The Jephthah Traditions : a Rhetorical and Literary Study in the Deuteronomistic History

Dale Sumner DeWitt

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The Jephthah traditions: A rhetorical and literary study in the Deuteronomistic history

DeWitt, Dale Sumner, Ph.D.
Andrews University, 1987

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Andrews University
Seventh-day Adventist Theological Seminary

THE JEPHTHAH TRADITIONS: A RHETORICAL
AND LITERARY STUDY IN THE
DEUTERONOMISTIC HISTORY

A Dissertation
Presented in Partial Fulfillment
of the Requirements for the Degree
Doctor of Philosophy in Religion

by
Dale Sumner DeWitt

June 1986
THE JEPHTHAH TRADITIONS: A RHETORICAL
AND LITERARY STUDY IN THE
DEUTERONOMISTIC HISTORY

A dissertation
presented in partial fulfillment
of the requirements for the degree
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by

Dale Sumner DeWitt

APPROVAL BY THE COMMITTEE:

Faculty Advisor: William H. Shea
Professor of Old Testament

Richard M. Davidson, Associate
Professor of Old Testament
Exegesis

Abraham Terian, Professor of
Intertestamental and Early
Christian Literatures

Leona G. Running, Professor of
Biblical Languages, Emeritus

Robert G. Boling, Professor of
Old Testament
McCormick Theological Seminary

Gerhard F. Hasel, Dean
SPAR Theological Seminary

21 April 1987
Date approved
ABSTRACT

THE JEPHTHAH TRADITIONS: A RHETORICAL AND LITERARY STUDY IN THE DEUTERONOMIC HISTORY

by

Dale Sumner DeWitt

Chairman: William H. Shea
ABSTRACT OF GRADUATE STUDENT RESEARCH

Dissertation

Andrews University
Theological Seminary

Title: THE JEPHTHAH TRADITIONS: A RHETORICAL AND LITERARY STUDY IN THE DEUTERONOMISTIC HISTORY

Name of Researcher: Dale Sumner DeWitt
Name and degree of faculty adviser: William H. Shea, Ph.D.
Date completed: June 1986

The literature on Judges reveals a growing body of insights into its structure and arrangement, and the social dynamics and theology of the eras of its events and (later) composition. At the same time, there is continual search for greater understanding of these features of the book.

Rhetorical criticism furnishes a promising approach to discovering the structure of the Jephthah stories, when used with genre-identification aspects of form criticism.

The five Jephthah narratives are a loosely integrated, but symmetrically arranged sequence. The first and fifth narratives are rhetorically designed to pair with each other; the second and fourth are similarly designed, but also feature the correlated motifs of
Jephthah's rise and fall. Between them lies a diplomatic speech of Jephthah which embodies the regular kerygma of ancient Israel, here pressed into the service of Jephthah's effort at peaceful settlement of Ammonite aggression through diplomacy. Thus, the Jephthah stories are symmetrically arranged. The thematic over-arch is the establishment of a single-head government in Gilead under conditions of national repentance, foreign threat, and elders' treaty; this movement is finally frustrated by tragedy, however.

The remainder of the book of Judges has been composed by pursuing this matching-pairs technique all the way to the outer edges. Thus the Jephthah series is framed by the two minor judge portions, these in turn by the Gideon-Samson blocks, and these again in turn by chaps. 4-5 and 17-18. Finally chaps. 1-3 and 19-21 are coordinated. A new understanding of the structure of Judges thus emerges from this study of the Jephthah series and its implications.

The most likely historical setting for the composition of Judges is the Solomonic Era when the problems Israel faced in the Judges Era again emerged. The editors approved of single-head rule legitimated by elders' treaty, but warned of idolatry, foreign dominion, and internal disruption. When the Deuteronomistic History was assembled in the Exilic Era, Judges became part of that history. Jephthah and the other charismatic judges came to be seen as forerunners, not only of the monarchy, but of the later, equally charismatic prophetic movement.
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<th>Description</th>
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<tbody>
<tr>
<td>ARM</td>
<td>Archives royales de Mari</td>
</tr>
<tr>
<td>ASOR</td>
<td>The American Schools of Oriental Research</td>
</tr>
<tr>
<td>AUSS</td>
<td>Andrews University Seminary Studies</td>
</tr>
<tr>
<td>BA</td>
<td>The Biblical Archaeologist</td>
</tr>
<tr>
<td>BAR</td>
<td>The Biblical Archaeology Review</td>
</tr>
<tr>
<td>BASOR</td>
<td>Bulletin of the American Schools of Oriental Research</td>
</tr>
<tr>
<td>BDB</td>
<td>Brown, Driver, Briggs, A Hebrew and English Lexicon of the Old Testament</td>
</tr>
<tr>
<td>BWANT</td>
<td>Beiträge zur Wissenschaft von Alten und Neuen Testament</td>
</tr>
<tr>
<td>BZ</td>
<td>Biblische Zeitschrift</td>
</tr>
<tr>
<td>BZ NF</td>
<td>Biblische Zeitschrift, neue Folge</td>
</tr>
<tr>
<td>BZAW</td>
<td>Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft</td>
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<tr>
<td>CAD</td>
<td>The Chicago Assyrian Dictionary</td>
</tr>
<tr>
<td>CBQ</td>
<td>The Catholic Biblical Quarterly</td>
</tr>
<tr>
<td>CTM</td>
<td>Concordia Theological Monthly</td>
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<tr>
<td>EQ</td>
<td>The Evangelical Quarterly</td>
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<tr>
<td>ET</td>
<td>Expository Times</td>
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<tr>
<td>FRLANT</td>
<td>Forschungen zur Religion und Literatur des Alten und Neuen Testaments</td>
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<tr>
<td>GKC</td>
<td>Gesenius, Kautzsch, Cowley, Gesenius' Hebrew Grammar</td>
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<tr>
<td>HG</td>
<td>Herdner-Gibson; Ugaritic text citations used by J. C. L. Gibson in Canaanite Myths and Legends</td>
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<td>Abbreviation</td>
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<tr>
<td>HTR</td>
<td>Harvard Theological Review</td>
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<tr>
<td>IB</td>
<td>The Interpreter's Bible</td>
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<td>IDB</td>
<td>The Interpreter's Dictionary of the Bible</td>
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<tr>
<td>IDBS</td>
<td>The Interpreter's Dictionary, Supplementary Volume</td>
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<td>IEJ</td>
<td>Israel Exploration Journal</td>
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<tr>
<td>JAOS</td>
<td>Journal of the American Oriental Society</td>
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<td>JB</td>
<td>The Jerusalem Bible</td>
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<td>JBL</td>
<td>Journal of Biblical Literature</td>
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<td>JCS</td>
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<td>JSOT</td>
<td>Journal for the Study of the Old Testament</td>
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<td>JSS</td>
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<td>JTC</td>
<td>Journal for Theology and Church</td>
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<td>JTS</td>
<td>Journal of Theological Studies</td>
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<tr>
<td>JTS NS</td>
<td>Journal of Theological Studies, New Series</td>
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<tr>
<td>KR</td>
<td>Köhler-Baumgartner, Lexicon in Veteris Testamenti Libros</td>
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<tr>
<td>LXX</td>
<td>Septuagint</td>
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<td>MT</td>
<td>Massoretic Text</td>
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<tr>
<td>NICOT</td>
<td>New International Commentary on the Old Testament</td>
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<td>OA</td>
<td>Oriens Antiquus</td>
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<td>PEQ</td>
<td>Palestine Exploration Quarterly</td>
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<td>RB</td>
<td>Review Biblique</td>
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<td>RSP</td>
<td>Ras Shamra Parallels</td>
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<tr>
<td>RSV</td>
<td>Revised Standard Version</td>
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<tr>
<td>SJAOS</td>
<td>Supplements to the Journal of the American Oriental Society</td>
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<td>Abbreviation</td>
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<tr>
<td>SJT</td>
<td>Scottish Journal of Theology</td>
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<td>SVT</td>
<td>Supplements to Vetus Testament</td>
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<td>TDOT</td>
<td>Theological Dictionary of the Old Testament</td>
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<tr>
<td>TLZ</td>
<td>Theologische Literaturzeitung</td>
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<td>TR</td>
<td>Theologische Rundschau</td>
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<td>TR NF</td>
<td>Theologische Rundschau, neue Folge</td>
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<td>TWAT</td>
<td>Theologisches Wörterbuch zum Alten Testament</td>
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<td>TZ</td>
<td>Theologische Zeitschrift</td>
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<td>UF</td>
<td>Ugarit-Forschungen</td>
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<td>USOR</td>
<td>Union Seminary Quarterly Review</td>
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<td>VT</td>
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<td>ZAW, ZATW</td>
<td>Zeitschrift für die alttestamentliche Wissenschaft</td>
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PREFACE

The pages which follow report the results of a study of the biblical stories about Jephthah (Judg 10:6-12:6). The author's interest in Judges, its structure, and the composition and arrangement of its material stems from several years of teaching. During this time there has been a growing feeling of dissatisfaction with the traditional cyclic explanation of the book, because it really only explains the introductions and conclusions to each of the deliverer stories, only holds at best for chaps. 3-16, and does not explain the liberation stories and many other types of narrative material which occupy large amounts of space in Judges. Preliminary study showed that others had been thinking about various puzzling features of Judges, and had noticed that from Jephthah on, the material contained certain subtle differences from that of chaps. 3-9. From this clue it was decided to pursue the Jephthah material, in order to try to determine how and why the Jephthah stories differed from the remainder of the book's heroes, and whether this portion might contain any further clues to a new view of its overall structure. The effort has been personally rewarding, fruitful, and, I hope, worthwhile for biblical scholarship.

A second long-time interest has been in the view of the Israelite monarchy in the Deuteronomistic History, and in trying to understand or resolve its apparently ambiguous character in Judges. At a broader level, I have had a long-standing vital interest in the
notion of divine government and the means for maintaining a moral world order as conceptualized in the Bible. Clearly, the idea of the kingship of God is central to this biblical conception. But in the Bible the notion of divine kingship is correlated with human rule from the very beginning. Judges, therefore, with its interest in monarchy and charismatic leadership/rule, belongs to the biblical material on this subject. The hard facts of biblical thought are that charisma, leadership, rule, and kingship are all in some kind of continuum; indeed, they merge, separate, and remerge in a puzzling way throughout the Bible. This study seeks to determine where Jephthah falls in this process.

Having said this, I want to add that it is not my purpose to attack any particular scholar’s view of Judges or its details. I have rather sought to advance certain lines of scholarship, and to crystallize the results of certain significant probes and inquiries into Judges. In short, this study is rather a synthesis and expansion of certain insights gathered from the work of several outstanding scholars whose work I have tried to employ and expand.

Thanks are due to a long line of professors who have taught me or exposed me to the riches of biblical study in our time. Most recent among these has been Dr. William Shea, who read through and critiqued several lengthy preliminary seminar and research papers on various aspects of Joshua—Samuel. He has been a most helpful guide in the formation of this study. Dr. Richard Davidson also provided much detailed criticism of preliminary drafts of the study. Their suggestions have been incorporated into what follows. The remaining shortcomings are, of course, my own responsibility.
Thanks are also due to others who have contributed to this endeavor. First, I must thank my wife, Mina, who never offered a single word of discouragement or impatience; her supportive encouragement has been determinative. My children have been more patient than I could have asked. My father-in-law, Rev. Raymond Reich, who passed away in June 1985, frequently expressed in private his confidence and pride in my efforts. My daughter-in-law, Robin DeWitt, generously helped with typing two chapters into the computer at an early stage of the first draft.

I also wish to acknowledge the generous support and interest of my friends and colleagues at Grace Bible College, Grand Rapids, Michigan. Among them are two capable, creative women—Vicki Jansen and Karen Mayham—who have spent many hours typing, correcting, and processing the manuscript; both have refused to take any compensation whatsoever. I cannot thank them enough.
CHAPTER I

INTRODUCTION

Statement of the Problem

This dissertation proposes to examine a two-fold problem raised by the Jephthah stories, i.e., what is the literary and social function of the Jephthah stories in the book of Judges and in the context of the Deuteronomistic History?

Definitions

By "literary and social function" I specifically mean (1) what ends are served in the compositional intention of the editor(s) through the quantities, concepts, themes, and rhetoric of the five individual pericopae devoted to Jephthah's activity; (2) how these quantities, concepts, themes, and rhetoric relate to the narrative architecture reflected in their own arrangement and that of the surrounding pericopae in Judges; (3) what social process or situation these pericopae spoke to and exactly what they said, when first assembled into their present form and context; and (4) what purpose these stories and their surrounding counterparts served in the social context of the finished Deuteronomistic History.

Methodology

The interests outlined above make the use of several aspects of literary-critical methodology desirable. Any one of several
methodological procedures could yield insight into the significance of the Jephthah pericopae.

1. In the first step, rhetorical criticism as defined by J. Muilenburg will be applied to each pericope. This means (a) a close analysis of stylistic, verbal, and concept patterns to determine the beginning and ending of a pericope, (b) analysis of the narrative structure and primary intention of a pericope by discerning the configuration of verbal patterns, repetitions, and placements, and (c) determination of strophes or stanzas to mark the clusters of primary ideas. Each of the Jephthah pericopae is rhetorically analyzed to determine how its rhetorical structure and conceptual content express its primary purpose. Rhetorical criticism recognizes the interplay of form and function and therefore is a promising tool to disclose intent or function. The fact, however, that this study deals with five pericopae and seeks their interrelations, requires that rhetorical connectives across pericopae also be sought. Consequently, once the rhetorica of individual pericopae have been identified and used as a guide to intention, the connectives or


2 Some significant developments have occurred in defining "narrative" and therefore in the grid of concepts guiding its analysis; these are used as appropriate, see chap. 2, pp. 71-74.
rhetorical "glue" by which the several pericopae are related to each other will be sought. Other specific details of analytical procedure are discussed at the beginning of chap. 2.

2. Another method required by the pursuit outlined above is the use of redaction criticism. It is assumed that the material in the Jephthah pericopae has been redacted from a previous form into its present form within some particular socio-theological horizon. An attempt ultimately will be made to identify the written form in which the material lay previous to its present form. But it may be possible only to conclude that it had a previous history without any possibility of recovering that earlier Sitz im Leben. On the other hand, it may be the case that the older commentators are correct who saw Jephthah as the first of a second sequence of judges ending with Samuel in the pre-canonical book of Judges. Thus, the use of redaction criticism is limited.

3. It is desirable to employ pertinent aspects of form criticism, i.e., (a) to include in the analysis of the Jephthah pericopae a discussion of any recognizable literary forms found in parts or in the gross structure of (any of) the Jephthah pericopae and (b) how such forms coincide with the intent of their pericopae. An example would be the attempt by Limburg\(^1\) to identify Jephthah's speech (11:12-28) as a treaty-breach lawsuit.

\(^1\)J. Limburg, "The Root and the Prophetic Lawsuit Speeches," JBL 88 (1969):291-304. In 1939 J. Obermann, "An Early Phoenician Political Document," JBL 58 (1939):229-242, implied that Jephthah's "speech" might be a royal letter like one recently unearthed at Byblus—one of the territorial integrity type. The comparison seems remote, however; the two forms may not be discrete categories. Progress has been made in understanding and defining broad genre types such as tale, saga, legend, etc., on which see further refinements in chap. 2, op. 71-74.
4. Since this is also unavoidably a biblical theology study, it is important to identify the kerygma or primary theological proclamation-intention in each of the several pericopae if pertinent, or for the whole series. The concern here is, what does the Jephthah material in its details, or on the whole, proclaim of Israel's faith in Yahweh? In this connection it is important to show to what extent and how the literary findings in all the dimensions identified above fall into the service of the kerygma intention of the portion(s).

5. Elements of social analysis are also required. Some view of government is necessarily involved in the book of Judges. The larger history of which the Jephthah traditions are part shows clear evidences of interest in both religious-historical and social-historical processes: there is judgeship in Judges; there are elders in Judges; there is leadership in war; there are wealth-power combinations; there is geographical delimitation of rulership together with conflict and cooperation; there are foreign enemies. There is, finally, the establishment of a central monarchy. The combination of these elements in Judges has been the subject of a particularly rich literature beginning most notably with C. F. Burney's _Israel's Settlement in Canaan_ (1919) and including monographs by Alt, Albright, Noth, Mendenhall, Gottwald, and Weippert, and articles by Liver, Mazar, Mendelsohn, and Malamat. There is also a rich periodical discussion of details and attempted syntheses along with language studies of the terminology problems related to שֹׁמַר. There is a substantial literature on kingship in the ancient Near East including
works by J. G. Frazer, S. H. Hooke, H. Frankfort, and on the biblical materials themselves by A. Alt, T. Veijola, M. Noth, G. Wallis, R. Nelson, T. Ishida, D. Davis and others. Studies in problems of authority and law in the ancient Near East such as the symposium on Authority and Law in the Ancient Orient (1937) are also useful.¹

6. Finally, it is clear that the methodology employed here is a combination of elements from several literary methodologies (or aspects of literary-critical methodology) and that the project may have a certain appearance of using structuralism as another methodological resource. This is not, however, a structuralist study except in the sense that (a) certain relationships of parts to wholes is sought, and (b) synthesis is attempted between the literary, sociological, and theological interests which show themselves in the Jephthah texts. These elements have been chosen because they seem to present themselves as major features of the texts' own interests and priorities, and because these priorities have been recognized by others in Judges as well as in the other historical books of the Hebrew Bible.

Nor is this a source-critical study per se. There is no intent here to analyze the texts into documentary sources, since this methodology has not produced particularly helpful results in the historical books;² it has in fact been abandoned as not pertinent


²R. Rendtorff, Das überlieferungsgeschichtliche Problem des Pentateuch, BZAW 147 (Berlin: Walter deGruyter, 1977), argues that source criticism is incompatible with form-criticism and tradition-historical criticism in pentateuchal studies; his model for
there, and its practice works on the assumption that it is necessitated by the presence of internal contradictions, parallels, repetitions, and tensions which have been left there by each succeeding editor. The methodological grid outlined above works from the assumption of internally unified blocks of narrative text unless and to whatever extent editorial modifications may have occurred in their editing into their present position. Rhetorical analysis supplemented by redaction criticism, form criticism, biblical theology, and social analysis seem like a more promising approach.¹

The Importance of the Jephthah Stories

There are compelling preliminary reasons for thinking that the five Jephthah pericopae (Judg 10:6–12:6) and the social process reflected in them represent an especially significant block of material in Judges and in the larger Deuteronomistic History. (1) Jephthah is the only judge who is offered and accepts a lifetime active rulership as a consequence of his military victories.² (2) Jephthah's diplomatic speech is the longest speech by a judge in the whole book; it


¹The approach used here is in the stream of study represented by H. Gunkel, H. Gressmann, and L. Rost's study of the Davidic succession narrative, in which the literary-critical assumption is only individual oral stories or collections of such stories, or complete, connected blocks of narrative—any or all of which have been incorporated into larger narrative complexes represented by our present biblical books.

represents a keryisma (deliverance from Egypt and consequences) summary in enlarged form and turned to the interests of a territorial argument against Ammon and Moab; this is unique in Judges. (3) Jephthah is placed between the two oft-studied lists of minor judges; this placement is thought to suggest some special function for Jephthah.1 (4) Jephthah represents a shift in both the narrative and framework patterns of Judges.2 (5) Jephthah is the first judge after the "Second Introduction" (10:6-16). Some scholars are of the opinion that this "Second Introduction" marks a new series of judges and foreign oppressors beginning with Jephthah.3 (6) The "Second Introduction" reviews the gods of the oppressing neighbors of Israel as they were represented by the first portion of the book (chaps. 3-9), and projects forward two nation-states (and their gods) with which Jephthah and Samson must deal, i.e., the Philistines and Ammonites. This pattern may suggest a second group of judge-stories beginning with Jephthah. (7) Jephthah is the first judge whose length of


2Mullen, pp. 193-198, stresses how radically the "cyclical" pattern of Judg 3-9 is changed in the Jephthah series, though one may question a few of his details. He observes that the Deuteronomistic narrative in chaps. 10:6-12:5 "has completely destroyed the predictability of his cyclical scheme." At the beginning of the Samson story he reverts in part to this scheme, but there are so few of its details that Mullen, p. 200, observes, "... the Samson cycle ... fits the scheme projected in the introduction (Judg 2:11-23) no better than the Jephthah cycle." Richter, pp. 549-551, notes that (1) the Kampfschilderung Formel changes in its use, conception, and vocabulary, so (2) the material in 10:17-12:5 only shows an acquaintance with the Retterbuch of chaps. 3-9, and a use of some of its formulae.

3Cf. e.g., C. F. Burney, The Book of Judges with Introduction and Notes (London: Rivington's, 1918), p. 293.
judgeship is noted, whereas in chaps. 3-9 only the length of the oppression and ensuing peace are noted.¹ This new pattern of chronological notices about length of judgeship is also found in three of Jephthah's immediate successors—at least insofar as the actual historical sequence of judges corresponds to the narrative sequence—Samson and Eli, and in modified form, Samuel. This looks like a shift in pattern.² (8) Richter was able to find the original Retterbuch core only from Ehud through Abimelech (chap. 9); beyond this the original Retterbuch and its literary patterns do not go. (9) An older view (Kuenen, followed cautiously and with modifications by Burney) suggested that the pre-Deuteronomistic Judges used a twelve-judge scheme which included perhaps Samuel or some other person now lost to us.³ The combined facts that (a) Jephthah is preceded by the "Second Introduction" and framed by two lists of "minor judges," and (b) the narrative and framework pattern changes, suggest that a new search for some earlier form of the book of Judges might be in order; the earlier form might have divided the judges at Jephthah, making him the first representative of the second series.⁴ (10) Jephthah

¹Cf. Mullen, p. 195; Tola (10:1) in the first "minor judge" list is the first actual example of this numbering change.

²Noted with further implications and observations by Mullen and earlier, e.g., by G. F. Moore, A Critical and Exegetical Commentary on Judges, ICC, 2nd ed. (Edinburgh: T & T Clark, 1908), pp. xxxiv-xxxv, 276-277, with curiosity.


⁴Until W. Richter's study, Traditionsgeschichtliche Unter-suchungen zum Richterbuch, Bonner Biblische Beiträge, no. 18 (Bonn: Peter Hanstein Verlag, GMBH, 1963), in which he found the Retterbuch and its editorial framework only through Judg 9, it was usually thought that this framework was also in evidence through the Samson
is given two distinctive titles, i.e., יִשְׁרֵיָה and נֵבֶל which are separated from each other into different kinds of motivations for their use and different actions as a basis for their adoption.¹

(11) Jephthah takes a more extreme measure than any other of the judges in the sacrifice of his daughter upon return from victory over the Ammonites. (12) Jephthah is the only "minor judge" who is also a "major judge."

The implications of these observations, which are drawn together here from various scattered commentaries and studies, have never been worked into a comprehensive synthesis of literary, social, and theological elements. There is need for such a synthesis since the Jephthah pericopae apparently represent unique factors of which the editors of the substantial judges were aware, but which have escaped the attention of modern critical literary and historical scholarship. This dissertation proposes to examine the materials in the effort to find answers to the questions evoked by these phenomena.

**Assumptions**

I am inclined to think that D. Davis' arguments for a Davidic-Hebron provenance for the "substantially" finished Judges are generally on the right track, but that his exact placement of the pericopae. Richter's work made a new approach to the division of Judges possible as well as the current quest for an improved understanding of the gross structure of the book. Cf. also Mullen, pp. 198-201.

book in the early monarchy may need revision.\(^1\) This dating for Judges would necessitate that the redactional process through which its material passed was not a long one, but perhaps occurred in several chronologically compacted stages—say not over 100 to 150 years of time at the most from oral to finished written form. This position, of course, also assumes literacy in at least some circles in the Israel of the settlement period—an assumption encouraged by the great literacy increase brought about in the Levant by the introduction of the alphabet, by evidence of literacy in Judges itself (8:14), and by the recent abecedary discovered at Izbet Sartah dating from the eleventh or twelfth century B.C.E.;\(^2\) there is also evidence from Samuel for literary activity in David's court. It is important to recognize that there is an entity which qualifies as the Deuteronomistic History by which I mean that the group of books consisting of Joshua through Kings has been deeply influenced by values and thought more or less (in various portions) like that of Deuteronomy and has been edited by persons representing these values continuously over a long period of time concluding in the Exile.

Davis' arguments disproving a distinctive and tight vocabulary-stylistic conformity of alleged Deuteronomic passages in Judges to Deuteronomy are impressive, but the arguments are decisive only for a certain estimate of how the Deuteronomic concerns are expressed,

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\(^1\)D. R. Davis, "A Proposed Life-Setting for the Book of Judges" (Ph.D. dissertation, Southern Baptist Theological Seminary, 1978). Davis argues that Judges was written as an apology for the Davidic monarchy during the Hebron years, as an appeal to the northern tribes to unite with him.

I.e., they are not expressed in a tight, rigid, frequent, and narrow use of the vocabulary of Deuteronomy. I assume that Deuteronomism is rather a many-faced phenomenon which can also use other diverse traditions such as those of Numbers, Exodus, or the wisdom tradition, and their distinctive vocabulary. Deuteronomism may be thought of as a set of values and concerns about Israel's life, not a stereotyped vocabulary of these concerns, although it had a vocabulary, of course.

I regularly entertain the notion that Deuteronomy itself is probably early (late Late Bronze, or very early Iron I) and so take seriously the thinking of M. Kline, P. Craigie, and K. Kitchen,¹ who argue for this provenance.

Finally, I assume that the influence of the positive view of kingship found in Deut 17 may have been as strong on the Deuteronomistic writer-editors as any other parts or interests of the book which are so much in evidence in the Joshua-Kings complex, e.g., prophetism, law, covenant, anti-idolatry, centralized sanctuary, and curse and blessing, as dynamics in Israel's history and religion. But, of course, it is the case that negative views of kingship are also found in small parts of the Deuteronomistic History for whatever reasons.

Recent Study of the Jephthah Pericopae

Taking Wellhausen as the point of departure for modern studies of the Jephthah traditions, the situation ca. 1890 may be summarized as follows: (1) 10:6-16 was not originally part of the Jephthah material, but a Deuteronomic addition made much later than the core of Jephthah material; (2) the Jephthah story is basically contained in 10:17-11:11 and 11:29-40, and has as its point only the etiological explanation of how the festival of the Gileadite women originated.¹ The Jephthah story itself has no historical worth; the story with which the group ends (12:1-6) is also a later appendix as is 11:12-28.

When W. Richter undertook a comprehensive analysis of the Jephthah material in 1966, he noted that in the whole history of study, no thorough and comprehensive analysis of it² had ever been undertaken. The only advances since Studer³ were (1) Moore's suggestion (1895) that the inserted diplomatic speech of Jephthah (11:12-28) was composed from Num 20:10-24, and (2) Budde's 1897⁴ proposal that this speech reflects a Moabite-Israel war story rather than one about Ammon, and was extracted from pentateuchal E. Richter also notes that the two basic positions on sources contained in these


³G. L. Studer, Das Buch der Richter (1835).

views are still taken today (1966)—some seeking the Pentateuchal sources, others seeking other various sources. There is no agreement; the Jephthah material is so complicated that the only way to make headway is analysis, especially since Noth (1965) has called for überlieferungsgeschichtliche (history of traditions) analysis. For Richter, the finished text in fact has no unity, so one may not start here. It is rather full of parallels, repetitions, contradictions, and tensions; yet there are some small unified portions, even if complicated by internal intrusions and disruptions.

What emerges from Richter's very detailed analysis is that (1) the Jephthah material has itself undergone two redactions prior to the work of the Deuteronomistic editors. (2) It has gained in the process two foci, i.e., (a) the vow-war complex, which has been unified by detailed editorial reworkings up to and including the early monarchy political horizon, in which a maiden sacrifice has been made in an extreme war-emergency situation, and (b) the Moabite argumentation of 11:12-28, which comes from a territorial conflict close to the time of Jeremiah, perhaps in the later Josiah period. The Jephthah pericopae therefore are an artificially and superficially unified complex of small pieces still betraying their original variations. (3) The second of the two earlier editors of the Jephthah material (previous to the [final] Deuteronomistic editing) also had before him the original Retterbuch material of chaps. 3-9 with which he tried to make connections: 12:5 is connected with 7:23-25, 8:1 is a fall-back point for 10:17 (an editorial introduction to the Jephthah material), as are also 6:33-35 and 7:23-25; 11:29 and 32 lean on 3:10; 11:32-33 depends on 3:27-29. The second
editor has also added the Ephraim attack (12:1-5) using a theme from the old Retterbuch, but it is impossible now to tell why he wanted to strike such a blow at Ephraim. (4) DtrG (Richter's siglum for the final, Deuteronomistic editor) then came upon this complex and framed it with the two lists of "minor judges" (10:1-5, 12:7-15) and added his "Second Introduction" of 10:6-16. (5) This analysis means the material on Jephthah was not part of the original Retterbuch—an opinion which Richter had already expressed in his 1964 work, and for which he finds added confirmation in his analysis of the Jephthah material, particularly in its nearly complete reorientation of the war formulae of the Retterbuch (Judg 3-9). (6) The final Deuteronomistic editor (DtrG) brought the Jephthah material into relation with that of Samson.

Richter makes interesting suggestions. (1) The Retterbuch goes only through Judg 9. The Jephthah material begins something new. But what is new is not clear yet; Richter only notes that it is unified with the Samson stories by DtrG (late, not early), that its bearings on the war formulae are quite different than in the Retterbuch, and that the original Jephthah stories focus entirely on the etiology of the daughter festival. (2) The "minor judges" passages frame the Jephthah material. (3) 10:6-16 is a kind of Second Introduction. (4) Aside from the question of whether or not his rather late dating of the second of the two major foci of the complex is correct, they reflect Monarchial Era war, i.e., a maiden vow-sacrifice in some extreme war situation and a territorial

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1Die Bearbeitungen des "Retterbuches" in der deuteronomistischen Epoche, Bonner Biblische Beiträge, no. 21 (Bonn: Peter Hanstein Verlag, GMBH, 1964).
conflict with Moab. There remains the problem that no comprehensive unity exists in the Jephthah stories. Richter thinks the editors have left it with appreciable disunities for their readers.

This is not a satisfactory conclusion because it denies to the final book a unified compositional-social horizon. Davis' explanation—that Judges is unified around the David monarchy at Hebron—is at least theoretically more satisfactory. It remains to be seen whether this can be justified from a close examination of the Jephthah material.

Richter's observation about the paucity of Jephthah studies is justified. There is no monograph either before or after 1966. Before Richter there was an article by R. Smend in 1902 on the geographical detail of Jephthah's speech (11:12-28), which has now been superseded by the more comprehensive recent study of M. Wüst (1975). In the meantime, however, S. Mittmann published a brief geographical study (1969) in which he adopted the position of

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1 There is more recently a tendency to at least affirm or assume that Judges is a "unified narrative" (Mullen, p. 187) or a "redactional unity" (J. Dumbrell, "'In Those Days There Was No King in Israel: Every Man Did What Was Right in His Own Eyes': The Purpose of the Book of Judges Reconsidered," JSOT 25 [1983]:23-33); cf. R. Polzin, Moses and the Deuteronomist (New York: Seabury, 1980), pp. 146-204. Polzin's work is a hermeneutically interested study concerned about the conflict between critical historicism's treatment of the text (Hirsh) and a broader hermeneutic which views meaning, significance, and application in one essential continuity (Gadamer). Polzin thinks a literary analysis would help overcome the gap between "what it meant" and "what it means."

2 R. Smend, "Beiträge zur Geschichte und Topographie des Ostjordanlandes" ZAW 22 (1902):129-137.


richter on the two editions of the speech but with the difference that he makes the second editor fabricate details which are contrary to those of the first editor. This second editor had a hold only on incidental circumstances and finally must bear the reproach of having only a "thoughtless, consenting acquaintance" with the tradition. ¹ This is inadequate and in need of correction, but may also be a more rigorously realistic result of Richter's analysis.

In his study of 11:12-28, Wüst likewise multiplies editors, but thinks they add material harmoniously to the original stories and other preceding forms of the text. A core stems from Jephthah against the Ammonites. The first editor then widened this core to include the idea that no territory violation charges against Israel could be claimed by the Ammonites. This stage in turn was reinforced by the second editor, who enlarged it with a sketch of the exact route of Israel in its passage from Egypt around Moab to Canaan (vss. 16b-18a). Another still later redactor added vss. 24-26 with the intention of destroying any Moabite claim by undermining its negotiating position with three arguments. What began as a small Ammon-piece, therefore, ends as a Moab-piece at a later time. The crucial widening occurred because, for the editing process, the point at issue was the former Amorite kingdom of Sihon which included (1) border territory (Josh 12:2b) once belonging to Ammon, and (2) Moabite territory north of the Arnon once occupied also by Sihon. In this way, according to Wüst, the original Ammonite-Gileadite struggle (realistically, historically) was a Moabite-Israelite struggle as well.

¹So Wüst, p. 468.
Perhaps the most significant study before Richter was the historically interested one of E. Täubler in his *Biblische Studien: Die Epoche der Richter* (1958). The chapter on Jephthah follows the generally received scholarly estimate: 10:6-16 is Deuteronomistic; 12:1-6 is a later insertion as is 11:12-28. This leaves the basic core of Jephthah material of which the story line was: Jephthah returned from the land of Tob in order to take over leadership of the struggle against the Ammonites; he went from Mizpah of Gilead against the Ammonites and struck twenty cities from Aroer to Minnith, as far as Abel-Keramim. Täubler then deals with the major historical assertions of this basic story line.

Täubler thinks Tob lies southeast of Mt. Hermon, in an area of Aramean occupation from which Jephthah had probably already carried on actions against the Ammonites. This activity was the reason why the elders of Gilead asked for his help. Jephthah's formal confirmation occurs in two separate sacral actions, first with the elders in an informal agreement (a one-sided vow by the elders), then in a formal treaty at Mizpah in which the brothers-like agreement is formalized before God. Mizpah thus became (or with G. A. Cooke, perhaps was already) a sacral site just as Saul's at Gilgal. The campaign reached from Aroer to Abel-Keramim. But which Aroer is in mind--the site on the Arnon, or the border town of the Ammonites (Josh 13:25)? Täubler chooses the Ammonite border town and

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interprets that Jephthah's campaign attempts to secure Gilead's southern border. The war action is represented only by the niphal of יָנֹל and therefore means "humiliate" not "conquer." From Aroer to Abal-Keramim means from the eastern border of Gilead (Aroer) southwesterly to Abel-Keramim, along Gilead's southern border.

The Jephthah diplomatic speech (11:12-28), added later, is a little school tractate, not political in nature but historical-instructional, a midrashic-like commentary related to East Jordan land losses after the time of Omri, which Jeroboam tried to recoup, as the Mesha Stone testifies. Its concern is reclamation of the former territory of Sihon the Amorite. Perhaps the territory dispute of the tractate echoes the reality heard in the scholars' lecture rooms of Samaria.

What was Jephthah's legal position according to Taubler? Jephthah is called וֹקַמ which denotes all jurisdictions, administrative, judicial, and military—an advance from יָנֹל (which he at first refused) in war to an enlarged set of permanent governing responsibilities. This designation (וֹקַמ) is taken from the pattern of the surrounding nations in which the tribal chief is the highest kinship head and on whom the kingdom is established. Jephthah, by parallel oaths and summons, is recognized as such a tribal chief—an accommodation to the rulership form of the surrounding nation-states. He is not king, but in a way anticipating kingship, a sheikh of highest status. Through oath and acclamations he attains a life-long office which then by means of charismatic anointing and hereditary provisions at last becomes the monarchy. This process also occurred

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1Taubler, p. 292.
in the midst of very powerful social conditions in Canaan, reinforced
by pressure from the outside, i.e., Ammonites and Philistines.
Geographical and political conditions in Gilead-Gad are not to be
minimized either; especially was the fate of Reuben a warning.¹

Taubler thinks that in contrast to this life-long—in modern
terms—praesidium, יָד denotes a fairly fixed military function as,
*e.g.*, in Josh 10:24; Isa 1:10; 3:6-7; 22:3 and Mic 3:1, 9, where the
double functions of judging and chiefdom are also suggested. In
Prov 6:7 יָד is used together with רַע and יָמָה. The term is
oriented to military actions in a special time of inner confusion and
outward threat; it is not used for the regular military office as is
שָׁם. Taubler thus contributes significantly to the study of
many aspects of the Jephthah material.

The remaining articles and studies, other than the very brief
commentary treatments, deal with isolated details. H. Rösel (1960)
argues that Jephthah is the most important single example of the

¹This discussion is reminiscent of that of A. Alt on "Die
Staatenbildung Der Israeliten in Palästina," in 1930 (Essays on Old
Blackwell, 1966], pp. 173-237, on which it is perhaps more or less
dependent, though Taubler does not cite it. Alt's description of the
step-by-step process of the formation of the single monarchy of the
whole twelve tribes, has not, to my knowledge, been refuted in any
substantial way. Rather, M. Weippert, "The Israelite 'Conquest' and
the Evidence from Trans-Jordan," in Symposia Celebrating the
Seventy-Fifth Anniversary of the Founding of the American Schools of
Oriental Research, ed. F. M. Cross, Jr. (Cambridge: American Schools
of Oriental Research, 1975), pp. 15-34, argues in support of a
similar process of chieftainship to kingship simultaneously for
Israel, Edom, Moab, and Ammon, though there are only biblical
references for Ammon, while Edom and Moab are probably viewed by the
Egyptians during the Late Bronze-Iron I horizon period as Shosu
nomads.
possibility of a combined deliverer-ruler.¹ There are several studies of Jephthah's vow-sacrifice from which it may now safely be concluded that the historic view is firmly reestablished, that Jephthah really did sacrifice his daughter.² The advance here lies in the Richter-Soggin view that the vow represents an extreme emergency situation, parallel with 2 Kgs 3:26-27, in which the king of Moab sacrificed his heir-son to Chemosh who became so angry that he defeated Israel.

Articles by J. Dus and S. Mittmann deal with geographical details.³ The locations of both Aroer and Minnith continue to be a problem. There is also a brief study by J. A. Soggin.⁴

On political-legal matters reflected in the stories, I. Mendelsohn contributed an article in 1954 on Jephthah's disinheritance. He argued that, assuming some awareness of the principles of the Lipit-Ishtar Code #27 in the region of Gilead, Jephthah lost his inheritance because a son was subsequently born to his father. That this is suggested to be illegal in the text must indicate, however, that some local custom has been allowed to

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supersedes his rights.¹ In 1939 Julian Obermann suggested that a Phoenician letter newly discovered at Byblus is parallel to the Jephthah speech in arguing for territorial integrity—"you keep to yours and I will keep to mine."²

This general review of the primary literature suggests that there is room for such a comprehensive study as proposed herein, and makes visible important contributions and resources.

There is a general tendency to look for redactional unity in the Jephthah material, regardless of one's view of the point at which particulars in the Jephthah stories might have been added, though Mittmann dissents. It does not seem satisfactory, in Wüst's words, to assume that one editor had only a "thoughtless, consenting acquaintance" with the traditions. But this is only to state a presumption in favor of both general and particular unity in the finished material. A new search for the unity of each pericope is made through rhetorical analysis and a search for recognizable forms.

In addition to the useful elements of Richter's study already noted above, Wüst's explanation of the Ammon-Moab speech is attractive. What is at stake in the speech is a historically valid claim on the former territory of Sihon of Heshbon, who occupied land on his eastern and southern borders belonging to Ammon and Moab, respectively, at an earlier stage of the history, but not at the time of Israel's conquest of Sihon. Weippert's objection to it is

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²Obermann, pp. 229-242.
unconvincing; he simply states that when Num 21:26 asserts that Sihon took Moabite territory, this is not correct; rather the "fire" that "went out of Heshbon" (vs. 28) was an Israelite victory as part of the settlement of the region.  

Täubler's points are all of interest, especially (1) that the Jephthah speech might be more instructionally interested than politically crusading, (2) that יְבִיא denotes all leadership functions, and approaches kingship, and (3) that this process is concurrent with or analogous to a similar process in the other emerging states of the region.

Judges Studies in the Nineteenth and Twentieth Centuries

Modern literary study of Judges began in 1835 with G. L. Studer, Das Buch der Richter. Studer already suggested (1) that Judges was composed from an old hero-book representing all twelve tribes, (2) that the present book found its form in the age of Josiah at the hands of a Deuteronomic editor, and (3) that the book passed through the process of several editorial revisions before reaching its final form.  

J. Wellhausen in his Geschichte Israel (1883) and Composition des Hexateuchs (1889) did not carry this suggestion farther, but rather undergirded it with his thesis that the law was not present or

1Weippert, p. 21.
operational at this stage of Israel's history. It was left to K.
Budde, in his two works, Die Bücher Richter und Samuel, ihre Quellen
und ihr Aufbau (1890) and Das Buch der Richter erklärt (1897), to
first attempt expansion of the JE source analysis into the historical
books. This approach was followed thereafter by the influential
critical works of Moore (1895), Burney (1918), Eissfeldt (Die Quellen
des Richterbuches [1925] and The Old Testament: An Introduction which
appeared in German in 1934 and in English in 1965), and C. A. Simpson
(The Composition of the book of Judges [1957]) whose work was
virtually the last serious representative of this approach.

