of Tishre which marks the start of the Sukkot festival. The five additional days in the penalty clause bring us through the intermediate days of Sukkot (*chol hamoed*) to the eve of Hoshana Rabbah, at the end of the Sukkot festival. The significance of these dates in the Jewish calendar was already recognized by Zer-Kavod 1963: 248, and by Zadok 1979: 76 who developed Zer-Kavod's interpretation of the text as follows:

the heavy fine was due to the losses incurred by Murašû who expected to sell the fish at a high price on the eve of the feast. The fine was to be payed in 5 days, i.e. still in the intermediate days of Succoth. This five day period expires on the eve of *Hôšā'nā Rabbāh*, when the level of demand for the fish was the same as on the eve of the Feast of Tabernacles.

We offer an alternative interpretation. We believe that the clause regarding the extra five days is not punitive in nature for late payment, but instead operates as a sort of “fisherman's option” – giving the group of five fisherman the option to extend the contract on

¹³ Our calculations below are for an Elul of 29 days. Although Elul is always a hollow month of 29 days in the Jewish calendar, this was not always the case for the Babylonian calendar. However, the standard reference work on Babylonian chronology (Parker and Dubberstein 1956: 33) indicates that in 419 BCE, Elul was a 29-day month with the 1st of Elul falling on August 22 and the 1st of Tishre falling on September 21.

favorable terms from Sukkot to Hoshana Rabbah, should their profits from the first period of 20 days justify such a business decision.

In the first part of the contract, the partners have guaranteed to pay 500 fish for the 20 days from Elul 25 to Tishre 15, at a rate of 25 fish per day. In the “penalty clause” the partners need to pay 500 fish over 5 days, at a much higher rate of 100 fish per day. Hence the notion that this clause is punitive in nature. Instead, if one considers both clauses of the document together, we find that the partners are liable to pay 1000 fish over 25 days. This rate of 40 fish per day gives us a number more in line with the first clause demanding payment of 25 fish per day.

We presume that the partners would have known long before Sukkot (the 15th of Tishre) whether the number and price of the fish they were netting was profitable enough to justify exercising their option. In other words, if the payment at the higher rate of 40 fish per day was not justified by the higher profits expected by the partners, then they would not exercise this option. From the point of view of Rībāt and Rēmūt-Ninurta, the clause in the contract giving them a higher rate of payment for 25 days than for the original 20 days gives them the opportunity to share in potential higher profits which might be enjoyed by the five partners over the extended period of the contract. The fact that we find here an option, rather than a true penalty, may be indicated by the fact that the guarantor, Enlil-ibni son of Aplaya, is only responsible for the original 500 fish. In the case of the failure of the five partners to fulfill the main clause of the contract, the issue of whether or not to exercise their option in the second clause would become moot.¹⁴ Further, the fact that the fishermen are allowed to continue their use of the fishing equipment for the five days between the 15th and 20th of Tishre seems to be a sign that ‘the option’ falls within the parameters of expected behavior by the parties, rather than being a punitive measure if the renters fail to meet their obligations on the 15th of Tishre.¹⁵

Given the fact that the five partners include at least three who bear Judean names, we see in PBS 2/1 208 a commercial venture to provide fish for the Jewish Holiday season including Rosh Hashanah, Yom Kippur, and Sukkot. If the interpretation proposed above is correct, the fact that the partners seem sure that they will be able to catch and sell more than 500

¹⁴ It is not possible, at this point, to test the two interpretations on the basis of parallel texts. Zadok 1977: 76-77 notes that no other contract of this type is known from the Murašû or contemporary archives. Wunsch forthcoming, no. 23, is of the same type as our text but without the “penalty/option” clause.

¹⁵ The rationale for this extension, from the perspective of the lender of the fishing equipment, is that he is receiving in effect double payment for the extra five days, without a need to find other potential borrowers, perhaps at a lower rate, and without any necessity to do upkeep on the equipment that is being rented.

fish at a profit, and perhaps even more than 1000 fish,¹⁶ indicates that fish was typically on the menu in the Persian Period Judean community of Babylonia over the holidays. Thus, we find in “Bridgetown,” Babylonia, a parallel to a custom from our own times, which finds expression in many families, of eating of fish over the High Holidays. If so, we may have here an early indicator of Judean/Jewish ethnic identity expressed through the eating of traditional foods during a holiday season, not unlike the American custom of eating turkey at Thanksgiving or the special foods which are eaten in Chinese communities at the Chinese New Year, even if the Americans or Chinese in question happen to be living in “diaspora communities” such as Chinatown San Francisco in the United States or the American-Israeli communities in the French Hill (Jerusalem) or Ra’anana in modern Israel. Thus, PBS 2/1 208 offers both direct evidence for the presence of Judeans in Babylonia by way of its repertoire of personal names, and indirect evidence for how those Judeans may have expressed their ethnic identity, by opening a small window onto the culinary traditions of early Babylonian Jewry, hundreds of years before the time of the Mishnah and the Talmud.

Philological Notes

1. The first sign of the first name has been alternately read MA and BA.¹⁷ In the late period the sign MA is typically slightly more rectangular than BA (which is more square), and the lower horizontal stroke of MA is more straight than that of BA (which tends to slant downwards). To us, the surviving piece of the sign bears more similarity to the many examples of MA in our text (see, e.g., the last signs in lines 4-5) than the BA-sign in the name ^m*I-ba-a* at the end of line 19. The surviving space and trances allow for the formula for indicating sons and fathers ^ʿA šá^ʿ or ^ʿA-šú šá^ʿ, both of which occur below.