Concurrent with this type of source criticism, there has
existed since the time of H. Gressmann (Die "Alteste"
Geschichtsschreibung und Prophetic Israels [1910]), building on the
work of H. Gunkel (The Legends of Genesis [1901]), the view that no
helpful explanation could arise from attempting to identify J and E
in the historical books. The books are rather composed from
individual narratives of varying sources and localities, which were
very early gathered and formed into the basic collections which now
make up the earliest core of stories in Samuel and Kings, although
these collected stories and pieces have been Deuteronomically edited.
When Noth published his Das System der Zwölf Stämme Israels (1928),
he too preferred an explanation of the old core of Judges as a
collection of local tribal tales focusing on the origin of place
names and local cult practices. This type of source criticism
prevails today, having finally won out over the attempts to find J
and E in Judges, although some scholars like A. Weiser think doublets
are in evidence through at least portions of Judges (J and E are not
their sources). A direct result of this type of analysis is the attempt to identify large blocks of ready-to-hand source material in the historical books (especially Joshua-Samuel), which have now been incorporated into the finished products. Such blocks would represent the stage of composition immediately prior to the final form of the books. The earliest continuous narrative block already suggested by Wellhausen was 2 Sam 9-20, which he dubbed a "Court History." Another such portion is the so-called "Ark-Narrative" which has been the subject of several studies (1 Sam 4-6, 2 Sam 6). To this should be added a composite but unified "Aufstieg Davids" consisting of 1 Sam 17-2 Sam 7.¹ For our purposes, the most important contribution to Judges studies of this type is that of W. Richter, Die Bearbeitungen des "Retterbuches" in der deuteronomistischen Epoche (1964), noted above, in which he argues that the earlier Retterbuch consisted only of the material in Judg 3:12-9:55. This means that with Jephthah something different begins. The question then arises again as to whether the judge-stories from Jephthah forward might represent another block of material which at some point in the composition process was also a unity, perhaps even a second half or second portion of the Retterbuch of 3:12-9:55, or a second collection of later deliverer or judge stories.

Something like a positive answer to this question had been

proposed at a much earlier stage in the development of modern Judges studies by G. F. Moore in his Critical and Exegetical Commentary on the Book of Judges (1895). Moore noted that the stories of both Eli and Samuel ended with the same kind of length-of-judgeship comment that concludes the Jephthah and Samson stories (cf. Judg 12:7; 15:20; 1 Sam 4:18; 7:15). He implied therefore that the original Judges, or as we perhaps must now say, a second judges-book, might have stretched from Jephthah through Samuel, of which the speech of 1 Sam 12 was once the ending, corresponding to the long speech of Josh 24. This is also of interest to the oft-made observation that Judg 10:6-16 is a kind of "Second Introduction." In The Book of Judges with Introduction and Notes (1918), C. F. Burney actually makes this suggestion—10:6-16 is or possibly once was the introduction to the Philistine and Ammonite material. Burney thought that this portion was probably part of E's book of Judges, though much reworked by E's successors. Thus Burney thought of a second portion or version of Judges in which the pattern changed on (a) the foreign nations involved, and (b) the statements for Jephthah, Samson, Eli, and Samuel on how long they judged—a difference from Judg 3:12-9:55. This difference along with several others is noted by T. Mullen (1982) who thinks they are important for the position Jephthah holds in the finished book of Judges.¹ Moore and Burney both were interested in a twelve-judge schema for the whole.

T. Mullen and W. Richter before him in the 1966 article on Jephthah² both recognize that the "minor judges" lists have some special literary significance for the whole. Mullen thinks they both

¹Mullen, pp. 185-201. ²"Überlieferungen."
serve to "accelerate the . . . story line," first toward Jephthah (10:1-5), then (12:7-12) toward Samson. He also notes that the new number scheme (length of judgeship versus length of oppression and rest as in chaps. 3-9 although a length of oppression notice survives also at Judg 13:1 of the Philistines) begins with the first judge of the first "minor judge" list. A more satisfactory explanation is that of Richter who simply observes that the two lists act as a framing device for Jephthah, but he does not elaborate on why such a device would be important. Boling also believes that Judges has been subject to framing interests\(^1\) in which the old "pragmatic" core (this description of Judg 3-16 is at least as early as Wellhausen's Composition) has been framed with two matching blocks of material, 2:1-5 corresponding with 16:1-18:31 (with two interspersed judgment speeches in 6:7-10 and 10:6-16—note difference in the estimate of how 10:6-16 functions from Moore and Burney), and 1:1-36 corresponding to 19:1-21:25. The literature thus shows a growing recognition of the use of framing placements in Judges. Boling also recognizes that Judg 1 and 19-21 have a matching "Judah went first."

Y. T. Radday acknowledges Boling's effort at recognizing chiasmus or at least some form of framing material around the original core of Judges, but he is critical of the result, i.e., that "the book is probably the most unbalanced and shapeless in biblical narrative literature."\(^2\) This complaint is addressed particularly to

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the fact that Boling's analysis seems unable to find balance or symmetry in the material used for framing. Radday's own analysis does not improve on this problem. He finds the center of the book in the statement of Gideon (8:23) that "the Lord will rule over you," and suggests that the original book of Judges, consisting of chaps. 3:6-12:15, made Gideon and this statement its central focus. But Radday cannot discover why such an arrangement was made. It might have been geographical interests or an artificial arrangement to highlight the anti-monarchist statement of 8:23. Perhaps some material on minor judges was tacked on near the end to give a kind of balance in quantity of material after 8:23 to that before it. Later, other additions were made of front and rear material.

Still another contribution to the literary understanding of Judges is represented by two articles on the relationship of the Gideon and Samson stories, one in 1926-27 by S. Cook, the other by Y. Zakovitch in 1975. Cook notes the obvious parallels between the two introductory theophanies: the messenger, threat of death, the meal, the rock altar. He does not suggest that one of the stories has shaped the other, though they are parallel. Zakovitch goes farther and suggests that the Gideon theophany has actually shaped

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3 Y. Zakovitch, "The Sacrifice of Gideon (Juds. 6) and the Sacrifice of Manoah (Juds. 13)," Shnaton 1 (1975):151-154.
the Manoah story. Boling likewise\textsuperscript{1} observes certain parallels and echoes of earlier Judges stories (3-9) in later ones (10-21), especially the striking echoes of Deborah-Barak in Samson. One notes that the flow of influence is thought to be from Judg 3-9 to 10-16.

These studies of the relations of parts to each other and to the whole are of special interest to this dissertation. Several ingredients in the perception of a possible unitary and symmetrical scheme in Judges can be seen emerging from the progress of research: (1) Mullen recognized that there is something decisive and of a turning-point nature with Jephthah; (2) Richter and Mullen saw the two minor judges lists as a framing device around the Jephthah series; (3) Boling recognized validly, despite whatever other problems might arise in his treatment for chiastic analysis of the whole book, that a "Judah first" interest characterizes chaps. 1 and 19-21; (4) Cook and Zakovitch both recognized the similarities between elements of the Gideon and Samson stories. It is only a short step to the conclusion that something central is intended in the Jephthah series. This dissertation aims in part to discover what that may be. It is even possible that Radday is right to the extent that Gideon or something in the Gideon material was the center of the original deliverer-collection. But however this may be, in the final edition, Jephthah appears to have been made the center of the book.

Some observers have noted that Boling was the first (\textit{Judges}, 1975) to attempt an identification of the historical occasion for each of the five proposed stages of the literary composition of

Judges. This is an important contribution if one assumes the lateness of the Deuteronomic editing process or its modification into the pre-exilic Deuteronomic, and exilic Deuteronomistic stages.

H. B. Huffmon (1959) and J. Limburg (1969) have both contributed studies on the treaty lawsuit form including its possible use in the Jephthah speech of Judg 11:12-28. The elements and functions of this literary form might be helpful in determining how the material of the Jephthah speech functions.²

The appearance of M. Noth's Überlieferungsgeschichtlichen Studien in 1943 marked a new development. Noth posited that there was one single Deuteronomistic History stretching from Deuteronomy through Kings, of which Deut 1-4 was the introduction and 2 Kings the conclusion. It was compiled in bits and pieces over a long period but given its final unified form through a comprehensive editing process by Deuteronomistic editors in the Exilic Era. It is unified by its (Deuteronomic) language, its inserted speeches at key points, its unified interpretation of the history (obedience to the continuous [prophetic] voice of God), its lack of positive interest in cult practice, its interest in retribution, its overarching chronological scheme, and its pervasively negative view of kingship. Since


Noth’s Überlieferungsgeschichtlichen Studien established a basis for more thorough-going thinking about an exilic date for the composition of the Deuteronomy-Kings corpus. But there were bound to be reactions. Perhaps the most forceful of these for Judges is the dissertation of Dale Ralph Davis (1978), "A Proposed Life-Setting for the Book of Judges." Davis’ work advances a little-heard line of protest against alleged late Deuteronomistic additions, expressed for example by E. J. Young (1953), G. T. Manley (1959), and A. E. Cundall (1970) to whom Davis acknowledges debt.²

¹Boling, "In Those Days"; Noth’s study of the Deuteronomistic History has now been translated into English under the title The Deuteronomistic History, trans. J. Doull, J. Barton and M. D. Rutter (Sheffield: JSOT, 1981); W. J. Dumbrell, "In Those Days." Dumbrell builds on the notion that Judges is now a redactional unity, in the Noth tradition.

Davis argues that Judges is an apology for the Davidic monarchy and at the same time an appeal to the northern tribes to unite with him; it was written at Hebron before David took Jerusalem. The compiler stressed the fragmentation and progressive disintegration of the pre-monarchy period, the problems of Israel without a king (chaps. 17-21), and the inadequacies of the judges—especially the lack of an all-Israel unity and lasting security. Davis examines the important geographical texts and finds no problems with, but rather positive evidence of, a Davidic provenance for the substance of the entire book, though he allows for some fragmentary later additions. He examines the language of the alleged (late) Deuteronomic passages and finds in them no substantial evidence of anything distinctively Deuteronomic: in fact, he rather finds evidence of the use of varied traditions, especially those of E.~Jud. Davis makes an impressive case and one cannot easily dismiss it. But (1) he does not explain the origin of the distinctive differences of the alleged Deuteronomic passages, and while his linguistic examination is convincing against a tight linguistic relation with the book of Deuteronomy, the distinctive passages (framework, speeches, kerygma, introductions, etc.) need more careful explanation than he attempts. (2) His explanation of the negativism of Judges toward Benjamin and Ephraim does not seem to fit the alleged appeal by David for them to unite with him. Despite these difficulties, however, Davis' arguments are an attractive alternative to an Exilic Era date for the final composition of Judges. The earlier articles by Young, Manley, and Cundall have cited other critical expressions of doubt about the alleged distinctive
Deuteronomism of certain Judges passages.  

If Davis is correct, then "Deuteronomic" may either have to be abandoned as a description for certain passages in Judges, or the term will have to be redefined both in its character—perhaps as a set of values not linguistically measurable—and in its date. That is, Deuteronomy and Deuteronomism may be early monarchic, or even pre-monarchic as is now argued by M. Kline, P. Craigie, J. A. Thompson and others. The latter view would necessitate a complete overthrow of one of Wellhausen's most basic theses.

1 Boling, Judges, p. 36, is only the most recent to express the kinds of qualifications on which Young, Manley, Cundall, and others base their protests against Deuteronomism: "Actually the only clear or stylistic parallel with Deuteronomy in this formula (the "pragmatic" or "framework" formula) is the statement 'they did evil'—exceedingly slim support for the notion that the book of Deuteronomy guided the bulk of the internal organization of Judges." This too suggests that "Deuteronomic" and "Deuteronomism" need more careful definition.

2 One of Richter's most important contributions in his Retter-buch is the identification of three editorial hands, all allegedly Deuteronomic in some sense. The first is the author of the framework passages; but as Boling (Judges, pp. 35-36) and Moran ("A Study of the Deuteronomic History," Biblica 46 [1965]:223-228) both note, the evidence for a Deuteronomy connection for this editor is limited to the phrase "they did evil" (Deut 17:2)—a slender thread. Richter's second editor was an imitator of the first and the author of the "example" judge story, that of Othniel; but Richter himself expresses some hesitancy about the identity of a separate editor here. Moran, p. 224, thinks his existence is likely and that to him can be attributed the cult interests of chaps. 2-9, i.e., hostility to foreign cults and promotion of the Yahweh-cult; he was a firm advocate of Deuteronomy's single-sanctuary Yahwism. The third editor was the author of the two introductions (2:11-3:6; 10:6-16) and also inserted the two "minor judges" passages, 10:1-5; 12:8-15. He is Noth's Deuteronomist of the Exile. He was strongly influenced by the framework passages and, as Moran notes, by the Exodus traditions (pp. 225-226); he was also the author of the chronological scheme both in Judges and in the Deuteronomistic History as a whole. The 480 years of 1 Kgs 6:1 is his, for example. While Boling's proposed editing process has some likenesses to Richter's scheme, they are not in complete agreement on either nomenclature or on which editorial stage contributed what to the book's composition.
This description of the path of Judges literary studies suggests some general directions which Judges studies might now take, and which studies of particular pericopae might take.

In the meantime, the problem of how many editorial hands worked on Judges from a Deuteronomic point of view, and what each contributed and when, goes unresolved. There can be no question of at least a small amount of some form of Deuteronomic language in certain parts of material outside the old core of deliverer stories. Beyerlin, Moran, and Davis have pointed to the influence of the Exodus traditions on the editorial process.\(^1\) The studies done in preparation for this dissertation have also raised caution afresh about trying to detect various Deuteronomic editors because the added material (frameworks, introduction, example) is rather interlaced in a remarkably complex way. Nonetheless, a position will emerge here on the compositional process represented by Judges. The whole material representing the editing process is viewed as Deuteronomic in a broad sense, since this is the locus of at least some of its thematic interests and, to a limited extent, vocabulary.

The Hebrew Settlement

Meanwhile, the book of Judges has been under discussion from another standpoint, i.e., what process of settlement into Palestine is represented in Joshua and Judges and to what extent do these books represent the whole story of Israel’s settlement in Canaan?

\(^{1}\) Beyerlin, "Gattung und Herkunft," especially stresses the pre-Deuteronomic character of much allegedly Deuteronomic phraseology in the framework and introductory portions of Judg 2-9.
C. F. Burney used the 1917 Schweich Lectures to make one of the significant early efforts at penetrating a problem raised by the developing literary studies, i.e., an apparent discrepancy between the settlement-by-local-skirmishes pictured in Judg 1:1-2:5, and the "framework" passages in Judges which seem to picture an "all-Israel" conquest similar to that of Joshua. Burney took his departure point from the growing belief that the "all-Israel conquest" was a creation of the Deuteronomic editor of the framework passages, and that local "conquest" was the more original and accurate picture of the settlement. In other words, the earliest fragments we have reflect only a non-unified, localized struggle with Canaanites for territory. This is also the picture of the earliest J and E stories about the judges, i.e., before the Deuteronomic editing created the unified, all-Israel conquest story.

Burney argued that Israel's settlement in Canaan occurred in two stages. The first was that of the Leah tribes from the South—Judah, Simeon, and Levi, plus, in the very earliest stages, Reuben, Issachar, and Zebulon. The latter three migrated from the Negev toward the north and thence to the east. In the second stage, the Joseph tribes moved into the central hill country of Canaan from the east (primarily Ephraim and Manasseh). From here Manasseh later

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1 C. F. Burney, Israel's Settlement in Canaan (London: Oxford University Press, 1919); more recently, M. Weinfeld, "The Period of the Conquest and of the Judges as Seen by the Earlier and the Later Sources," VT 17 (1967):93-113. According to Weinfeld, D transformed the saviors of the period into "judges," whereas the older "pragmatic" core called them "saviors"; this is not to be dismissed as speculation as Noth also had made this distinction which has indeed been much discussed. Division of the tribes into sub-groups, e.g., on the basis of their mothers had already had a long tradition beginning with Stade, for the literature on which see J. deGeus, The Tribes of Israel (Amsterdam: van Gorcum, 1976), pp.1-27.
moved eastward into Transjordan north of the Jabbok. This settlement was by migration, was peaceful for the most part, and occurred over an appreciable period of time. These tribes amalgamated with other Habiru-tribal groups whose names were "Israelite" (Asher, for example) and who were already in Palestine; there is archaeological evidence for this situation. Occasional clashes occurred in this process to which the old core of Joshua and Judges refers.¹

A. Alt also attacked this problem in 1925 in Die Landnahme der Israeliten in Palästina.² Here he argued somewhat differently from Burney, that the corridors between the old Palestinian city-states of the Late Bronze Age had always been sparsely populated and that it was into these corridors that Israel slowly settled. Local opposition was of the nature of skirmishes as reflected in the old core of Joshua-Judges. This approach, which took its rise from Alt's personal observations of Palestine, has recently been continued by Weippert (The Settlement of the Israelite Tribes in Palestine [1971]) and Israeli archaeologists and historians such as Y. Aharoni and B. Mazar (with modifications).

During the period 1930-1970, Albright and some of his pupils such as G. E. Wright and John Bright continued to defend the conquest of Joshua as the manner of the Israelite settlement on the basis of key sites mentioned in Joshua where massive destruction levels occur at a time allegedly coordinate with the thirteenth century Exodus. But there are problems with this view, and on any reckoning even

¹These views, however, go back to B. Stade and C. Steuernagel according to Burney's discussion in pp. 1-9.
²Essays, pp. 133-169.
destruction levels may not be counted on to tell the whole story.\(^1\)

Still another suggestion has been made by G. Mendenhall.\(^2\) He argues that the settlement occurred when Habiru in Palestine, revolting from the established social structure of the city-states, joined the Israelite Habiru invading from the East who had earlier revolted similarly from the power structure of Egypt. N. Gottwald now suggests that this rebellion process is what substantially formed "Israel" and that there resulted from it a "retribalization" i.e., the tribal social organization which we actually have in the Hebrew Bible.\(^3\)

This problem is highly relevant to the study of the Jephthah stories inasmuch as it represents an attempt to determine the kind of social process with which Israel's life in Palestine began. If, for example, its main motif and animus is freedom from oppressive power structures, then resistance to centralizing of power and monarchy is natural (Mendenhall, Gottwald). Israel would have valued free theocratic life with the local-tribal or even independent clan regime as normative. Actually then, two important problems arise for this dissertation from consideration of the conquest problem. (1) What

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\(^3\)N. Gottwald, "Domain Assumption and Societal Models in the Study of Pre-Monarchic Israel," in SVT, no. 28, and expanded in The Tribes of Yahweh (Maryknoll, N.Y.: Orbis, 1979).
pattern of social organization and values is operational in Judges?

(2) How is this pattern manifested in any given judge or collection of pericopae of which he or she is the subject. One is forced, then, to further consideration of the literature on the social process represented by Judges and its perception and evaluation by the final compiler(s) and/or their immediate predecessors.

Social Organization and Social Process in Settlement Israel

What Burney had boldly attempted in 1917 naturally created more problems and questions. Clements summarizes:

In conjunction with this new approach towards finding a solution of the problem of Israel's settlement in Palestine, Alt considered the complex historical problem concerning Israel's emergence as a territorial state under a monarchy. In many respects the problems concerning the settlement in the land and the formation of the Israelite state were related, since both aspects of the national history hinged upon the question of the nature of the people's social and political organization before the acquisition of full national status.

In his article "Israel, politische Geschichte," in the second edition of Die Religion in Geschichte und Gegenwart (1929) Alt suggested that the form of the inter-tribal bond was a unity with striking likeness to similar confederations in Greek and Italian areas called "amphictyonies." Simultaneously, Alt's pupil, M. Noth, published (1928) an elaborated study of this suggestion in Das System der Zwölf Stämme Israels. This study was developed further and refined in Noth's History of Israel (German, 1950). The basic social organization of this type was said to be a twelve-tribe confederation organized around a central sanctuary and of which Yahweh war was the

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most frequent and visible expression. At first, and for perhaps as much as forty years, the idea and descriptive vocabulary of this social arrangement was extremely popular and was adopted as the normative description of Israel's earliest social organization, even by persons who found it necessary to enclose the term "amphictyony" in quotation marks. But by 1963, objections had developed. In that year R. Smend published his Yahwehkrieg und Stammebund which crystallized major objections. Smend argued that (1) there are not twelve tribes in the earliest materials of Judges. (2) The tribes which are mentioned are not in a confederation; they rather operate independently, and only participate voluntarily and occasionally. (3) The ark is not the center of any such amphictyony, and (4) the Rachel tribes bear most of the responsibility for any Yahweh war (Joseph or Joseph-Benjamin). There was a kind of amphictyony; but it was a confederation of the Leah tribes at Sinai, and war was not an expression of their bond. The Rachel tribes are the tribes of the Exodus and their unity was only that of Yahweh's presence; Yahweh war was an expression of their sense of his presence. Thus the Exodus and Sinai are divided, as are "tribal confederation" and "Yahweh war," respectively between the two groups of tribes.

I have elaborated Smend's critique somewhat because it is the starting-point for a growing disaffection with the "amphictyony" description. After Smend, a steady stream of prominent books and articles finds fault with "amphictyony" for one reason or another.¹

Richter (1965), Hauser (1975), B. Lindars (1979), as well as Mendenhall, Gottwald, and D. H. Mayes along with several other scholars, all find the description unsatisfactory.

If, then, there was no formal or material unity among the settlement tribes, what was the highest unit of social organization and authority, and how did this system become an all-Israel monarchy by about 1000 B.C.E.?

The answer to the first question is: the tribal regime. What we have in Judges, in the earliest lists of social units and their activities, is the independent tribe, as is argued by Lindars, Hauser, Mendenhall, Gottwald, J. Liver, and T. Ishida and A. Malamat who cite parallel social patterns, particularly from Mari.

5. Tenth Generation.
6. Tribes of Yshweh.
7. Tribes of Yshweh.
9. T. Ishida, "Leaders of the Tribal Leagues: Israel in the Pre-Monarchy Period," RB 80 (1973):514-530; A. Malamat, "Mari and the Bible: Some Patterns of Tribal Organization and Institutions," JAOS 82 (1962):143-150, examines important parallel material from Mari in which he is able to illustrate a single tribe settling into a local area, with various sub-groups (clans or families) in various
This is a simple and forthright alternative; the answer to the second question is more complex.

Social Tensions

Albright's balanced observation in 1949, that early Israel displays the presence of both centripetal and centrifugal forces, seems correct. Albright assumed with most other scholars that there was some kind of tribal federation which unified Israel during this period. But the idea of an amphictyonic unity is now in trouble as noted above, and how much and in what ways beyond one or several yearly religious festival gatherings the Mosaic covenant unified Israel socially, economically, and politically, appears now to be more problematic than ever. Indeed, Hauser (1979) concluded that "A composite picture drawn from the rest of the traditions in the book of Judges . . . points away from any national office or organization."²

Certain other contributions to the study of early Israel suggest the same thing. T. Ishida, in the article cited above, has demonstrated quite conclusively that "Israel" is not an obvious designation of the whole twelve tribes in many uses in Judges. It more frequently designates rather small tribal unions formed mainly for a local war.³ Mendenhall and Gottwald both show that the tribe stages of permanent settlement (some still wandering, some settled in open villages, some settled in walled cities).

² Hauser, p. 302.
³ Ishida, pp. 524-526.
is the primary social unit in early Israel.¹ Their studies, along with that of J. Liver, are interested in the processes through which tribal strength grew or was maintained (Mendenhall, Gottwald) by means of biological propagation and amalgamation,² and the means by which fission and/or weakening (disintegration) also infiltrated tribal life and led to the search for new forms of social organization, which would strengthen basic securities (Liver). The newer studies cited here tend to see the social strength and organization of Israel during the earliest settlement as concentrated in the tribal regime, rather than in a federation of tribes or in a special amphictyonic arrangement. This means that early Israel's strength resided in the regional tribal vitality, not in a formally united nation which worked in unison on all fronts of life. If there was ever an early unified Israel, it appears to have been limited to the period of isolated desert life and the early conquest, and formally held together by the Sinai covenant. Once Israel began settling into Palestine, however, natural geographical separations, local Baalism, Canaanite chariotry,³ and foreign immigration became forces of dissipation and disunity. The very old Song of Deborah testifies to

¹Mendenhall, Tenth Generation, pp. 174-178; Gottwald, Tribes, pp. 245-250.

²M. Weippert, pp. 15-34, thinks too that natural population growth, immigration, and decreasing economic-geographic resources of Shosu nomads (= Israel, Edom, Moab, Ammon), led to the rapid population growth of Palestine and Transjordan in Iron I; J. Liver, "The Israelite Tribes," pp. 204-208; A. Aharoni, The Land of the Bible, trans. A. Rainey (Philadelphia: Westminster, n.d.), pp. 221-227, has collected much information on clan immigration, amalgamation, geographies, and economy. He does not try to evaluate strengthening-weakening dynamics since he is primarily interested in social geography per se.

³Albright, pp. 37-38.
voluntary participation of some tribes,\(^1\) while others are faulted for non-participation (Judg 5:14-18).

Some strengthening by biological propagation and amalgamation undoubtedly occurred (perhaps mostly in Judah and Ephraim) to aid the power of the local tribal regime. The Israelite tribe was in fact a racial-ethnic amalgam from the very beginning. Even Abraham's "house" included people not born there, but nonetheless brought under the sign of the covenant (Gen 17). One can also think of the "mixed multitude" coming out of Egypt with Israel, the amalgamation of the Calebites and Kenites with Judah (Judg 1), the incorporation of the Gibeonites into Israel (Josh 9), and the probable conversion of Shechem or elements of it to Yahwism (Josh 24; Judg 9). Liver shows how recombinations occurred when isolated families of one tribe relocated in another tribe (region), or settling foreign groups were amalgamated into various tribes.\(^2\)

The dynamics of disintegration appear to have become stronger as Israel continued in the land. Liver notes that "in the absence of a unifying force, the tribe tends to disintegrate into smaller units."\(^3\) Mendenhall suggests the same thing in discussing social fission:

... the function of real kinship ties in society is so limited that something larger is needed, particularly as population density increases and social conflicts become complex... the

\(^1\) Cf. B. Lindars, "The Israelite Tribes in Judges," *SVT*, no. 30 (1979), pp. 95-112.

\(^2\) Liver, pp. 204-208; cf. Aharoni, pp. 221-245; Mendenhall, *Tenth Generation*, pp. 142-173, discusses probabilities of Palestinian immigration by elements of various diverse groups (Philistines, Midianites, e.g.).

\(^3\) Liver, p. 186.
five-generation pattern according to which individuals are related if they have a common ancestor within the fifth generation seems to have been characteristic of the early biblical community. Beyond the fourth generation of descendants there is no corporate responsibility, and probably no other important social function.

This tendency toward disintegration of larger "kinship" groups is at least part of the significance of the statement in Exod 20:5 about visiting iniquity up to the fourth generation. After the fourth generation kinship cohesions almost wholly disintegrate. "No important social function" is performed by them. Some larger overarching social concept or need is required to maintain relationship. Such a concept or need in early Israel was fulfilled by covenant, cult, or defense alliance, and ultimately by a new form of centralized wholeness—monarchy. Liver points out that "one of the principal results of the conquest and settlement—a result which found expression only much later—was the complete disintegration of the tribal regime." The monarchy represents the end-point reaction to this negative process. In the intermediate stage between tribal rule and a radical effort at unity renewal such as monarchy, the functions of protection, which once belonged to the tribe, appear to have been increasingly relegated to the secondary and smaller social

1 Mendenhall, Tenth Generation, pp. 177-178; but this study and Gottwald's Tribes of Yahweh are more interested in how alienated groups form and re-form—in fusion more than fission—though the latter is of importance in the process.

2 Mendenhall, Tenth Generation, p. 178.

3 Liver, p. 189.

4 Ibid., pp. 190, 193.
unit, the חך. ¹ But the smaller the social unit in which the five protective functions were exercised, the more precarious became the degree of protective strength.²

At what social level were the war or other group-protective functions invested? In Joshua, Israel is represented as acting as a whole. In the early chapters of Judges, however, participation is by voluntary tribal divisions. In Gideon's experience, the tribe is still active, but Gideon is thinking primarily in terms of his חך (when viewed as a military unit).³ With Jephthah, the viable defense unit consists only of Jephthah's band whom the Gileadites must use to defend themselves. In Samson, Israel is reduced to merely observing his deeds of power; there is no liberation war. Inter-tribal conflicts correspondingly increased along with violence (Judg 17-21) and the disintegrating power of Baalism. The emergence of charisma, therefore, while certainly of Yahweh, is nonetheless evidence of deterioration; charisma is, at the least, a stop-gap and at most a supply of power to compensate for its loss in the primary social unit, the tribe. This same process also reaches the clan to which the protective functions of the tribe were apparently more and more consigned as disintegration proceeded. The clan develops the walled city and its walls symbolize the old tribal

¹Cf. Gottwald’s protective function charts, Tribes, pp. 338-341, 282-284; disintegration is not discussed by Gottwald at any length, however.

²Liver, pp. 190-193, summarizes the elements of the fluctuating social situations which contributed to weakness.

³Gottwald, Tribes, pp. 270-273.

⁴Boling, Judges, p. 197.
protective functions. In this context, the tendency toward kingship must have represented a justly serious effort to socially reorganize into some more viable form of protective unity, no matter how hard it was to admit the seriousness of the situation, or the need for change (Gideon, Samuel). This appears to be the meaning of the effort at kingship in Judg 8. The tribal regime has given way to the clan regime. The clan regime apparently tended to concentrate its life and protective efforts more and more in the city and its elders, its defenses, its cult center, and its gates (economic life, judicial life). The book of Ruth idealizes this situation, and undoubtedly it had its benefits. But the story of Ruth centers in Judah, the tribe which probably maintained or increased its strength more than any other, and perhaps enjoyed the greatest security. As protective units became smaller, and real or potential enemies more powerful, security problems compounded.

I have reviewed these social studies and some of their implications in detail, since it is important that any view of kingship (the ultimate outcome) reckon realistically with its actual social antecedents. It is important now that we note the literature on specific elements in the dynamics of local power and social function as seen in Judges, i.e., elders, judges, saviors, mercenaries, leaders, heads, rulers, kings.

The Alt-Noth picture of the amphictyonic organization of settlement Israel included the idea that the national confederation

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1 It must be emphasized that the point being made here is not that the tribe evolves linearly into the state; the state rather occurs negatively, i.e., because the tribe is an "evolutionary cul de sac" as M. H. Fried put it. Cf. deGeus, p. 131.
was maintained by two operatives—the "minor judges" of 10:1-5 and 12:7-12, whose primary function was to teach the law, and the "major judges" whose charismatic warrior power expressed the amphictyonic union under the duress of foreign threats, i.e., in war heroism.¹

The large protest literature against the amphictyonic description of early Israel was perhaps epitomized by the article of A. J. Hauser in 1975 in which he rejected both the amphictyonic description and the differentiation between minor and major judges.²

An engaging counter to this thesis is the study of H. Rösel (1980), "Jephtah und das Problem der Richter,"³ where it is argued that Hauser has gone too far: the amphictyonic description is separable from the thesis of two types of judges, or better, two judge-functions, i.e., the local teacher-elder-governor type and the war-leader type. Hauser was correct, Rösel argues, that there is overlap—some persons do both, of which Jepthah is the most obvious example. But the distinction is maintained in Judges along functional lines, and is not tied to the (dispensable) amphictyony analysis.

What was the social relationship between elders and judges? There is general agreement that the elders were simply local rulers, i.e., "minor judges." Whether their jurisdiction was strictly over the city and its "daughters" (Judg 1) or over the tribal territory, is not clear. It may in fact have been in process of change from the

¹ A. Alt, Essays on Old Testament History and Religion, pp. 102, 243, and passim: "the minor judges . . . have no connections with military functions or authority of this sort (p. 102)." Noth developed this distinction in "Das Amt des Richters Israels," in Festschrift für Alfred Bertholet, ed. W. Baumgartner (Tübingen: J. C. B. Mohr, 1950), pp. 404-417.
² Cf. also deGeus.
latter to the former as the protective-governing functions became more localized. At any rate there is the general perception that the deliverer-judges arose as a result of elder dysfunction in times of crisis or emergency, as Z. Weisman (1977) and H. Reviv (1977) suggest.\textsuperscript{1} It is in this kind of power leadership vacuum that the "charismatic" judge arose to fight off threats from foreign enemies.\textsuperscript{2} But one must not assume that the governing elders then ceased to exist, or the opposite, that leadership reverted entirely to the elders after a successful military effort. The more likely process is that the deliverer-judge continued to govern under a gradual widening of his powers as granted by the elders, as Reviv suggests. Consistent with this notion is the almost unanimous consensus that does indeed mean "rule" i.e., a person who administers the affairs of government—judicial, military, and administrative. Somewhere in the whole stands the prince (\textsuperscript{3}) who is neither precisely judge nor elder.

That this situation could easily move toward kingship is not hard to see in an atmosphere where elder-kingship coordinations


already had a long history,\(^1\) as the example of the elders' offer of kingship to Gideon shows. The most important question is whether the Deuteronomistic History as a whole and Judges in particular view this as a positive or negative development, particularly from the theological standpoint.

**Kingship in the Deuteronomistic History**

Noth's Überlieferungsgeschichtlichen Studien (1943) is again the watershed of modern discussion. Frequently it has been assumed that Samuel's negativism about the monarchy is the normative theology of monarchy. This is Noth's view also. For him, the Deuteronomistic History is comprehensively negative about monarchy. But the reaction to Noth has created a whole new view of this problem, whether on the Gideon-Abimelech kingship in particular, the view of kingship found in Judges more broadly, or on the broadest scale, the Deuteronomistic History as a whole.

Taking the last first, a major reversal has occurred. Four American doctoral dissertations\(^2\) devoted to segments of the Deuteronomistic History in the last six years have concluded that a negative view of monarchy is not in evidence. It is still possible, however,

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that 1 Sam 8-12 will have to be understood to reflect such a comprehensively negative view.

M. Buber among modern critical thinkers also reaffirmed the traditionally perceived negativism,¹ but the general tendency now is to think otherwise. G. Wallis, for example, in his article "Die Anfänge des Königtums in Israel (1963)," traces the roots of the monarchy to the social dynamics which made warrior- charisma a powerful movement.² A. E. Cundall is another forthright advocate of this position. His views are expressed in two articles, "Antecedents of the Monarchy in Ancient Israel" (1964)³ and "Judges: An Apology for the Monarchy?" (1970).⁴ This is also the view of Davis in his 1978 dissertation, and R. D. Nelson thinks that positive kingly interests are so strong in the Deuteronomistic History that Joshua is presented with many kingly motifs drawn directly from the kingship passage in Deut 17.⁵

R. Boling (1974) and J. Dumbrell (1983) do think the view of Judges toward kingship is negative, but not exactly in the older


²Wissenschaftliche Zeitschrift der Martin-Luther-Universität 12 (1963), pp. 239-248; cf. also his more recent Geschichte und Überlieferung (Stuttgart: Calwer Verlag, 1968); it is not a slow linear evolution from tribal rule to monarchy, but emergency situations, in which kingly warrior-heroes emerged and from which monarchy came. The line is from Jephthah to David, not tribal rule to monarchy.


sense. Their description is "tragicomic," and from an Exilic Era viewpoint. One cannot therefore speak about a unanimous shift on kingship; but movement does seem to be in the positive direction.

Not to be overlooked, however, is A. Alt's 1930 essay "Die Staatenbildung der Israeliten in Palästina." It is hard to estimate just how directly influential this essay has been in the shift toward a more positive view of monarchy in the Deuteronomistic History, but it is true that Alt's collected essays on aspects of Israel's religion and history were not published in English until 1966 after which one can see a pattern of change in English articles also.

Alt sought only to describe the process by which Israel moved from its settlement into Palestine to the Solomonic monarchy. (1) Saul's kingship was based on continuity with the old tribal regime and its charismatic experience of war-leadership; it was not a mere continuation of the tribal rule, but nonetheless in continuity with it. (2) Continuity was maintained with the tribal-charismatic process through covenant ceremonial at the old shrines like Gilgal. (3) The new element is that the whole people acclaim Saul as permanent ruler. But why did this change occur? (4) The catalyst was the Philistine threat. The new arrangement was solely for defense-protective reasons, not territorial expansion. Moreover, Saul kept himself in power through a small band of retainers plus mercenary recruits, as had been the case, for example, with Jephthah and other

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1 Boling, "In Those Days," p. 45 implicitly; Dumbrell, "In Those Days," p. 28 explicitly.

2 The essay is now in English and included under the title "The Formation of the Israelite State in Palestine" in Essays in Old Testament History and Religion.
deliverer—judges, including perhaps Shamgar.\(^1\) (5) The old Canaanite states were no model. They were rather based on a small professional, local soldiery, and were limited in territory; the people had nothing to do with the king's retention. The Philistines were a better model. Saul in fact based his kingdom at least partially on their model of military-political organization—a professional body of retainers plus mercenaries and military garrisons in remote areas. (6) Israel's early monarchy is rather more like that of Ammon, Edom, Moab, and Aram. In these emerging nation-states, "king" does not mean "dynastic." Rather for several centuries these "monarchies" functioned by emergence of a powerful tribal chieftain called "king" in biblical texts (Gen 36:31-39). Not until David's time and after were they dynastic. The early monarchy of Israel is most like this type but also includes Yahweh election and the peoples' confirmation. (7) The early monarchy dealt only with military affairs, and left all else to the tribes.

Clearly, Alt stresses very strongly the continuity of the monarchy with its Israelite past and with the system of the (non-Canaanite) surrounding nations. But one can see how much of Alt's description is characteristic also of Jephthah when the total configuration of elements in his "rule" is taken into view. Clearly also, "judgeship" and "kingship" are not discrete categories in the biblical and extra-biblical sources. The implications of this description are considered in dealing with Jephthah's social bearings. Alt also suggests that Jephthah may be intended as a typological

\(^1\) Cf. P. C. Craigie, "Reconsideration of Shamgar ben Anath (Judg. 3:31 and 5:6)," \textit{JBL} 91 (1972):239-240.
precursor of David.¹

It would be splendid indeed if Alt's well-articulated
description could simply be accepted forthwith. It has, in fact,
been subjected to criticism in several respects, at first by G.
Buccellati, then by W. Beyerlin, then by T. Ishida. These critiques
focus primarily on Alt's contention that a dynastic conception of
monarchy was not part of Saul's government. Buccellati rather argued
that Saul's monarchy was dynastic both de jure and de facto, Beyerlin
that Saul was neither a charismatic war leader nor made king by ac­
clamation, and Ishida that the dynastic conception is clear in the
minds of the people, in Samuel's mind, and in the mind of Saul him­
self as seen in his exchanges with Jonathan. Thus Saul's monarchy
was not purely charismatic. But these considerations do not appear
to dislodge Alt's basic idea, that charisma continued into the early
monarchy from the time of the judges. The critiques do suggest,
though, that he may have overstated the point or made a complex
situation appear too simple by conceiving of it as a matter of one
principle of kingship over against another.²

A more dramatic change on monarchy, however, is a group of
articles, which—contrary to all traditionally perceived appearances
in the text as well as to the exegetical tradition—argue that king­
ship, even in the episodes of Gideon and Abimelech, is not in

²T. Ishida, The Royal Dynasties in Ancient Israel (Berlin:
Walter deGruyter, 1977), pp. 51-54; Ishida, however, acknowledges
that (1) Edomite "kings" were unrelated chieftains (p. 23), and (2)
king-charisma is visible in 1 Samuel; G. Buccellati, Cities and
Nations of Ancient Syria, Studi Semitici, 26 (Rome: Instituto Di
Studi Del Vicino Orienta, 1957), pp. 195-200; W. Beyerlin, "Das
principle viewed negatively. This movement in scholarship undergirds the above noted tendencies in the literature. The literature of this line of thought will be reviewed in detail in chap. 7 below.

Finally, several studies explore different views of kingship as regional variables. F. M. Cross, Jr. noted in 1973, that conflicting views of monarchy existed after its founding. In the North a covenant-oriented, conditional monarchy ideology prevailed, while in the South a dynastic view was current. In a different sense L. Schmid in his 1982 article "König und Charisma im Alten Testament" suggested that the Northern Kingdom retained a charisma-of-the-office ideology. This too suggests that the process which led to monarchy goes back into the social dynamics found in Judges and moves forward from there.

This literature reveals a broadening and deepening perception of the complex social process leading to monarchy, including possible non-dynastic kingship as a transitional form in some newly emerging political entities. It also reveals how the Deuteronomistic History...
evaluated the Israelite monarchy. It will be important to assess the place of Jephthah in this setting. For purposes of this dissertation, an assumption is made in the light of the literature discussed here, and that Samuel's attitudes notwithstanding, a positive view of monarchy probably prevailed.

Problems in the Deuteronomistic History

Assuming the correctness of the notion that there is a discrete Old Testament literary entity justifiably called The Deuteronomic or Deuteronomistic History, i.e., a group of writings consisting of Deuteronomy through Kings whose composition and contents are homogeneous and guided by the values and concepts of Deuteronomy, there are problems which have not yet been worked in detail or which have not been satisfactorily resolved or explained. Since Jephthah is part of the Judges complex, and Judges has become part of the Deuteronomistic History, some discussion of the unresolved problems in the study of this material is apposite, to the extent that these will bear on the proposed research.

1. It must still be regarded as a somewhat open question whether such a discrete entity really does exist as The Deuteronomistic History in the sense that this whole complex has been assembled and/or editorially unified\(^1\) by a single personality or group of persons. The compositional process too is open to question. Was it all composed at one time? Was it composed by arranging already existing oral or written traditions? Was it composed by insertion of particular value-comments, theological judgments, chronological

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\(^1\)W. J. Dumbrell, "In Those Days," for example, describes Judges as a "redactional unity."
indicators, or speeches at key points? In 1978, D. R. Davis in the dissertation mentioned above, dissolved most of the linguistic evidence for the alleged Deuteronomism of certain passages in Judges usually claimed to exhibit significant Deuteronomic language and style. Davis demonstrates that such evidence for distinctive Deuteronomism in these passages does not in fact exist. Davis' work, however, only climaxes a long line of critics of the alleged Deuteronomism of various segments of this history. Despite Davis' negative conclusions on the Deuteronomic language of Judges, however, it is still probable that one must speak of the Deuteronomic nature of the Joshua-Kings history in the sense that these books—especially Joshua and Kings—do work with the values, ideas, and language of Deuteronomy. These values include its focus on the four offices of Israel (prophet, priest, king, judge), the problem of idolatry and loyalty to Yahweh, the blessing-cursing schema of Deuteronomy, the land as gift of Yahweh, Israel as the people of Yahweh, and obedience to the total law and covenant of Yahweh as Israel's modus operandi for her mission in the world. Deuteronomism may be more like a theological-valuational perspective than a precisely measurable linguistic phenomenon.

2. Again assuming the correctness of the judgment that there is a Deuteronomistic History, major problems of its theological-social orientation have not been satisfactorily resolved. One of the most difficult, if not basic, of these problems is this...

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1 The pertinence of Davis' examination of alleged Deuteronomistic language lies in Noth's insistence that it is precisely by its linguistic qualities that Deuteronomism is visible; cf. M. Noth, Deuteronomistic History, p. 5.
history's view of kingship. Is its overview of monarchy in Israel basically negative (Buber, Noth, Mendenhall) or positive (Hauser, Gerbrandt, Cundall, Nelson, Davis)? This has been discussed in detail above.

3. A most puzzling problem is that if there is a well-worked unity reflecting singularity in composition, redaction, and/or editing, whence comes such a vast variety of material and literary patterns within this unity? Two lines of thought stemming from Wellhausen tend to address this problem in their own distinctive ways. One line, which originated with K. Budde and proceeded (with Judges in mind primarily) through G. F. Moore, C. F. Burney, and O. Eissfeldt to C. Simpson (1957), was of the opinion that the Pentateuchal sources J and E in various revisions and editions furnished much of the basic material of these books to the Deuteronomistic revision. The other viewpoint which originated with H. Gressmann and moved through L. Rost and M. Noth, and now in fact predominates, saw the source materials as scattered fragments and portions originating in many different interests and circumstances. This material was finally brought into unity by Deuteronomizing editing just before and/or during the exile. But this opinion has the further complicating feature, that the source material is very diverse, and each major block (for example, David's Rise, the Ark Narrative, the Davidic Succession, or the Retterbuch [Judg 3-9]) has its own independent pre-history in the oral and early written stages of its existence. Our problem would then be the nature and function of the Jephthah material in this complex, and whether it was earlier, independent, or part of a larger second judges-book.
4. This discussion leads to a fourth problem. Not all portions of the alleged Deuteronomistic History have been evenly assessed for their contribution to the whole. The Davidic Succession story, for example (2 Sam 9-20), has been frequently studied, since Wellhausen himself made specific positive pronouncements about its distinctiveness, and because the portion is felt to have been composed close to the time of the events.\(^1\) The Ark Narrative has also been the subject of several studies and dissertations (1 Sam 4-6, 2 Sam 6).\(^2\) In Judges, The Song of Deborah (chap. 5) is perhaps the most studied portion. There is a large literature on the Samson stories and an appreciable but lesser literature on the Gideon stories. There is also a substantial literature on the so-called "minor judges" portions (10:1-5; 12:7-15), although its focus is on the social system reflected in the pericopae and the extent to which the several pieces paint a different picture of judgeship than that of the "major judges" where military campaigns are the focus. In this complex of literary blocks and units, the Jephthah stories are, in contrast, virtually unstudied in a comprehensive way, as Richter observed in his 1966 essay.\(^3\) He notes that there are only a few

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2 The most recent studies are by A. Campbell, The Ark Narrative (1 Sam 4-6; 2 Sam 6): A Form-Critical and Traditio-Historical Study (Missoula, Mont.: Scholar's Press, 1975); D. Miller and J. J. M. Roberts, The Hand of the Lord (Baltimore: Johns Hopkins, 1977).

3 "Überlieferungen." Tribble, pp. 93-109, includes Judg 11:29-40 (The Daughter Sacrifice) in her discussion of such
scattered articles and essays in addition to the standard commentaries.¹ This situation has not changed substantially since 1966, although there have been brief studies by Wüst, Täubler, and Rösel as noted earlier. But there still is no dissertation or monograph. Richter's is entirely a literary-critical study of the material itself, not a study of its larger function in Judges or in the total complex known as the Deuteronomistic History. The Jephthah material therefore remains an unassessed block in terms of its gross structure and larger function in the history of which it is part.

5. A particularly noticeable feature of at least Joshua through Samuel is the frequently repeated confession of Israel's faith. This confession contains recitations of Israel's origins, which are attributed to a sequence of Yahweh's actions: exodus, journey through the wilderness, passage of the Jordan, and conquest of parts of the promised land. Numerous such passages exist in Joshua, Judges, and Samuel. One of the longest of these passages (only two are longer) is the diplomatic message of Jephthah to the king of Ammon (Judg 11:12-28). It is shorter only than the speeches of Joshua (Josh 23-24) and Samuel (1 Sam 12), both of which are recognized as of major importance for the significance of this allegedly unified historical complex. This fact alone warrants investigation, i.e., the reason for such an inclusion in the central part of Judges passages. She provides an analysis of the whole Jephthah group which is seen as consisting of four, not five portions. This is only an outline study, however.

¹Cf. E. Jenni, "Zwei Jahrzehnte Forschung an den Büchern Josua bis Könige," TR NF 27 (1961), who likewise notes that there had been little new work on Judges other than the Song of Deborah and Gideon, and the minor judges portions.
and the reason(s) for attribution of such a diplomatic speech to Jephthah.

These unresolved questions invite studies which contribute to their solution, or provide further insight into their significance.

**Studies in the Deuteronomistic Kerygma**

Noth's *Überlieferungsgeschichtlichen Studien* (1943) is likewise the point from which current discussion of the theology/kerygma of the Deuteronomistic History must begin.¹ Here Noth judged that in connection with its negative view of kingship, this historical work proclaimed the principle of retributive judgment on Israel as final and absolute with no hope for any future. But by 1948, von Rad was already proposing that this view was too limited.²

Von Rad suggested that the Deuteronomist also worked with a prophecy-fulfillment scheme based on the will of Yahweh, and that the Nathan prophecy was the apex of this scheme. The Deuteronomist could not conceive, according to von Rad, of reducing the severity and reality of the judgment of Yahweh over the broken covenant; but "he could not, yea dared not, believe that Yahweh's promise, i.e., the light of David, had died out forever."³ Thus there is hope as well as judgment in the basic theological framework of the finalized


²Von Rad, pp. 74-80.

³Ibid.
Deuteronomistic History. For von Rad, however, David's obedience to Yahweh's will validates for him and his offspring the transcendent hope of the covenant promise; there is no mere absolutizing of an unconditional promise. Clearly this thesis is compatible with the notion that Judges already has a special interest in Judah, and a positive outlook on the monarchy. Jephthah may be fitted into this pro-Davidic monarchical theme. But it is not clear how the Jephthah pericopae might be fitted into either a strictly singular absolute judgment emphasis (Noth) or even a simple prophecy-fulfillment scheme (von Rad in part).

In his 1961 article, H. W. Wolff complained that neither Noth's nor von Rad's estimates of the basic kerygma of the Deuteronomistic History were quite sufficient to explain all the material, especially the long theological insertions of 1 Kgs 8 and 2 Kgs 17. Here the concept of "return to Yahweh" is featured. In these portions, supporting concepts like repentance, confession of guilt, and acknowledgment of Yahweh's justice all go to make up the needed dimensions of a true turning back to Yahweh. Wolff finds this overarching theme of return linked deliberately with Deut 30:1-10 where the blessings of such a return are outlined. He also finds the language of this Deuteronomy passage "thoroughly characteristic" of the Jeremiah traditions; the language of Deut 30:1-10 also contains a network of "connections" with the Deuteronomistic History in general,

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2 Wolff, pp. 90-100.
and Deut 4:29-31 in particular. This historian was a "disciple of Jeremiah." ¹

By 1968 W. Brueggemann saw the desirability of enlarging the perception of the value-orientation of the Deuteronomistic History to include a comprehensive concept of "good" including its human instrumentality Israel, the land, and the word. ²

In 1973 F. Cross, in his chapter in Canaanite Myth and Hebrew Epic on "The Themes of the Book of Kings and the Structure of the Deuteronomistic History," argued against Noth for two editions of the collection.³ The themes of the first edition were the sins of Jeroboam and the election of David; this edition was made in the Josianic Era. The second edition comes from the Exilic Era and emphasizes the finality of the destruction for the sins of Manasseh.

In 1974 D. McCarthy returned to the problem of wrath in the Deuteronomistic History.⁴ He suggested that Noth had been wrong about the dead-end finality of the compiler's view. The wrath problem is to be seen as a danger only at points of leadership transition, where the concept clusters, e.g., in Joshua's final speeches, between judges in the earlier portions, between Jeroboam I and Azariah in the North, and after Manasseh in the South. It does not occur at all in the important transition speech of 1 Sam 12.

¹ Wolff, p. 99.
³ This study of Cross has been very influential in restoring the multiple editions view.
Instead, the monarchy is viewed as an expression of renewal. Clearly the stabilization of leadership transition via monarchy is important to McCarthy's distinction. The wrath, moreover, affects only the welfare of particular kings, not the whole nation, except in the last kings before the fall of Samaria or Jerusalem. Since the national wrath interest also occurs in the last speeches of Moses (Deut 31-33), at the beginning of the history, and at its end, this motif is a framing device for the whole. Variables in the wrath formula, and notes of repentance and return "strike a note of hope" in the abiding nature of the salvation possibility. Noth was not correct therefore.

By 1978, in his volume in the Proclamation Commentaries, W. Rast found it necessary to be so all-inclusive in this seemingly ever-widening perception of themes in which the Deuteronomistic History was interested, that he identifies nine equally important themes followed by the historian—a list which might be made more realistically into fourteen or more themes for Joshua alone, and perhaps increased for the other parts of the history. A major problem here, however, is how far this list of controlling themes may be expanded without becoming absurd or at least unworkable. How many such discrete themes could the writer realistically hold in mind while working the material? And how could he gravitate from one to the other in the generally even-handed way he does? Does this perhaps mean that the history was the product of a group of minds—a school? Or should this whole problem be worked over again, in the endeavor to rethink the possibilities of a single or simple group of

1Ibid., 106.
over-arching concerns of which these themes are natural subsets?
Some of the recent literature suggests that the Davidic monarchy-
promise is such an umbrella.

Still another attempt was made by R. Nelson in 1981\(^1\) to iden-
tify the unifying interests of the Deuteronomistic History. Nelson
insists against Noth that only a dual redaction can satisfactorily
explain the stylistic, evaluative, and subject variations in the
text. Four concerns with frequent expression by the Josianic histo-
rian were (1) the ark, (2) the land, (3) a hero-villain valuational
scheme based on Josiah and projected onto Joshua thoroughly,\(^2\)
and (4) the positive value of the Northern Kingdom. In each of
these, the Exilic Era editor in contrast had no interest or an oppo-
site view of its importance. The Josianic version of the book, in
summary, was an optimistic and nationalistic defense of the Davidic
dynasty and Josiah in particular. The Exilic Era (final) editor
emphasized Yahweh's punishment, but also left hints of the possibil-
ities of repentance. Nelson thinks Noth wrong on both counts, i.e.,
the Deuteronomistic History had two redactions, and is not a closure
on Israel's history or the possibilities for renewal at the end of
the Era.

Old Testament Credo/Kerygma Studies

More or less simultaneously with study of the kerygma of the
Deuteronomistic History has been the parallel development of studies
in the credo/kerygma of the Hebrew Bible originated by von Rad

\(^1\) R. Nelson, *Double Redaction*, pp. 123-128.

\(^2\) Nelson details this motif in Joshua in "Josiah in the Book of
Joshua."
(1957). Taking the "Old Credo" of Deut 26:5b-9 as a starting point for an Old Testament theology, von Rad sought to discover how it was elaborated theologically in the various divisions of Israel's historical literature. Similar credo statements of varying length as well as allusions to details of Israel's history can also be found in many other passages of Joshua, Judges, Samuel, and Kings. There are at least eleven such recitals of Yahweh's historical acts toward Israel in Joshua alone. These confessional summaries proclaimed the events of Yahweh's history with Israel in various interests and could obviously be used and reused as new occasions demanded. One of the longer of these is the diplomatic speech of Jephthah which clearly has kerygmatic interests; hence credo/kerygma studies bear on this dissertation. The "Old Credo" is exodus-oriented and knows no Sinai law revelation.

However, this credo/kerygma methodology has been subjected to criticism since its original presentation. (1) L. Rost pointed out that the language of the credo passage is the same as the rest of Deuteronomy and therefore the Credo cannot pre-date the book as a whole, which Rost regards as roughly Josianic--late 7th century B.C.E. with many Old Testament scholars. The Credo therefore does not qualify as old. (2) C. H. Brekelmans shows that when compared with other similar credo or confessional formulae elsewhere in the

1Von Rad, Old Testament Theology, 1:105-128.
2Ibid.
Hexateuch (Exod 13:14-16; Josh 4:6-7; Exod 12:26-27; Deut 6:20-24) there is connection with the Hebrew Bible's covenant formulary; "historical credo" therefore is not an independent Gattung.

(3) There are other equally satisfactory explanations for the absence of Sinai from these summaries than von Rad's proposal of two independent traditions—a Sinai tradition connected with Shechem, the Feast of Tabernacles and Jacob as the patriarch, and an Exodus tradition connected with Gilgal and Firstfruits; Weiser, e.g., suggested that Sinai was not an historical event in the same sense as the exodus from Egypt and entry into Canaan. "Ancient Credo" is therefore not defensible as a designation for Deut 26:5b-9, since it is not old, cannot be an independent Gattung, and its non-mention of Sinai may be explained in other ways.1

Hyatt suggests (1) that "credo" is wrong and should be dropped as a description; (2) "historical summary" is better; (3) the true credo is really the Shema; and (4) "historical" is really an incorrect way, despite its popularity among biblical theologians, to distinguish the biblical conceptualization of Yahweh's relation with the world. B. Albrektson's study of gods and history in the ancient Near East has shown that the gods of the nations too entered into historical relations with men in the thinking of their votaries.2

These criticisms are pertinent to von Rad's method and its conceptual framework; they also assume the widely accepted late date of Deuteronomism. There remains, however, the core of material with

which von Rad was trying to deal seriously as a substantial foundation of biblical theology. As such this has not been shown to be a wrong track, though his way of conceiving of it and the resultant method of handling it may be lacking. These summaries may be called "kerygma" since (1) they proclaim the acts of God as good news to Israel and the nations; (2) they recite her salvation from Egypt and its continuing results; (3) they are repeated, in part at least, as the basis for her relationship with Yahweh from which her commitment to the commandments is urged; and (4) the events are proclaimed as gracious acts of the sovereign King; they also form part of the biblical covenant formulary. In this Brekelmans' critique is significant.

Methodologically, to achieve satisfactory results in judging the relevance and significance of these historical summaries, one should start at some point where a clear, or at least widely agreed on genre can be detected as the frame in which the smaller units can be studied for their larger functional significance. Josh 24 is such a block of material. It is widely agreed that the portion is a covenant document of some sort ("renewal," and "ratification" have been used to describe its function) and it contains the longest kerygma summary in Joshua. From this vantage point it should be possible to discover how other such summaries function, and thereby to gain some insight into the theological significance and varied relations of the summaries as a whole. On any reckoning these kerygma or credo portions are so continuously woven into the Deuteronomistic History that one must reckon with their significance in general; and it is necessary to do so in particular with the speech of Jephthah. But there
is a problem in that there does not yet appear to be agreement on the significance of these portions; perhaps this disagreement reflects real diversity in how the summaries actually function in their biblical use.

Summary

It may be helpful to summarize this overview in several brief points.

The proposed study focuses on two basic inquiries. (1) What is the literary function of the five Jephthah pericopae individually, together, and in the book of Judges? (2) What is the broader social significance of these stories in the mind of the final editors of the Deuteronomistic History?

Research on the Jephthah stories furnishes only a very limited body of material and is more suggestive than definitive. Jephthah is one of the most ignored of the judges, except perhaps for the well-known curiosity about the sacrifice of his daughter. Most of the studies available are in German (about a half-dozen of critical significance in addition to the commentaries and those interested in geographical detail). Richter's (1966) is the most important. He concludes that the Jephthah material is not editorially unified; it contains many repetitions, parallels, tensions, and contradictions which have been left there by the final editor. Perhaps the second most important study is that of M. Wüst; but it is limited to 11:12-28. Wüst like Richter thinks of multiple editors; but unlike Richter, he believes that each in succession added material harmoniously to the original foundation document. Another study of special significance is that of E. Täubler who examines the historical,
social, and geographical allusions in the Jephthah traditions, and makes many helpful suggestions about Jephthah's background and social position, especially that his rule was a kind of functional kingship of an aristocratic and non-dynastic type, analogous to emerging kingships of Ammon, Moab, and Edom (Alt), and the Aegean (Gordon). These studies by Wüst and Täubler furnish significant possibilities for literary and social analysis in that they illustrate a tendency to recognize the unity of the Jephthah traditions and to understand the "judges" as "rulers," i.e., as functional kings in a non-dynastic sense. These tendencies would be important if some significant social development were the reason for the editorial featuring of Jephthah.

The drift of critical studies is away from the supposition that Pentateuchal source documents can be found in Judges; the last of such studies was Simpson's (1957). Richter advocated that Judges originally consisted of a collection of savior-stories now found in chaps. 3-9 but not beyond this. This hypothesis seems to be workable and realistic, and separable from his analytic literary treatment of the Jephthah traditions. It is possible that there was a second cycle of early judges stories consisting of material now found in Judg 10-16 and 1 Sam 1-12, as Burney, Moore, and Simpson thought. The most significant literary studies are those which proceed on the assumption of some basic unity within parts, and between specific pericopae and their contextual wholes. This approach is pursued here with the help of the literary-critical procedures outlined above, especially rhetorical criticism. The latter has been used in analyzing the Jephthah stories only by P. Trible in her Texts of
Terror, and then only in a limited way on one Jephthah pericope—The Daughter Sacrifice.

On the social level, the most helpful studies are those which examine the biblical settlement period texts in the light of social conditions in the region in the Late Bronze–early Iron I period. Several important theses emerge on this problem which help focus study of the social process leading to monarchy. (1) The Israelite settlement was probably at least partly peaceful and involved some social amalgamations of both Israelite tribes and foreigners. (2) Instead of the twelve-tribe amphictyony suggested by Noth, settlement Israel was probably a loose social unity in which the ruling regime was tribal, not national. (3) While the various stages of settlement, from limited wandering to walled city, can be illustrated by social movements in the Mari texts, Israel in a parallel settlement period probably experienced a combination of strengthening and weakening dynamics in which the latter became more powerful and resulted in assignment of the protective functions to smaller and smaller units. This led to the monarchy as a radical new form of protective national unity.

Several recent studies affirm that the view of הַנָּגֵר in the Deuteronomistic History is pervasively positive. This viewpoint is used herein to evaluate the position of Jephthah under his title יְהֶפֶת to determine the extent of his powers and their likeness to those of a king. This effort contributes to a determination of his role in the tendency toward monarchy.

The answer to the question about the position of the Jephthah traditions in Judges and the social process they represent should
permit a conclusion on the significance of these traditions in the Deuteronomistic History where there are certain unresolved problems. The problems of the Deuteronomistic History to which this research might contribute are (1) its view of kingship or its antecedents, (2) its structure, and (3) its central kerygma especially as reflected in the deliverance-from-Egypt summaries scattered throughout these books, and of which the Jephthah diplomatic message to the King of Ammon (Judg 11) is one of the most lengthy and important.

Finally, the thesis may be stated directly in three parts. (1) The Jephthah traditions have been made the literary center of a symmetrically structured, independent, and free-standing book of Judges. (2) The editors desired to highlight the quasi-kingship of Jephthah in Gilead in a social context where charismatically gifted military heroes were expected to take on more and more responsibilities of protection and public service. (3) The editors of Judges did their work in the early monarchy, and in this connection intended Jephthah as an antecedent of the Davidic monarchy, while the editor of the Deuteronomistic History in the Exilic Era saw him as one of a line of Spirit-led deliverers in the early period corresponding to Spirit-led Elijah-Elisha at a later time, i.e., judge charisma and prophet charisma stand on each side of the ideal Davidic monarchy. Thus I argue that Jephthah became the most powerful of these early Israelite leaders, and that he represents a positive step toward the Davidic monarchy in the view of the compiler of the substantial Judges. In other words, the reason for centering Jephthah in the canonical Judges is to affirm his role as a major monarchic antecedent during the Judges period.
CHAPTER II

THE SECOND INTRODUCTION (10:6-16)

Narrative Studies

"Narrative" like "story" is a general description, perhaps one may say, of an account of how someone or some situation moved from A to B. J. Wilcoxon has observed that through the 1960s a movement was noticeable toward more precise definition of narrative. He suggests that general agreement has been reached that a narrative consists basically of a story with a plot characterized by tension(s) working toward resolution.¹ In the wake of a remarkable new literature on the subject of narrative (growing out of form-critical refinements),² G. Coates has suggested that "narrative is an art form ... that combines description and dialogue in order to depict principals in a


particular span of time."¹ Such a narrative must have (1) a distinctive *structure*, (2) distinctive *vocabulary patterns*, (3) a typical *setting*, and (4) a qualifying *intention*. If a narrative (however long) has such features, it can be taken to represent one of several universally recognized narrative types, i.e., saga, tale, novella, legend, history, report, fable, etiology, or myth.²

One other preliminary matter affecting the quality of results in narrative analysis is the methodological grid which J. Muilenburg in 1969 called "rhetorical criticism."³ Muilenburg defined "rhetorical criticism" as (1) an analysis of the limits of a portion of text, by identification of climax or ballast lines, or repetition or paraphrase in the final lines of words or thoughts from the opening lines; (2) identification of patterns of *repetition* and *placement* of the vocabulary; and (3) identification of *strophes*, i.e., groups of thoughts, ideas, and subject foci. Muilenburg's suggestions both represented and contributed substantially to the growth of important developments in narrative analysis technique. While Muilenburg's


discussion of rhetorical analysis is mostly focused on poetry, his comments and citation of literature make clear that the technique is also applicable to narrative. Unfortunately, too little of its methodology has been used with narrative, at least until recently. There is no intent in Muilenburg's suggestions to supplant either literary criticism or form criticism; he rather wishes to offer suggestions which will carry narrative analysis beyond the limits of both.

To these methodological concepts, the following have been added. In order to seek each pericope's own indigenous structure, (1) thought units consisting most basically of a noun-verb combination have been identified; (2) an attempt was made in this process to confirm these identifications by noting whether such thought units have been further marked off by use of the conjunction (1) or some other grammatical device such as a preposition or particle; (3) an attempt was then made to further identify repetitions of words, phrases, or even whole lines, and to note their placement in the pericope as a whole, to determine finally whether any general pericope architecture was visible, whether each pericope had clusters of

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1J. Muilenburg, "Form Criticism and Beyond," pp. 8-9; the roots of the method are in the analysis of Hebrew poetry.

2Ibid., pp. 8-19. Muilenburg cites the work of R. A. Carlson, David the Chosen King, trans. E. J. Sharpe and S. Ridiman (Uppsala: Almquist and Wiksell, 1964), as a major example of stylistic method applied to narrative. Also of importance is the work of L. Alonso-Schökel, Estudios de poetica hebrea (1963); Alonso-Schökel applied stylistic or narrative art interests to the first few chapters of Judges in his article, "Erzählkunst im Buche der Richter," Biblica 42 (1961):143-172. Another use is by P. Trible, Texts of Terror, pp. 93-116, in application to Judges, though the study has special feminist interests and is limited to the pericope of Jephthah and his daughter.
lines ("strophes"), and whether any correlation of such strophes had occurred.

Without being preemptory or premature in stating the results, it may perhaps be said that this method quickly yielded clear outlines of pericope shapes. On the other hand, I am quite aware that my scansion may need some correction, or that I may have missed details or distorted the text, and that others, with further study of the same materials, may see the data in other ways. Such further assessments with appropriate critique will, of course, be essential if scholarship is to proceed with study of narrative rhetoric.

Since some elements of poetical art are found partially in narrative (repetition, parallelistic phrases and conventional word pairs, line length constraints as suggested by distance between waw consecutives or conjunctives, inclusios), it seems proper to identify such narrative art elements by the term "quasi-poetic." This is the context in which such terms as "line" or "colon" or "inclusio" will be used for narratival features reminiscent of the well known features of Hebrew poetry.¹

Integration with the Jephthah Series

Most commentators assume that 10:6-16 is to be grouped with the Jephthah series.¹ It is important to determine the critical status of this assumption since the connection of the pericope with the Jephthah series takes on more importance as this study progresses.

"Second Introduction" is a regular though not ubiquitous description of Judg 10:6-16.² This description requires comparison with 2:11-3:6 which functions as the first introduction—a perception all but obvious. It also implies that 10:6-16 introduces a second large expanse of material as 2:11-3:6 does for 3:7-9:37. This large expanse of material now introduced by the second introduction includes at least Jephthah and Samson and, as earlier commentators and source-criticism students suggested, perhaps the Eli-Samuel complex. This latter material is now included in 1 Samuel.³ The description has certain merits; it is also misleading in certain respects. It is necessary to press this issue since on it depends a

¹So Cooke, Moore, Thatcher, Burney, Vincent, Cundall, and Soggin. C. F. Keil and F. Delitzsch Biblical Commentaries on the Old Testament: Joshua, Judges, Ruth, trans. J. Martin (Edinburgh: T. & T. Clark, 1883), p. 374 earlier, and Boling more recently are cautious, although Keil finally states that the pericope is an introduction to Jephthah, and Boling that "this little homiletical vignette is a commentary on the old narrative of Jephthah (Judges p. 193)."

²So W. Richter, e.g.: "DtrG fand diesen Komplex vor, rahmte die Jepthah-Tradition mit dem Richter-Schema (10:1-5; 12:7-15), fügte seine zweite Einleitung (10:6-16) ein und nahm das Ganze in sein Buch auf ..." ("Überlieferungen," pp. 555-556). But even when this terminology is not explicitly used as such, the idea is still discussed, cf. Rudde, Richter, p. 79; Moore, pp. 275-276; Burney, Judges, pp. 293-294; or more recently Soggin, Judges, pp. 202-203.

correct judgment about the status of the pericope. Is it part of the Jephthah series? or is it independent of it? Only when we have cleared this question can the function of the portion be correctly judged.¹

The pericope has connections with both the "First Introduction" and the successive "framework" portions from 3:7 through 9:57 (cf. 2:11-3:6; 3:7-11 which Richter rightly calls an "example"; 3:12-15, 30; 4:1, 2a, 3b; 5:31c; 6:7-10; 8:28, 33-34; 2:1-5 was also entered somewhere in this framing process).² But the use of framework language is most concentrated in 10:6-7, with some echoes through vs. 9; the contents of vss. 6-7 correspond closely with those of 2:11-14, 19b, 20a; 3:3-7. What is rather striking, however, is the large number of words and phrases in 2:11-3:6 which are not paralleled, and the fact that those which are, seem to be thought of in a somewhat different way. After listing the few words, phrases, and ideas which the portion shares with its earlier counterparts in Judges, Budde rightly notes that the rest of the well-known

¹Richter, "Überlieferungen," does not (italics mine) include this passage in his long discussion of the Jephthah traditions since he had already dealt with it in his Retterbuch, pp. 13-23, 88-89; this is technically correct since it is not to be regarded as originally part of the Jephthah story stock, or the Ammonite oppression story stock. But this does not settle the question as to whether 10:6-16 has or has not been made part of the Jephthah series; this is another question.

²The term "framework" is used here in the general sense of those passages which have been supplied to the margins of the original core of deliverer stories in interpretive interests or for introductory/concluding reasons. There is not complete agreement among scholars on which of these are to be ascribed to the influence of Deuteronomy, on exactly how many editors and revisers have worked on the material, or exactly which editor contributed what and when; cf. the literature discussion above, pp. 71-74.
introductory formulae are missing; in their place is Israel's dealing with Yahweh. 1

The distinctive elements of 10:6-16 important to this study may be summarized as follows. (1) The implied first introduction (2:11-3:6) is considerably longer than either 10:6-16 or the other slightly enlarged framework passage, 6:7-10. 2 (2) The material of 2:11-3:6 contains no specific geographical, ethnic, personal, or situational narrative attachments to any particular judge story following it; in fact, its separation from any specific deliverance story, and therefore generalizing character, is necessitated by the intervening example judge story—Othniel. 3 On the contrary, 10:6-16 contains several special connections with the following Jephthah

1K. Budde, Richter, p. 79; a conspicuous absence is the idea that the Canaanite nations were left to test Israel. The use of framework language in 10:6a where it is heavily concentrated, is discussed fully by Richter, Retterbuch, p. 15. Richter not only finds homogeneity among the framework sections; he also finds important connections of the framework language in the "minor judges" portions, i.e., 10:1-5; 12:7-15. It is important to note Richter's observation that the formulaic language of the framework and minor judges material is more or less interchangeable through these sections, but is not mechanically or rigidly employed. Different hands, in fact were at work in the framework and minor judges passages even though the language is related.

2It is not at all clear that 6:7-10 should be separated from 6:1-6, since this portion also contains basic elements of the pragmatic framework; it is in fact more like 10:6-10 than like 2:11-3:6 in that it also introduces specifics of the Gideon background. Budde, Richter, p. 79, also thought the fable of Jotham (Judg 9:7-20) was another enlargement of the basic framework, but this has not been nearly so widely recognized as the commonalities of 2:11-3:6, 6:7-10 and 10:6-16.

3Richter's observation of the paradigmatic or exemplary intent of the Othniel pericope is patent, Retterbuch, pp. 90-91; cf. the comments of W. Moran, pp. 223-228. The mention of Benjamin, Judah, and Ephraim in vs. 9 is also almost certainly a detail relating to the specific Ammonite oppression: cf. Budde, Richter, p. 79, even though its interest goes beyond this oppression.
series. (a) Ammon is the oppressor of the Jephthah stories; its movements are already indicated in the material of 10:6-16 as the beginning of the Jephthah story-line (vss. 7b-10). (b) 10:6-16 reviews the nations involved in the oppressions of 3:7-9:57, and adds to the list the two oppressor nations central to the remainder of Judges (Ammon and Philistines). The nations listed in 3:3-5 have little relation to the oppressor nations of the deliverance stories of 3:7-9:57. This pattern of variation implies that the editor had his own purposes and intentions in this pericope. The pericope differs significantly, therefore, from the first introduction in that its material is germane to the Ammonite and Philistine conflicts.\(^1\) The compositional/editorial relationship of these two introductions as well as the distinctive elements making up the first introduction is left open here.

(3) Certain elements in vss. 7-16 are more like the framework portions attached to other specific deliverer sequences in Judges than like the generalizing nature of the first introduction (2:11-3:6). These likenesses include: (a) specificity about the length of Ammon's oppression (v. 5a; cf. Othniel, 3:8; Ehud, 3:14; Deborah, 4:3; Gideon, 6:1); (b) specificity about the geographies of the Ammonite oppression (Gilead, Jordan, war with Judah, Benjamin and

\(^1\)This shifting of the number and identity of the oppressors is more relevant than that in 3:1-6 which seems more concerned about peoples dwelling to the north of the hill country, and uses a more standard list of Canaanite nations found frequently in the Pentateuch and Joshua. The most striking abandonment is of the notion of Yahweh testing Israel, conveyed by יָהֵנָה. Richter concluded on the basis of language patterns that 2:11-19 and 10:6-16 could certainly be attributed to the final Deuteronomistic editor. Of about 130 words, 30 are reused; but the residue involves a large number of concepts which are not reused and it is very hard to imagine that the passage can be detached from other deliverer story or framework passages.
Ephraim; cf. Cthniel, 3:8; Ehud, 3:12-13; Deborah, 4:2-3; Gideon, 6:2-6); (c) use of the crying out language (השָׁנַה) which does not appear at all in 2:11-3:6, but is regularly found in the framework material introducing the specific oppressor-deliverer pericopae in 3:7-9:57 (Othniel, 3:9; Ehud, 3:15; Gideon, 6:6-7); 1 (d) like other framework portions, it contains ethnic, geographic, and relational terms with echoes through the remaining Jephthah material; 2 (e) the fact that while vss. 10-15a generalize in a way reminiscent of 2:11-3:6, vs. 15b with itsוּמָּה returns the pericope to the specificity characteristic of particular introductions to particular deliverers. Reference to the struggle with Ammon is probably also the significance of theתַּחֲנוּמִי of vs. 16b.

(4) The pericope 10:6-16 contains an oracle which makes up the second half of the portion (vss. 11-14[15]). The inclusion of an oracle is common to the framework passages in Judges (cf. Deborah- Barak, 4:4-8; Gideon, 6:8b-10; Samson, 13:2-23 but in the form of a narrative; the oracle is missing in the Ehud and Othniel stories, but cf. Samuel, 1 Sam 1-3, where heavy oracular activity preceded Samuel's ministry and continued through it). Even in the first introduction (2:20b-22) there is a brief oracle; one suspects that it may be included for formal literary reasons, but this cannot be proven. This feature of 10:6-16 is therefore not only like 2:11-3:6 in this

1Israel's outcries are usually represented withשָׁנַה as in 4:3 (Deborah), but more frequently withשָׁנָה as in 3:9 (Othniel), 3:15 (Ehud), and 6:6-7 (Gideon).

2The most prominent areוּמָּה (25x after 10:6), יָבְלַעַב (21x after 10:8 through 12:7), יַסִּירָא (cf. 12:1-7), יַסִּירָא (10:10, 15; 11:27 and only elsewhere in 20:16 which is not part of the central core of Judges), יְבָנָה (10:15; 11:20 plus 6:9; 9:17[2], 8:34, 18:25); and יָנָה (chaps. 10-12: 14x; rest of Judges, 13x).
respect, but also equally similar to the framework portions around specific groups of specific deliverer pericopae in the book. It is worth noting that the feature is only absent from the shortest of the deliverer stories. The oracles themselves are brief (as in 10:11-14). This may be attributed to literary spatial considerations in the composition process, or it may reflect the brevity characteristic of the early/oral stage of prophecy or oracle in a people or nation, as in the Mari oracles.

... (5) The major change occurs here, that Yahweh reacts with weariness to Israel's crying out for help. Ignoring even her repentance, he refused to do anything; but when Israel put away the foreign gods, and acknowledged Yahweh's freedom to do as he wished, he responded. While this particular does not connect well with the

1 The oracles are about liberation and war. M. Weber insists that the earliest oracles in settlement Israel were war oracles, not trial (law) oracles, between which he makes a sharp distinction, cf. Ancient Judaism, trans. H. Gerth and D. Martindale (New York: The Free Press, 1952), pp. 85-86, 96-117; publication of Mari documents exhibited such a variety of terms for prophets and mixture of kinds of messages that this neatly packaged classification, however, seems dubious; cf. H. Huffmon, "Prophecy in the Mari Letters," BA 31 (1968): 199-223; for war prophecy at Mari see J. S. Ackerman, "Prophecy and Warfare in Early Israel," BASOR 22 (1975): 5-13. This variety of prophet types and lack of discrete prophecy content corresponding to the classes or types of prophets, shows that the prophecies of the Judges passages are homogeneous in content, not for any type of prophet they represent.


3 Polzin, pp. 176-177, emphasizes that this passage is a significant example of what Judges also exhibits in many other places, that the Deuteronomistic History does not press a mechanical sin-retribution, obedience-success pattern; it rather recognizes the freedom of Yahweh to act in mystery and ambiguity. Still, once Yahweh's freedom is acknowledged (10:15) and idolatry is actually removed, thereby actualizing repentance, Yahweh is moved to action.
framework material around other specific deliver sequences,\(^1\) it does
mark a shift in another conceptual direction from the first intro-
duction, \(i.e.,\) it indicates a special problem preliminary to the Am-
monite and Philistine deliverance.

The strongest connections of 10:6-16, therefore, are with the
immediately following Jephthah-Ammon series analogous to other in-
tructions to specific deliverer sequences. The connection of the
pericope with 2:11-3:6 is formal and limited to a few common phrases.
While 6:7-10 is another similar framework passage, the likenesses of
10:6-16 are more to the elements of this portion than to those of
2:11-3:6, at least in terms of function and concept distribution. A
primary function of 10:6-16, therefore, is that it stands in an in-
troductory relation to the Ammonite oppression and the Jephthah se-
quence.\(^2\) It is an introduction to this portion of Judges in the
sense that it is itself the first of the Ammonite-Jephthah series,
not merely in a general detached sense as 2:11-3:6, but in the sense
that it opens this specific series in a way more closely analogous to
the introductory portions of the Othniel, Ehud, and more precisely
(10:16). But Pulzin, pp. 177-178, rejects this implication in 10:16,
dubiously as it appears, in order to pursue his thesis about the
Deuteronomists' notion of ambiguity-and-freedom in Yahweh's will.

\(^1\) Richter, *Retterbuch*, pp. 18-20, correctly notes the unique
combination of outcry and perception of sin; it occurs elsewhere only
in 1 Sam 12; cf. also W. Beyerlin, "Gattung und Herkunft," pp. 1-30,
who discusses in detail the problems of the assumed unity of the
introductory vss. 2:11-19 with the framework portions of Judges after
the work of M. Noth.

\(^2\) Contra some commentators and J. McKenzie, *The World of the
perhaps when he states that the second introduction cannot be the
preface to the material which follows it, he means all the remaining
Judges material through chap. 21. This is certainly true.
analogous Deborah and Gideon series. Is there then anything to be said for the common designation "Second Introduction" under the meaning that its function is analogous to the first introduction, 2:11-3:6?

**Ammonites and Philistines**

The pericope is composed in such a way as to feature both the Ammonite and Philistine oppressions, despite the clear concentration on Ammon throughout. Vs. 6 mentions the "sons of Ammon and . . . Philistines"; but in vs. 7 this is turned around to read "Philistines and . . . sons of Ammon." Explanations deal with both the isolation of the word pair and the strange order in which they are mentioned in vss. 6-7: "Ammon . . . Philistines" (vs. 6) and "Philistines . . . Ammon (vs. 7)."

1. Virtually all commentators suggest that at the least these combinations imply that the pericope is an introduction to the Ammonite and Philistine oppressions generally. In the light of the lists cf oppressors in vss. 6 (gods), 11-12 (nations) which satisfactorily summarize the oppression situations of 3:7-9:57, this explanation is plausible, at least as far as it goes.

2. Cundall explains the strange order--"Philistines . . . Ammon" of vs. 7--by suggesting that since the Ammonite attack was the lesser menace, it was dealt with first.

3. Budde, followed by Thatcher and more recently Soggin,

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1 Budde, Richter, pp. 79-80; Moore, pp. 275-278, depending on Budde's earlier work Die Bücher Richter und Samuel; Burney, Judges, pp. 293-295 and most commentators since.

2 Cundall, Judges, p. 137; this explanation has a certain credibility and at the same time a kind of arbitrary feeling.
suggests that the Samson stories may have come before Jephthah's in the source from which the material was originally taken.¹

4. Moore suggested that "into the power of the Philistines" was inserted into the introduction by the latest redactor in order to extend the scope of the second introduction to include chaps. 13-16. Moore actually favors Budde's explanation as does Hertzberg.²

5. Boling, following a suggestion by Freedman, adopts the explanation that "Ammonites . . . Philistines . . . Philistines . . . Ammonites" is a chiasmus functioning to link the two statements.³

The Freedman-Boling explanation appears to be the simplest and is most easily harmonized with the immediate contextual interest in Ammon, since the chiastic framing focuses Ammon. Nonetheless, it is necessary to give proper recognition to the fact that both Philistine and Ammonite material appears to be within the purview of the editor(s). How can this pericope be both an introduction to the whole Philistine-Ammonite complex, and at the same time an introduction to the more limited Ammonite-Jephthah series?

¹Budde, Richter und Samuel, p. 128; G. Thatcher, Judges and Ruth, The Century Bible (New York: H. Frowde, 1904), p. 106; Soggin, Judges, p. 202; if this explanation is correct it might be possible to posit the suggestion that the Jephthah series once belonged to a group of Ammon stories which might have included the affairs of Nahash the Ammonite during the reign of Saul (1 Sam 11); in this case, the second collection of judge stories would have consisted of two groups of oppression pericopae, on the Philistines and Ammonites respectively. Thus it would have followed another schema than that of the Retterbuch material now found in Judg 3-9, especially it would not have contained the one oppressor/one deliverer scheme of our present Judg 3-9.


³Boling, Judges, p. 191.
The thought-line of the (final) editor of 10:6-16 lies in his historical perspective on the past history and its representation in Judg 3-9. He works summarily out of the preceding oppressions (five in number) and casts this line of events forward to include two more—Ammon and Philistia (to state the matter in the order of vs. 6 and the anticipated sequence of Judg 10-16 and 1 Sam 1-12[?]). The logic of categories—"Second Introduction" or "Ammonite-Jephthah Introduction"—should not be allowed to govern the interpretation. The pericope does formulate a prospectus on the Ammonite and Philistine oppressions by viewing them on an oppression-deliverer line extending out of the past into the future. But within this line the same pericope loses no time in bringing its focus to the Ammonite oppression and thereby also forms not only an introduction to it, but in fact itself contains the beginning of the Jephthah series by establishing the oppression with which it is immediately concerned.

The pericope, 10:6-16 therefore, does double duty; it belongs integratively to the Jephthah series and is in fact the first pericope of the series; but it also contains a larger historical-literary perspective than this, i.e., the whole seven oppressions of the settlement period, five past, two remaining (Ammonites and Philistines). It is essential now to determine what it intends to assert about its subject(s).  

1Budde, Richter, pp. 79-80, offers the interesting suggestion that the writer of 10:6-16 links the Ammonite and Philistine oppressions together because in fact they were simultaneous. This is the reason Judah, Ephraim, and Benjamin are mentioned together in 10:9, i.e., because at the same time the Ammonites were aggressing from the East, the Philistines had already penetrated appreciably into Judah, Benjamin, and Ephraim. This suggests that the Philistine-Ammonite problem should be viewed as representing two halves of a whole; it would be a matter of indifference or at most of convenience as to how
The Intention of the Second Introduction

The Oracle

Judg 10:6-16 as it stands is a two-part composition as shown in the rhetorical reconstruction of Fig. 1. Part I (A-B-C) consists of vss. 6-10. It summarizes the situation of Israel at this stage of the history, enters briefly into an initial description of the origins of the Ammonite oppression, and enters notice of Yahweh's displeasure at Israel's idolatry along with an outcry for help and a confession.