5. We understand *i-bi* as a separate word before the Akkadian imperative *idna(m) > inna* “give!” On this understanding, *i-bi* is a borrowed imperative form of Aramaic הָבֵה “to give” (imp. הָבֵה, or הַבֵה as in Modern Hebrew), as suggested by von Soden (*AHW*: 1548a, s.v. *binna*). Roth, discussing this and other interpretations of *i-bi*, concluded that “The etymology and force of (*i*)*bī* remain uncertain” (Roth 1989: 4; and see *ibid.*, n. 17). For an interpretation of *i-bi-in-na-* (with suffixed pronouns) as a single Akkadian word resulting from root reduplication, see Hackl 2012.

6. *CAD* T: 481a translates *tuqqunu*, the adjective which describes the fish both here and

¹⁶ These numbers are the break-even point for the venture. All additional fish form the partner’s profits. With five partners, it seems reasonable to assume that they expected to catch many more than 500 or 1,000 fish.

¹⁷ See e.g. Zadok 1977: 75, *Ba/Ma(?)*, Zadok 2002: 43 reads “x.”

in lines 9-10, as “of appropriate quality,” without explanation. This translation fits the basic meaning of the Akkadian verb *taqānu* in the D-stem: “to calm, secure, put in order” (*CAD T*: 197b-99a), as well as the common Aramaic verb תקן “to be proper” (from which the Modern Hebrew noun תקן “standard, standard quality” is derived). The entry in *CAD T*: 481a mentions only one further attestation of the adjective *tuqqunu*, in a contemporary mid-first millennium BCE Babylonian administrative document (BE 8/1 154, l. 3), where this adjective is used to describe red-purple wool (*SÍG tabarri*). See also the following note to line 11.

11. It is not clear why the fish in lines 11 and 13 are not classified as being *tuqunnu*, as in lines 6 and 9-10 (see the preceding note to line 6). We suggest that the adjective is simply omitted by the scribe at this point, late in his description of the main transaction, on the assumption that it was already clear that the fish referred to in the contract were of the *tuqunnu* type. However, we cannot rule out scribal carelessness in this matter.

The fact that the fish throughout the document are all of the same type seems to be assured by the use of the demonstrative pronoun *’a* in line 13 in reference to what must be main group of 500 *tuqunnu* fish for which payment is due on the 15th of Ulūlu. We find no reason to suppose that the 500 fish in line 13 refer to the extra 500 fish due on the 20th of the month.

17. The reading *Iltammeš* rather than ^d*Tammeš* is justified by writings of the name with the sign both IL and ÌL (DINGIR).

20. This may or may not be same town as that listed as Titurru-ša-Sîn-māgir (‘The Bridge of Sîn-māgir’) in Zadok 1985: 313.

The Judean Names

A-ha-qam-ma’, ‘My brother has risen’ (see (Pearce and Wunsch 2014: 35-36): Ahīqam. In PBS 2/1 208, the father’s name Išia suggests that Ahaqam is Judean.

I-ši-a, perhaps a writing for Isaiah, Joash, or Josiah. Cf. *Išši-Yāma* and *Iššûa* in the Al-Yahudu tablets (Pearce and Wunsch 2014: 61).

Na-ti-in, ‘Given’ (see Pearce and Wunsch 2014: 73). From the West Semitic root NTN ‘to give,’ rather than the Akkadian cognate NDN. We presume that our *Na-ti-in* here is Judean, rather than more generally West-Semitic, on the basis of the name of his father, *Ṭāb-ša-lam*, which appears as the father or son of a number of Judeans bearing Yahwistic names in the Al-Yahudu tablets (see Pearce and Wunsch 2014: 296). The Yahwistic name Natan-Yāma, i.e., Natan-Yahu (Pearce and Wunsch 2014: 285), is also derived from this same root.

Ṭāb-ša-lam (DU₁₀.GA-ša-lam), “Šalām is good(ness.)” For this name borne by Judeans in Babylonia, see the discussion of *Na-ti-in* above. The writing with the Sumerogram DU₁₀.GA

for Akkadian *īābu*, corresponding to Hebrew טיב, is typical for this name (see Pearce and Wunsch 2014: 87). For the attestations of this name in Judah, in Hebrew seals and bullas, shortly before 586 BCE, see Stern 2007: 158-60.

Za-bad-Ia-a-ma, ‘Yahu has provided’ – cf. Zabdia in the Al-Yahudu tablets (Pearce and Wunsch 2014: 92). Zabad-Yāma’s father bears the apparently non-Judean name *Hi-in-ni-’-^dBēl* ‘My grace is the Lord’ (Hannibal). However there are examples of names with the element *Bēl* (‘The Lord’), in Judean families, the clearest being the interchange of the names *Bēl-šar-ušur* and *Yāhû-šar-ušur* in tablets 2-4 from Al-Yahudu (for a discussion, see Pearce and Wunsch 2014: 101). One may also compare Bēl-ušallim son of Yāma-aqabi attested in one of the Al-Yahudu tablets (Pearce and Wunsch 2014: 268). In these cases, *Bēl* must refer to the God of Israel rather than Marduk of Babylon. Cf. also Ishbaal son of Saul in the Bible, and Ishbaal Ben Beda’ in a jar inscription from Khirbet Qeiyafa (Garfinkel et al. 2015).

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