Part II (A'-B'-C') is the oracle noted above; it occupies vss. 11-14. Its subject is Yahweh's refusal to respond again to a simple outcry for help—this time against Ammon. The oracle receives a conclusion in vs. 15, consisting of a notice of Israel's repentant response. Thus the oracle may be rightly held to extend as far as vs. 15. This favorable response of Israel opens the way for a resolution of the tensions contained in the two parts, i.e., vs. 16 which registers the evidence for the sincerity of Israel's repentant response, and the new divine perspective which this action evokes. The pericope thus consists of two essentially balanced parts plus a brief concluding resolution to the tensions set up in the two parts.¹

Recognition of an oracle embedded in this pericope is important to one viewed the sequence in which these affairs should be arranged in the narrative. The suggestion is also interesting in the light of the possible influence of both powers on the motivation for the change to monarchy.

¹This observation contains precisely the ingredients which C. Westermann, "Arten der Erzählung in der Genesis," in Forschung am Alten Testament, theologische Bücherei, no. 24 (Munich: Chr. Kaiser, 1964), p. 33, suggests make up an entity called "narrative," i.e., a plot containing tensions leading to resolution; cited by J. Wilcoxen,
Fig. 1a. Rhetorically arranged Hebrew text of Judg 10:6-16
And the people of Israel again did what was evil in the sight of the LORD, and served the Baals and the Ashtaroth, the gods of Syria, the gods of Sidon, the gods of Moab, the gods of the Ammonites, and the gods of the Philistines; and they forsook the LORD, and did not serve him.

And the anger of the LORD was kindled against Israel, and he sold them into the hand of the Philistines and into the hand of the Ammonites, and they crushed and oppressed the children of Israel that year.

For eighteen years they oppressed all the people of Israel that were beyond the Jordan in the land of the Amorites, which is in Gilead.

And the Ammonites crossed the Jordan to fight also against Judah and against Benjamin and against the house of Ephraim; that Israel was sorely distressed.

And the people of Israel cried to the LORD, saying, "We have sinned against thee, because we have forsaken our God and have served the Baals."

And the LORD said to the people of Israel, "Did I not deliver you from the Egyptians and from the Amorites, from the Ammonites and from the Philistines? The Sidonians also, and the Amalekites, and the Moabites, oppressed you; and you cried to me, and I delivered you out of their hand.

Yet you have forsaken me and served other gods; therefore I will deliver you no more.

Go and cry to the gods you have chosen; let them deliver you in the time of your distress."

And the people of Israel said to the LORD, "We have sinned; do to us whatever seems good to thee; only deliver us, we pray thee, this day."

So they put away the foreign gods from among them and served the LORD; and he became indignant over the misery of Israel.

Fig. 1b. English text of Judg 10:6-16(RSV)

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understanding its intent. Oracles are in fact part of several deliverer stories: Deborah-Barak (4:6-7), Gideon (6:7-10, 11-26), Abimelech (9:7-15), Jephthah (10:11-14), Samson (13:1-21), and Samuel (1 Sam 1-2). In addition to these oracle materials attached to specific deliverer stories, the introductory portion of the book (2:1-3:6 broadly) contains two oracles unrelated to specific deliverers (2:1-5, 20-21). There are no oracles reported in connection with the beginning of the work of Othniel, Ehud, or Eli.

These oracles, however, have notable differentia. (1) As already noted, two of the total seven are in introduction material unattached to any specific deliverer. (2) Some are extremely brief, about two to four verses (2:1-3; 2:20-21; 4:6-7; 6:7-10; 10:11-14). Three are somewhat longer and consist of Angel of Yahweh dialogues preparatory to the deliverer's activities (Gideon, Samson). The material introductory to Samuel occupies two chapters of preparatory oracle narrative (1 Sam 1-2). The Gideon material includes both an Angel of Yahweh dialogue and the activity of another prophet. (3) Some of this oracle material is incorporated into the narrative of the deliverer or his rise (Deborah-Barak, Gideon [Angel of Yahweh], Samson). Some is in more introductory, formulaic prefaces with variably tight or loose connection (or no connection at all) with specific deliverer stories (2:1-5; 2:20-21; 6:7-10; 10:6-16). (4) Some of the oracles are the מַהֲרֵשׁ type (attested in Deborah-Barak, Gideon); some are of the נַחֲלָה רַךְּלָד type (2:1-5). (5) In three of

"Narrative," in Old Testament Form Criticism, p. 93. Form-critically, this pericope should perhaps be labeled "narrative introduction," since it is clearly introductory, and equally clearly a narrative in that it does have plot.
the seven instances, women are involved in reception; otherwise men receive the message.¹

There is no pattern here. Variety is the rule and perhaps this is intended. The editor of this material obviously believed that oracular activity was a regular accompaniment of deliverer episodes; in some cases it was mediated by a prophet or messenger of Yahweh; in one case both prophet and messenger-dialogue types are present. But at any rate, the correctness of identifying an oracle embedded in 10:11-14 seems clear since such oracles appear regularly in the deliverer episodes from Judg 2 through 1 Sam 12.

The most important differentiation, however, for our purpose, is that between oracles in specific deliver stories and those occurring in clear introduction sections which are usually identified as the work of a Deuteronomic redactor, i.e., 2:1-5; 2:20-21; 6:7-10, and 10:11-14. These four will be considered separately below. On any reckoning, however, there was at some stage of the composition-redaction process an effort to make the material on the judges period reflect regular prophetic activity in relation to the work of the primary deliverers.

Is the oracle of 10:11-14 a taunt, a reproach, a threat, or a threat?

judgment speech? Is it one of the conditional forms? an unconditional form? an exhortation?

The Form of the Oracle

The form of the oracle may be identified in its parts as follows: (1) A Messenger Formula (ll.a), (2) A Historical Review (vss. 11b-12), (3) An Accusation (vs. 13), (4) A Sentence (vs. 13b), and (5) A Taunt (vs. 14).

The relevance of these features can only be determined by comparison with the oracle formulary found in the parallel oracles within the judges period material, i.e., the four identified above, using their common likenesses as a basis for comparison, while

1Westermann's term, Prophetic Speech, pp. 129-140. The terminological variables among scholars for prophetic speech-types are discussed in detail and comprehensively by W. E. March, "Proph-ecy" in Old Testament Form Criticism, pp. 141-178.

2These categories were proposed by J. Hempel, cf. March, p. 150.

3Westermann's terminology, Prophetic Speech, pp. 100-128.

4The review consists of oppressions of Israel and briefly mentioned aspects of Yahweh's history of gracious dealings with Israel.

5The Accusation is "you forsook me (vs. 13)." This is an accusation of covenant disloyalty, especially after the brief review of Yahweh's gracious deeds.

isolating them from those unlike them. Fig. 2 shows the formulaic similarities of the parallel passages.

These are clearly forms of the well-known prophetic judgment speech. But the clear and explicit use of הַלָּלַע within the oracles of 2:1-5 and 2:20-21 shows that these speeches are on covenant/treaty ground. They appear, in fact, to be a form of the treaty-breach judgment speech.

What form of the judgment speech is this oracle-form? Is it a woe? a lawsuit? a disputation? a parable? a lament? a torah? The only viable possibilities are the lawsuit or the disputation. One notes the prominence of the accusation and the all-Israel orientation of the historical review. Westermann notes that in the lawsuit form, "... the accusation, in every case, is comprehensive. Each time it is concerned with the whole state of the nation ... in Deutero-Isaiah ... it ... goes back to encompass their whole history." The probability is that we are dealing with the lawsuit pattern, though not with the fullest form of this type of speech since it

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1Nelson, Donnie Redaction, pp. 43-52, examines these oracle portions and their parallels in Samuel and Kings, recognizing in them the prophetic judgment speech.

2Westermann's list of forms, Prophetic Speech, pp. 181-203.

3Though Nelson, for example, suggests that the lawsuit pattern contains the "specifying element" of an appeal to divine witnesses, Westermann does not hold this opinion, and J. Limburg, pp. 291-304, shows that the root is more focused on the element of complaint or accusation; there are in fact many occurrences where the invocation of witnesses is not in evidence; cf. the variety involved in the treaty-breach lawsuit noted by J. Harvey, "Le trîb Pattern," réquisitoire prophétique sur la rupture de l'alliance," Biblica 43 (1962): 172-196.
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Fig. 2. Prophetic oracle formulae in four Judges introductory passages.
lacks the invocation of heaven and earth as witnesses.¹

Repentance and Its Implications

The prophetic treaty-breach oracle, however, does not end in condemnation, but in Israel's repentance as 10:15 indicates. Three further considerations lead to the conclusion that the intention of this oracle is change on Israel's part. This conclusion would suggest that the intention of this pericope as a whole is to indicate that at this decisive stage in the history, Israel underwent a repentance which opened the way for Yahweh to intervene and bring about the Ammonite and Philistine deliverances. The three further considerations are (1) the confession of sin using the verb Y*D^T; (2) the discovery that sometimes the lawsuit may have a warning rather than a condemning purpose; (3) the fact that the final verse of the pericope (10:16) explicitly indicates that Yahweh was moved toward Israel's rescue as a result of repentance.²

¹Nelson, Double Redaction, p. 46; it may be doubted that the invocation of witnesses is the essential element of the lawsuit; cf. also Beyerlin, "Gattung und Herkunft," p. 24.

²Deliverance words are a feature of the oracle's language: YWW occurs three times within the four verses (12b, 13b); YWW occurs once (15b). The repentance-deliverance motif raises the question of the well known anacoluthon of vss. 11-12, i.e., the clumsy placement of the main verb (TYWW) near the end of the thought and the equally clumsy and unusual use of fully-written v in vs. 11. G. R. Driver, "Problems in Judges Newly Discussed" in The Annual of the Leeds University Oriental Society, vol. 4 (1962-1963), ed. John MacDonald (Leiden: E. J. Brill, 1964), pp. 15-16, proposes to leave the text as is and read v to mean "since." He adduces parallels from Isa 58:12; Deut 15:7; Lev 4:2 where v means "since" in a temporal sense. Driver proposes "since" in the sense of the protasis of a conditional sentence of which TYWW is the apodosis, and translates "certainly (starting) from Egyptians, then Sidonians . . . oppressed you . . . and I delivered you . . ." This is possible. But the preferred solution (though not by Boling) seems to be Burney's. He proposed simply eliminating v throughout the series.
1. The confession (vs. 15) is briefly put in the form of לֶאֶם. Limburg points to evidence that לֶאֶם is at home in the sphere of international relationships.\(^1\) For example, 2 Kgs 18:14 reports that Hezekiah, presumably as Sennacharib's vassal, has revolted against the Assyrian, and sends his messenger to say "I have done wrong (לֶאֶם)." The Akkadian root hatu also occurs in the seventh-century Esarhaddon treaty with the vassal Ramataia.\(^2\) The Assyrian crown prince says to the vassal,

That you will not sin against him
That you will not bring your hand against him with evil intent . . .

2. In the growing discussion about the prophetic lawsuit, J. Harvey has proposed that the international treaty-breach lawsuit may be one of condemnation or one of warning. If an announcement of guilt and threat of destruction are found, then such a lawsuit is one of condemnation; but if the final section of the lawsuit consists of as corrupt. The nations then are the subject of the verb of oppression (לֶאֶם) and לֶאֶם is a simple parataxis—"The Egyptians . . . oppressed you, but I delivered you . . ." This solution solves both the anacoluthon and preposition problems at once; it has the support of LXX, Syr, \(\text{םיָר}^\text{א} \text{ל} \) , Old Latin, Jerome, and Syr \(\text{פִּש}^\text{א} \) . The weakness of this theory is that it does not explain the origin of the corruption. The interpretive upshot, however, is very advantageous since it throws emphasis on the oppression within the oracle, which in turn explains the dialectic emphasis on salvation.

\(^1\) Limburg, pp. 303-304.

\(^2\) Ibid.

\(^3\) Cited by Limburg, p. 304, based on D. J. Wiseman, "The Vassal Treaties of Esarhaddon," \textit{Iraq} 20 (1958):33-99; another important article examining the larger diplomatic picture, in which international treaty-breach is a problem to be dealt with in the international diplomacy of the second millennium, is J. M. Munn-Rankin, "Diplomacy in Western Asia in the Early Second Millennium B.C.," \textit{Iraq} 18 (1956):68-110, where several examples are adduced of "sin" as a treaty violation term using Akkadian qullultum (pp. 89-90, 93).
a warning and call for change in conduct, then it is a lawsuit of warning. Coordinately with this suggestion, T. M. Raitt has examined the prophetic summons to repentance and has found that it normally has covenant (treaty) renewal as its context. These studies of the prophetic judgment oracles and their intent point to the conclusion that Judg 10:11-14 has been included in the pericope as a prophetic oracle aimed at repentance via a warning expressed in the form of an international treaty-breach accusation.

3. This interpretation is confirmed by the notice which concludes the pericope in vss. 15b and 16b between which (16a) falls a clear statement that Israel put away her foreign gods. (a) The confession of sin includes an open submission to Yahweh's will—"do to us according to all that is good in your eyes." The combination of הָעָנָי and בִּשְׁנֵיהָ with עָנָי is usually used in a situation in which one wishes to acknowledge the right of a sovereign to decide and act in an issue in his own interest. In Gen 20:15 and Josh 9:25 this combination is clearly in treaty contexts; several other examples involve sovereign authority (1 Sam 14:36, 40; 2 Sam 19:38). The qualifier, "only rescue us this day," is not to be viewed as a reneging on the open acknowledgement of Yahweh's right to decide their fate according to his own sovereign self-interests; it is rather a supplication for deliverance if this is in his interest. (b) The pericope concludes with the statement that Yahweh's "soul" was shortened in connection with Israel's labor. A study of the occurrences of this expression, in the grammatical form in which it

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1T. M. Raitt, "The Prophetic Summons to Repentance," ZAW 83 (1971):30-49; the developments in research are discussed by March, pp. 157-177.
appears here, suggests that it is a Hebrew way of saying that one is exasperated with the frustration of an unfulfilled desire. Labor is the best translation for לָמוּך. But it seems to imply depression, almost despair, for the troubling and calamitous elements in life.\(^2\)

This connotation attenuates slightly in Ecclesiastes' use for "labor" or "work" but even there retains something of the agonizing connotation it has elsewhere. Its meaning must be "the misery of Israel."\(^3\)

The suggestion of the phrase is that Yahweh's "soul" boiled with desire to deliver Israel. The sense must be that this "shortening" (impatience) may now find release in the Ammonite war of Jephthah.

This representation is much like Hosea's poetical expression of Yahweh's frustrated love for Israel, roaring nonetheless with mercy.

\(^1\)Num 21:4 refers to Israel's short patience, perhaps to their fears of unfulfilled promises; the language is defined more closely by the account of further complaining about lack of bread, water, and manna, and their sense that God has brought them to the desert to die. They are exasperated with the lack of fulfilled needs and desires. In Judg 16:16, Samson is exasperated with the frustration of Delilah's pester; it is expressed as a "shortening of his soul." The other parallel is Zech 11:8—"My soul became short in them." Yahweh had an unfulfilled soul-desire for Israel: he said, "I will not be your shepherd, let the dying die and the perishing perish (11:9)." On the notion of the powers-of-the-soul-to-fulfillment one may compare the discussion of J. Pedersen, Israel: Its Life and Culture, 4 vols. (New York: Oxford University Press, 1926), 1:146-149. Its opposite is expressed by נְשָׁנָם—"was patient" or more literally "he prolonged his soul," as in Job 21:4 as Burney, Judges, p. 298, points out.

\(^2\)In Deut 26:7 לַמוּך is in parallel with גְּנַב as is the case in Judg 10:16. More often it is parallel to וַעֲרִי—uncanny evil, perhaps with an (evil) magical background (Kb וְעֲרִי), cf. Num 23:21; Job 5:6-7; 15:35; Ps 7:14, 16; it is often used of what rich and powerful men plot against others less fortunate. In Judg 10:16 its appearance in the context of oppression words ( גְּרֵד, עֲרִי, גְּנַב) is significant for this connotation.

\(^3\)Cf. Moore, p. 281; Burney, Judges, p. 298.
and compassion toward her salvation.¹

**Rhetorical Structure of the Pericope**

Once the intended oracular form has been identified along with its thought-intention, the material preliminary to it can be studied for its contribution (vss. 6-10). The content of vss. 6-10 has already been summarized above. The most important observation to be made about the content and thought flow of vss. 6-10 is that it contains parallels and repetitions in vss. 11-15(16), i.e., one of the two parts of this pericope has informed the other in thought, language, and sequence. Fig. 1 exhibits the rhetoric of 10:6-16.

**Gross Structural Elements**

The rhetoric are as follows. (1) The preliminary material (Part I, A-B-C) and the oracle (Part II, A'-B'-C') both begin with a list of seven foreign nations, A with a list of their gods (vs. 6), A' with the oppressor nations per se (vss. 11-12a). The two nation lists are partly parallel, partly different—a feature that will be dealt with separately below. (2) Parts I and II also close in parallel by using וֹן twice (C, C') in a confession,² and by concluding the matching strophes with a colon containing כָּל נַפָּר with מִשָּׁבַע for direct object. The first confession is regarded by the editor as a sham; the second as real (cf. vss. 10b, 15a). The change in Israel's behavior stimulates the willingness of Yahweh to deliver. (3) In the center strophes (B, B'; vss. 6b, 13a) יָעָר and יָעָר are paired in the

¹Hos 11:8-11; 2:14-23.
²Budde, *Richter*, p. 79, notes the parallel, but attributes the dualities to a combining of two E portions, which are not unified. This explanation seems unnecessary.
lead cola; a third use of the pair in C (vs. 10b) may be a centering device. B and B' focus on the Ammonite oppression; oppression words appear throughout both halves in B, B' and C, C': יָרָא, יְרָא, יֵעַל—vss. 8, 12, and יָרָא, יְרָא, יֵעַל—vss. 9, 14, 16. Words for Israel's outcry occur in both halves: יַעַל in vss. 10, 14; יָעַל in vs. 12. The two portions are thus arranged in such a way as to be intentionally parallel to each other.

One obvious significance of this two-part arrangement is that the passage on the whole is constructed so that the oracle directly addresses the situation Israel faced. The language of one of the two parts has clearly constrained that of the other in order to achieve this descriptive end. In other words, in order to show that the oracle spoke directly to Israel's situation in its particularity, the language and thought-flow of the two parts was deliberately set in parallel using a pattern of verbal repetitions, word/idea clusters, and allusive connections between the parts. The placement of a confession at the climax of both parts, one sham, one real, emphasizes the treaty renewal of Israel so that Yahweh can deliver from both Philistines and Ammonites.

Two elements of the pericope need further assessment: (1) the god/nation lists; and (2) the possible reasons for indicating here

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1 Soggin, Judges, p. 202, notes with some plausibility that the Ammonite oppression story might have been intended to begin here.

2 Budde, Richter, pp. 79-80, set the traditional literary-critical view of 10:6-16 in motion, i.e., that two versions of E are joined. The two-part structure suggested here preserves a valid insight in this older view, i.e., there is duality in the portion. Richter, Retterbuch, passim, rejects this form of source criticism, but does not see two-part composition in any form. Rather the second confession simply intensifies the request, cf. Retterbuch, pp. 22-23.
that Ammon's oppression pushed into the West-Jordan to include the tribes of Judah, Benjamin, and Ephraim.

The God/Nation Lists

The god list (10:6) and nation list (10:11b-12a) are as follows:

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</tbody>
</table>

The god list specifies the foreign deities Israel adopted during the settlement period; the combination of deities and nations already in the god list itself is unique in the whole of the judge material since the editor usually kept these separate. The separate nation list falls within the oracle in a kind of kerygma recital of the nations from which Yahweh had delivered Israel. Hence Egypt is included in the list; otherwise the two lists have obvious repetitions mingled with some differences. Clearly the number seven constrains both lists. Aside from the reference to Baals and Ash-taroths, the god list indicates national or ethnic gods, so that the two lists really are dominated by national/ethnic interests rather than by the mythological or popular personal names of deities. This almost certainly reflects interest in listing the nations with which

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1Richter, Retterbuch, p. 15.
Israel has had to deal in her short history since the exodus.

The lists cover the powers of the book of Judges. The god list appears to have an order close to the shape of the deliverer story sequence of chapters three through nine and extending beyond to the yet-to-come Ammonite and Philistine conflicts, while the nation list in the oracle appears to be supplementary, with just enough repetition to keep the two lists interlocked. In effect, every deity/nation except Maon and Sidon is specifically identified in the particular deliverer stories of Judges. Egypt is naturally to be excluded, unless the continued Egyptian presence in Palestine until about 1100 B.C. is faintly echoed here along with the more direct reference to the exodus deliverance.¹

Sidon may plausibly be taken to refer to the northern-most oppression,² i.e., that of Jabin of Hazor (Judg 4:2) and his mercenary Sisera (4:2).³ The reference to Maon is more difficult since the Maonites are only known from later times as a tribal group living

¹The history and nature of the Egyptian presence in Palestine is thoroughly reviewed by J. M. Weinstein, "The Egyptian Empire in Palestine: A Reassessment," BASOR 241 (1981):1-28; it should be stressed, however, that the possibility of an allusion to the continued Egyptian presence in Palestine is very remote indeed.

²W. L. Moran, "A Study of the Deuteronomic History," Biblica, 46 (1965):227, suggests this equation; cf. also Boling, Judges, pp. 191-192, who thinks that the synonymity of "Canaan" and "Sidon" (4:2) suggests a coalition of sea peoples. Keil and Delitzsch, pp. 374-376, also think Sidon=Canaan on the basis of Judg 18:7, 28 which assumes that Sidon exercised a sort of protectorate over the northern tribal elements of settlement Israel; he also suggests that there may be a reference to Astarte on the basis of 1 Kgs 11:5.

³Various attempts have been made to deal with מדרון. Burney thought it might be a corruption of מדרון (Judges, p. 297); Moran, p. 228, more recently proposed that it is a corruption of פתן. Neither is especially convincing in the light of the preceding reference to Egypt in the sequence of oppressions/deliverances.
to the east of Petra (2 Chr 20:1). Most explanations arrive at the same conclusion, however, in correcting the text to refer to Midian in one way or another. The less favored alternative is to simply view it as a reflection of the later editorial hand of the alleged deuteronomizing enlarger; but even this explanation involves a probable allusion to Midian. It appears, therefore, that at least part of the compositional intent of this portion (10:6-16) was to comprehensively catalog the deity/oppressor powers of the earliest period of Israel’s history. But this has been done in such a way as to(1) keep this list distinct from the superficially similar nation list of 3:3 and (2) indicate what stage in this history the ensuing

1 LXX/AB have καὶ Μανιμ which Soggin adopts without comment (Judges, p. 202). But Cooke, p. 113, correctly notes that this is obvious as does Moore (p. 280); Moore nonetheless notes as does Burney following him (Judges, p. 298), that one misses an expected reference to Midian, especially after the story of Gideon. Boling, Judges, p. 192, is content with the observation that Maon=Meunim of 2 Chr 20:1 and denotes a tribal group living near Petra in Edom; but Boling goes farther when he proposes that the Midianites are to be viewed as coming from the same general region (depending on V. Gold, “Meunim” IDB [1962], 3:368). He suggests that the LXXΜανιμ is an intentional and correct secondary interpretation referring to the larger desert confederation to which Maon belonged. One might also consider the possibility of a confusion of υ and τ in the transmission process (cf. F. Cross, “The Development of Jewish Scripts,” in The Bible and the Ancient Near East, ed. G. Wright [Garden City: Doubleday, 1961], pp. 170-264, especially Figs. 1-4). Some of the examples in Cross show a very close proximity of the two letters, especially when the downward vertical stroke of τ tends to veer slightly to the left and the normally leftward vertical stroke of υ tends to veer to the right so as to be almost perpendicular to the plane of writing: υ(Τ), τ(Τ). In the Herodian cursive hand the υ and τ are quite similarly formed as well, cf. Cross, “Development,” Fig. 5. The explanations all point to Midian on any reckoning. Budde, Richter, p. 80, prefers a transcriptional explanation in which the formula of 6:9 was once actually part of the text, as might be suggested by the analogy of 6:9, הָרִיצָה נְוֵי דַּֽנִיֵּה הָרִיצָה הָרִיצָה נְוֵי דַּֽנִיֵּה ... הָרִיצָה. A scribe’s eye would have skipped from the first over the second to the second, thus dropping out the vital verb of deliverance. This solution at least proposes a transcriptional mechanism, even if it is probably too speculative to be readily adopted.
stories represent, by immediately focusing attention on the Ammonite and Philistine conflicts which are yet to come, and particularly on that of the Ammonites (vss. 7-9, 16b).

The Ammonite Oppression

Why does the second introduction focus on the Ammonite oppression extending itself into the West-Jordan when the Jephthah action is limited to the East-Jordan, i.e., driving back the Ammonites?¹

Budde suggested that since vs. 9 indicates that the Ammonites oppressed Judah, Benjamin, and Ephraim, the term "Sons of Ammon" must have been inclusive of Philistines since they had already been mentioned together in vs. 7. The oppression of these West-Jordan tribes therefore was connected with that of the Philistines.² Burney, however, rightly notes: "That the Ephraimites were at any rate interested parties is proved by the narrative of chap. 12:1-6."³ This suggestion is helpful. It has already been noted that this portion has a large sweep historically. It is also true, as Burney noted, that the Jephthah sequence itself ultimately returns to Ephraim at its conclusion. It is plausible to suggest, therefore, that the mention of Ephraim here prepares for the Ephraimite pericope with which the Jephthah series will conclude, by setting up the first side of an inclusio. This simple observation and its implications invite

¹Richter, Retterbuch, p. 21, recognizes that the intention of vs. 9 is to make connection with chaps. 11-12:6; however he views the verse as secondary to the original Deuteronomic editing, i.e., it is from the hand of a secondary editor.

²Budde, Richter, p. 79.

³Burney, Judges, p. 296.
further comparisons at a later stage in this study. Ephraim's import here is thus more immediately literary than purely historical.

Interest in Benjamin and Judah might be related to other though similar interests, i.e., to the focus on Benjamin and Judah in the material with which Judges ends in chaps. 19-21. This suggestion is consistent with the large sweep of the other material in 10:6-16 as has been noted in the discussion above. Judah also appears in chap. 1 of Judges, in chap. 3 (3:7-11 indirectly), and in 15:9-11. Indeed there is a Judah centrality in these portions of the book which focuses on the power of this tribe. Similarly, there is interest in Benjamin in chap. 3 as well as in chaps. 19-21, although it appears to be of a different hue than the interest in Judah's power. Perhaps the conceptualization of Benjamin in Judges focuses on the tribe's wildness or violence. Here too the interest in the tribes is immediately literary.

These observations favor Boling's view that the substance of chaps. 1, 19-21 is the latest material to be added to Judges (Judges, pp. 29-38). Nelson, Double Redaction, pp. 43-46, finds the latest (Exilic Era) editor's work in Judges only in 2:1-5; 6:7-10. Both of these views are generally on the right track, at least to the extent that they see the patterns of similarity and dissimilarity which require adoption of some view of a process of editorial reworking. One has to be suspicious, however, that this process, whether one conceives of a single Deuteronomistic History (Noth) or a dual redaction (Nelson and a long tradition of scholarship going back at least as far as A. Kuenen according to Nelson, Double Redaction, pp. 13-28), is conceived more simplistically than is warranted. The pattern of interlaced concepts and interests must also include at least 10:6-16 additionally. But the interest in Judah and Benjamin as well as Ephraim in the end-frames, as well as in 10:6-16 is puzzling if the final date is as late as Nelson and others think. The patterns discussed here thus far raise reasonable doubt about dual redaction evidences in Judges at least; but a single Deuteronomistic redaction with interest in Judah, Benjamin, and Ephraim, treaty breach problems, prophecy, and all-Israel unity looks plausible at a much earlier stage, i.e., as Davis suggested, during the early years of the monarchy. The apparently late form of the "paper and ink" oracles examined above appears to be a problem to such a time of
Conclusion

The portion 10:6-16 has some likenesses to the other introductory portion (2:11-3:6). However, it is more like the story margin framework portions. It is probably to be viewed as originating in the same editorial process as the framework portions, though very different from anything else in Judges. As Boling notes, "it is a piece without parallel." Its editorial origin could be separable from that of the first introduction of 2:11-3:6 or elements of this passage. While distinctive, its editor sought links with the Retterbuch.

Substantial evidence has been presented that one of the functions of this portion was to begin the Jephthah series, not merely as a general second introduction to the next sequence of deliverer stories analogous to the first introduction of 2:11-3:6, but as the first of several Ammonite oppression/deliverer pericopae attached specifically to Jephthah. As an introduction however, it has elements of narrative, i.e., plot consisting of tension and resolution in two parts. Form critically, it might be advisable to call this portion "re\ntance narrative," following the nomenclature of J. Wilcoxen, since it is narrative-like and its chief motif/objective is repentance.

This estimate, however, is insufficient to explain the composition for the final redaction of the whole, however. There is widespread evidence that Benjamin in the ancient Near East denoted a wild or violent tribal type.

1Boling, Judges, p. 192; for other summary outlines of the distinctives see, e.g., Soggin, Judges, p. 203; Richter, Retterbuch, pp. 88-89, 13-23.

2Wilcoxen, p. 97.
sweeping overview statements of the portion. It takes into its
purview both the Ammonite and Philistine oppressions, and contains
twin lists of deity/nations which allured/oppressed Israel during the
entire settlement period. It also contains mention of Ammon's
oppression of Judah, Benjamin, and Ephraim, as well as of the East-
Jordan tribes. This means that the pericope has its focus on many
aspects of the situation both historically and literarily. It is
appropriate to call this a second introduction if it is properly
distinguished from the scope and detail of the first introduction,
and if it is conceived of as functioning simultaneously in both a
long and short perspective in its own way.¹

The oracle embedded in vss. 11-14 may be plausibly viewed as
the best guide to the intention of the pericope. It is a judgment
speech of the prophetic lawsuit type, and that type of יִצְטַנ whose
intent is to warn, thus aiming at a change of mind (repentance).²
This element in the pericope marks another distinctive. The frame­
work portions of Judg 3-9 do not feature repentance. They rather
feature Israel's cries for help and Yahweh's response. The oracle
achieves its goal and a reformation occurs in which Israel puts away
its idols. The way is now open for Yahweh to deliver from Ammon and
the Philistines.³ A larger pattern of oracles exists, however, in
Judges. Four can be identified in framework and introduction

¹Richter, Retterbuch, pp. 13-23, notes that the intent of this
pericope is to deepen the content of the framework.

²For the importance of the יִצְטַנ("return to Yahweh") theme in
the Deuteronomistic History see H. W. Wolff, "The Kerygma of the

³So Richter, Retterbuch, p. 89.
material in addition to oracular activity of other types appearing throughout the pre-monarchy age events. Breach of treaty through idolatry is the basic problem addressed throughout these oracle pieces. Such a notion appears to be the basic theological conception guiding these four oracle passages including 10:6-16. This editorial ethos was concerned about the instabilities of treaty disloyalty problems.

The oracle of 10:11-14 and the brief material preliminary to it (10:6-10) are composed in parallel using a system of interlocked verbal and thought parallels. The two segments of the pericope therefore are compositionally related, but it is probably impossible to tell which existed first and thus constrained the composition of the other. Perhaps no first existence of one or the other should be supposed. The most important parallels between the two halves are the opening god list of vs. 6 which is paralleled in the opening nations list of vs. 11, and the climactic double confession of which the first is viewed as a sham while the second is real. Of these, the confession is important as a clue to intent. The god/nation lists are important as a way to keep this new introduction distinct and to indicate at what stage in the pre-monarchy settlement period the Ammonite and Philistine deliverance began. Thus the historical, chronological, and repentance interests of this portion correlate. At this stage in the history, deliverance became possible by renewal of treaty loyalty to Yahweh through repentance and actual change. This pericope therefore can only be understood if it is viewed as expressing multiple interests and functions, some broad, some immediate (Jephthah/Ammon).
Thus while one primary intention of this pericope lies in its combination of historical-theological interests, it also has immediate literary functions and implications. These may be summarized as follows:

1. The pericope opens the Ammonite oppression series and therefore the Jephthah series to follow. After the Jephthah series, Ammon does not reappear in the pre-Davidic material of Judges-1 Sam 12 except in 1 Sam 11-12. Here another block of Ammonite oppression narrative occurs. This focus on Ammon is highlighted by a Hebrew text of 1 Sam 11 found at Qumran containing four additional lines of introduction to the eleventh chapter (4QSam²). The lines stress the brutality of the Ammonite occupation of Israelite Jabesh Gilead.¹ The placement of this Ammonite material here may be a closure on an original block of Ammonite-Philistine oppression stories which made up a second book of judge tales from the pre-monarchy period.

2. It introduces a second major stage in the literary representation of the pre-monarchial settlement period as conceived by Judges, i.e., the last or Ammonite-Philistine oppression stage. Since the Ammonite-Philistine oppression is visible into the book of Samuel, it is plausible to hypothesize a second collection of deliverer stories, focused around the oppressions of these two nations along with the activities of several judges during this segment of

the history, i.e., Jephthah, Samson, Eli, and Samuel. In principle this suggestion returns to an earlier view of the significance of 10:6-16, i.e., that of Moore and Burney. They saw the possibility that 10:6-16 might point to a further collection of oppression material or judge-stories now preserved in part in Judg 10-16 and in part in 1 Sam 1-12. This implication of the nature of 10:6-16 has a bearing on the attempt below to suggest the book's compositional process (chap. 8).

3. The pericope initiates a series of connections with the remaining Jephthah/Ammonite and Philistine stories, and with other stories reflecting Judah and Benjamin tribal characteristics. The latter interests appear in the early and later chapters of Judges.

If these literary implications lie in the realm of the real, however, they also imply that this second introduction marks a point where an appreciable literary change from the original form of the oppression/deliverer stories began, and from which the present (final) form of the book of Judges emerged. The remainder of this study will attempt to assess this development as it emerged in the finished Judges, by examining the Jephthah series more carefully, and by ultimately attempting to identify the interests which produced this revision.
CHAPTER III

THE RISE OF JEPHTHAH (10:17-11:11)

Analysis of the composition of 10:6-16 suggested a two-part narrative portion with the concepts arranged in repetitive parallel climax ed by a conclusion. The material was governed by an oracle; it contains apparent narrative fragments of the Ammonite oppression and other narrative-like elements.

With the story of the Rise of Jephthah (10:17-11:11), one encounters the first of several portions which may more confidently be called "narrative" or "story." Fig. 3 is an analysis of the narrative showing its rhetoric, as analyzed here. The inclusion of 10:8-9 in the analysis seemed desirable in order to exhibit the proposed theory of editorial reworking required by examination of rhetorical interests.

Critical Study

The only substantial critical analysis is that of Richter.\(^1\) Richter saw the piece not as a rhetorically balanced work of narrative art, but as a congeries of small units and various disunities. (1) The most satisfactorily unified piece is 11:5b-11:11a (11b in the above analysis). (2) 10:18, 11:1b-2a, 4, 11b (my 11c) have experienced glossing. (3) Portions of the present 10:17-18 have been

\(^1\)Richter, "Überlieferungen," pp. 495-499.

109
יורדים וירזרא על בני ישראל משנה זויה
אך בני ישראל שאם יראה הידה
בואר האחים אוש ברעדה

 ASIC 9
וליהק בטור ישראל חברים

A 17
ונוסף את בנו ויתן להניע
וליהק בור ישראל השותה

D 18
וזיארו את בני יגוואים אונש
וליהק בני ישראל רוח

[ויקשת הגרדיא היה בבר ירח ויהו כן אתי יריעה גובה אונש]

E 2
ותחת Воוש להתעבר לע בונים
וליהק את יהודים אונש

F 3
וזורח את חומת את צדקת רוח
וליהק את בני ישראל

G 4
ויהיתי משיכים מחוז שבון עד ישראלי

G 5
ויהיתי משיכים מחוז שבון עד ישראלי

G 6
ויהיתי משיכים מחוז שבון עד ישראלי

E 7
ויהיתי משיכים מחוז שבון עד ישראלי

D 8
ויהיתי משיכים מחוז שבון עד ישראלי

C 9
אשיך את הנענים אונש
ונשייה אולה צדקת
ואכלי אדה כל ראת

B 10
וזיארו את בני יגוואים אונש
ויהי藜יה אם שמע בינתי
ולאי מבכר כל נושה

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and they crushed and oppressed the children of Israel that year.
For eighteen years they oppressed
all the people that were beyond the Jordan
in the land of the Amorites, which is in Gilead.

And the Ammonites crossed the Jordan
to fight also against Judah and against Benjamin and against the house
of Ephraim;
so that Israel was sorely distressed.

Then the Ammonites were called to arms, and they encamped in Gilead:
and the people of Israel came together, and they encamped at Mizpah.

And the people, the leaders of Gilead, said one to another,
"Who is the man that will begin
to fight against the Ammonites? He shall be head over all the
inhabitants of Gilead."

Now Jephthah the Gileadite was a mighty warrior, but he was the son of a harlot.
Gilead was the father of Jephthah.

And Gilead's wife also bore him sons:
and when his wife's sons grew up,
they thrust Jephthah out,
and said to him, "You shall not inherit in our fathers house:
for you are the son of another woman."

Then Jephthah fled from his brothers, and dwelt in the land
of Tob:
and worthless fellows collected around Jephthah, and went
raiding with him.

After a time the Ammonites made war against Israel.
And when the Ammonites made war against Israel,
the elders of Gilead went to bring Jephthah from the land of
Tob:
and they said to Jephthah, "Come and be our leader, that we
may fight with the Ammonites."

But Jephthah said to the elders of Gilead,
"Did you not hate me,
and drive me out of my father's house?
Why have you come to me now when you are in trouble?

And the elders of Gilead said to Jephthah,
"That is why we have returned to you now, that you may go with us
and fight with the Ammonites, and be our head over all the
inhabitants of Gilead."
Fig. 3a. Rhetorically arranged Hebrew text of Judg 11:1-11 (including 10:8-9; 17-18).
9 Jephthah said to the elders of Gilead,
   "If you bring me home again to fight with the Ammonites,
   and the LORD gives them over to me,
   I will be your head."

10 And the elders of Gilead said to Jephthah,
   "The LORD will be witness between us:
   we will surely do as you say."

11 So Jephthah went with the elders of Gilead,
   and the people made him head and leader over them;
   and Jephthah spoke all his words before the LORD at Mizpah.

Fig. 3b. English text of Judg 11:1-11 (RSV; including 10:8-9, 17-18)
removed from their position between 11:5a and 11:5b, where they originally stood as part of the build-up of Ammonite/Gileadite narrative tensions. For Richter, one criterion for glosses is the presence of "all-Israel" concepts, which are widely regarded as late Deuteronomistic insertions. Another criterion for literary analysis decisions is the presumed story supplementation of an original family quarrel with an Ammonite conflict interest. As will be seen in the discussion below, the new analysis of the material on a rhetorical-critical basis is partially in conflict with Richter's analysis, and is partially in support of it.

Richter seems content to call this simply a narrative characterized by tensions, with climactic resolution at 11:11. The tensions are created by dualities such as the Ammon/Gilead and Jephthah/brothers conflicts, while resolution moves in the sphere of Gileadite pride that one of their own took decisive charge in the midst of conflict.¹

**Limits and Integrity of the Pericope**

The center of the passage may be identified as vss. 4-5 (G, G') where the story reaches its rhetorical-structural climax, though not its plot climax. The architecture of the passage as a whole shows that this center is not of the "central thought" or "main point" type, but of the "turning point" type.² In the discussion below on structure, complementing strophic arrangements are identified and discussed.

¹Ibid., pp. 500-503.
²So Radday, p. 51.
The end limit of the portion can be determined by the climactic and resolutionary character of 11:11. Here the tensions of the story in vss. 1-10 are resolved: (1) the conflict with the "brothers" (also called "elders") is resolved; (2) the problem of a \( \psi \xi \eta \) for Gilead against the Ammonites is resolved; and (3) the material from vss. 12 onward has its own internal purposes and structure, showing evidence of being a discrete block in its own right.

The pericope's point of departure is a problem. Narrative symmetry can be detected from 10:17 through 11:11 (ופו תכ) as the text exhibit Fig. 3 suggests. 11:9-11 has many repetitions and narrative link-words within its own ten cola; and they are arranged in their own distinctive sequence. But one cannot detect parallels in a smooth matching sequence of discrete cola in the opening portions. The analysis (Fig. 3) is intended to illustrate that the editor who composed 10:6-16 has perhaps used the first several lines of the original pericope of Jephthah's Rise, by removing some bits and pieces on the Ammonite war, and recasting them in 10:8-9, 17, where the Ammonite oppression is introduced. This editorial move served to bond the second introduction to the Ammonite/Jephthah

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1 There is scarcely any disagreement; Richter clearly establishes this in his analysis, "Überlieferungen," pp. 501-502.

2 Ottosson, p. 161, recognizes the link-work possibility for Kop. He also notes Kop as another possible link-word used for symmetrical composition in 10:18 and 11:11. It appears strange, however, that he does not note other obvious possible elements of symmetry, i.e., in the passage as a whole.

3 Soggin, Judges, p. 202; Ottosson, p. 156, also recognizes the problem of vss. 17-18: "It is impossible to determine whether or not parts of vss. 17-18 belonged to another context before the Deuteronomist composed his material."
series. The largest amount of editorial break-up is in the circumstantial lead-in portion ("exposition") of the Rise of Jephthah story. The pericope is retained intact more fully at the point where it moves into the set-up of tensions and is retained best through the portions which move toward resolution, i.e., after 11:5a.¹

The matching uses of "at Mizpah" at 10:17b and 11:11c, (A, A') together with a few other link-word correspondences (לָהֶם, בֵּין עֵמִי), give some evidence of symmetry; the quantity of cola and strophes from 10:17-11:8 also suggests this analysis. But the quantity of material in 11:9-11 (C' B' A') is not appropriately matched in the opening strophes or cola (? , C?, A). This is a probable clue that the original pericope had more strophes and cola before the present 10:17 than have survived in the present text. The above editorial theory suggests an explanation for this imbalance; at the same time it accounts for the presence of narrative elements on the Ammonite oppression and war in the otherwise general introductory pericope, 10:6-16.

The fact that the verbal repetitions creating linkage between the two strophes represented by 10:18 and 11:8, occur in the third cola in their respective strophes (10:18c; 11:8c) shows that the compositional process was influenced by the notion that link-words at times be placed near or at the end of their strophes/cola. If this is so with 10:18 and 11:8, there is reason to suspect the same with "in Mizpah." The pattern, therefore, for the first and last

¹Richter particularly, "Überlieferungen," pp. 500-503; Richter, however, thinks the present 10:17-18 have been removed from their original position after 11:5a; this is not compatible with the analysis suggested here.
three strophes, is as follows with the climax/link at the end of the series ("inversion")?

First climax ("at Mizpah")

Last climax ("at Mizpah")

This analysis tends to agree with Richter that the text is rough in its earlier portions, and exhibits signs of some kind of editorial reworking into its final form, perhaps from original material earlier attached to the story-shape as it is now preserved in 11:1-11, and most fully in vs. 4- or 5-11. That 10:17-18 are a (late) Deuteronomistic addition cannot be established.¹

Structure and Foci

The Center Pair (11:4-5a; G, G')

LXX A and B divide on the double \( \text{ר"ענ} \) cola. Alexandrinus reflects the MT with the bicolon as is. Codex Vaticanus (B) appears to have been unaware of the existence of the first of these two cola as found in MT vs. 4, and begins with the colon represented in 5a. Boling, following the recent text critical tendency to favor

¹Ottosson, p. 156, appeals to \( \text{ל"ענ \ את \ ג"ענ} \) (10:18b) for a Deuteronomistic connection; the expression occurs elsewhere only in the Deuteronomy war rules (Deut 20); but this cannot be decisive as evidence for Deuteronomistic editing. Ottosson, however, also notes that vs. 17-18 contain concepts associated with the Jephthah traditions, pointing to six examples of words, phrases, and concepts in vs. 17-18 with direct links and echoes in 11:2-11.
A over B in Judges, because B is strongly *kaige* in Judges and shows tendencies toward assimilation to the (developing stabilization of the) MT, opts for retaining the MT as is. Bodine, after examining the tendencies of the Greek versions in Judges, concludes similarly that because the omission of 11:4 in B has no other support, it may be an inner-Greek error due to homoioteleuton; one could also appeal to haplography, perhaps more accurately, since two similar cola are involved rather than simple identical word terminations. Thus, though current opinion favors the retention of the bicolon as is, caution is still in order since A cannot be assumed to represent an old MT without further question. Bodine has shown that A is Hexaplaric in Judges, thus warning against a facile direct link of A with MT. Perhaps the discussion of the two cola below will contribute further to the likelihood of retention on the evidence of the suggested symmetrical structure.

The pair of lines is identical except for the shift in the two words for time and the fact that the conjunction was grammatically required after the . . . construction in vs. 4. The first colon, in fact, marks the end of the build-up of tensions between Ammon and Israel and between Jephthah and Gilead in the narrative flow, and rounds out the removal of Jephthah from Gilead to Tob. It also thereby concludes the *departure* motif of 11:1-4 to which the *return* motif corresponds in 11:5-11. The second of the two cola begins

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3 Ibid., pp. 154-155.
movement toward tension resolution by repeating the climax line of
the tension build-up in the first half of the pericope. From here on
the action moves in a straight line toward resolution in v. 11.

These considerations together suggest that this pair of cola mark the
original center of the story. The bicolon, therefore, is best viewed
as rhetorically intentional; the remaining analysis of strophes tends
to support this observation.

Burney and Richter represent the critical tradition which sees
in vs. 4a a secondary gloss since vss. 1-3, 5b-11 have no reference
to Israel. ¹ Should also be removed from vs. 5a as well as
10:17, according to Richter, since the story is about an Ammonite-
Gilead, not an Ammonite-Israel conflict. However, (1) Ammon/Israel
is the appropriate social pair since they represent the largest so-
cial unit conceptualization. (2) "Israel" is attested in the Meroe-
tah Stele as a general name for at least some of the people who moved
into (Northern) Palestine after 1300 B.C. (3) In the oldest poetical
material in the Pentateuch and historical books of the Hebrew Bible
(Exod 15:19, 22), including settlement period poetry like the Song of
Deborah, "Israel" is likewise used, as in our text, for a small group
of tribes consisting of less than half of the whole of "Israel" en-
gaged in local combat in the Plain of Jezreel (Judg 5:2-11).²

1Burney, Judges, p. 309; Richter, "Überlieferungen," p. 495;
this viewpoint reflects the common view that the "all Israel" aspect
of Judges betrays a later editorial reworking by Deuteronomistic
editors.

2So G. Buccellati, Cities and Nations of Ancient Syria: An
Essay on Political Institutions with Special Reference to the
Israelite Kingdoms. Studi Semitici, no. 26 (Rome: Instituto di Studi
seventh century B.C.E.—a usage which probably reflects an earlier self-designation, though Ammonite inscriptions are not known before the eighth century B.C.E.¹

The pattern of repetitions and symmetrical arrangements throughout the pericope confirms that this pair marks the (original) center of the narrative of The Rise of Jephthah. Its object is simply to affirm the fact of the Ammonite-Israelite war.

The Second Pair (11:3, 5b-6; F, F')

These cola have a more or less loose narrative correspondence, although one important repetition suggests their intended relationship, i.e., as placed on either side of the center.

The formal pairing lies in the matching uses of דִּבְרָה יְחֵץ, the first with יָעַשׁ, the second with יָעַשׁ, i.e., in ... out. Movements within the two pairs, however, have some other modest parallels—indeed enough to establish their strophic relationship and the important development of the military interests which contribute to the expression of narrative intention: (1) Jephthah flees to Tob from his brothers (vs. 3a); the elders go to Tob to return Jephthah (vs. 5a). (2) The proposal to fight the Ammonites (vs. 6) reflects the fact noted in vs. 3b, that a band of מִים יָעַשׁ attached themselves to Jephthah (h/t p.) and "went out" with him. The suggested military

activity of vs. 3b becomes clearer in the sequel in vs. 6. (3)
Likewise, the implication of vs. 3b that Jephthah was the leader of
such a band of גֶּֽרֶם is made explicit in the title עַדְּלָנָה of vs.
6. (4) The broadest verb/movement representations are the pair
לָעַל/בָּרֵךְ—"flee/bring back." (5) There is possible assonance/
alliteration with the last two words in the two pairs of cola—
ָֽזָה/זָה, though this is only a remote possibility; at best it is
a structural or rhetorical feature only and may be an entertaining
pun. The total pattern of relationships, however, establishes the
homogeneity of the two pairs of cola as intentionally fashioned
strophic lines. The two pairs represent a departure/return motif in
which the military qualifications of Jephthah for his ultimate role
are established. The two chief military concepts call for some spe-
cific comments.

עַדְּלָנָה means "vain, empty." It is often said to designate
"mercenaries."¹ This is almost impossible to prove in Canaanite
(Hebrew, Phoenician, Punic, or Moabite), though it may be correct.
ָֽזָה is rather frequent in the Hebrew Bible, often with בָּרֵךְ in the
sense of "draw the sword," which presumably suggests "make empty" (hi.
often), i.e., the scabbard, or perhaps "reduce to nothing" with the
sword (or spear, Ps 35:3). ָֽזָה seems to denote making something
empty, i.e., reducing it to nothing or to emptiness as e.g., a jar
with reference to its contents, a house of its contents, or as seems
correct with בָּרֵךְ, a scabbard. The adjective ָֽזָה denotes

¹Boling, Judges, p. 171, e.g.: KB, p. 890, give the meanings,
"empty" (of a kettle, or ear of grain), "unsatisfied" (of a longing),
and "vain, idle."
emptiness, e.g., an empty vessel or empty hand, though Burney\(^1\) thinks "unsuccessful, needy," or "discontented" (contra morally empty) is the sense. When economic matters (chiefly agricultural) are involved, "nothing" is the meaning, e.g., one sows seed and gets nothing (\(גחמ\), Lev 26:10). The closest parallel is 2 Chr 13:7 which has "empty men" in parallel with "sons of wickedness."

The term thus seems to denote persons who operate outside law and custom or social order and its expectations—wicked men, i.e., people who do socially unacceptable things of one kind or another. Even David acted once like the \(דניל\) (2 Sam 6:20). "Mercenary" may be correct, but it is not clearly in evidence. A more likely sense would be the general one—people whose moral bearings are without significance or who are destructive to the community. They attach themselves to Jephthah as a fighting band. That he paid them is not clear. Täubler suggests that during their stay in Tob, they had already carried out raids against the Ammonites for the Syrians, although this is conjecture, but interesting.\(^2\) Were they Ammonite rebels?

\(דניל\) denotes a fairly fixed military function (Josh 10:24; Isa 1:10; 3:6-7; 22:3), although Mic 3:1, 9 suggest judging and chiefdom, and Prov 6:7 uses the term together with \(רמיה\) and \(לעביד\). The term is not, however, a pagan dignity title, nor a term for a regular military officer. It seems rather reserved for a leader in a

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2. Täubler, Studien, p. 285; Richter, "Überlieferungen," pp. 502-503, notes with justice that it is impossible to determine the exact nature of the troop or their relation to Jephthah, only that they were a group of Gileadites who had some kind of war responsibilities.
special time of inner confusion and outward threat.\(^1\)

The picture is clear enough as far as it goes. Jephthah fled to Tob. In Tob there attached to him a group of outlaws with whom he engaged in some kind of violent or forcible actions, sufficient at least to have impressed the elders of Gilead that he and his band were now capable of success in the Ammonite emergency; so they propose יָבַע — special military commander for the emergency.

The Third Pair (11:2, 7; E, E‘)

A few MSS have רְמַז for יָבַע in 7a. This is in closer conformity to the לְ רְמַז form for the object of address following רְמַז in the successive lead-cola of vss. 8a, 9a, and 10a as well as 10:18a; but it is not in harmony with the corresponding strophe (2a, d), where ל is required with the pronoun for direct address. It is impossible to decide with certainty, although the tendency would be to harmonize; this consideration would suggest retaining the text as is.

In vs. 7 (d as reconstructed) the LXX adds καὶ ἐξαποθειλατέ με ἀπὸ ζομῆς. This addition may reflect an originally longer Hebrew text, but may also be reckoned to have once been integrated with the fourth colon of vs. 7, since it is now shorter than its counterpart in vs. 2d by one stress beat (five syllables). Here, then, it is printed as a separate colon so that each of the two strophes consists of five cola. The Hebrew may be reconstructed as יָבַע חֹזֵן which would add two stress beats (seven syllables). This addition might upset the יָבַע, but the ל could be viewed as roughly answering to יָבַע in vs. 2e, since both introduce explanation, and function

\(^1\) Täubler, pp. 285-287.
syntactically as parallel subordinating conjunctions. There is also a thought parallel between vs. 2d and 7d as reconstructed: לֹא שָׁבָה וְקָּרְבַּנְתָּנָה קָפִי נַחֲלָה וְקָרְבַּנְתָּנָה מְשֻׁלָּשׁ עַל יִשְׂרָאֵל. Thus the LXX would restore an added parallelism in the thought flow. The loss of a piece like this suggests that the same shortening process found in some parts of Samuel in the MT has manifested itself here. Boling thinks this reconstruction is intrinsically likely on purely textual grounds; but one also notes the strikingly imbalanced length of vs. 2 without the LXX-preserved addition in vs. 7 for balast. The restoration turns tables on this situation and thereby yields a slightly longer strophe in vs. 7 than its counterpart in vs. 2; at the same time, however, this is the pattern of the preceding pair of cola, vs. 3, 5b-6.

Strophically, the two five-cola verses exhibit the following evidences of homogeneity.

1. The balancing dual use of שָׁבָה as a repeated theme-word, supplemented by the concept of the father's house, establishes the formal connection. The three link words (שָׁבָה, יִשְׂרָאֵל) are separated from each other in vs. 2, but joined in vs. 7, perhaps to make space within the five-colon constraint for enough narrative cola to complete this stage of the story-line. These twin strophes respectively formulate the second primary tension of the narrative (vs. 2) and establish the next corresponding step toward resolution (vs. 7). In both strophes שָׁבָה marks the climax of the strophic action. In vs. 2 the verb and its object are followed by an interpretative

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2 Boling, Judges, p. 198.
explanation (דְּנָאָה) and a final reason (ל før); in vs. 7 the verb-object group is followed by a synonymous line (preserved only in the LXX) and a question. In both strophes, ישע is placed at the beginning of the third colon, i.e., at the center of the five-colon strophe.

2. The subject matter of the two strophes is homogeneous. In vs. 2, Jephthah is disinherit ed by his family; in vs. 7 they seek to re-establish the relationship. This is accomplished by a series of terms in which the events of vs. 2 are made to echo in vs. 7, though not with formally identical link-words. (a) In vs. 7 the “sons of Gilead” reappear as the “elders of Gilead”—a transition which had already been achieved in vs. 5b and accounted for by the notice of vs. 2b that they (the “sons”) had by now become powerful (לזר). (b) Their action of exclusion in vs. 2 is summarily characterized in vs. 7 as יָהַתְנַע. This compressed repetition conserves space for the final question, which gathers up the action from vs. 2 and expresses it in the fifth colon of vs. 7. Here too, the narrative is compressed in order to bring the story movement to the next plateau.

3. Thus the five cola of both strophic pairs focus on the action of the sons/elders against Jephthah and their attempt to recall him, thereby representing another stage of the departure/return process.

Two puzzling narrative features attach to the central strophic (ישע) motif, i.e., (1) the unexpected transmutation of "sons of Gilead" into the "elders of Gilead," and (2) the background for the elders' action of driving out Jephthah.

The shift from "sons" to "elders" may be more complex than
appears on the surface. "Gilead" in this brief pericope denotes
(1) a region, (2) a clan head, (3) a family. Several factors suggest
that this phenomenon is explicable in terms of the social dynamics of
the tribal/clan regime. First, the narrative itself offers the
social explanation (vs. 2) that the sons of Gilead "grew powerful."
To say henceforth that they were the "elders" of Gilead and thereby
acted as a body responsible for regional protective functions is
patent enough. Secondly, recent studies in the social structure of
settling ancient Near Eastern groups suggest analogies close enough
to yield reasonable comparison. Thirdly, Burney had long ago sug-
gested that Jephthah's "expulsion from Gilead was tribal not family
. . . The 'brethren' of vs. 3 are therefore his fellowclansmen and
not his natural brothers." One does not need to follow this attri-
bution of group versus individual designations into a mechanically
conceived corporate re-reading of everything in the story. But the
insight is helpful to a more transparent social understanding of what
is happening. The thought naturally suggests itself that we are
dealing here with an archaic story reflecting social thought patterns
of the tribal/clan regime during the settlement period. The quasi-
poetical narrative patterns might also suggest archaic origin. The

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1Cf. the literature cited above, chap. 1, pp. 36-47.
2Cf. Gottwald, Tribes, pp. 270-275.
3A. Malamat, "Mari and the Bible: Some Patterns of Tribal
Organization and Institutions," JAOS 82 (1962):143-150; cf. also
Malamat, "Aspects of Tribal Societies in Mari and Israel," in XV
rencontre assyriologique internationale: La civilization de Mari (Les
congrès de l'université de Liège, vol. 42 [1967], pp. 129-138;
"Mari," BA 34 (1971):17; "Die Frühgeschichte Israels—eine methodo-
4Burney, Judges, pp. 303-304.
contribution of this social dimension to the narrative intention, by including the story without obscuring such details, would be the feel of antiquity that it projects even for the original readers or hearers. The story was retained precisely because its archaic social elements said something about "political" movement in the (pre-monarchial) Settlement Era.

The other puzzling matter is the multiple identification of Jephthah—son of a son of another/son of Gilead (11:1-3). The problems of literary manipulation are discussed below. But for now a plausible explanation of these multiple designations is that they articulate the notion that while Jephthah is some kind of offspring of the Gileadite clan, his actual social background would have been unsuitable to his rise to power over the whole of the Trans-jordan region. The notice of his disinheritance would also serve this narrative intention. Perhaps, as Mendelsohn suggests, Jephthah is the unfortunate victim of a local custom.

Before leaving the pair consisting of vss. 2 and 7, the function and character of vs. 1 should be noted. The line is bracketed in the structural diagram above. This means that the line

1 Ottersson, p. 158; but he is dependent on I. Mendelsohn, "The Disinheritance of Jephthah in the Light of Paragraph 27 of the Lipit-Ishtar Code," IEJ 4 (1954):116-119. There are several other matters in the story with legal or at least legally conceived overtones which, as Ottersson suggests, may reflect echoes of the initial introduction of Gilead in the Bible, i.e., Gen 31:1-16: inheritance loss, foreigners, Mizpah as a cult center, and treaty/covenant. One may also compare Richter, "Überlieferungen," p. 494; F. Dreyfus, "Le thème de l'héritage dans l'Ancien Testament," Review des sciences philosophiques et théologiques 42 (1958):3-49; Ottersson, p. 159. J. deGeus, p. 147, argues that the designation מַעְרָה was used for any woman outside the clan with whom one entered marriage; this usage coordinates with the normal designation "prostitute": a מַעְרָה was "another woman."
does not seem integral to the otherwise apparent strophic structure of the narrative.

The Interpolated Line (11:1)

Richter notes the quick subject changes from vs. 1a through vs. 2b\(^1\) and thinks this to be evidence for glosses since motivations are supplied and the harsh subject shifts are complemented by the difficulty of Gilead as a personal, town, and territory name.\(^2\) Ottosson, on the other hand, thinks that vss. 1-3 are unified and read smoothly. The disturbance of the quasi-poetic pattern revealed in the structural outline also suggests that the whole of vs. 1 may be an editorial addition, the intention of which was to identify Jephthah briefly before resuming the old narrative in vs. 2. This editorial comment may have been rendered necessary for the editor as a reflex from his apparent rearrangement of the first few strophes of the narrative in order to integrate them into 10:8-9. His rearrangements simply required a brief statement on the identity of Jephthah, perhaps to compensate for the loss of reference to Jephthah somewhere in the opening (original) strophes, though this is speculative and not in evidence directly. Perhaps another possibility is that the present vs. 1 was part of one of the earlier opening strophes which have now been nearly lost except for the few fragments retained in rewritten form in 10:8-9 and/or 10:17-18.

\(^1\)Richter, "Überlieferungen," p. 496, following Burney, Judges, p. 308.

\(^2\)Cf. the discussion of Ottosson, p. 158; Ottosson does not agree with Noth that "Gilead" is the name of a specific town.
The Fourth Pair (10:18; 11:8; D, D')

Textual difficulties are minimum here. Burney suggested that יַעַל לָךְ be emended to יַעַל לָךְ, which while not entirely implausible, has no manuscript or versional support; nonetheless the construction יַעַל לָךְ feels clumsy. Perhaps יַעַל is part of a verbal framing grid. Ottosson recognizes רָמַי of 10:17 and 11:11c as a link-word in a ring composition. An interesting related datum, however, is the fact that יַעַל is missing in 10:18a of the Syriac translation of Origen's LXX column (as also יַעַל in 11:11b). But Bodine suggests that "this is more likely an inner-Syriac corruption since Origen did not delete Old Greek phrases." LXX retains נֶס = Heb. יַעַל.

11:8b in the LXX has אֶלֶּל אוֹרֵתָא Heb. אֶלֶּל אוֹרֵתָא versus MT לְכָּה. This represents the elders as articulating a disclaimer on any further hostility to Jephthah—"... we are not thus returning to you now, so come with us." This seems also to be the LXX sense. Boling adopts this interpretation and explains the error in MT as due to the quiescent aleph. With this one modest change, the text can be considered as is.

Strophic connection between 10:18 and 11:8 is established by several specific links.

1 Burney, Judges, p. 307.
2 Moore, p. 281 and Burney, Judges, p. 307, think יַעַל is a gloss to explain יַעַל; but why would the gloss take the form of יַעַל rather than יַעַל which would have kept the portion in better harmony with 11:1-11?
3 Ottosson, pp. 160-161.
5 Boling, Judges, p. 198.
1. A וֹלַח ל ק line opens both groups of lines, and the indirect object of the discourse is designated with ל ק. It is possible that 10:18a alone in the first half of the pericope preserves something of an original series of וֹלַח ל ק strophes corresponding to the clear series in 11:7a, 8a, 9a, 10a.

2. The most obvious and striking correspondence is the near total conformity of 11:8c to 10:18c in the amount of no less than eight consecutive words, broken only in 11:8c by the added for clarity. This pair of matching cola in the midst of an otherwise symmetrically arranged sequence of strophes and cola complete with thematic linkwords, is so striking that it might well be taken as a sign of the primary intent of the narrative.

This impression can, in fact, be confirmed by a series of observations about the verbal contents of these two cola and their relation to the contents of the story. (1) The basic sentence structure in 10:18b-c is: וֹלַח ל ק וֹלַח . . . וֹלַח ל ק וֹלַח ; the basic sentence structure in 11:8c is: וֹלַח ל ק וֹלַח וֹלַח וֹלַח . . . וֹלַח ל ק ל ק . This correspondence points to interest in וֹלַח כ as intentionally central to the story. (2) The manipulation of וֹלַח כ in these two framing cola in relation to וֹלַח כ (vs. 6) shows how interested the storyteller was in the two titles. This is also evidenced by the circumstance that Jephthah refuses the role of fighting the Ammonites under the title וֹלַח כ but accepts it under the promise of the title וֹלַח כ along with assurances that the elders of Gilead have changed their attitude toward him. (3) The title is, in fact, the central narrative theme

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1Alter, pp. 88-113 passim; Alter discusses the variations of theme-word use in Hebrew narrative.
from here to the end of the story where it appears again at the conclusion of 11:11b. At that point it is joined with ḫaṣšāb in the climactic expression ḫaṣšāb ẇāl ḫaṣšāb. The term appears yet again in Jephthah's acceptance offer in 11:9d where it is also the climax of his positive reply. What remains, then, is the solemnizing of this arrangement in a kind of oath or treaty,¹ of which the proposal is found in vs. 10, and the consummation in 11c, immediately after the final use of both ḫaṣšāb and ṣāmār.

In contrast to ḫaṣšāb, ṣāmār is thought to denote all jurisdictions—administrative, judicial and military—of a permanent nature. Täubler states,

This designation is taken from the pagan pattern of the surrounding nations in which the tribal chief is the highest kinship head and on whom the kingdom is established—a precarious recognition of tribal headship... Jephthah... is not a king but in a way anticipating kingship, a sheikh of highest status.

Rösel distinguishes between ḫaṣšāb, "military commander and major judge," and ṣāmār, "civil governor."³ Two Semitic texts in the Near Eastern background, one in the inscription from Zinjirli⁴ and

¹P. Kalluveetttil, Declaration and Covenant (Rome: Biblical Institute Press, 1982), pp. 33-34, identifies 11:11 as a treaty since he believes he can detect in it certain typical treaty-making terms such as ʿāmērīt, and, more to the interest here, ṣāmār ʿāmērīt for which he adduces the treaty between Mursilis II and Kupanta-Kal (p. 63). Kalluveetttil thinks "ruler" and "rulership" are appropriate terms to describe the arrangement (p. 63) since Kupanta-Kal is a king who is called by other titles like "Lord" (pp. 63, 95).

²Täubler, p. 295.


one from Ugarit, illustrate the use of Semitic וָּל for government headship. In both cases this metaphorical use is parallel with the regular literal use, and at the same time is coordinated with Semitic mlk; in fact, mlk appears as only one possible type of וָּל.

In the Hebrew Bible, the metaphorical use of וָּל for leadership of a body of people is well established. וָּל is used of a tribal "chief" or a military "commander" of various sized units, or the chief field marshal among a group of generals, of a king (Isa 7:9), or of administrative royalty (Isa 29:10, Mic 3:9,11). Even one nation/king which exerts the leadership or power among several others is included (Hazor, Josh 11:10; cf. Ezek 38:2, 3; 39:1). It would appear that Täuber's remarks are approximately correct, considering the יִשְׂרָאֵל relationship in the context. The "over Gilead" extent of Jephthah's headship, the absence of any other central government of the region, and the fact that Jephthah continues in the office of judge after the military victory, all point to the use of וָּל in Täuber's comprehensive sense.

3. Having observed the significance of these titles, some further observations may be made about other links of 10:18 and 11:8. In addition to the רָבָּא and וָּל, the change of titles for the leaders of Gilead is striking—שֶׁרֶם אֶלֶף (10:18a)/זַכְּרוּנִי אֱלָע (11:8a). The intervening verses have not only made the shift already (vs. 2), but have by now also equated the elders with the sons of Gilead, i.e., the "brothers" of Jephthah, who are "brothers" not just in the

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1C. Gordon, Ugaritic Textbook (Rome: Biblical Institute Press, 1965), p. 217; this document is a seal of one IA-QA-RUM in which King MTMR BEN NOMP apparently established an estate for one of his sons.

2BDB, pp. 910-911; KB, pp. 865-866.
military/leadership sense, but actual family brothers. The usual assumption is that the same groups of persons are involved throughout.

But the assumption overlooks the facts that (1) different terms are used, (2) in the meantime, the narrative appears to believe, the members of one clan of Gilead grew powerful, i.e., that of Jephthah's father, and (3) the נָבוֹלָם sought a לָשׁוֹן while the "brothers" i.e., the "elders," sought only a לָשׁוֹן as the first desideratum. On any reckoning, however, both "princes" and "elders" have become incapable of the protective functions, have become dependent on some new social organizational pattern or person, and are at a loss to handle the situation themselves. Therefore there is homogeneity between the two separated strophes. They both stress the dependent position of the leadership in Gilead and its concern for a powerful person to protect it against Ammon. This contributes to the meaning of לָשׁוֹן. It denotes comprehensive leadership authority.

In addition to the confusing use of titles noted above, there

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The distinction between לָשׁוֹן and נָבוֹלָם is more than tendentious. J. L. McKenzie, "The Elders in the Old Testament," Biblica 40 (1959):528, notes that several significant passages in the Hebrew Bible distinguish the two office-types from each other. He concludes that "the נָבוֹלָם would be military officers of the tribal, clan, or village units," while the elders are a larger decision-making/advisory body. They are not identified with the נָבוֹלָם; still the two groups appear to make up the decision-making body of government in the historical books. The texts are Num 22:8-20; Judg 8:3-21; 2 Kgs 10:1-17; Ezra 10:8; Isa 3:14; especially important is Jer 26:10-24 where the two bodies, both with decision-pronouncing prerogatives, are distinguished; cf. J. van der Ploeg, "Les chefs du peuple d'Israel et leurs titres," RB 57 (1950):40-41; Moore, p. 224; Pedersen, p. 504, who claims, however, that Job 29:9 shows that נָבוֹלָם were not exclusively military people (at which McKenzie express surprise disagreed). Usage certainly favors military meaning for the word and suggests their representative significance as well; most of the scholarship cited above recognizes these two aspects more or less explicitly.
is the question of why the "elders" sought Jephthah as a judge first, rather than their ark. Boling suggests that it makes transparent an inadequate theology:

What was irregular, for the period, was the manner of its bestowal, which indicated that Yahweh had now been relegated to the position of confirming the elders' own selection of the highest leadership.

But considering the meaning of the title, it appears possible to suggest that they, not the "princes," were self-seeking. Boling is hard on the ark:

The trouble with the captains of the force was that none of them wanted to go. The implication is that the high office of judge is here regarded as a protection against the erosion of the good life enjoyed by the captains.

One can read this implication out of the statement of 10:18; but the text does not really say it or necessarily imply it. What it does do, consistently, is put the "elders" in a bad light. One may observe, for example, that the ark desire a ark, while the ark want only a judge. The narrative can be taken alternatively to imply rather that both the ark and Jephthah are wiser and better motivated than the elders, since they know the real need is a ark. It is rather the elders who want only a temporary military leader, presumably to protect them in their power. There is, in fact, not a hint of judgment on the princes or on Jephthah in the whole mass of Jephthah material; the text does not say or actually imply that some disobedient relation to Yahweh is behind the perceived need for a ark.

If this is true, it appears, rather, that the narrative has

1Boling, Judges, p. 195.
2Ibid., p. 195.
been constructed so as to celebrate the wisdom of central government in Gilead. The "princes" of Gilead knew it was needful; the "brothers" of Jephthah, soon to become "elders", however, seized power, and wished only a temporary "commander." Following the shifts in the text, the picture is something like the following: the "princes," i.e., the representatives of all the clans of Gilead, recognized that they were no longer able to execute the protective functions against Ammon. Soon, in the wake of this weakness, a leadership revolution occurred in which the family of Jephthah gained power and ascendancy (יוֹדְנָּה, 11:2), displacing the more representative princes' rule. The princes, only too glad to relegate the protective functions to a promising, powerful clan, relinquish their former control. The family of Jephthah, alas, discovers that it cannot deliver on the protective needs either. But since they are not so willing to concede power as the princes, Jephthah is summoned for help. It is important to observe that this picture is in substantial agreement with the description of the disintegration of tribal rule suggested by Liver.1 The intermediate stage, in his view, between tribal rule and a radical effort at unity renewal such as monarchy, appears to have increasingly relegated the functions of protection, which once belonged to the tribe, to the secondary and smaller social unity, the מַהֲרֶשֶׁב. But the smaller the social unit in which the protective functions were exercised, the more precarious became the degree of protective strength. The developments in this narrative from 10:18

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through 11:8 reflect this process and exemplify it rather exactly, if one takes seriously the distinction between רְשֵׁי, as representing all households of Gilead, and the brothers/elders of the remainder of the story including the interpolated clarifying line, 11:1. This line with vs. 2 suggests that there is, after all, a family quarrel involved, as Richter has observed, although a family quarrel reflecting a shift in power in the governance of Gilead (גְּלוּד).

Preliminary Conclusions

First, 10:18 cannot be separated from 11:8; this means that the analysis above supports those students of Judges who see 10:17—11:11 as a whole unit rather than two independently formed pieces. The observations above favor the homogeneity of the material of 10:18 through 11:8.

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1 It is frequently observed that "Gilead" is personified here—the territory for the person (cf., e.g., Cooke, p. 115). Yet as Richter suggests, what is narrated is actually a family quarrel over Jephthah's mother's social status. It is also now said (e.g., Boling, Judges, p. 56; Soggin, Judges, p. 205) that "brothers" means the "wider clan" or "military confederates." While this usage is attested at Mari and is current in Judges elsewhere, it does not follow that this must everywhere be the only meaning. The context here is not really military, and the pertinent parts of the strophe leave the impression of a limited family quarrel, as Richter, "Überlieferungen," pp. 553-554; cf. p. 494—"Jedoch hat man den Eindruck, dass es sich in V. 2f um eine Familienangelegenheit . . ." Thus, oscillation in social range is possible from the more literal, limited use of "brother" to group/military use; but one must not allow the glitter of discovery to ride roughshod over specific context; "brother" cannot be made to mean "military confederate" or even "clan-member" everywhere without further ado.

2 Soggin, Judges, pp. 203-205; Moore, p. 281; Budde, Richter, p. 80; Thatcher, p. 107, but all with more or less wonderment about the connections; Richter too, though in a different way, saw the contents of this verse as originally part of the pericope.

3 Boling, Judges, p. 195; Burney, Judges, p. 300-301; Vincent, JB, p. 323; Hertzberg, Richter, p. 213.
Secondly, it is now possible to suggest a thesis about the intention of this unified pericope (whether 10:17 also belongs, or how, is discussed below). Its point appears to have been to illustrate the emergence of a form of central government in Gilead under one permanent head as a recognized need of the "princes" of Gilead during the settlement period. The pericope reflects their inability to cope with the military threat of Ammon. At the same time it attacks the petty machinations of a family which seized power in the crisis, but was no more able to deal with the military situation than the princes. The pericope also emphasizes the lowly, unlikely origins of the emergent leader, Jephthah, and celebrates his move into the leadership vacuum with a title suggesting all governmental functions—"in fact a claim to kingship,"\(^1\) as the emerging adjacent tribal states of Moab, Edom, and Ammon suggest by analogy.\(^2\) These nation-states already had a \(\text{יָד} \text{לֶהָר} \) who fought Israel on various fronts.

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\(^2\)In addition to material in the preceding note, there is the observation by Alt, *Essays*, pp. 183-205, that for several centuries these tribal-states functioned with kings which did not found dynasties, but whose "king" was simply the most powerful charismatic leader. It does not seem possible to confirm or deny this as yet for Ammon, despite the growth of Ammonite inscriptive material which is, however, meager; but see 2 Sam 10:1 for Ammon and 2 Kgs 3:27 for Moab; cf. Garbini, pp. 159-168; F. M. Cross, Jr., "Notes on the Ammonite Inscription from Tell Siran," *RASOR* 212 (1973):12-15, is able to identify about eleven kings of Ammon, but it is not clear which are fathers and which are sons. The Edomite "kings" of Gen 36:31-39 are tribal chieftans, not dynastic successors, as Buccellati, pp. 125-130, shows.
The office of king is specifically attested in Judg 3:12-30 (Moab), 11:17-18 (Edom), and 1 Sam 12:12 (Ammon) where the power of Ammonite kingship is cited as an impetus for Israel's request for a king. This pericope proclaims the establishment of a single-head rule in Gilead.1

The narrative indicates that the process was "democratic," i.e., it arose from the people via tribal leaders for the same reasons as the monarchy arose soon after.2 Even though "democratic" in this sense, the action appears to have been accompanied or permanentized and sacralized by a form of ceremonial—an oath, or a treaty—"before the Lord at Mizpah (11:11b)."3 Mizpah is to be recognized as a geographically important framing device in this pericope if the literary structure has been correctly judged. These events at Mizpah are similar to the establishment of David's kingship at Hebron (2 Sam 5).

It appears, therefore, that the first two Jephthah pericopae

1Polzin, pp. 178-179, interprets the significance of the narrative to lie in exhibiting Jephthah as the opposite of Yahweh in his freedom: "If God refuses to be used by Israel, Jephthah has no such hesitation with respect to Gilead." Such a psychological judgment seems to outstrip the textual intention.


3So Kalluvesttil, pp. 33-34; Buccellati, pp. 121-130; Mettinger, p. 111; Pedersen, 1:3-48; Weinfeld, Deuteronomy, p. 91, n.1; Malamat, World History, 3:111, 165. Kalluvesttil, p. 63, suggests that WX77 D'W means "make one Lord" and cites a treaty between Mursilis II and Kupanta-Kal for an equivalent where kings are the principals of the treaty; cf. also Täubler, pp. 283-286.
have been arranged to create a sequence in which repentance leads to the establishment of a single head government in Gilead. This sequence appears to be a particular concern of the editor. In fact, he has broken up the first few cola of the story in order to integrate it into his second introduction.

The Story Margins
(10:8-9, 17; 11:9-11; ? C? A; A' B' C')

Textually, there are only minor problems here. (1) A very few Hebrew MSS add מַעֲרֵיב in 11:9c. This is regular holy-war terminology, and while it is not an implausible addition, it is exactly the type which would be natural for a scribe steeped in the holy-war formulae of the Former Prophets. (2) Forrix δυ in 11:11b, LXX A has ὀ λαδάτων, while B has μονολαδός; Lucian omits ὀ λαδός, and he is supported in this by the Old Latin and the asterisk of Origen in the Hexapla. If Lucian represents the Old Greek here, it is best to be cautious and not build much on δυ which may after all have once been missing in the Hebrew, if the Old Greek lacked its equivalent, λαδός. It would not be safe to see an inclusio with 10:18 here. Even if the reading is sound, an inclusio function is doubtful.

The strophes represented by 11:9-11 have no counterpart (remaining) at the beginning of the pericope. However, the symmetrical structure of the narrative suggests that there may have been a stage before the editing represented in the final form of the text, in which strophes corresponding to those of 11:9-11 were included near the beginning. One possibility is obviously that these strophes have been broken off and lost. But another is that the first three

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1 Bodine, pp. 105, 120.
original strophes have been removed only to be reused in part in
10:8-10, 17, but, one would have to say, in rewritten form, and
fragmentarily. These alleged lines have been included in the Hebrew
text exhibit (Fig. 3).

There are reasons to suppose that some kind of correspondence
exists between certain fragments of 10:8-18 and the material of
11:1-11, as Richter noted, although in a different way. (1) 10:17
and 11:11 end at the same point, i.e., מֹשֶׁחְתָּן. (2) The לַלְהָתָם בְּנֵי עֵשֶׁד
of 10:9b might be viewed as an echo of ... לְעָבְרָה בְּנֵי עֵשֶׁד
of 10:9. (3) The מְכַלֶּשֶׁה of 10:8, 17 has an echo in the thrice
repeated מְכַלֶּשֶׁה of 11:9a, 10a, 11a; the importance of this
geographical term is clear when one considers its frequency through­
out, especially the regularity of מְכַלֶּשֶׁה in the first colon of
each strophe starting with 11:5b, and its corresponding frequency in
10:8, 17, 18a, c; 11:1, 2. Its absence from any part of 11:3 is
anomalous. Richter thought he could see the hand that composed
10:17b in 11:11c. This is significant since Ottosson also saw a
designed correlation of 10:17 with 11:11.

Another circumstance of interest is that the fragments of the
Ammonite-Israel conflict preserved in 10:8-10, 17 exhibit a consid­
erable homogeneity of motifs, which generally focus on the background
of the pericope while at the same time 11:9-11 has, along with the

1Ottosson, pp. 154-155, observes a network of verbal connec­
tions between 10:10 and 10:16.

2Ibid., pp. 160-161: "Thus 10v7-11v11 could be described as a
ring composition based on the Mizpah element ... Mizpah is the ra­
lying point in the entire Jephthah cycle."

3Richter, "Überlieferungen," p. 496; cf. Ottosson, pp. 153-
154.
modest but clear connectives noted above, another set of its own homogeneous internal motifs which focus on its conclusion. These internal homogeneities climax with the רֹפֵא in each of the two blocks. In addition, there is general subject locus similarity between the two groups of strophes/cola, i.e., the introduction to the Ammonite war (10:8-10, 17) and the conclusion of the provisions for its resolution (11:9-11) in the appointment of Jephthah as פָּרְשָׁה. The details of the two portions (10:8-10, 17; 11:9-11) may now be noted.

In 10:8-10, 17 the following are internal repetitions: (1) use of "Israel" or "sons of Israel" (10:8a, 8c, 9c, 17b) which is elsewhere echoed in "Israel" at the center (vss. 4-5a); (2) dual use of רֵאשׁ in 10:8ab in a confused—perhaps textually disturbed—time notice; (3) dual use of יָדִים in 10:8c, 9a; (4) dual use of the root רָב in 10:8, 9; (5) concentration of oppression words in 10:8a, 9c (רָאָי, רֶכֶם, רֶנֶל); (6) dual (or more if 10:7 also contains fragments of the original strophes) use of יָסַר in 10:9a, 17a; (7) a kind of step parallelism construction can still be seen in 10:8 with its four cola; (8) 10:17 is a clearly designed parallel bicolon with (a) verb (b) יָבַשׁ, (c) the two warring nations, (d) נָבַנ, and (e) a geographical note at the end of each colon.

In the corresponding conclusion (11:9-11) one can see the repetitions in their intended arrangements and placements more clearly: (1) פָּרְשָׁה for the continuation and conclusion of negotiations between Jephthah and the elders (11:9a, 10a); (2) concentrated use of speech/listening words in vss. 10b (וֹאַל), 10c, 11c (כְּכַנְכֵן, כְּכַנְכֵן, כְּכַנְכֵן),--a concentrated use of words for verbal exchange.
reflecting the narrative interest in negotiation and treaty;¹
(3) repetition of וֹֹאֵל as the subject of these strophes (11:9d
[climactic], 11b)—a use of the concept superseded in the thought
flow only by its climactic embodiment in the treaty of vs. 11c;
(4) alternation of the order (appropriate to dialogue flow) of וֹֹאֵל
and יְהֵוָה יְבֵל in triple repetition in 9a, 10a, 11a; (5) triple use of
יְהֵוָה יְבֵל in 9c, 10b, 11c; a gradualized integration of Yahweh by name into
the story which seems to correspond to the movement toward climax,
especially treaty (cf. 10b, 11c); and (6) dual use of יְהֵוָה יְבֵל (9c, 11c)
which may be regarded as incidental since the two uses are not very
well connected—"before my presence" refers to Jephthah in the first
instance (9c) and Yahweh's presence in the second (11c). Aside from
these verbal repetitions which exhibit the motifs of vss. 9-11, the
negotiations at vs. 9 enter a more decisive stage since Jephthah's
objections are cleared away in vs. 8b, and the title וֹֹאֵל is reused
in 6c in the climactic colon answering to 10:18c. Still one must
recognize clear continuity between 11:7-8 and 11:9-11; no sharp
differentiation can be possible since the continuity is so obvious.
Thus there is exhibited a combination of circumstances in which
10:8-10, 17 have continuities with 10:18-11:8 as well as internal
motifs of their own. Similarly, 11:9-11 have internal motifs of
their own as well as clear continuities with 10:18-11:8. Both of

¹K. Koch's remark, p. 150, that Israelite conflict resolution
is "reached in speech, which usually takes the form of dialogue," is
apposite here. He makes this point in a generalized differentiation
between European and Israelite sagas, thinking especially of the
sagas of the Patriarchal stories and the long story of the rela-
tionship of Saul and David; R. Alter, pp. 63-87 passim, and p. 182
makes similar observations about the role of dialogue in the Hebrew
Bible.
these beginning and ending portions conclude with the climax term "at Mizpah." This place name is the narrative geographical locus of the primary tension (Ammon/Israel) in the story as well as the locus of its resolution.

Despite these evidences of unity, however, there is an apparent problem between 11:9 and 11:11c to which Richter\(^1\) rightly draws attention and from which he concludes that 11c cannot possibly be original. The problem is that despite the evidences for compositional unity, Jephthah at first (11:9) negotiates the title \(\text{iskshef}\) only on the condition that he and they together with Yahweh's help overcome the Ammonites. But in 11:11b he is given the title \(\text{iskshef}\) in a treaty ceremony before the battle even begins. Richter prefers a literary/redactional explanation for this discrepancy. Is there any other solution? The commentators do not seem to be aware of the problem. Some express surprise at the way this pericope ends: Cooke, e.g., because it seems to him that Jephthah would rather have insisted that the elders repeat their words,\(^2\) Boling because there has been no reference to the Mizpah amphictyonic center previously in the story.\(^3\) Cooke and Moore\(^4\) had already expressed the opinion that 11:11b is more pertinent in connection with the vow of 11:29. They think the fragment has been created by an improper break in the text, and the text flow complicated by the insertion of 11:12-28. Burney,\(^5\)

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1Richter, "Überlieferungen," p. 495; cf. Mittmann, pp. 63-75, who follows Richter in concluding for an editor who simply let the tensions remain.

2Cooke, p. 117; cf. Moore, p. 288; Budde, Richter, p. 82.

3Boling, Judges, p. 199.

4Cooke, p. 17; Moore, p. 288.
however, had no difficulty in explaining simply that Jephthah was not content to let the matter go with an agreement but considered it important enough to solemnize it “before the Lord.”¹ Hertzberg suggests that perhaps the reason why Jephthah repeats his own words is that he is functioning as advocate for the people’s needs.² This suggestion is interesting since it explains clearly, if speculatively, why such a one-sided act by Jephthah is featured.

The problem, however, is not really resolved by these observations, suggestive as they might be. Perhaps (1) the statement of vs. 11b that the people made Jephthah Commander and Head only summarizes the preceding action, so that the meaning is that this action represents the negotiations; the agreement is what Jephthah solemnized; or (2) one may speculate that they actually did conclude a real installation in office which was still contingent on the war victory. Either of these explanations is satisfactory so that Richter’s appeal to literary criticism is unnecessary. The final two cola are rather integrally climactic. Hertzberg’s suggestion, however, if correct, implies that the narrator saw Jephthah’s actions as altruistically self-sacrificing, thus establishing his worthiness as a “Head” of the people. This would make a fitting conclusion to a narrative which otherwise is clearly aimed at telling the story of the rise of a single ruler/judge in Gilead shortly before the beginning of the monarchy.

¹Burney, Judges, p. 310.
²Hertzberg, p. 214.
Narrative Genre

Is it possible, now, after having discussed the rhetorical features of this piece of quasi-poetical narrative to say any more about its genre? Several developments in recent studies are important.

G. Coates has summarized the elements on one important narrative sub-genre as follows:

A tale is a short narrative, characterized by a minimum number of characters, a single scene, and a simple plot. Typically, the tale will establish the circumstances for the plot (exposition), then develop a point of tension as the subject of the plot. The plot unfolds as an arc running from the tension to a resolution of the tension. The brevity of the narration is a relative factor, but the complexity of the plot remains rather limited.

These are the basic characteristics of the story of The Rise of Jephthah. "Tale" implies, as Coates suggests, that the story belonged to the repertoire of the oral storyteller, that it could be told independently or as part of a larger series ("saga"), and that it was used mainly for entertainment or edification.

Richter was the first to offer a substantial form analysis of this story. He suggests that the portion consisted originally of an explanatory beginning ("exposition"), containing the substance of 11:1-3 (less later glosses) with its notice of a Jephthah-brothers family quarrel. The main body of the story ("Korpus") consisted of 11:5-11 (less glosses) in which the Gilead-Ammonite conflict was narrated. Some of this portion has since been removed to what is now 10:17-18. The "Korpus" he divided into two basic "scenes,"--the Ammonite-Gilead conflict, and the Elders-Jephthah conflict plus its resolution. This analysis embodies the idea that the Ammonite-

\[1\] Coates, pp. 7-8.
Gileadite conflict is a secondary enlargement of an original family quarrel story.¹ The analysis of the preceding pages finds a different significance in the twin conflicts. Richter's discovery of the present 10:17-18 in the earlier form of the pericope after 11:5a is of doubtful validity. However, his identification of a narrative consisting of several layers of conflict followed by resolution and climax is helpful.

In 1971, D. McCarthy published an article in which he inquired as to whether there is, in certain narrative passages in the Hebrew Bible, something which might qualify as "An Installation Genre."² He proposed this for what N. Lohfink called an "Office Installation" to designate certain narratival material of a non-poetic nature in Deut 31-Josh 1, 1 Chr 28, Pss 27, 31, and some other passages in Chronicles. This genre relates to installation in office either in a leadership-succession situation (Moses-Joshua) or in the installation of subordinate officials (generals) by a king (David-Commanders).

The genre elements are suggested to be (1) An Encouragement Formula—"be strong and courageous (or variation)," (2) A Job or Task Description, (3) A Promise of Assistance. McCarthy thinks it usually has cultic connections, is monarchial in orientation (especially concentrated in Davidic or Davidide portions), and has holy war connections.

While our pericope generally might qualify as an "Office


Installation," it clearly does not have the elements McCarthy posits. However, there is a group of passages in the earlier portions of the Deuteronomistic History which is definitely interested in the bestowal of titles in connection with office-installation or office-recognition. This group includes Judg 11:1-11; 1 Sam 3 (Samuel as Prophet), 1 Sam 10:17-27 (Saul as King), 1 Sam 16:1-13 (David as King, cf. 2 Sam 5:3). 1 Sam 23, 25 (David as King, Leader), and Judg 9:1-6 (Abimelech as King) are only variations on this type. To this group may be added as parallels the office-interested stories of Moses' establishment as Covenant Mediator (Exod 3-4), stories of Aaron's establishment as Moses' "Prophet" (Exod 4, 7), and stories of the establishment of Miriam and Joshua in their offices (Num 12, Deut 34). There is also a negative type in which removal from office is climactic (1 Sam 15:34 [King]; 1 Sam 19:23-14 [Prophet]). These can be interpreted as forms of etiological narrative in which the explanation of an office or title is the major interest. Since no study exists of this type, little more can be said. A kind of narrative akin to the notion of narrative "patterns" or "type-scenes" discussed by R. Culley and R. Alter,1 can with some justice be suggested, however.

Accordingly, the narrative of The Rise of Jephthah will be identified here as a form of office-installation story without further effort at defining particulars of such a discrete form or sub-genre.

1Culley, pp. 69-115; Alter, pp. 47-62 and passim.
Conclusion

In the pericope of Judg 10:17-11:11 an apparently old story of an Ammonite-Israelite conflict has been used, in which the Israelite hero Jephthah rose to singular rule in Gilead.

The story appears to conform most closely to Coates' general narrative genre "tale" since it is short, has a small number of characters, involves a (basically) single scene, and has a simple plot; the story establishes the circumstances for the plot ("exposition"), develops tensions, and moves toward resolution.\(^1\) "Tale" implies nothing about historical reality or fiction, but designates only the noted story elements. "Office Installation Tale" would perhaps be appropriate.

The story of Jephthah's Rise was preserved in the form of a quasi-poetical two-part narrative arranged symmetrically with strophes and motif words into a chiastic whole. It appears to have been edited for inclusion at this point in Judges. Perhaps its first few strophes have been removed and re-used in the immediately preceding pericope (10:8-10, 17), thus binding the first two Jephthah-Ammonite oppression pericopae together; still the two pericopae are now two discrete pieces.

The symmetrical rhetoric and the general implications of "tale" suggest that it may have been originally sung after the manner of tale-singers of the ancient Eastern Mediterranean region whose song-fashiooning can be illustrated by oral folk-poetry from other parts of the world as well. The chiastic pattern of motif-words and corresponding strophes, at any rate, suggests its artistic fashioning

\(^{1}\)Coates, p. 7.
over a period of oral use up to a point before it was edited, prosaized, and incorporated into the Judges sequence. The piece has enough allusions to social dynamics characteristic of the Settlement Era tribal regime and its weaknesses, to be datable to the Pre-monarchical Era of Israel's history, when minstrels undoubtedly were composing, singing, revising, and prosaizing the stories of outstanding Settlement Era events and heroes.

The intention of this story was to narrate the rise of Jephthah as the single ruler of Gilead with the title "Head" under the pressure of Ammonite expansion; this title is of central importance as shown by the fact that its use and functional meaning—whatever exact functions were involved—were normalized and stabilized in a treaty at Miznah. The story features the emergence of a single-head central government, "democratically" initiated. This development represents a stage of social organization moving distinctly beyond the rule of elders, whether the latter means the rule of the (military) princes of various tribes and/or clans, or the rule of elders from one powerful clan (as "elders" has been used here).

The story views this development as a positive one. The story has a victorious feel. It appears to view this emergence of singular rulership in Gilead as a move for the good, not merely because of its potential for a momentary success against Ammon, but as a step of social significance beyond the immediate Ammonite conflict. If the meaning of singular rule in Gilead was only a temporary triumph in the Ammonite crisis, would have been sufficient; but the song, with Jephthah, rejects this leadership title, and rather emphasizes
This advance is initiated by the elders, not by Yahweh; it is not thereby condemned, but celebrated. There is no hint of Samuel's negativism when the elders asked him for a king. Jephthah's headship of Gilead is viewed as established by elders and sealed by ceremonial—probably treaty—at the sacred place at Mizpah. These elements evoke David (2 Sam 5) and are the essentials of the civil legitimation of kingship.

Finally, one is left, despite all this, with the feeling that there must be something further, something more to the Jephthah story than this triumph. The story celebrates the establishment of a single head of Gilead at Mizpah; but why might this be important beyond the Ammonite crisis? Clearly one hopes for more on the larger meaning of this song. The remaining Jephthah pericopae at least deliver some further answers. To these we now turn.

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Mettinger, pp. 107-150.
CHAPTER IV

JEPHTHAH'S DIPLOMATIC SPEECH (11:12-28)

Most students of Judges recognize in chap. 11:12-28 a discrete unit. There is a tendency to describe it as something of a "diplomatic" nature. The pericope features Jephthah's effort to resolve the Israelite-Ammonite conflict through negotiation rather than by armed conflict. However, the negotiations soon resolve into an historical argument from Israel's nonaggressive posture toward all three nation states--Edom, Moab, and Ammon. The most puzzling aspect of the pericope is the fact that the Ammonite message becomes, by vs. 15b, a "Moabite Argumentation" which dominates the material through vs. 26; at vs. 27 the argument reverts to the Ammonites.

Critical Study of the Pericope

The presence of a Moabite speech within the Ammonite diplomacy was first recognized for its critical implications by Studer (1835), and further observed by Wellhausen (1889), Rudde (1890), and Moore

1There is hardly an exception to this perception, but for a somewhat different view of how to divide the text, one may compare P. Tribble, "A Meditation in Mourning: The Sacrifice of the Daughter of Jephthah," USQR 36 (1981):69, n.2, who makes a break between 11:3 and 11:4 where she sees a change of scene extending through 11:28.

2Moore, p. 283; Boling, Judges, p. 201; J. D. Martin, The Book Judges, Cambridge Bible Commentary (Cambridge: Cambridge University Press, 1975), p. 140: "... the only narrative account of Israelite diplomacy toward a nation-state in the book of Judges"; but for another view see Soggin, Judges, p. 212, who, however, does not state his reasons or offer an alternative.
(1895), who characterized opinion about the pericope as follows:

The long diplomatic communication, defending Israel's title to Gilead (11:12-28), is manifestly foreign to the original story . . . There is general agreement among critics that 11:12-28 is a late interpolation . . . .

Meanwhile, the questions focused on (1) what fragments have been welded together to make up the current story? or (2) if a unified whole, what social-political horizon is reflected in the pericope?

Beginning with Holzinger and flowing through Budde, Cornill, Nöldeke, Kittel, Kent, and Burney, one stream of thought sought to explain the text in terms of doublets and tension-producing dualities (Ammon, Moab confusion) reflecting the pentateuchal sources J and E in combination. By 1958, however, this type of analysis had run its course, and a new kind of source quest began to take its place. The other stream, viewing the section as generally unified, sought an occasion for such a speech in a later Ammonite conflict situation (Moore, Cooke).

Reexamining the issues in 1958, E. Täubler concluded that the Moab orientation of vss. 16-26, despite reference to the Moabite deity Chemosh and even to the earlier Moabite king Balak, is not sufficiently problematic to argue (1) that the war was with Moab, (2) that the speech is a JE combination of stories about two struggles (Ammon and Moab), or (3) that Jephthah fought a dual Ammonite-Moabite war at the same time. The whole speech is rather a school

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1Moore, p. 238.

2See, for examples of this type of interpretation, Budde, Richter, pp. 81-82 or Burney, Judges, p. 300, where, however, he seems reluctant to make an outright JE assessment, while nonetheless identifying tensions and dualities in the speech material.
tract ("Gelehrtenschule Traktat") whose purpose was *instructional*, and not political. It originated during the time of Omride land losses which Jeroboam II tried to recoup. It reflects both Ammonite and Moabite involvements in Gilead. Jeroboam's attempts to recover portions of Gilead would have frightened the Ammonites who would perhaps have sought barter relationships in attempting to secure a new border. The scholarly circles of the Omride dynasty expressed these tensions in the form of diplomatic speeches of which Judg 11:12-28 is an example.¹

In his article of 1966, Richter sought fresh answers to the old questions. He saw such tensions between the Ammonite-Jephthah material (11:12-15, 27-28) and the Moab material (11:16-26) that he thought the Moab argumentation must certainly have been a much later insertion. He located its political horizon in the time of Jeremiah when the notion of "inheriting" territory in Transjordan, as found in the speech's Moabite material (vss. 21b-24), was also current for the Ammonites as reflected in Jer 49:1-2. Accordingly, the Ammonite-Jephthah pieces, i.e., vss. 12-15, 27-28, constitute a frame into which Moabite material has been inserted. The Moabite argumentation in turn is divided into several segments. (1) Vs. 15 is transitional and states the thesis; (2) vss. 16-20a contain the negative argument with several repeated uses of $\chi\beta\nu$, reaching a climax at vs. 20a; (3) vss. 20b-21 contain six narrative statements of the historical movement of Israel into Transjordan, thereby turning the argument to its positive side; (4) vss. 22-24 contain a $\varphi\tau\lambda$ motif; and (5) vss. 25-27 close the argument with a series of questions to

¹Taubler, pp. 283-297.
challenge the hearer. The thesis of the Moab argumentation is that Israel did not seize Edom, Moab, or Ammon.¹

The most recent study of this "speech" is that of M. Wüst (1975). Wüst recognizes the Ammon-Moab difficulty and agrees with predecessors that the primary interest in the finished speech is in Moabite territorial claims in Gilead. However, this Moabite argumentation has been arrived at by a widening and deepening process of textual accretion. (1) The piece began with Ammonite territorial claims which date from the time of the conquest. (2) A first editor added the gloss of vs. 13ab thereby widening the geographical element to include former Moabite territory. (3) A second editor added details of Israel's journey from Egypt. (4) A final editor added the questions of vss. 24-26 in order to undermine Moab's negotiating position. The final editor began with Ammon/Jephthah and moved by analogy to Moab; thus there is no real problem if one recognizes that the two nations are treated analogically.²

Structure and Integrity

Unity and rhetorical patterning are not simple matters here; nonetheless some plausible suggestions may be made which may aid the quest for intention.

Richter sees most of the unity problems in the pericope in terms of the Ammon-Moab tension, especially the intractable Chemosh-god-of-Ammon problem. He notes, correctly, that Ammon appears only in vss. 12-15 and 27-28, while vss. 16-26 are wholly devoted to a

²Wüst, pp. 164-170.
Moab discourse. One can add to this complex the observations that (1) vss. 12–19 (20?) contain a "שלĕ" motif in which the verb is surrounded with formulaic material denoting diplomatic missions to the contiguous nation states through Israel's history from Egypt to Transjordan; (2) the modest rhythm of these lines gives way to a "שֶׁדִּיר" motif in vss. 21–24 with no further traces of the rhetorica of the "שלĕ" portion; and (3) vss. 25–26 (27?) have still other rhetorical features: penetrating questions, double use of word-roots, and a somewhat tighter pattern of word-pairs than in the preceding cola. An attempt is made below to assess the significance of these variables through a series of rhetorical-critical observations aimed ultimately at understanding the intent of the pericope. A rhetorical analysis of the passage is included for reference purposes and to exhibit the modest stylistic manipulation to which the material has been subjected in composition (Fig. 4).

The "שלĕ" and "שֶׁדִּיר" Motifs

"שלĕ" occurs as the verb for diplomatic missions in vss. 12–19. The verb together with its attached formula -- introduces a series of cola which advance the narrative of diplomacy in four places, i.e., vss. 12a, 14a (plus a short leader, "אֲדֹנָי", only here), 17a, and 19a. The middle two of these four lead cola are closer to each other, while the first and second together and the third and fourth together are, respectively, separated by a larger block of material (more cola). This arrangement suggests that the intervening material was intended to be subordinate (vss. 13, 18).

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ףיג 4א. השפה המלכידים זר מזר ש Garner 3ב
יוסף עוז יפתה
ולא לתה ישראל את ארץ מואב ואת ארץ ביניהם שמר
לאะ שמחה תלמיד מדבר מי שמחת וזכרו אשת משלו
ולא בכרת תומרי וזר ישראל מבכר ער הנוף וזכרו אשת משלו

17 יושב ישראל מלכידים זר מזר
לאחר האבר נשב ובראש מברך את בן
ולא באך בבכר כי ארץ מבכרOLL
ואם סדרים לא כי יודה ביבנה של인데 שמאר
18 יושב ישראל מלכידים זר מזר
לאחר האבר נשב ובראש מברך את בן
ולא באך בבכר כי ארץ מבכרROLL
ואם סדרים לא כי יודה ביבנה של인데 שמאר
19 יושב ישראל מלכידים זר מזר
לאחר האבר נשב ובראש מברך את בן
ולא באך בבכר כי ארץ מבכרROLL
ואם סדרים לא כי יודה ביבנה שלinde שמאר
20 יושב ישראל מלכידים זר מזר
לאחר האבר נשב ובראש מברך את בן
ולא באך בבכר כי ארץ מבכרROLL
ואם סדרים לא כי יודה ביבנה שלinde שמאר

21 יושב ישראל מלכידים זר מזר
לאחר האבר נשב ובראש מברך את בן
ולא באך בבכר כי ארץ מבכרROLL
ואם סדרים לא כי יודה ביבנה שלinde שמאר
22 יושב ישראל מלכידים זר מזר
לאחר האבר נשב ובראש מברך את בן
ולא באך בבכר כי ארץ מבכרROLL
ואם סדרים לא כי יודה ביבנה שלinde שמאר
23 יושב ישראל מלכידים זר מזר
לאחר האבר נשב ובראש מברך את בן
ולא באך בבכר כי ארץ מבכרROLL
ואם סדרים לא כי יודה ביבנה שלinde שמאר
24 יושב ישראל מלכידים זר מזר
לאחר האבר נשב ובראש מברך את בן
ולא באך בבכר כי ארץ מבכרROLL
ואם סדרים לא כי יודה ביבנה שלinde שמאר
25 יושב ישראל מלכידים זר מזר
לאחר האבר נשב ובראש מברך את בן
ולא באך בבכר כי ארץ מבכרROLL
ואם סדרים לא כי יודה ביבנה שלinde שמאר
26 יושב ישראל מלכידים זר מזר
לאחר האבר נשב ובראש מברך את בן
ולא באך בבכר כי ארץ מבכרROLL
ואם סדרים לא כי יודה ביבנה שלinde שמאר
27 יושב ישראל מלכידים זר מזר
לאחר האבר נשב ובראש מברך את בן
ולא באך בבכר כי ארץ מבכרROLL
ואם סדרים לא כי יודה ביבנה שלinde שמאר
28 יושב ישראל מלכידים זר מזר
לאחר האבר נשב ובראש מברך את בן
ולא באך בבכר כי ארץ מבכרROLL
ואם סדרים לא כי יודה ביבנה שלinde שמאר

Fig. 4a. Rhetorically arranged Hebrew text of Judges 11:12-28

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Then Jephthah sent messengers to the king of the Ammonites
and said, "What have you against me, that you have come to fight against my
land?"

And the king of the Ammonites answered the messengers of Jephthah,
"Because Israel on coming from Egypt took away my land,
from the Arnon to the Jabbok and to the Jordan; now therefore restore it
peaceably."

And Jephthah
sent messengers again to the king of the Ammonites
and said to him, "Thus says Jephthah:
Israel did not take away the land of Moab or the land of the Ammonites,
but when they came up from Egypt, Israel went through the wilderness to
the Red Sea and came to Kadesh.

Israel then sent messengers to the king of Edom,
saying, 'Let us pass, we pray, through your land'; but the king of Edom
would not listen. So Israel remained at Kadesh.

Then they journeyed through the wilderness, and went around the land
of Edom and the land of Moab,
and arrived on the east side of the land of Moab, and camped on the
other side of the Arnon;
but they did not enter the territory of Moab, for the Arnon was the
boundary of Moab.

Israel then sent messengers to Sihon king of the Amorites, king of
Heshbon;
and Israel said to him, 'Let us pass, we pray, through your land to our
country.'

But Sihon did not trust Israel to pass through his territory;
so Sihon gathered all his people together, and encamped at
Jahaz, and fought with Israel.

And the LORD, the God of Israel, gave Sihon and all his people into the
hand of Israel, and they defeated them;
so Israel took possession of all the land of the Amorites, who
inhabited that country.

And they took possession of all the territory of the Amorites from the
Arnon to the Jabbok and from the wilderness to the Jordan.

So then the LORD, the God of Israel, dispossessed the Amorites from
before his people Israel; and are you to take possession of them?
Will you not possess what Chemosh your god gives you to possess?
And all that the LORD our God has dispossessed before us, we will possess
28. But the king of the Ammonites did not heed the message of Jephthah which he sent to him.

25. Now are you any better than Balak the son of Zippor, king of Moab? Did he ever strive against Israel, or did he ever go to war with them?

26. While Israel dwelt in Heshbon and its villages, and in Arar and its villages, and in all the cities that are on the banks of the Arnon, three hundred years, why did you not recover them within that time?

27. I therefore have not sinned against you, and you do me wrong by making war on me:
the LORD, the Judge, decide this day between the people of Israel and the people of Ammon."

28. But the king of the Ammonites did not heed the message of Jephthah which he sent to him.

Fig. 4b. English text of Judg 11:12-28(RSV)
Accordingly, the lines have been arranged into a series of two A-B-A strophic patterns. The strategic use of נָלַשׁ is also suggested by the immediately following use of רֹאָשׁ after each occurrence to carry on the thought by identifying the content of the message in each case. The analysis suggests that נָלַשׁ (plus accretions) represents a formulaic introduction of diplomatic messages with argumentation expressed in the several succeeding cola. The concepts and cola associated with the fourth formulaic נָלַשׁ (v. 19a) appear to continue through vs. 20b (four cola). Accordingly, the נָלַשׁ portion may be regarded as ending here. A closely analogous use of the verb occurs in vs. 17c in a modified use of the message formula; but it is in a kind of add-on thought, not a lead colon.

The final use of נָלַשׁ occurs in the last verse of the pericope, vs. 28, where it stands in a colon which looks much like a framing conclusion to the whole pericope.

This analysis is in agreement with Richter's in respect of the use of vs. 28 (for him vs. 27 serves with it as a join) as a frame. Richter, however, understands vss. 12-14 (15) and (27) 28 to be the opening and closing brackets since this is where the Ammon material is located. Everything between (vss. 16-26) is Moabite argumentation. Richter does not attempt a rhetorical analysis to determine unified segments; rather he analyzes the Moabite argumentation's unity, at least from vs. 15 through vs. 20a, as a development of the negative thesis stated in vs. 15b: Israel did not take the land of Moab or the land of Ammon. This raises another point of agreement between the analysis above and that of Richter, i.e., that a stage of the argument concludes somewhere in vs. 20--for Richter vss. 19-20a.
are the high point of the negative argument introduced in vs. 15 and elaborated in vs. 16-20a. The conclusion suggested by the analysis outlined above would point to the extension of the נְעַשְׁוּ portion to vs. 20b. This interpretation is encouraged by the fact that vs. 21a uses בַּיִת with נְעַשְׁוּ as subject in its frequent Joshua-Judges sense of giving the land as a possession to Israel—a construction which regularly coordinates with שָׁם. Richter is certainly correct that the negative argument with its sequence of אִם cola dominates vss. 15-20. The analysis here only enlarges understanding of the unity of the material by coordinating the entire section around the נְעַשְׁוּ motif. Despite these differences in detail, however, this analysis agrees in significant aspects with that of Richter.

Within the נְעַשְׁוּ portion there is one other clear rhetorically balancing repetition. The two center strophes (vss. 14-17) intentionally end with matching notices of Israel’s sojourn at Kadesh (שָׁם, 16b, 17c). The parallel indicates centering interests, but caution is certainly wise here.

The proposed נְעַשְׁוּ strophes stress Jephthah’s diplomacy as a way to settle boundary and territorial disputes. They also have a negative point to make, i.e., that Israel did not take any land from Moab, Edom, or Ammon during its journey through the wilderness to the Transjordan. The two points are related as alternatives, i.e., Israel did not seize land, but did carefully negotiate peaceful passage of these territories through diplomatic missions to the principals.
Further Traces of Rhetorical Homogeneity
Between the מִלְשָׁנָה and יַרְבָּרSegments

The following observations may be made on the rhetoric of vss. 21-24 in connection with vss. 12-20. (1) The first hint that the יַרְבָּר segment has been made homogeneous with the מִלְשָׁנָה segment is the fact that there is a generous use in vss. 17-21 of material found also in Num 20-21 as is recognized by all commentators and studies of Judg 11.¹ This use of Num 20-21 across the two segments suggests compositional unity. (2) A strategically placed pair of מִלְשָׁנָהs appear in vss. 13c and 23a. Richter notes this pair and correctly observes that they suggest an argument, not a dialogue—an observation supported by the extreme one-sidedness of the "diplomacy." The placement of these words approximately equidistant from either end also suggests rhetorical manipulation. This observation in turn implies that the יַרְבָּר segment has been deliberately bonded to the מִלְשָׁנָה segment. (3) Twin geographical boundary definitions of "Gilead" occur in vss. 13c and 22c just before the noted מִלְשָׁנָה. The two are quasi-formulaic:

13c: מַלְאָנִים יִרְבּוּךְ עַד הַיְהוֹדֶר
22c: מַלְאָנִים יִרְבּוּךְ מִזְמַדְבָּר עַד הַיְהוֹדֶר

Clearly, the second has only a more precise East-West definition of Gilead's boundaries. (4) Vss. 21-24 answer conceptually to vss.

15-20, where the emphasis is that Israel did not *seize;* in vss. 21-24 the emphasis is that Israel’s gain was *received,* and this by agree-
ment between Chemosh and Yahweh. Thus the negative emphasis of vss.
15-20 is made to correspond to the positive emphasis of vss. 21-24,
as Richter notes. This observation encourages the thesis that vss.
12-14 and 27-28 are indeed a frame. (5) It is naturally tempting to
suggest further that vs. 29 originally functioned at the conclusion
of the שֶׁר segment to bring the argument to a close, i.e., that it
originally stood after vs. 24, as has been illustrated in the struc-
tural arrangement of the Hebrew text shown in Fig. 4a. (6) The
quantitative imbalance between the נַשְׂח and שֶׁר segments suggests
that originally, or in its source, there may have been two A-B-A
series of שֶׁר strophes answering to the two A-B-A series of נַשְׂח
strophes; this suggestion would help explain the obvious shift in
motifs, and the compact clustering of שֶׁר in vss. 21-24. If true,
the lost probably stood before the retained material rather than
after it. An attrition of שֶׁר material is therefore postulated, in
which elimination has occurred for brevity. Whether this shortening
occurred in the redactional process in which Judges reached its final
form, or in the textual transmission process, is impossible to say

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1 Richter, “Überlieferungen,” pp. 525-527; Ottosson, pp. 166-
167, gives this mutual territorial understanding a negative connota-
tion when he interprets, “The . . . language on property rights prob-
ably goes back to a concept of law in which the claims of a group or
of the people had to be adjusted to the ability of their gods to hold
their own in settlements with other nations . . . We must consider it
self-evident that the national deity was present as the solution to
property conflicts.” This latter interpretation may be more correct-
ly put if one suggests that both patron deities were thought to be
present in such agreements and thereby were parties to them, and in
fact saw their wills worked out in them. But such a concept suggests
some coordination in the divine world as well.
with certainty. The former seems more likely considering the redac-
tional length-of-pericope requirements. A much larger piece would have been proportionately disruptive.

In any case, it appears that the two segments are rhetorically unified and that they represent a single diplomatic argument with a negative first, then a positive thrust. The material may have been selected from the tradition.¹

Rhetorical Characteristics of the Questions Segment

No cola or strophic structural arrangements are visible in vss. 25-26. Certain word uses and placements however can be seen.

(1) There is a third use of נֵּעַ (25a) which presumably functions to introduce vss. 25-28 as the final section functioning to complete the argument. (2) Vss. 25-26 consist rather of a series of questions designed to cap or force the argument, or at least press hard toward finality. The questions are not the final point, however, since vs. 27 makes a formal charge and then calls on Yahweh to adjudicate the conflict. (3) A striking new feature is the use of double words such as לֵוָּבֶשׁ הַלָּמֶדֶּרֶךְ, and the use of obvious pairs such as בְּכִנְיָּבֵן יִשְׂרָאֵל בְּכִנְיָּבֵן, which is unusual though not unknown. Caution is needed in drawing conclusions from this phenomenon since it continues for a few lines into the next pericope. Richter recognizes

¹Mittmann and Wüст discuss many of the verbal duplications, phrase repetitions, and material between, and in doing anticipate the analysis suggested here. Mittmann, however, sees successive editors adding material contradictory to the original message-text. Nonetheless, the perception of duplications and repetitions, even though explained with literary-critical suggestions, definitely contributes to the rhetorical analysis of the material.
the distinctive character of vs. 25-26 and thinks that the verses are marked as an insertion by the third נלע in 25a, as well as by the distinctive questions. But the climactic character of the thoughts shows that the section is intended to connect with the נלע and שרי segments since these verses only pursue the argument of vs. 15 to its conclusion.

What can be made out of this last segment? Richter was unwilling to suggest a definite genre or form to which the last few verses could be related (he criticizes Gressmann for suggesting that Jephthah is presented as a political diplomat) or even the whole pericope, since it is without parallel forms. Hertzberg, however, correctly noted the legal nature of the final verses as an appeal to the judicial prerogative of Yahweh to whom Jephthah entrusts the decision. More recently Limburg has followed the legal clues of the segment. He suggests the form Bundesbruch-rib (treaty-breach lawsuit). This designation is encouraged by the legallike appeals in these final verses: (1) the use of בְּרִיא in the form of בְּרִיא in vs. 25b; (2) the emphatic use of חמיד in vs. 25b; (3) the use of חמיד vs. 27 in the form of a disclaimer, paralleled by חמיד in a formal accusation of Ammon; (4) the double use of חמיד with Yahweh as subject; (5) the parallel use of חמיד with both Israel and Ammon as the litigants; and (6) the use of questions with an accusing

1Richter, "Überlieferungen," p. 530; he does, however, venture to suggest a kind of "reflective genre" of the reproach or "reproach claim" type.

2Hertzberg, p. 216.

3Limburg, pp. 201-202 and passim; Limburg is adopted by Boling, Judges, pp. 201-212, but with qualifications.
tone. Other details of the treaty-breach lawsuit are discussed more fully below; but for the moment the data above may be summarized in this description: the pericope 11:12-28 is a notice of diplomatic efforts, begun with an initiative and its rejection, quickly taking the form not of negotiations but of an argument, and climaxing in the language of a treaty-breach lawsuit over the territory of Gilead. Jephthah is thereby pictured for the first time as functioning under yet another title which the text itself ultimately assigns directly to him—that of a דָּבָר (lawsuit) man (12:2). The intent of the lawsuit is peace.

The Traditions of Num 20-21 in Judg 11:12-28

In order to study the distinctive use of Num 20-21 in this pericope, Richter first identified the clear verbal parallels and then went on to note how the Numbers material was selected, reoriented, and finally supplemented in the Jephthah speech. He found that (1) the speech author included no sites or site lists on the journey from Egypt to Transjordan; (2) he does not use the march

1 In addition to Limburg, cf. Buccellati, pp. 103-105, for use of treaties among nation-states in a political sense; also the foundational study of J. M. Munn-Rankin, "Diplomacy in Western Asia," and the recent study of diplomacy and treaty by D. J. Wiseman, "Is It Peace?"--Covenant and Diplomacy," VT 32 (1982):311-326, where the most important relevant literature on treaty language is cited. Wiseman points out that "peace" is often but not always a treaty term; one must look for a larger pattern of evidence to establish treaty. The use of דְּבָר in vs. 13c may be further evidence, and even in vs. 25a, on which cf. W. L. Moran, "A Note on the Treaty Terminology of the Sefire Treaties," JNES 22 (1963):173-176; A. Malamat, "The Origins of Statecraft in the Israelite Monarchy," BA 11 (1948):37-40; M. Fox, "דָּבָר as Covenant Terminology," BASOR 209 (1973):41-42, is cited with approval by Wiseman, p. 312. Judg 11:25a would then evoke "do you practice (treaty) friendship any better than Balak?"

around Mt. Hor after the abortive negotiation with Edom; and (3) he
cites an embassy to Moab from Kadesh which is not found in Numbers.
These omissions and additions tend to undergird the thesis of the
speech stated in vs. 15—"Israel did not seize the land of Moab or
the land of the Sons of Ammon."

The specific additions of the speech to Numbers may now be
identified further. (1) In vss. 16-18, a Moab embassy and an Edom
embassy are both said to have been rejected in Israel's initiatives
at diplomacy from Kadesh. 1 (2) Likewise in the נמע segment, Israel
did not violate territory but went around Moab's eastern border,
i.e., through the נמי—the North-South lateral wadis exiting
into the Arnon Gorge in its eastern upper-reaches and by which the
upper Arnon was traversed. The disclaimer is repeated in vs. 18c-—בכש
בכש—after the addition of נוש אים מזרחיים ומכה to stress
the precise way in which Israel avoided violating Moab's territory.
(3) Also in the נמע segment (vss. 19-20), of thirty-four total
words, twenty-one are repeated from the Numbers tradition. The re-
main ing thirteen appear to be mostly narrative summarizing. It is
hard to detect any special interest. The material is dependent heav-
ily on Num 21:21-23 and lightly on Deut 2:26-27 where Numbers and
Deuteronomy are in agreement. (4) The most significant addition here
is the נמע of vs. 20a—Sihon did not "trust" Israel. This thought

1 In one of the few textual variants in this pericope which can
be put down to anything other than smoothing/harmonization interests,
the Old Latin and Vulgate make the נמע feminine singular to harmo-
nize with נמע in 13b and add קְנ בֵּית יִרְאוֹת יִשְׂרָאֵל נֶשָׁב. Even this addition could be explained as motivated by smoothing in-
terests; however, it may well be original as Boling believes (Judges,
p. 202). This reading, if it reflects a Hebrew original (which is
probable), would underscore the rebuff and rejection of the initial
diplomatic effort.
may be a transparency to the problem with Ammon in the larger Judges context, i.e., Ammon's incursion is also based on no-faith—distrust resulting in breach of treaty.\(^1\) In the וַיָּרָא segment (vss. 21-24) the use of Numbers is limited to Judg 11:21ba and 22ba in which together Num 21:24ab are incorporated. After this the influence of the Numbers tradition ceases. וַיָּרָא describes a different relation to territorial claims than has been the case with נָּהֳלָה, i.e., that the territory of Sihon the Amorite of Heshbon was taken in war, since it was an allotment to Israel by its God, as the closure of vs. 24b directly states. Movement in thought beyond the borrowed Numbers tradition begins in vs. 23 with נִמְשָׁת. Its substance is that Ammon has violated the territorial allotment of Yahweh to Israel. But this is not a self-seeking, one-sided argument, since Jephthah explicitly states that Chemosh, Ammon's god, has also allotted Ammon (and Moab) its territory. The several deities of the nation-states are assumed to have coordinated their territorial possessions and therefore the location of their people. Ammon has transgressed Yahweh's territory and broken the boundaries of its own god's agreed-on territory.

These additions to the Numbers material stress the coherence of the history with the injustice of Ammon's invasion of Gilead. Hence, by supplementing the Numbers history with comments stressing additional diplomatic efforts, precise border-breach avoidances, the parallel between Ammon's (Moab's) actions and Sihon's distrust of Israel, and by identifying the respective territorial allotments of

\(^1\)NuN instead of Numbers' נַע which suggests "give permission." Driver suggests that נַע here means "grant safe passage," as it frequently does in Arabic usage (cited by Soggin, Judges, p. 210).
the contiguous nation-states with a cooperative effort among their deities, the thesis of Ammon's unjust and groundless aggression is sustained and the legal issue argued in Israel's favor. The additions to the Numbers tradition stress the peaceful intention of the lawsuit; it is a suit for peace with Ammon.

Conclusion

Analysis of the rhetoric of 11:12-28 thus yields indications of three primary segments of the "speech" which in turn together form what can best be interpreted as a diplomatic argument in the form of a treaty-breach lawsuit. Israel's initiatives at peaceful negotiation with its neighbors in Transjordan are detailed by use of traditions also found in Num 20-21 and to a lesser extent in Deut 2. These traditions are in turn selected, reoriented, and supplemented in the interest of demonstrating the justice of Israel's territorial holdings and the injustice of Ammon's incursion into Israel's territory.

The Primary Elements in Their Historical Context

It is essential now to discuss the suggested intention of the "speech" in terms of ancient Near Eastern historical and literary realities to check the plausibility of the interpretation advanced so far.

Diplomacy and Lawsuit

Boling properly cautions that the designation "treaty-breach lawsuit" is misleading, "because Ammon is not a party to that treaty." Even though it is not clear what Boling means by "that treaty," Boling, Judges, p. 202.
treaty," the caution is apposite since there is no record of Ammon being party to any treaty with Israel. Nonetheless Ottosson states that "IIv24 appears to be a court case,"¹ that

The formal language on property rights . . . goes back to a concept of law in which the claims of the group or of the people had to be adjusted to the ability of their gods to hold their own in settlements with other nations,² and that "In the settlement between Jacob and Laban, associated with Mizpah, the gods of Abraham and Nahor may be regarded as protectors of the parties to the covenant."³ Thus Ottosson believes that a treaty in fact lies behind this passage, i.e., the one between Jacob and Laban defining the eastern boundary of Israel's territory of Gilead found in Gen 31, which he sees as pervasively influential throughout the Gilead passages in the remainder of the Hebrew Bible. To this covenant Ammon was not party, though probably it was in violation of treaty-determined boundaries, and therefore liable to suit, and to military and other consequences (see discussion below).

Still, certain relevant factors belong to the relationship between Ammon and Israel. (1) The Abrahamic covenant defines the land of Israel's promise; Ammon was an offspring of Abraham's own clan through Lot, and therefore already party to a territorial allotment plan negotiated by Abraham and Lot (Gen 13). (2) While not a party to the Jacob-Laban Gilead boundary treaty (Gen 31), Ammon must continually deal with Israel whose patriarch was a party to that treaty; in this way Ammon's incursion into Gilead violates an earlier territorial agreement set in terms of international law. (3) The

¹Ottosson, p. 166.
²Ibid., p. 167; cf. Munn-Rankin, p. 72.
³Munn-Rankin, p. 72.
text assumes that the conquest of Sihon's Amorite kingdom for which Num 20-21 is invoked, is proof that this territory was intended by Yahweh for Israel. The three-hundred years of possession by Israel invoked in vs. 26 relates to the same point.¹ (4) The text also implies (vs. 24) that Chemosh and Yahweh had already coordinated their territorial interests in a way corresponding to the Laban-Jacob treaty; thus the relevance of the שֵרֵך segment of vs. 21-24. Since Yahweh's treaty with Abraham was already a land-grant treaty, or at least included land-grant clauses, it is probably safe to assume that the same was thought to be true with Chemosh and Ammon/Moab. Such treaties or grant documents usually pronounce curses on anyone who violates the borders of the grant territory. Ammon would not therefore have to be party to the treaty to be a border violator under curse.² (5) On this reckoning, Chemosh had already shown his

¹Various explanations are given for this three-hundred years. The most regularly expressed view is that the figure is a total of the years of oppression and peace up to this point in Judges, not counting the eighteen years for the Ammonites; cf. Boling, Judges, p. 204; Myers 'T (1953), 2:768; Burney, Judges, p. 304; Moore, pp. 296-297. Cundall, Judges, p. 146, suggests two other possibilities: (1) that the figure is a broad generalization for seven or eight generations, or (2) that it is Jephthah's tough guess. J. Bimson, Redating the Exodus and Conquest, 2nd ed. (Sheffield: University of Sheffield, Department of Biblical Studies, 1981), pp. 85-86, believes the figure is to be taken literally and as coming from an independent tradition, the intent of which was to date the Exodus from Egypt in the fifteenth century. None seem to have thought of the possibility that it represents three generations in a way analogous to Gen 15:13-16 where four-hundred years appears to be parallel to four generations.

²Richter argues that שֵרֵך signifies "inherit" in its eight uses in vs. 21-24; one may question whether this meaning is uniform here, but it is apparently the meaning in several cases; this sense coordinates with the "gave" of vs. 21. The grant treaty and related land-grant documents are discussed briefly by Weinfeld, Deuteronomy, pp. 71-81; examples are furnished by D. McCarthy, Treaty and Covenant, Analecta Biblica, no. 21a, New Edition (Rome: Biblical
inability to hold his own in Gilead since his people (Moab?) had, at an earlier time, lost this area to Sihon the Amorite; thus Moab's presence there had been a usurpation like Ammon's. In this way Moab may be said to be the object of argumentation in vv. 16-26 as an analogy to Ammon, as Ottosson suggests.\(^1\)

(6) In the settlement between Laban and Jacob, "... the gods of Abraham and Nahor may be regarded as the protectors of the parties to the covenant."\(^2\) The possibility that Chemosh was one of the deities worshipped in the north has increased with the discovery of Kámì as a deity both at Ebla and at Ugarit.\(^3\) (7) Ottosson observes a "striking similarity of wording" between Gen 31:36, 53 and Judg 11:27. By this he means (a) Jacob and Jephthah both plead innocence using a negative with כַּפַּה (Gen 31:36), and (b) the deity will settle the conflict (כַּפַּת, Gen 31:53). This is not an especially impressive case for dependence on Gen 31, although identity of the geographica (Mizpah/Gilead) in the two passages increases the total configuration of connections, and

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\(^1\) Cf. Ottosson, pp. 162-163, 169, for example. Another solution is adopted below, however, to the question of Moab's place in the argument.

\(^2\) Ibid., p. 167; cf. also the important comments on pp. 51-52 and n. 64.

one might add (c) that both passages use נַעַר (Gen 31:52) to designate breach of agreement (Judges) or what Genesis calls "covenant." Perhaps Ottoison's "striking similarity" is a little strong, but there is, after all, reason to think that the boundary treaty of Gen 31 is the background to Judg 11:24-27.

The diplomatic message, therefore, focuses not on Ammon as a formal party to a formal treaty recently concluded, but to old traditions of territorial definition embodied in the Laban-Jacob treaty. But even there the treaty expresses the decisions of a divine consultation for peaceful allotment of lands, allusion to which is also found in our pericope. It does not appear possible to explain the phenomena under discussion without acknowledging that the text itself assumes some real schema of peaceful territorial agreements among both the concerned deities and their peoples.

There is, in fact, other evidence to establish the normalcy of such treaties among the political entities of the region in the second millennium B.C.E. The treaties of the Hittites with their neighbors are now well known,¹ and the stock of treaty texts has been increased substantially by the discovery of treaties at Ebla from the second half of the third millennium.² But it is not quite so well appreciated that the Mari archives have also greatly illuminated the extent to which treaties governed, stabilized, or determined the international relations of the smaller emerging nation-states of the


²Pettinato, pp. 103-105.
period. The foundational and pervasive character of treaties among the several larger and many smaller nation-states has been studied in considerable detail by J. M. Munn-Rankin in an article in *Iraq* for 1956.\textsuperscript{1} The fact that there are no actual treaty texts from Mari may be the reason for its relative neglect in the study of legal instruments of international relations. Still, the Mari material contains many references to the making of treaties and their implications for diplomatic relations between the regional nation-states.

The notion that interstate relations were the creation of the gods had already developed in the third millennium in Sumer.\textsuperscript{2} Responsibility for policy rested with the god who made his will known to the king as his earthly legate.\textsuperscript{3} Thus, even when kings were the contracting parties to a treaty, they represented their gods.\textsuperscript{4} But "Since gods were the ultimate rulers of states, the defeat of a king inevitably raised the problem of the position of his national deity."\textsuperscript{5} Naturally, territorial integrity was always part of the relations between such states, a fact which can be seen throughout Munn-Rankin's discussion, even though he does not make a distinct point of it.

A king's victory was also said to be the result of a judgment by the god.\textsuperscript{6} In fact,

It has been suggested that the expression "to judge the judgment" referred to a ritual whereby the person concerned was legally established as king, but the use of the same phrase in Hittite

\begin{itemize}
\item \textsuperscript{1}Munn-Rankin, pp. 68-110.
\item \textsuperscript{2}Ibid., p. 70.
\item \textsuperscript{3}Ibid.
\item \textsuperscript{4}Ibid., p. 72.
\item \textsuperscript{5}Ibid., p. 72.
\item \textsuperscript{6}Ibid., p. 74.
\end{itemize}
texts proves that it relates to the settlement of a dispute by trial of arms, in which the decision was given by the god.

The relevance of this observation to Jephthah's final judicial appeal to Yahweh is clear. He means that the (apparently inevitable) war will make clear the justice of Israel's cause in the conflict (Judg 11:27). It is possible that double use of a root in such contexts (cognate accusative, infinitive absolute, or participial subject) might be a clue to the double-root cluster in Judg 11:25-27, since here the argument reaches its greatest intensity. At any rate this parallel evidence suggests further that Jephthah's statement that Yahweh will judge should be taken in the sense that He will determine who is in the right by the ordeal of war which the statement then presumably proposes.

A very general term related to international agreements was the Semitic root SLM, which shows up in Ammon's response to Jephthah's first mission— a fact which also implies treaty background to this pericope. Often treaty negotiations concerned disputed border towns and hamlets. At times one king's hesitancy to ratify would be caused by a contrary omen instructing him differently from the

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1 Ibid., p. 74.

The use of this root in treaty contexts and in connection with diplomacy is studied by D. J. Wiseman, "Covenant and Diplomacy." But it is also important to note that the semitic root SLM is part of the language of treaty "good-will" and that it, too, occurs in Jephthah's message. Cf. also C. Gordon, Homer and Bible, p. 50; there are several conferral/diplomatic scenes in the Odyssey, in Bks. 2, 3, 4, 24 and in the Iliad, Bks. 3, 7, and 24. I am indebted for these references to my colleague, Prof. Phillip Munoa.

3 Judg. 11:13c—"return them (the lands Israel has allegedly taken) יִשָׁבֵעֵן.

4 Munn-Rankin, p. 87.
proposed or traditional understanding of territory. Breach of treaty was a sin (culpae:rum) against both the gods and the other contracting party. Sometimes the breach claim or disclaim is simply put in this language.

"Of my lineage" declared Yasma-ad, "there is none who has sinned against the god; all keep the oaths of the god. Previously Ilah-kabkabu and Yaggid-Lim invoked the mighty life of the god between them. Ilah-kabkabu did not sin against Yaggid-Lim; on the contrary, it was Yaggid-Lim who sinned against Ilah-kabkabu."

The relevance of this concept of treaty-breach to our pericope (Judg 11:27) is also obvious.

The Mari documents also contain many notices of diplomatic missions operating either for establishment of, or within relations of states through treaty. Sometimes it was necessary to exchange protests over violations among nations in vassal or parity relation. For example, Zimri-Lim made efforts to settle quarrels among groups who acknowledged his authority:

When Arriwaz raided the territory of Asqur-Adad of Karana, Zimri-Lim sent him a peremptory message. "[Now] Asqur-Adad of Karana is residing with me... you have raided his country. [Now] everything you took, gather it together and return it."

Similarly:

When Hammurabi of Kurda and Atamrun of Andariq seized territory belonging to another vassal of Zimri-Lim, Hali-sumu of Ila-shura,

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1 Ibid.

2 ARM, vol. 1: Correspondence de Šamsi-Addu et de ses fils, ed. G. Dossin (Paris: Imprimerie nationale, 1950), 3.5-14, cited by Munn-Rankin, p. 89; Limburg, pp. 303-304, also shows how the root ḫarû (Akk. hāṭān cognate in the seventh-century Esarhaddon treaties) belongs to the sphere of international (treaty) relations. Several words for "sin" exist in Semitic.

the latter wrote to Zimri-Lim urging him to issue a decree ordering the surrender of his towns.

Relations between states were governed by a common code of manners including letter exchanges, gifts, diplomatic courtesies, safe-passage guarantees, escorts, supplies for return trips, and caravan equipment and supplies.

The treaty-breach lawsuit has also been studied in some detail, so that it is not necessary to guess or speculate here either. The basic study is that of J. Harvey (1962) who, from among several examples spanning the eighteenth to eighth centuries B.C.E., exhibits a lawsuit of Tukulti-Ninurta I (1244-1208) with the following features:

A. The Rib of T-N
   1. Declaration of the accusation against Kaštiliaš
      a) Interrogation by the messenger
      b) Accusation in a formal declaration
   2. Judicial Proof
      a) Reading of the treaty before Shamash
      b) Benefits given to establish obligation of fidelity
   3. Declaration of War
      a) Combat is a trial of which T-N is at the same time Complainant and Ruler
      b) War is total and without mercy; the death of the guilty party proves his culpability.

B. Reaction of Kaštiliaš
   1. Transition demonstrating (by author of the poem):
      a) T-N is confident because he is faithful to the Treaty.
      b) Kaštiliaš is terrorized because he is conscious of his transgression.
   2. Examination of conscience and acknowledgment by Kaštiliaš
      a) The past (alliance, transgression, messenger contempt, ingratitude)

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1 Munn-Rankin, p. 96.
2 Harvey, pp. 172-196.
b) The present (acknowledging culpability)
   11) The text of the treaty certifies the alliance.
   12) The proof furnished by T-N is valid.

c) The future: The consequences are inevitable.

The outline of the lawsuit formulary is well-known. Typically it includes (1) summons of witnesses, (2) statement of the case at issue, (3) recital of past benefits of the suzerain, (4) an indictment, and (5) the sentence. These elements may appear partially, fragmentarily, or in expanded form. It does not seem possible to insist that for a true lawsuit all elements must appear precisely and in order. The three examples given by Harvey do not conform to any rigid pattern, and the variety in kind and placement of treaty formulary elements in the second-millennium documents shows some variety to be normal.

The reason for citing this description by Harvey is not to show that we have in Judg 11:12-28 the presence of a precise pattern, but to illustrate how many kinds of elements can be included in an ancient Near Eastern treaty lawsuit, and thereby to call attention to likenesses in formulary elements between the treaty lawsuit in general and that of our Judges pericope: accusations, interrogations, proofs from history, arguments for culpability, war as trial, and messenger contempt.

Finally, J. Limburg, in the article already cited, adduces the

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1G. E. Wright, "The Lawsuit of God," in Israel's Prophetic Heritage, ed. B. Anderson and W. Harrelson (New York: Harper and Row, 1962), pp. 26-67; cf. Wright's discussion of the variations between Gunkel-Bezrich and Huffmon in the same essay, pp. 41-49. The above example from among Harvey's three shows that the details can be described by a modern scholar in a variety of ways which correspond to real elements in the formulary. The occasion and its contextual details will largely determine which elements are present and/or stressed in any particular employment of the formulary.

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eighth-century Aramaic Sefire treaty stelae in which בָּר occurs in a

dispute over claims of the King of Arpad to a territory called TL YM:

If my son quarrels (בָּר) and if the son of my son quarrels (בָּר) and if my offspring quarrels (בָּר) with your offspring about TL YM and its villages and its citizens, whoever will raise [................. the kings of Arpad [.................], you will have been false to this treaty.

Enough features of the diplomacy pericope have been illustrated from documents spanning the eighteenth to eighth centuries B.C.E. to establish its probable treaty background, even though there is no explicit mention of a treaty. The combination of lawsuit, diplomacy, and territorial dispute is well articulated in the pericope (בָּר).

The presence of other terms and concepts of international relations normally based on treaty agreements, argues strongly for this background. Influence of the Laban–Jacob boundary treaty of grant defining Gilead attests to the reality of this legal framework. The legal-like appeals to activities and coordination of territories among nations and deities also correspond to the treaty framework for diplomatic relations in the ancient Near East, including the grant-type treaty which prohibits even non-parties from violating

1 J. A. Fitzmyer, "The Aramaic Suzerainty Treaty from Sefire in the Museum of Beirut," CBO 20 (1958):444-476, cited by Limburg, p. 300; his emphasis is that Fitzmyer in translating בָּר "quarrel," has not made the translation show the legal/treaty context in which the word gains its significance. It should be translated "makes a complaint against," or even better, "carries out a lawsuit against."

2 There is also "An Early Phoenician Political Document" published by J. Obermann (JBL 58 [1939]:229-242), which closely parallels Judg 11:24. It is so fragmentary that the larger social context cannot be determined, but its language certainly illustrates a proposal for mutual boundary observations between a king of Byblos and Azziba'al: ". . . thy dominion shall be thine, but my dominion shall be mine." This inscription dates from xi-x B.C.E. according to Obermann. Ottosson, pp. 166-167, is probably correct in his opinion that the formal language on property rights goes back to a concept of law based on the ability of people to hold territories, the loss of
borders. This latter qualification is especially important, since although Ammon was not a party to earlier treaties because it did not exist at the time as a national entity, it nonetheless could violate boundaries established at the time, and be liable to boundary violation lawsuits under the commonly used "anyone" clauses found in such grant treaties or boundary stone curses.

Since other treaty-breach lawsuit forms are found in Judges as noted previously, and can be quite compressed in quantity of material, the length of this lawsuit appears significant. Jephthah has been pictured as a גָּלֶפֶּן -man (12:2) who assembles a distinctive and detailed case for Ammon's violation of treaty. The lawsuit's longevity yields a sense of centrality—an observation the more plausible considering its place at the center of the five Jephthah pericopae—thereby creating the fulcrum of the five Jephthah stories. This observation is encouraged further from a consideration of the heils-geschichtliche interests of the pericope, which need to be seen in their larger Joshua-Judges context.

Kerygma

Some scholars have observed that this material has heils-geschichtliche (salvation history) interests. ¹ By this they apparently mean that Jephthah is viewed, in part at least, as being interested in using the history of Yahweh's acts for Israel's salvation—acts which are continuously proclaimed as the saving message which was consequential for the concept of the power and sphere of their gods, as also Munn-Rankin, pp. 70-72, observes.

¹Ottosson, p. 163; van Seters, "Conquest," p. 188.
(kerygma) of the Old Testament.¹ The prominence of this interest in Joshua and Judges and its appearance here requires that some special attention be paid to it.

In the Deuteronomistic History of the Hebrew Bible occur repeated statements of the events which formed Israel's self-consciousness as a nation, particularly the exodus from Egypt and battles of conquest in the plains of Moab and Canaan. Repeated recital of these deliverance events gives them the status of a standard proclamation or kerygma, a kind of basic Israelite "Credo." These summaries may be called "kerygma" since (1) they proclaim the acts of God as good news to Israel, (2) they reiterate its salvation from Egypt, (3) they are repeated as the basis for its relationship with Yahweh from which its commitment to the commandments is urged, and (4) the events are proclaimed as gracious acts of Israel's divine King in a sovereign-vassal relationship defined by treaty/covenant enactments.

Kerygma in Joshua


Certain conclusions can be drawn by observing their placement, length, use, and emphases.

In terms of literary placement, the kerygma statements correlate well with the literary patterns of Joshua. (1) Kerygma citations tend to occur at the beginning of a literary unit. This is especially true when the unit is a treaty enactment or proposal, in

¹Van Seters, "Conquest," p. 191; Ottooson, p. 163.
which the kerygma citation forms a kind of historical prologue consisting of mighty works of Yahweh as a prelude to stipulations. This is valid for the nation itself or for foreigners such as Rahab or the Gibeonites (2:10-11; chaps. 9, 24). (2) In one case, a prayer of Joshua includes a kerygma-based plea to Yahweh to act on the basis of his past deeds; this plea marks the turning point in the two-part narrative of Achan (7:7-9). (3) In two cases, a kerygma appeal marks the end point of a section (21:43-45; 4:23-25) or, in a variation of this type, the climax of a land-distribution episode (13:21-22). (4) In two cases, a kerygma citation has the literary function of a bridge from one main episode or sub-episode to the next major block of narrative material (5:1; 10:1; cf. also 9:1). Thus, the literary functions of kerygma inclusions are varied and flexible; their placement is contributory to literary structure without being fixed or stereotyped.

In terms of theological function, there is likewise considerable variety. The matter cited gravitates around (1) the promises of the land to the fathers, (2) deliverance from Egypt, and (3) the victories of the Yahweh war of conquest; all can be cited together in a longer summary. When extremely reduced, one or the other of the three subjects can be cited as need or interest determines. If there is any concentration, it is on the most recent events of Yahweh's work; but this too is flexible.

The most striking feature of these citations is the variety of theological points made from them. Uniquely, 24:2-13 emphasizes, with the same group of events, that Yahweh separates from dominion by, and even contact with, idolatrous nations and their territories.
But this is the emphasis only of Josh 24. It does not appear in the other citations. In 23:1-5; 9, only the divine allotment of the land by inheritance and conquest is emphasized. In 13:21-22 the same events are cited in connection with slaughter of the inhabitants, possibly in reaction to the thought of idolatry at Baal Peor (in this there would be some similarity to Josh 24). In 2:10-11 there is interest in covenant incorporation as in Josh 9; in both cases the events are viewed as requiring submission to Yahweh and his people.

Still another type represents the report of Yahweh's deeds heard by the Canaanites and their determination to resist (5:1; 10:1), despite the fact that Yahweh's mighty acts and promises paralyze them with fear. Still another usage is to raise or stimulate Israel's national self-consciousness and then to add ceremony which increases national self-awareness even more fully (Josh 5). Sometimes the interest is in emphasizing who Israel's God is, or the events as witness to him (4:23-25). As it appears, Josh 24, despite its unusual length, is not a measure of kerygma usage in Joshua. While the longest and most detailed of these citations, it is not the standard or typical one. Each case must rather be understood in its own right and for its own function.

There are some commonalities among the citations: (1) the same events tend to be used over and over, but are represented with varying vocabulary, depending on the desired motif; (2) hiphil forms of the verbs representing Yahweh's actions tend to predominate; and (3) even when the events of Yahweh's work and word are cited in their human dimensions (e.g., Joshua did this or that), the citations never lose sight of Yahweh's power in history as the actual source of the
events; the human side always operates within the frame of the divine side.

Kerygma in Judges

There are perhaps six such passages in Judges (2:1-2; 2:10-12; 5:4; 6:8-9; 11:13-24; 19:30). Here, too, the kerygma material occurs near the beginning of a portion. This is particularly true in 2:1-2, 10-12, and 6:8-9; in 19:30, however, the opposite is the case. In the Jephthah pericope the kerygma inclusion is at the center; indeed, it makes up its core (11:15-26), and the pericope itself is in fact the center one of the Jephthah series.

Leaving out of consideration 5:4, as it has no reference to Egypt, and only a possible reference to Mt. Sinai (and even this is not related to deliverance events), there are really only five passages in Judges—a reduced quantity from Joshua. This fact makes the Jephthah pericope unusual in Judges. In 6:8-9 the kerygma recital begins as usual with the deliverance from Egypt (‘אלהים); but it adds that Yahweh delivered Israel from all oppressors (.catalog). This statement in turn is followed by "I gave you the land." This means that the kerygma recital has now been expanded to include the events of the Joshua era in addition to the defeat of Sihon and Og. Thus, as in Joshua, the kerygma can be enlarged to include the recital of Yahweh’s on-going works (cf. 2:10-12: שמות residents לכד שניים). In 6:8-9, another special feature of the first three Judges passages is exhibited, i.e., commands to abstain from idolatry and unions with idolatrous Canaanites (2:1-2, 10-12; 6:8-9). Israel has seriously ignored these commands, hence it is subject to the curses of Yahweh. This emphasis is directly related to that of Josh 24; it

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is also integrated with the treaty-breath lawsuit of Yahweh against Israel which, as noted earlier, was characteristic of these same passages in Judges. Command breach also forms part of the history of the relationship needed for a proper lawsuit. This anti-idolatry/treaty-breath motif is similar to the threats of the book of Deuteronomy.

The reference in Judg 19:30 is only a passing one, but it illustrates the fact that the events of the deliverance-history are a kind of canon—a measure by which to view new affairs in Israel's history: "Such a thing has never happened or been seen since the day that the people of Israel came up out of the land of Egypt (RSV)". This slightly different skew shows yet another use to which creedal recital can be put. The people mean that they have never seen a concubine cut up into twelve pieces in their national history!

This leaves 11:13-24. As usual, the events begin with Israel's deliverance from Egypt. But Jephthah simply says that Israel then came to Kadesh and from there conducted diplomatic missions to Edom and Moab. This use of the history stresses non-aggression. Jephthah then moves to the conquest of Sihon whose land Israel took and received as an "inheritance." The kerygma is then turned into the lawsuit against Ammon, as discussed above. This is yet another use of the heilsgeschichtliche creedal recitation.

The placement, quantity, distinctive historical interest, and occasion of this kerygma usage all point to something central about 11:12-28 in the compilation of Judges. Jephthah appears not only as a competent participant in state relations after becoming the singular administrative head of Gilead; he is also loyal to the Israelite
history of salvation—indeed he is a proclaimer of it in the way of
Joshua and Moses. But he can also put it to legal use in a lawsuit.
By this means, too, the final editor of Judges builds his case for
the central prominence of Jephthah in the gross structure of the
book.

Moab and Chemosh

Wüst\(^1\) summarizes the five major solutions to the apparent con-

flict between Ammonite and Moabite argumentation objectives in 11:12-28. (1) Moab was the original party to the conflict. Ammon enters

the text additionally at a later stage of the process in which docu-

ments (J and E) were combined (Holzinger, Budde).\(^2\) (2) There was an

Ammonite kingdom before the Amorites expelled the Moabites (J.

Simons\(^3\)). (3) There was a close relation between the Ammonites and

Moabites, as Gen 19:37-38 and Deut 2:9, 19 show (Nötscher).\(^4\) (4) The

report reflects Israel's monarchy era—an Ammonite expansion into
territory between Israel and Moab (Moore), or an advance in the time
of Omri (Täubler)\(^5\) as far as the Arnon. (5) It is a prophetic speech

of general nature later integrated into the Israel-Ammon struggle of

Jephthah (Richter)\(^6\). To this complex and confusing plethora of

\(^1\)Wüst, pp. 464-467; for another summary of possible explanations, cf. Cundall, Judges and Ruth, pp. 144-145.

\(^2\)Holzinger cited by Budde, Richter, p. 82, as cited in turn by Wüst, p. 465, n. 1.


\(^4\)F. Nötscher, Buch der Richter, cited by Wüst, p. 465, n. 3.

\(^5\)Täubler, p. 292.

explanations, Wüst adds his own. The last of the several editors of an original Ammonite story, capitalizing on the obscurity of the term בֵּית בֶּן in Josh 12:2 (border? territory?), gives it the sense of "border-area," i.e., a zone between Ammon and Gilead; this zone is what was contested. But this editor found it in his interest to widen the argument by using Moab as an analogy, thereby making Jephthah's struggle an Ammonite-Moab one, in which after these three-hundred years Moab, too, lacked any claims to territory north of the Arnon just as Ammon lacked any basis for claims west of the original border area.*

The types of solutions to the Moab-Chemosh problem may be reduced to three. (1) One may explore the more or less dim recesses of the history of the area nation-states and posit a relationship in the remote past between Ammon and Moab in which either their tribal groups mixed, their borders were indeterminate, and their deities similar, identical, or even interchangable. (2) One may seek a literary solution in which Moabite material had been added to a Judges Era Ammonite story or vice versa. In this case, judgments are necessary on the editorial process along with effort at determining the multiple political or social horizons, or even trying to determine what kind of horizon. (3) One may seek the relevance of Moab by understanding Moab as analogical to the basic Ammonite framework of the pericope.

*Wüst, p. 477; Cundall, Judges and Ruth, pp. 144-146, outlines the problem and various solutions.

**Similarly Martin, p. 141.

***Ottoisson, pp. 163, 169, follows this approach; cf. Vincent, JB, p. 325.
Considering the literary approach first, it is not clear that the text suggests that Chemosh is brought into the discussion by way of similitude between Ammon and Moab. But if Moab is the chief object of the argument, why was the material placed here within an Ammonite frame? If a literary solution is correct, one must be prepared to accept the fact that the compilers simply let the incongruity stand between Ammon and Moab without ever thinking of the problem, or worse, choosing to ignore it. Wüst criticized Mittenmann's treatment in which he suggested that a second editor fabricated details contrary to those of the first editor. According to Wüst, this second editor must bear the reproach of having only a "mindless, consenting acquaintance" with the tradition. If one opts for a later Moabite insertion into an earlier Ammonite framework, this reproach must be borne by as many editors as worked on the text without any awareness of the problem or with a bent of mind perverse enough that, knowing there was a problem, acquiesced in leaving it as a textual incongruity. Neither of these results is convincing. A literary solution seems least desirable.

The appeal to Moab as an analogy is more attractive. A minor comparison is visible in the Balak line (vs. 25a); but this approach is open to the objection that the text does not seem to be aware of such a transition to analogy at the crucial point where the Moab argumentation is said to begin (vs. 15). Especially problematic is the incongruity that Chemosh is called "your (Ammon's) god" without

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1 Wüst, p. 468.

2 Hertzberg, p. 215; Boling, Judges, pp. 203, 205.
any consciousness of analogy. The text flow meshes the two so closely that one must suspect that the appeal to analogy is rather speculative.

With Hertzberg, therefore, it seems best to pursue an historical solution, though one must work cautiously since it may be all too easy to arbitrarily adopt a speculative historical explanation arising from mere possibilities—a caution which may ultimately necessitate abandonment of this approach, should fuller evidence require it.

To begin with, the text does contain at least one possible archaic element, i.e., the notion that both Chemosh and Yahweh have granted land to their respective tribal votaries. Taking this archaism as a clue, some further results of historical research might be made to bear on the question as follows.

Hertzberg thought that in the time before Sihon established his Amorite kingdom, both Ammon and Moab had possessed "Gilead" or portions of it. B. Mazar suggested that migration was the occasion for the establishment of the relatively short-lived Amorite kingdom in Transjordan. There appears to be general agreement that the Ammonite kingdom was of somewhat later origin than the Moabite, and that the Ammonites were perhaps a smaller tribal group up to about the time of our pericope's action, only under the hegemony of, or

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2 Hertzberg, pp. 215-216; Ottosson, p. 167: "... the point de départ must unquestionably be a Moab which has no politico-historical outlines; cf. Richter "Überlieferungen," p. 538-540.

even amalgamated with Moab.\(^1\) When Egyptian texts (thirteenth century) first mention Moab and Edom, there is still no mention of Ammon. Ammon is mentioned first in the biblical documents.\(^2\) Our text may therefore hark back to a very early time in Ammonite history when Ammon was still not a very distinct political entity and was still in some otherwise unclear relation to Moabite hegemony and deities.

In the Hebrew Bible, Milkom (Molech) is the chief deity of Ammon,\(^3\) Chemosh the chief deity of Moab. However, as G. Buccellati notes, the fact that each of the nation-states had its own deity does not mean that the names of these deities are attested for one people only, for each of their deities can be found among other peoples as well.\(^4\) Well-known examples are Baal, Dagan, and Shamash. N. Avigad’s publication of two Ammonite seals depicting the Dea Matrix shows that the Ammonites worshipped the same deities as the Canaanites.\(^5\) As for Chemosh, his appearance as an earth/agricultural deity at both Ugarit and Ebla long before the emergence of the Transjordanian nation-states shows that in this case, too, the text may well

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\(^1\) Cf. Boling, Judges, pp. 203, 205.


\(^4\) Buccellati, p. 104.

\(^5\) N. Avigad, “Two Ammonite Seals Depicting the Dea Matrix,” BASOR 225 (1977):63-66; the female deity is virtually identical to the common Astarte plaques of Palestinian Canaanite sites.
preserve a detail of ancient Near Eastern religion.\footnote{Pettinato and Dahood, pp. 150-152, 292, 247, 257, 291-292. Akk. kamīš, kamutu means "captive, state of being a captive, living as a captive," etc. This etymology is not particularly helpful and may be wrong, cf. CAD 8:122, 134. Jer 48:7 alone preserves the ancient vocalization found at Ebla, ka-mi-iš and ka-me-iš; the Ugaritic form is kmr.}

It is not necessary or wise to press the matter farther. Some realistic possibilities have been established, even though certitude will have to wait for further historical resources and study.

However, possible explanations of Chemosh do not exhaust the Moabite matter of this pericope since the Moabite king Balak is also mentioned in Judg 11:25. But the possibilities respecting Ammon and Chemosh/Moab pointed out above are valid here also. In addition, the argument that Moab is used by analogy might be valid, at least for Balak, since a Hebrew comparative construction is used (11:25b). When the argument invokes Balak, it is appealing to the most prominent case of resistance toward Israel's movement into Transjordan; it is pertinent, therefore, as a treaty term to ask whether Ammon is "better" than Balak, i.e., if Fox's thesis about מַּיָּה is correct and applicable: is Ammon a better treaty/peace-keeper?\footnote{Fox, pp. 41-42.}

An historical explanation of the "Moabite Argumentation" is, therefore, to be preferred to a literary source-critical one on the basis of better coherence, and, in some measure, to an analogical one, though not absolutely. In any case, this problematic element is not without possible solutions of a realistic historical nature and does not hinder the relevance of the pericope's Moabite details to the Ammonites nor to the suggested treaty-breaches lawsuit.
Conclusion

No discussion of this pericope so far has been based on rhetorical analysis, but mostly on source criticism. The rhetorical analysis above, together with an exploration of the plausibility of its results, in light of the historical realities it presupposes, embodies, or implies, contributes significantly to a new understanding of the portion.

Rhetorical analysis suggests that the school-tractate theory of Täubler (for the Moabite material, especially) and the multiple-editors theory of Wüst are both unnecessarily over-subtle and incongruent with the Israel-Ammon political character of the context.

The analysis here favors Richter's perceptions of the framing character of the first and last lines of the portion. The pericope appears to have three thematic segments, a נֵלֵש segment (vvs. 12-20), a שֵׁרִי segment (vvs. 21-24), and a final "questions" segment (vvs. 25-26). The נֵלֵש segment was almost certainly arranged into two three-strophe (six total strophes) portions each structured in an A-B-A pattern (i.e., A-B-A, A-B-A). In addition to the patterned placement of נֵלֵש and its formulaic concomitants at the beginning of strophes 1, 3, 4, and 6, the desert oasis שֶׁרֶפֶת is used as a centering device to bind the last strophe of the first A-B-A portion to the first strophe of the second A-B-A portion (A-B-A, A-B-A).

The שֵׁרִי segment, as it now stands, has been rhetorically bonded to the נֵלֵש segment by a series of colon placements to make up a unified whole. But since the שֵׁרִי segment is disproportionate in size to the נֵלֵש segment, it may have been selected out of a tradition which originally had a second series of two A-B-A sections.
devoted to the motif; this, however, is speculative.

The analysis is also consonant with that of Richter in that he sees the negative argument of the נֶלֶץ segment reaching its high point in vs. 20, although he thinks of a different colon of vs. 20 than is suggested by the analysis above. Otherwise, however, the analysis diverges from Richter's in certain details by suggesting the rhetorical unity of at least 11:12-24. Richter does not believe the portion is unified, but rather contains certain caesuras, tensions, and contradictions, mostly in the differences between the Ammonite and Moabite portions.

The נֶלֶץ segment bears a negative argument: Israel did not take any lands from Edom, Moab, or Ammon when or since it came up from Egypt. The repetition and placement of נֶלֶץ and its formulaic concomitants argues strongly for a diplomatic mission motif throughout. The פָּרָה segment has a positive argument: what territory Israel took, it took from the Amorites because Yahweh had determined to give it as an inheritance to Israel, just as the god of Ammon had determined to give his nation its territory.

The final segment (vss. 25-26) contains pointed questions with a distinctive legal flavor and terminology followed by other legal-like argumentation in the last two verses (27-28). Limburg has suggested that the whole is a treaty-breath lawsuit—a form which fits well with the data.

"Treaty-breath lawsuit" is compatible with the broader pattern of Old Testament thought about treaty-determined boundaries of Gilead as Israelite territory, and with the procedures of ancient Near Eastern international relations in the second millennium, and first half.
of the first millennium B.C.E. During this period, international relations, including diplomacy, were based on actual treaties. There are reasons for believing that the grant treaty is the particular type of treaty behind this lawsuit. A grant treaty containing pronouncements of culpability over anyone who violates the grant boundaries, would explain how Ammon could be legally liable in this situation.

Treaty-breach lawsuits were part of treaty diplomacy. Elements comprising such lawsuits are strikingly similar to elements in the Jephthah diplomatic pericope. It is better to think of lawsuit formularies than of a single formulary since much variety is in fact practiced, even though there is a basic core of common inclusions. The kinds of formulary elements in the Jephthah pericope seem sufficiently relevant to yield certainty that the portion is a treaty lawsuit.

The intent here, then, appears to be to show Jephthah as a statesman capable of carrying on forceful diplomacy in the form of a lawsuit proclaiming Israel's distinctive experience of national liberation. He is even called a lawsuit-man in Judg 12:2. The pericope's heilsgeschichtliche interests, when viewed against the background of other heilsgeschichtliche portions of Joshua and Judges, present Jephthah as a proclaimer of Israel's salvation-history kerygma while at the same time turning that history to a special (lawsuit) interest, i.e., peace with Ammon.

It is best, however, to seek an historical rather than literary or analogical explanation for the Moabite elements in an otherwise Ammonite context. Plausible explanations are possible with the
help of archaeological and historical research, although no certainty may be gained on the question of exactly how Chemosh can be called the god of Ammon.

Two implications of this analysis are important. The first is that if the speech contains a territorial argument, it does not necessarily follow that its only relevance is to the divided monarchy. Ammonite conflict is directly attested for David (2 Sam 8:12; 10:1-12:31) and may have occurred at the end of Solomon's reign as well, when revolts are attested for both the north and south ends of the Transjordan axis (Edom, Aram—1 Kgs 11:14-25). Either or both of these backgrounds would be suitable for a rehearsal of Jephthah's earlier effort. Most pertinent, however, is the Ammonite context of the speech in Jephthah's own time. There appears to be no sufficient reason for denying either Ammonite aggression, or an effort at solving it through diplomacy during the Settlement Era.

The other implication is that the speech also appears to have a more general purpose of illustrating a wise use of diplomacy for an exemplary, legally-based settlement of political disputes early in Israel's relations with eastern neighbors. The pericope is more interested in illustrating Jephthah's treaty diplomacy as head of Gilead and proclaimer of Israel's salvation history than in arguing territory, though it does this as well. This narrative fascination with Jephthah as a loyal Israelite leader continues to occupy narrative interest throughout the remainder of the cycle. The logic of this combination of concepts is discussed in chaps. 7 and 8 below.

1 As most commentaries and studies of the twentieth century, most recently e.g., Soggin, Judges, p. 212.
Finally, the questions arise: (1) why is this diplomacy/lawsuit section where it is? (2) why is it as long as it is—indeed the longest of the Jephthah pericopae?

Noth has clearly seen that speeches have been made to mark nodal points in the Deuteronomistic History. He says:

In particular, at all the important points in the course of this history, Dtr brings forward leading personages with a speech, long or short, which looks forward and backward in an attempt to interpret the course of events, and draw the relevant practical conclusions about what people should do.

Without as yet accepting or rejecting Noth's theory of the Deuteronomistic History (discussed in chap. 8), it may be said that his observation about the central role of speeches, long or short, retrospective and prospective, is pertinent.

There may, in fact, be something especially Israelite in this use of speech(es). While generalizations like the following are sometimes overdrawn, there is nonetheless important insight in Klaus Koch's point when he says of Israelite and European sagas:

... there is no use (in European sagas) of the device by which the story reaches its climax with the confrontation of the main opposing characters. Instead (in Israelite saga) the climax is reached in speech, which usually takes the form of dialogue . . . In each case (of groups of stories about Israelite heroes) it is a speech in which the climax of the story is reached. To the Israelite, speech was of the utmost importance, capable of transforming history, and this is doubtless linked to the conception of the transforming power of the divine word."

The recognition of certain nuances which the spoken word seems to have in the theology of the Hebrew Bible is apposite to this diplomacy-lawsuit pericope. Ottošson observes simply but correctly

\[1\] Noth, *Deuteronomistic History*, p. 5.

\[2\] Koch, p. 150.
that "This section is unquestionably the \textit{crux interpretum} of the Jephthah cycle."\footnote{Ottosson, p. 161.}

These observations, supplementing the important intentions discernible through the rhetorica, thematics, and form of the pericope, point to the conclusion that this diplomacy-lawsuit speech is central and climactic. (1) It \textit{is} a speech and functions as the \textit{word} does elsewhere in the Deuteronomistic History. (2) Jephthah functions as a statesman-head of a now centrally governed Gilead, capable of carrying on state relations with other political entities. This pericope unfolds one major implication of the title \textit{םָלֶוא}. That Jephthah was considered capable of Yahweh war heroics (next pericope) was already suggested in the details of 10:17-11:11, so that this role is not new, nor will it be the main point of 11:29-40, let alone of 12:1-6. The diplomatic lawsuit speech of 11:12-28 qualifies as the \textit{center of the five Jephthah pericopae} for the reasons indicated, with the other four pericopae arranged before and after it in balance.

To put it another way, we are dealing here with a collection of tales and legal forms which have been joined into a cluster of which Jephthah's acts of political significance are the subject.\footnote{Cf. Gunkel's original discussion, \textit{The Legends of Genesis}, trans. W. H. Carruth (New York: Schocken Books, 1964), pp. 38-52. "Tale" and "saga" are used in their primary sense of broad genre types; the use of these terms should not be taken to imply anything about truth or falsehood as used here.} Having stated this general thesis, we may now go on to examine the intent of the final two pericopae of the Jephthah cycle in order to determine their functions in the whole.
CHAPTER V

JEPHTHAH'S DAUGHTER SACRIFICE (11:29-40)

The pericope of Jephthah's Daughter Sacrifice is the fourth of the Ammon-Jephthah series. As 10:17-11:11, it is "narrative" so that the earlier definition is again relevant here.

Some text-critical data affect the analysis of the pericope, but these are dealt with at the appropriate points in the discussion. A rhetorical analysis is provided (Fig. 4).

The Rhetorica of the Pericope

The Margins of the Story

Boling correctly recognizes in vss. 30a and 39b the use of a framing inclusio; but P. Trible, in her recent rhetorical analysis, sees a symmetrical arrangement only in 11:34-39b.²

The immense influence of this unusual story on Western literature, art, drama, and music has been studied by W. O. Sypherd, Jephthah and His Daughter: A Study in Comparative Literature (Newark, Del.: University of Delaware, 1948). Sypherd identifies hundreds of works of art representing interpretations of this story.

² Boling, Judges, p. 209; Trible, Texts of Terror, pp. 96-99, analyzes vss. 34-39b as follows:

a Narrated discourse: Jephthah confines his daughter.

b Direct discourse: The father speaks.

c Direct discourse: The daughter speaks.

c' Direct discourse: The daughter speaks.

b' Direct discourse: The father speaks.

a' Narrated discourse: Jephthah confines his daughter to death. This analysis does not consider the pericope as a whole, though it does identify its limits as vss. 29-40; it sees two episodes in the pericope, one in vss. 29-33 which is not rhetorically arranged, and

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In this double use of the root לֶדֶר it may be observed that
(1) the second (concluding, part-) colon of vs. 39b is partially
conformed to its matching colon (vs. 30a) by the use of an inserted
אֶצֶל between the two uses of לֶדֶר. (2) The verbal of לֶדֶר is pre-
cisely first in the lead colon (v. 30) and precisely last in the
final colon (לֶדֶר יִפְתָּח נְדוֹר נְדוֹר נְדוֹר, v. 39).

Boling remarks that this arrangement leaves "the last state-
ment of vs. 39 outside the narrative unit."¹ To this observation may
be added the following: (1) it is not only vs. 39c that stands out-
side the (original?) narrative; vs. 40 does also. Thus the pericope
has a kind of tail strophe. (2) At the beginning of the pericope
there is also a leader strophe before the initial לֶדֶר colon, i.e.,
vs. 29. (3) The leader and tail strophes contain an approximately
corresponding number of stress beats (15, 16 respectively). There
is also (4) an inclusio of לְדָעָן. The name is used seriatim in the
lead colon of each strophe of vss. 29-34, i.e., in the first half of
the pericope up to the center strophe (climax, vs. 35), but not again
until vs. 40a. In vs. 40a, however, the text has not just לְדָעָן, but
יִהְיֶה לְדָעָן which draws attention to both the frequency of לְדָעָן in
vs. 29 (3x) and the identical יִהְיֶה לְדָעָן in 11:1. This pattern
as a whole suggests a double-duty use of the name, both to frame the
present pericope and to frame the two narrative pericopae, i.e.,

another in vss. 34-39a which is; to make the symmetrical arrangement
work as given in the outline, b' is limited to Jephthah's word "no" --
which seems forced.

¹ Boling, Judges, p. 209.
Fig. 5a. Rhetorically arranged Hebrew text of Judg 11:29–40
Then the Spirit of the LORD came upon Jephthah,
and he passed through Gilead and Manasseh,
and passed on to Mizpah of Gilead,
and from Mizpah of Gilead he passed on to the Ammonites.

And Jephthah made a vow to the LORD,
and said, "If thou wilt give the Ammonites into my hand,
then whoever comes forth from the doors of my house to meet me, when
I return victorious from the Ammonites,
shall be the LORD'S, and I will offer him up for a burnt offering."

So Jephthah crossed over to the Ammonites to fight against them;
and the LORD gave them into his hand.

And he smote them from Aroer to the neighborhood of Minnith,
twenty cities, and as far as Abel-Keramim, with a very great
slaughter.

So the Ammonites were subdued before the people of Israel.

Then Jephthah came to his home at Mizpah;
and behold, his daughter came out to meet him with timbrels and
with dances;
she was his only child; beside her he had neither son or daughter.

And when he saw her, he rent his clothes,
and said, "Alas, my daughter! you have brought me very low, and
you have become the cause of great trouble for me;
for I have opened my mouth to the LORD, and I cannot take back
my vow."

And she said to him, "My father, if you have opened your mouth to
the LORD, do to me according to what has gone forth from your mouth,
now that the LORD has avenged you on your enemies, on the Ammonites."

And she said to her father, "Let this thing be done for me; let me
alone two months, that I may go and wander on the mountains,
and bewail my virginity, I and my companions."

And he said, "Go." And he
sent her away for two months;
and she departed, she and her companions, and bewailed her virginity
upon the mountains.

And at the end of two months,
she returned to her father, who did with her according to his vow which
he had made.
She had never known a man. And it became a custom in Israel

that the daughters of Israel went year by year to lament the daughter of
Jephthah the Gileadite
four days in the year.

Fig. 5b. English text of Judg 11:29-40 (RSV)
11:1-11, 29-40. There is evidence here of a kind of core of Jephthah stories with the diplomatic pericope (11:12-28) inserted between, and matching narratives on either side of it, complete with the gentilic inclusio. The lead and tail strophes (vss. 29, 39c-40) also contain several sets of two- or three-word repetitions, i.e., vs. 29—דבוע 3x, דוע 3x, משת 2x; vss. 39b-40— מי 3x,_RAD ת쇠 2x, מכם 2x.

These are indications of a modest rhetorical shaping interest, although the editor was content with little more than loose quantitative patterning.

Burney notes that the דבוע of vs. 32 is a resumption of the same verb series in vs. 29.\(^1\) A strophe intervenes between this verb in vs. 29 and vs. 32a. On the pericope's other end, it is probable that the דבוע of vs. 39c is also a resumption of the דבוע of vs. 38b, since an (albeit short) strophe also intervenes between these two pronouns and their cola. These pronouns are probably to be seen as a bonding device or as a use of alliteration. Richter suggested that a vow was used as a framing device for the Jacob traditions as well\(^2\)—traditions which Ottosson sees as pervasively influential in the remaining Gilead material of the Hebrew Bible.

**Climax/Center**

The center of this story appears to be vs. 35. This verse contains the encounter between Jephthah and the sacrificial victim of the vow—his daughter. The three cola of the verse contain no less than six interpretive expressions of the meaning of the vow and its

\(^1\) Burney, Judges, p. 301.

fulfillment: 35a—1; 35b—4 (LXX; three in the Hebrew Bible); 35c—1.

Use of the encounter as the center/climax is confirmed by the fact that Jephthah is the explicit subject of the action in vss. 29-34. He is the focus, and, grammatically, he is the subject of each lead colon per strophe (vss. 29a, 30a, 32a, 34a); but beginning at vs. 36, she is the focus and grammatical subject of each lead colon per strophe (only slightly modified in vs. 39 with the construction יָֽהַּנָּהוּ... "and it came to pass . . . she returned"). This center strophe has not been rhetorically worked very heavily, since it appears to be quite prosaic in character. Its center colon, however, is packed with unusual emphatic or expletive expressions (four of them); and each complementing strophe on either side (vss. 34, 36) likewise contains notes of horror. The four expressions are: "He rent his clothes . . . you have brought me down . . . you have thwarted me . . . you are as those who destroy me . . . ."

In the center colon, the three expressions of horror and grief in the MT are increased to four by the LXX, Vulgate, and Syriac, which add ἐπαναπεσοντάθηκας με (or equivalent)—"you have become in my way." This addition suggests obstruction. Boling accepts the restoration and explains that a simple haplography has occurred by which a scribe's eye perhaps slipped from יִדְּבַד to יִדְּבַת, thereby omitting something like לְמֵא בְּעֵיתָם. This suggested

1 Richter, "Überlieferungen," p. 508, likewise identifies vs. 35 as the Hauptszene. The rhetorical analysis included here confirms Richter's observations; Burney, Judges, pp. 321-322, also notes the intensity of the grammatical expressions in vss. 34-36. Elsewhere Richter comments on vs. 35 (p. 509), "... Hier liegt sicher im Gespräch der Höhepunkt einer Einheit die nicht vollständig erhalten ist. Die zwei Hauptpersonen stehen einander gegenüber." All factors point to vs. 35 as the rhetorical center.
reconstruction has been included in the text-exhibit above, and is considered among the four expressions of horror and grief as discussed below. LXX$^B$ reflects a shorter reading (ταυχὰ γεγονός με) which as Boling notes, has obscured the wordplay of יַלְדוּת and יַלְדוּת. The proposed restoration thus increases the quantity of alarm expressions in the center colon to four.

The Intervening Material

In the analysis above, two strophes intervene between the center and the framing ־ ת strophes. These intervening strophes do not appear to be rhetorically well worked in relation to each other, since few matching verbal arrangements are visible. Nonetheless some patterns seem intended.

1. The subject foci of the intervening strophes appear to involve an inversion in sequence so that an A-B-C-A-B relationship exists between them as follows:

C (vss. 32-33): Victory over the Ammonites

CC (vs. 34): The Daughter

D (vs. 35: The Center)

C' (vs. 36): Victory Over the Ammonites

CC' (vss. 37-38): The Daughter

These descriptive distinctions, however, are not entirely discrete since there are some elements of mixture in the content of each, though on the whole the descriptive terms above fairly represent the focus of each strophe.

2. Six cola can be seen in each of the two suggested strophes

\(^{1}\text{Boling, Judges, pp. 208-209.}\)
on either side of the center (twelve cola in all). But they are not balanced either in quantity of lines devoted to a specific subject focus or in the presence of clear matching verbal elements. The rhetorical technique of sequence repetition was used in 10:6-16 already, so that even within the Jephthah materials it is paralleled. It is also possible that the sequence exhibits a phase-out/phase-in progression, so that the Ammonite war focus of vss. 29-33 gives way gradually to the focus on the daughter as the story movement passes over the climax/center (vs. 35).

On the other hand, within the individual strophes themselves there are several manifestations of rhetorical fashioning worth noting; they do not, however, show evidence of an intent to make verbal links between C, CC and C', CC'. (a) While vs. 32 is quite prosaic, vs. 33a has several pairs (דַּגָּה, double דִּבָּה in a clear geographical delineation, and possible triple alliteration with ה in דַּגָּה . . . דָּבָּה . . . דָּבָּה). (b) Vs. 33b has a double לָבֹא with Israel and Ammon. (c) While vs. 34a-b are also somewhat prosaic, vs. 34c has a striking synonymous word-pair in its first half (לָזִיעַת / כְּנַנְנָה), a very probable double nominal sentence in its gross grammatical structure, and another pair at its end: יִבְּרָה / כְּנַנְנָה. (d) Vs. 36b is partially constrained by vs. 36a with repetition of רַשִּׁית, וֹשִׁית, (וֹשִׁית), and פָּרָה; the four words are concentrated at the end of vs. 36a and the beginning of vs. 36b. (e) In vss. 37a and 38a there are paired uses of יִשְׁדָּדוּ at the end of alternate cola. Otherwise vs. 37a alone is prosaic. (f) Vss. 37b and 38a have a double use of l.c.s. verbs, and the same cola also have a double use of עִוָּדִית (with alternative orthography on which there are harmonizations in
some MSS), וַהֲרֵיס מִלָּה, הֶלְכָּה, וּבֵכֶה; this is very striking. (g) There is a triple use of מְדַרְדַּר distributed in three successive cola (37b, 38a-b). (h) It is tempting to look for a three- or four-word manipulation in vss. 30-33 corresponding to the triple (when the first colon of vs. 39 is included) use of מְדַרְדַּר to end three alternating cola in vss. 37-39a. The series in vss. 30b-34a, consisting of the three colon-ending, short assonant/alliterated words is interesting: בִּית בִּית הַרְוָת (ם בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּית בֵּי...
Still, even with the dissimilarity that the opening margin of 10:17-11:11 has been editorially reworked beyond reconstruction, the two pericopae show similarity of structure and arrangement.

Critical Study of the Pericope

The older literary criticism attempted to apply the JE documentary analysis here too. Burney, for example, notes:

The resumption of 11:29b may be seen in 11:32a where the redactor of the two narratives (J and E) picks up the thread which has been broken by the insertion of 11:30-31. Traces of the fusion of two accounts may perhaps be seen in 11:33a, since we appear to have a double terminus ad quem for the route—'until thou come to Minith' and 'as far as Abel-keramim.' Probably 'from Aroer until thou comest to Minnith' belongs to the Moabite narrative (contained in E). . . . To E belong 11:30, 31, 33 (in part), 34-40; . . . to J belong 11:29, 32b, 33 (in part).

This analysis saw (correctly) that the margins of the original narratives have been modified in the editing process. Moore, for example, suggested that (1) vss. 30-31 have been violently severed from vs. 11a of which they are the original sequel (i.e., the vow was the content of the Mizpah "words . . . before the Lord" of 11:11); (2) vs. 11b seems to belong after vs. 31 (the "words . . . before the Lord" must have been repeated after the vow); and (3) vs. 29 is an awkward redactional doublet to vs. 32 necessitated by the intrusion of vss. 12-28 before vss. 30-31. Burney, however, thinks vs. 29 "coheres with 11:1-11 and not with 10:17," and that 11:32a resumes 11:29b. In 11:32a, the redactor of JE picked up the thread which had been broken by the insertion of vss. 30-31.

1Burney, Judges, pp. 302-303; the last of this type of analysis is that of C. A. Simpson (1958).
2Moore, p. 283.
3Burney, Judges, p. 301.
The analysis above likewise concludes that the margins of the story may have been edited in, as is the case with 10:17-11:11. One may say further that vs. 32a is resumptive of vs. 29c (םִּיֵּאַלָי). But the redundancy seems to be rather rhetorically designed to complement a shift in action from Mizpah, where the treaty with the elders was cultically finalized, to the battle front where the vow was made after Jephthah had gathered his army. The purpose of the editorial addition of vs. 29 is to inform the reader that the vow was made after the army was gathered and as part of the war-events sequence. This is indicated by the supplement of מְלֻשָּׁה after יְבַעַר in vs. 32. The analysis above otherwise finds no necessity for documentary source tensions, but explains the repetitions and resumptions rather on the basis of the rhetorics of the passage. Some marginal editing, however, does seem to be suggested.

Recent criticism has abandoned the search for J and E in the historical books, following instead the notion of oral tradition sources after Gunkel (Pentateuch) through its application to the historical books by Gressmann and others. Richter observes that "die Kriterien für Sonderungen . . . recht schwach sind," recognizing the weakness of the JE literary critical effort.

Richter rather sees (1) vs. 29, 32-33 as additions of an editor who wanted to make war the background for a vow resulting in the sacrifice of a maiden, and (2) vs. 30-31, 34-40 as a unified story of a daughter-offering vow, even though vs. 34-40 are less explicit.

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1 Martin, p. 145, also thinks that the vow must have been made at the Mizpah sanctuary, "before the hostilities began (p. 145)." The latter point is correct, the former an assumption.

about the vow and refer to it in generalized terms which could well refer to the family quarrel of 11:1-33. Vs. 36b is an exception to the unity of vss. 30-31, 34-40, since it has undergone an insertion of "the sons of Ammon" by the later editor who added all the Ammon references to suit his Ammonite war-background interest. Thus, for Richter, only editorial accretions to an original maiden-offering story are to be seen in its tensions, not two written documents combined into one with their different versions of the one story.

Richter notes that the exposition in vss. 34-40 is not so lucid as that of vss. 30-31. For example, while vs. 39 mentions the vow, it is only vaguely alluded to elsewhere in the unified story portions. There is also the allusion to Jephthah's house (vs. 34). But especially in vs. 39, the offering is vaguely alluded to only through the vow. Another obscurity is that the woman is never named. Still another anomaly is the fact that in the vow, the virginity motif is not mentioned; it only emerges in vss. 37-40, which may be derived from another source. Thus, for Richter, there are really four motifs here: (1) an emergency situation—the desolation of Jephthah's house (perhaps through a family quarrel)—which has led to a daughter-sacrifice; (2) the virginity of the daughter; (3) the related vow; and (4) the Ammonite war which is the latest layer.

It is not obvious, however, that the Ammonite war was a later imposition on the text at any point in the Jephthah materials. If

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1 Ottosson, p. 173, also notes the sharply new motif of "virginity" in vss. 37-40.

10:6-16 is an introduction, as is likely, its writer was aware of a collection of both Ammonite and Philistine harassment stories from the time of the judges. While it is possible that the editor of this introduction only knew of Ammonite or Philistine conflict stories because these ethnic groups had been inserted into the stories somewhere in the history of tradition before him, Richter's does not seem to be a comprehensively satisfactory explanation, since what is true for the Ammonite references here is also true for other Ammonite references in Judges and ipso facto all Philistine stories in the Settlement Era as well. But more Ammonite war stories as well as Philistine stories from the pre-dynastic monarchical period are found in 1 Sam 11-12, suggesting rather that originally there were groups of such stories about both ethnic groups which formed some part of the original collection behind Judges and 1 Sam 1-12. The unity of the central story-line in this pericope can be based on a flexible recognition of its rhetoric, and provide a satisfactory background for its contents and movement.

At the end of the pericope, the virginity mourning does not have to belong to another source. It is the natural outcome of the sacrifice if the major motif of the pericope is the tragic demise of Jephthah's house. Though Richter means it in a different sense, his perception that the "desolation of the house" is a major motif is indeed correct. The implications of this estimate of the chief concern of this pericope are discussed below.

The analysis offered here points to such rhetorical devices as repetition, resumption, climax, compaction, alternation, ambiguity, and surprise as a more promising way to account for the tensions of
the story than either documentary analysis or oral tradition history with several editing overlays representing varying interests. Some editing of the story margins for connection purposes is, of course, to be expected.

**Some Preliminary Conclusions**

The analysis above points to some basic suggestions for the significance of this pericope which may now be sketched; the more salient points of its focus and chief interest are discussed further in the next section.

1. The same mixture of narrative prose and poetry elements exists here as in the other Jephthah stories. Within the pericope itself there are varying degrees of prosaized cola and poetical cola showing some degree of rhetorical working. This may be characteristic of Hebrew narrative per se or it may reflect a poetical background for the material which has been transformed into prose from poetry.  

2. There is a loose rhetorical chiasmus with a clear framing device ( maggad) and a definite climax/center strophe (vs. 35). This structure can also be seen in the subject foci of the material intervening between the opening maggad and the center, and between the center and the closing maggad. A few signs of rhetorical manipulation exist in this intervening material, but they are not strong and clear.

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1. Judg 4-5 is the stock example of a prose and poetry version of one event; cf. however, J. Blenkinsopp, "Jonathan's Sacrilege: 1 Samuel 14:1-46--A Study in Literary History," CBJQ 26 (1964):423-449. Blenkinsopp identifies the remnants of many bicola and tricola in the story which has been adapted into prose form from a poetical original; cf. L. Alonso-Schökel, "Erzählkunst im Buche der Richter," Biblica 42 (1961):152-156, 166, where similar poetic elements are identified in the Ehud and Deborah narratives.
3. If vss. 29, 39c-40 are, respectively, an editorial leader and tail, and the original (oral and/or earlier form of the) story is contained in vss. 30-39b, then it is not the case that the whole story is an etiology on the Israelite women's festival noted in vs. 40 (Noth). The intention of the story lies elsewhere.

4. If the vow (as frame) and the center are a guide, then the intention of the tale is to tell the story of Jephthah's demise, i.e., the demise of his house which was brought about by the vow, which in turn was occasioned by the presumed emergency conditions of the Ammonite oppression. In this story, we are dealing with a judge tale as in Ehud, Deborah-Barak, and Gideon; but the heroic military victory is not the substance or main intention of the story as in the earlier series; nor is it the main point of any judge tales beyond Jephthah, i.e., Samson, Eli, Samuel, or (if one wishes to include him) Saul. Richter was on the right track with his recognition that the destruction of the house is central to the pericope. But the pericope as it is links the fall of Jephthah's house to the tragic outcome of a vow made in the extremity of the Ammonite threat, not to a family quarrel which threatens to leave the "house" desolate (Richter).

5. The analysis above suggests that we are dealing with another independent tale—not unrelated to that of Jephthah's rise to the headship of Gilead, but not once directly attached to it either—as the content of what Jephthah said "before the Lord" at Mizpah in finalizing his treaty with the elders (Judg 11:11). Apparently, however, the story has been attached to the Rise and the Diplomatic Speech pericopae to provide a sequel/resolution to the Ammonite...
struggle which was left unresolved in 10:17-11:11. This relation of
the Daughter Sacrifice story to the story of Jephthah's Rise is the
correct element in the older literary criticism which appears to have
been overly critical in its delineation of the extent to which the
story margins have been adjusted to the interests of sequencing.

It remains now to address certain major elements in these ten-
tative conclusions, testing them by detail and comparison.

The Form of Judges 11:29-40

Vow and oath have similar formulaic elements. In Josh 2:17-
20, e.g., Richter identifies in the oath form: The Introduction (vs.
17), Prescribed Action (vs. 18), Oath Elements (condition and prom-
ise) with a Blood Formula (vs. 19), and The Legal Validation (vs.
20). ¹

Ottosson notes that "the formal structure of the text of a vow
in the Old Testament is always the same: (1) Introduction, (2) Condi-
tions, (3) Promise." ² Richter's outline of the vow elements in Josh
2:17-19 only shows an expansion and variant nomenclature for this
basic form outline.

In the "Überlieferungen" article, however, Richter is reluc-
tant to attempt any sub-genre identification for the vow pericope. ³
He points out that it consists of three heterogeneous pieces: (1) the
vow, (2) vss. 34-36, the high point, and (3) vss. 37-40 which contain
the execution of the vow intention, even though this piece probably

¹Richter, "Überlieferungen," p. 505.

²Ottosson, p. 170, citing Richter "Das Gelübde." Cf. RSP,
vol. 2, pp. 147-152, where a similar outline is offered with texts.

belonged once to another story.

The narrative of Hannah's vow (1 Sam 1:9-28) has a similar narrative structure to that of Judg 11:29-40. The similarity of the two narratives suggests that a distinction may be pertinent between the vow/oath formulary per se and the form of the vow narrative or (for a longer sequence) the vow-saga such as Richter has proposed for the Jacob traditions as a whole.\(^1\) Two further observations are of interest here.

First, G. H. Davies\(^2\) points out that Ps 66:13-15 "shows the vow at its inception (something promised in trouble), and then later in its fulfillment." The text of the Psalm reads

\[
\begin{align*}
I \text{ will come into thy house with burnt offerings; I will pay thee my vows,} \\
\text{that which my lips have uttered} \\
\text{and my mouth promised when I was in trouble.} \\
I \text{ will offer to thee burnt offerings of fatlings.}
\end{align*}
\]

Davies' notation of the division between vow and fulfillment is obviously correct.

Secondly, the narrative of Hannah's vow (1 Sam 1) has the same general structure as Ps 66:13-15 and the same particular structure as the Jephthah's Daughter pericope—the vow in a troubling situation (1 Sam 1:9-20) with center at vs. 20, and the fulfillment process (vss. 21-28) with conclusion at vs. 28. The narrative is divided approximately into halves with the meeting of the principals at the center to move the vow toward fulfillment. The condition and promise are tightly packed together near the beginning (as in Judg 11:30-31) after a brief introduction (vss. 9-11) so that the regular formal vow

\(^1\)In "Das Gelübde."

structure is intact, but appears only at the beginning of the narrative which has its own story structure. Like the Jephthah story, the material between the vow and the center narrates the circumstances leading to the center (Hannah and Elkanah in intercourse), while the second (fulfillment) half narrates the circumstances of the fulfillment process, especially the animal offering. These formal elements are so similar to those of the Jephthah's Daughter story that it seems proper to suggest that we are dealing here with a vow narrative which is to be distinguished from the vow formulary as such, and again from vow legislation, in which the regulations for vows take their shape from formal legal (if/then) structures rather than from the structure of the vow per se.

It is beyond the scope of this study to pursue details of the vow narrative formulary here. It is worth noting, however, that the two-part narrative of Hannah's vow is also found in compressed form in Ps 66:13-15 and in the Jephthah's Daughter pericope. This similarity encourages the two-part analysis of the narrative content offered above.¹

Jephthah's Deed

The Judaism of the early Christian centuries and the teachers of the Church in that era believed that the text forthrightly spoke of Jephthah's sacrifice of his daughter in death. In later medieval times, however, under the influence of R. David Kimchi (c. 1200), the explanation arose that Jephthah devoted his daughter to perpetual

¹There does not seem to be a study of the vow narrative as such. Old Testament Form Criticism (ed. Hayes) does not suggest identification of such a narrative type, nor does Koch.
celibacy. This interpretation has had some variants among which most recently is the preference of Keil to explain Jephthah's action as devotion of his daughter to celibate temple (tabernacle) service. In the twentieth century, however, there has been a return to the earlier view that Jephthah actually sacrificed his daughter; this now unanimous view takes the word נִלְיָי in its normal material sense, in regular cultic usage, of "burnt-offering" or holocaust. The celibacy explanation is perceived as an evasion which makes it impossible to explain Jephthah's horror at meeting his daughter. An alternative is the explanation of Noth that the story is an etiology for a women's festival. This view is not very widely received by more recent commentators or studies of history of religion problems in the ancient Near East. Reasons have been given above why this explanation is not really satisfactory for the vow story itself. The story may have become etiological to a festival, but this was not originally

1Cf. Moore, pp. 704-305, for an extended note on the history of interpretation of the pericope.

2Keil and Delitzsch, pp. 394-395.


intended, as is also confirmed by the discussion below.

The currency of such an affair and its story-expression in the East Mediterranean region increases confidence that we are not dealing here with something isolated and of dubious or obscure significance. T. Gaster has collected the relevant parallels not only from the region but from European variations as well. He summarizes:

Parallels to this story are to be found in the popular lore of several peoples. The best known is probably the Greek legend of Idomeneus, king of Crete. Caught in a storm on his return from the Trojan War, he vowed to Poseidon, god of the sea, that he would sacrifice to him whomever he would first meet when he landed safely on his native shores. This turned out to be his own son.

A similar tale was told by the Greeks about Maeander, the son of Ceraphos and Anaxibia. At war with the people of Pessinus in Phrygia, he vowed to the Great Mother that if she granted him victory he would sacrifice to her the first person who came out to greet him when he returned home. The first to do so was his own son, Archelaos, together with his mother and sister.

Modern scholars also see manifestation of the theme in the virginity-mourning of Near Eastern weeping for the dead or ousted fertility spirits, such as in the wailing for Tammuz. Together with the attestation of the theme in European stories, these ancient East Mediterranean examples suggest the currency of the theme in the history and literature of the region.

A compelling parallel, because proximate in time and location,

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3 Green, pp. 162-163.
is that of the Moabite King of 2 Kgs 3:27. Unable to defeat or escape the Israelites, he offered his son and heir-prince as a sacrifice on the walls of the city. This action aroused the anger of his god Chemosh so greatly that the Israelites fled and the Moabites were victorious.\footnote{Soggin, Judges, p. 216.} The language of Jephthah’s vow (ר Loving), his own horror, the parallels, and his reaction, all point to the actual sacrifice of his daughter.

Of what was Jephthah thinking when he made the vow? The two allusions in the vow itself (vs. 31)—Xי and פ יולא—both indicate a masculine singular conception. Most commentators are quite insistent that he has a human sacrifice in mind already, otherwise the matter would have been routine and not worthy of mention, let alone featured. One may think (1) of a male of his “house,” in which “house” has a larger meaning than his own immediate personal offspring—perhaps a slave or adopted male foreigner, or even a male of his clan; (2) the masculine singulars refer generically to a human being; (3) he had an animal in mind, especially since the burnt offering was normally a male of the flock (Lev 1);\footnote{Houses with adjoining courtyards for livestock have been noted in Iron I levels in both Palestine and Transjordan, cf. K. Beebe, “Ancient Palestinian Dwellings,” BA 31 (1968):49-58; A. Mazar “Giloh: An Early Israelite Settlement Site Near Jerusalem,” IEJ 31 (1981):12. These house plans sometimes show several adjoining dwellings possibly suggesting that a clan or “father’s house” dwelt closely quartered; cf. Lev 18. DeGeus, p. 135, notes that “father’s house” can include slaves, strangers, and even cattle.} or (4) the ambiguity is intentional.\footnote{Boling, Judges, p. 208; the masculine intends to simply add to the narrative suspense.} Still the original masculine conception of the sacrifice is surprisingly mutated into the death of the daughter.
The evidence for what he actually had in mind is not particularly conclusive, even though most favor a human sacrifice. A male servant, adopted son, or relative are equally good possibilities for the masculine pronoun.

Complicating this problem is the fact that one would have expected a person of Jephthah's military experience to have known that women sometimes went out to greet a victorious military hero (Miriam, Exod 15:20-21; 1 Sam 18:6-7; cf. Sisera's mother, Judg 5:28-30, and our pericope). If he valued the extension of his lineage and his only daughter's life, it does not seem likely that he already had her in mind when he made the vow.

The vow is said by some commentators to have been "rash" or "thoughtless." An alternative is to view it as thoughtfully conceived in the emergency conditions of the war against Ammon, or to suggest that he was unduly influenced by the surrounding paganism, particularly that of his mother. The parallels suggest that a desperation move in a war emergency is the most probable background; the

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1For example, Cooke, Burney, Richter, Green.

2As recently as J. Myers, IB (1953), 2:771.

3Already suggested by Cooke, p. 320; cf. Soggin, Judges, p. 216, and Green, pp. 149-187 passim and p. 121. Richter too understood the event as reflecting an emergency situation, but he identified the emergency as the imminent collapse of the family "house" brought on by the violent quarrel of 11:2-3, with no original reference to the Ammonite struggle. Richter sought a parallel in Rahab's effort to save her family in which the substitute sacrifice was the ban on the city, "Überlieferungen," pp. 505-508. Jephthah's statement to Ephraim in 12:2 about the Ammonite struggle (TXO Yr) is evidence of the severity and danger of the Ammonite threat; the restoration of riY before TXO following LXX, Old Latin, and Hexaplaric Syriac, adds to Jephthah's sense of a serious situation.

larger interests of the story show that the final editor believed that the Ammonite war threat occasioned the vow.\(^1\) A wisdom perspective evaluation cannot be ruled out, however, since Weinfeld has shown that Deuteronomism includes wisdom interests and that among them is the use of riddles (Samson) and the loquacious person given to rash declarations: he is a fool and brings misfortune upon himself.\(^2\) The absence of clear wisdom motifs in this pericope, however, necessitates caution. Still, the presence of tragedy and unwisdom throughout the Deuteronomistic History is so pervasive—even including David himself—that one must leave this open.

Finally, the story is without condemnation of Jephthah.\(^3\) A. R. W. Green argues that human sacrifice was acceptable to the Yahwism of this era.\(^4\) However, Ottosson emphasizes several times over that the most relevant background is Jacob's treaty with Laban over

\(^1\)The editor added to the tale in vs. 29, in which addition he no doubt intended to say by his use of the Spirit-possession in Jephthah and the triple נִעֲרֵי, that Jephthah was activated thereby to the war effort, of which the initial act was traversing his territory to gather an army (Moore, p. 298, is doubtful, but cf. Burney, Judges, p. 318; Keil, Judges, p. 385; Cooke, p. 121). Moore has doubts because it is not clearly stated and the Israelites were already gathered, 11:11a, cf. 10:17. But since נִעֲרֵי is so flexibly used in Judges and 10:17-11:11 does not really say any more than that the elders and וָאִמֵּה, which in 10:18 = the נִעֲרֵי נִעֲרֵי, were present, one cannot be sure that more muster effort was not necessary. "Manasseh" in vs. 29 may have originally included "Ephraim" since 12:2 refers to a summons to Ephraim which was refused. The vocalization of נְבֵאָה as נְבֵאָה may involve a deliberate distinction between the town and the "dome of Gilead," i.e., the entire region of the highland, as the LXX takes נְבֵאָה to be σκοτία which has the meanings of "hill-top, watch-tower, look-out," in normal usage.

\(^2\)Weinfeld, Deuteronomy, pp. 271-274.

\(^3\)Cooke, p. 122.

\(^4\)Green, pp. 163-165.
Mizpah-Gilead in Gen 31.¹ He suggests that the combined motifs of barrenness, mourning (infertility and childlessness), and the death of a woman (Jacob's implied commitment of Rachel to death) in the Jacobite Mizpah traditions tended to normalize such a pattern of events in the Gilead region or at least at Mizpah. He rejects the influence of a pagan cAnat or Tammuz mourning ritual. That the death of a woman could occur without condemnation in Israel may, therefore, be due, in part at least, to local tradition.

The Significance of the Daughter Sacrifice for the Narrative Intention

This section discusses all the interpretive material of the pericope in which the meaning of the fact is reflected, particularly (1) the statement that she was Jephthah's only child, (2) Jephthah's own exclamations of alarm in vs. 35, and (3) the emphasis on her virginity in vss. 37-40.

"She was His Only Child"

The statement that his daughter was his only child occurs in vs. 34c, and is a first clue to the fact that the narrative is conscious of dealing with more than a tragic story about human sacrifice. The notice contains two nominal sentences joined together to make up a 3-4 bicolon. The formulation is extraordinarily emphatic:² נַעֲרֹתִי קָנָה פַּלֶה "she was the only one" or perhaps as Burney suggests "lit. 'and she only was an only child.'"³

¹Ottosson, op. 36-52, 175.
²Burney, Judges, p. 321.
³Ibid.
The second member of the bicolon restates the thought in slightly different terms so that the two members of the bicolon are synonymous: there was not to him (other) than she a son or daughter" (reading ḥāʾēl for Ḥāʾēl with LXX and the Syriac translation of the Hexapla). It seems clear both from the emphasis and placement of the bicolon first in the cluster of center cola, that it is intended to increase pathos and suggest already the reason for Jephthah's own "violent agitation." By piling on double concepts, the colon emphasizes that he has no other offspring of his own; this colon also prepares for the virginity motif of vss. 37-40.

Jephthah's Actions and Exclamations

This combination of deeds and words occurs in the narrative climax/center cola, and in concentrated form. There are six such notices in all.

1. Vs. 35a: יַעֲדָה יְרֵנַע—"He tore off his clothes" upon seeing her coming from the door of his house, as the vow had said. This does not mean he merely removed his clothes, but ripped them so that the outer action corresponds to the psychic feel. It was a "gesture of violent grief and mourning." The action elaborates

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1Boling, Judges, p. 208; the masculine reading was perhaps taken from the immediately before it, or perhaps from the influence of the masculines in the vow.

2Keil, Judges, p. 387.

3Moore, p. 301.

4Ibid.; parallels are to be found in Gen 37:29; 2 Sam 13:19, 31; Job 1:20. ṣew usually occurs with יָרֹע, but it also appears with other terms for garments (יָרֹע כֵּשָׁל, יָרֹע, יָרֹע, יָרֹע).

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further on the idea that she was his only daughter. Thus far, however, one is led only to think about either her death or his feeling of grief over losing her. This action is the first bracket (vs. 35a) around the center colon (vs. 35b).

2. Vs. 35ba: יִתְנָה יַעֲנֵה — "alas, my daughter." This outcry of alarm is used some thirteen times in the Hebrew Bible. In ten of the thirteen it involves reaction to a real threat of death, and the three exceptions may involve the same implicitly (2 Kgs 6:5, 15; Jer 1:6). It is most often parallel to destruction and death, and has specific associations with famine, drought, the sword, plague, curse, and scattering. In Ezek 21:5 (20:49 EB) it includes "set fire, consume, blazing flame, scorched, kindled . . . not quenched." In most occurrences it marks the destruction of a group rather than individuals, though Jeremiah is an exception—the only one. This circle of connotations suggests already that Jephthah is thinking of some destruction larger than that of his daughter; the sequel enlarges on his concept.

3. Vs. 35bb: יִהְרַבִּי עַבְדוּתִי — "you have certainly brought me down." The infinitive absolute conveys the certainty and decisiveness, perhaps finality, of her death; the hiphil construction, the causal relation of her death to his reduction. The most surprising element, however, is the fact that he sees her coming death as his humiliation. He does not think of what her death means to

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2 Jer 1:6.
3 Tritle, Texts of Terror, p. 102, correctly and with penetration into the text's intention; she censures Jephthah for the whole affair, however.
her, but rather of what her death means to him—"you have bowed me low."

The verb יָכָּה often means "bow down," as is shown by its frequent direct object "knee" (לָכֵּנָה). This meaning has such applications as bowing at the feet of a conqueror, or bowing the knee in worship. But a substantial group of uses involves parallelism with death—"slump down in death" or "bow down into the dust." There are also some more or less neutral uses, i.e., in situations where some kind of destruction or demise is not in view, such as bending down to drink water or lying down to give birth. But in such a negative context, Jephthah must mean that she has dealt him a blow of serious personal and social consequences; the latter is suggested by the plural reference to "those who (would) cast me out" in vs. 35bd (see below).

From what has he been brought down? The text does not specify any further. One naturally thinks of the honors of his title יָכָּה to which this humiliation is then a negative sequel, and/or the honor of his war victory just concluded in which he still functions as a יָכָּה as well. A few uses of יָכָּה are in contexts where it stands as the opposite of "arise" or "be high."
It is not necessary to assume that he is accusing or blaming her exclusively, as the bracketing third colon of vs. 35 (35c) notes, perhaps for this very reason, i.e., to balance these apparent accusations with a statement closing the center strophe by Jephthah himself, to the effect that he had opened his mouth to Yahweh and could not "return" what he had vowed. He is thinking of the loss which he has brought upon himself as the head of Gilead and victor in the Ammonite war. He may also have in mind the notion that her death is also his in a larger personal and family sense. His movements toward the honor of an accomplished ruler have reversed direction; the new development moves him toward his demise.

4. Vs. 35bc: ἐμπεσόσταιμένος μέ — "you have thwarted me." This LXX addition probably rested on the Hebrew יִבִּשְׁלַח הַנַּעַר בְּעֵינָיִךְ, but since no Hebrew text contains it, the Greek text is used. Jephthah's attention to himself continues as expressed in the direct object μέ, which sustains the series of references to the effects of her death on him. ἐμποδίζω (mostly middle) is not of very frequent occurrence in Greek literature. It means "put the feet in bonds, fetter," or more generally, "hinder, thwart," or "be a hinderance to," perhaps even "be a check on." Jephthah now expresses in more explicit language what the preceding thought implies, i.e., a complete change in his social direction. The only concrete contextual social reference point is his two functions as υσθ and ἄγαλμα. The meaning is that he will be unable to fully realize the further implications of his rule of Gilead; his rule, in effect, will cease,

1Suggested by Boling, Judges, p. 208.
2LS pp. 546-547.
though not, of course, immediately.

5. Vs. 35bd: "you are as those who destroy me." There are no cognates for יָרַע in Ugaritic, Akkadian, or Phoenician. Köhler-Baumgartner suggest "taboo, cast out from (social) intercourse." There are only thirteen additional certain occurrences in the Hebrew Bible. Nine of the thirteen (ten of the fourteen if one includes Judg 11:35) involve destruction of clans (or in one case an individual person). Clearly "trouble" may be a correct translation, but its use is mostly associated with the

1 Taking ב as a as 3 essentiae to introduce the predicate (BDB sub. I. 7); cf. Burney, Judges, p. 321. The reference is perhaps to the "brothers" who removed him from his inheritance (11:2; Thatcher, p. 114).

2 KB, p. 703.
Josh 7:25(2). Reference is to the death of Achan's clan in the second instance, to Israel's defeat by Ai in the first (1 Chr 2:7).
Josh 6:18. Parallelism with putting the camp of Israel under the ban; used for its result.
Gen 34:30. Lead term of a series in which Jacob includes cause me to stink, turn me rancid), (be gathered against me), (smite me) and (I will be destroyed). Jacob thinks not just of himself individually but of his clan since blood revenge is the problem under consideration. He says specifically "I and my household."
1 Sam 14:29. Jonathan says, "my father (Saul) has made destruction for the country. This is the result of the curse Saul put on anyone who ate food before evening.
1 Kgs 18:17, 18. Ahab calls Elijah the "troubler" of Israel. But Elijah reverses this charge upon Ahab; in 21:21-22, the fall of Ahab's house is shown to be the way the judgment works out.
Prov 11:17 (29, 15:27). He who brings trouble on his own house inherits only the wind. This is a vivid metaphor for nothing.
Ps 39:3. The term occurs near the beginning of a meditation in which life is viewed as nothing unless God delivers him; life is fleeting, a handbreath, nothing, breath.
Prov 15:6. The reference is too ambiguous to be helpful.

3 Cooke, p. 123 and Moore, p. 301, both complain that "trouble" is too "feeble" a translation of רָעַע, but neither are very explicit about how it is "one of the strongest words in the language (Moore)."
destruction of a clan or house or some segment of one. Both the word-play with יַרְכָּנָה, and its placement at the end of the colon, suggest that this word is deliberately climactic and refers to Jephthah's enemies, i.e., those who would like to ruin him and his family. His daughter has become as one of them! The usage pattern strongly suggests that Jephthah is thinking of the disastrous end of his house. Any hope of dynasty or continuing family hegemony has perished.¹

6. Vs. 35c: "I have opened my mouth to Yahweh and I am not able to return (it)." As noted above, this colon or bi-colon (3-3) serves to balance the emphasis of the center line by registering Jephthah's admission of his own role in the destruction of his house. The vow is irrevocable and its fulfillment inevitable. The line brackets the center colon.

The Virginity Motif

As noted above, vss. 37-40 carry out a distinctive motif which is already hinted at earlier in the tale (vs. 34). Nor is it easy to correlate this motif with the foregoing material in a substantive way. One expects that the women should mourn her death, not her virginity. But the reader has already received an interpretation of the tragedy, surprising in its focus on Jephthah's own loss rather than her death.

¹Burney, Judges, p. 322, understands Jephthah to be referring to the "almost irresistible temptation to break the vow." But this would seem to weaken the sense of desperation; on the other hand the final colon of the verse is to be understood to express his recoil at the thought.
sense it evokes in English. A נֲזָהָבָה is normally a sexually mature, ideally attractive, and marriageable young woman, and usually living in some other dependency than that of marriage such as her father's house or as a royal attendant. A נֲזָהָבָה (hereafter B) is the female counterpart to the רְשֵׁי לֶבַע—a mature, ideally handsome, virile, strong, and courageous young man. The two make up a linguistic pair and occur together or in close association regularly.¹

The beauty of a B is often mentioned, mostly using נֵבֶר, although נָבּוֹ mainBundles. Equally explicit in certain contexts is youthfulness (נָעַר). Such young women danced, and wore jewelry and—at least those serving in royal positions—lavish clothes.²

An aspect of this connotation of pristine, youthful beauty is the delicacy, purity, and unsullied character of full-flower womanhood—a sense of specialness which may be related to the similar Arabic root בָּתִל meaning "cut off, separate." The spoilage of this pristine purity has social consequences for her father and is a special tragedy.³

Thus a B, young and at her prime in appearance and sexual attractiveness, is vulnerable, especially to sexual violation, insults, and even death. Waywardness is a problem as is promiscuity; exposure of her body is a horror, and she may be abused like a

¹M. Tsevat, "דִּבְרָה וְנָבָה" TDOT (1975), 2:341-343; the article expresses the author's puzzlement that B can be so glibly understood with the singular meaning "virgin." The pair נֲזָהָבָה/רְשֵׁי לֶבַע appears to make up a socially recognizable group in ancient Israel; one should not describe them as a "class."

²Gen 24:16; 2 Sam 13:2; 1 Kgs 1:2; Esth 2:2, 3, 17; Amos 8:13; Judg 11:37; Jer 31:13; 2:32; 2 Sam 13:18.

³Deut 22:14-28; Lam 1:15, 18; 2:10, 13.
The youthful vigor and sensitive emotions of a B make her happy and joyous or a great mourner. Perhaps these notices only show the natural extremes of youthfulness in its physically powerful spontaneity.

The frequency with which B is correlated with matters which imply marriage is important. She is sexually attractive and evokes lust in young men. She herself longs for a husband or to be a bride; she is sexually desirous so as to be tempted at times to prostitution or to flaunt the sexual power of her breasts. One passage sets the marriage of a B in the context of prosperity, flourishing, success, and happiness. Still, to be a B does not normally include marriage as such or generation of children; the concept as a whole rather implies all this as her normal and happy issue.

The notion of youthful pristine purity also appears in the marriage regulations of Lev 21:13 for priests who may marry only a B, not a divorcée, a widow, or a prostitute, lest they defile their offspring. Several legal regulations concerning marriage problems assume this same thought.

From this brief study of the connotational field of B in the Hebrew Bible, it seems clear that to mourn the B of Jephthah's daughter simply means to mourn the tragic spoilage of her total promise as a young woman, and especially as a wife and mother, since the fulfillment of these soul-desires is one dimension of the hopeful

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2 Job 31:1; Jer 2:32; Ezek 23:3, 8.
3 Isa 62:5.
4 Deut 22; Lev 21:4.
materialism of the Hebrew Bible's conception of creation as תִּבְנוּ a
— that kind of inner power in all of creation which animates it and
makes it strive for its fullest unfolding and fulfillment. The
mourning and lamentation scenes where B appears show how tragic was
the destruction or spoilage of this youthful promise (prophets and
Lamentations). Much of this circle of connotations is visible or
implied in Bergmann and Ringgren's characterization of CAnat in the
Ugaritic texts:

Obviously, CAnat is not a virgin in the modern sense of the
word, since she has sexual intercourse repeatedly. Either this
epithet emphasizes her unchangeable youth and beauty or it means
that in spite of everything she has no children. Hillers empha­
sizes that the virgin CAnat is the mourner par excellence.

The attention of the mourning women is on the non-fulfillment
of her youthfulness, especially her marriageability and fertility.
When the text explicitly adds that "she did not know a man (vs.
39c)," it expresses in a concrete way the negation of her youthful
potential. But this is to be viewed as her side of Jephthah's
tragedy. When his lament and her mourners' lament are put side by
side, and her person as B is understood in the ancient Near Eastern
sense, the meaning of both laments coalesces: he loses his only child
and house, and she dies without fulfillment of her young womanhood.
Thus the meaning of the story is the fall of Jephthah's house—the
end of his line and rule. Clearly his lament implies that he (and

1 J. Bergman and H. Ringgren, "תִּבְנוּ " TDOT (1975),
2:339-340; for "the virgin CAnat" in the Ugaritic material, see
DeMoor, UT 1 (1969):224; D. Hillers, Lamentations, The Anchor Bible
(Garden City, N.Y.: Doubleday, 1972), p. 21; B. Landsberger, "Jung­
fräuligkeit: ein Beitrag zum Thema 'Beilager und Eheschliessung,'"
in Symbolae iuridicae (Leiden: Brill, 1968), 2:41-105; G. Wenham,

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the editor of the stories in Judges?) wanted to see his rule extended through his family, a desire which may suggest transition from charismatic to dynastic rule.

He must bear the dishonor of a dead family line. It is the same dishonor felt by Abraham as a patrician victorious in war (Gen 14), but childless (Gen 15), and by King Keret in the Ugaritic legends, whose agonies over childlessness are the subject of the legend named for him. Any further implications of being head of Gilead or of a grand military victory over Ammon beyond temporary local rule are thereby denied him. Tragedy has smothered everything.

Correlation with 10:17-11:11

It has already been noted in several places above that this pericope functions as a sequel to that of 10:17-11:11. The older literary criticism (Budde, Moore, Burney) assumed correctly that the two stories were related, but incorrectly that they were originally joined and that their margins have been seriously disturbed in the separation-editing process, thus creating tensions and inconsistencies at the margins especially. The rhetorical analysis above tends to favor the idea that they were not originally joined, but that they at least now have a paired relationship with each other.

Burney, Judges, p. 324, senses "the peculiar horror of the Hebrew women at a childless death—descending with no bridal festivity, with no nuptial torches, to the dark chambers of the grave as Antigone." This meaning is also seen by Thatcher, p. 114; E. Rust, Judges, Ruth, Samuel, Layman's Bible Commentary, vol. 6 (Richmond: John Knox Press, 1961), p. 51; Cundall, Judges, p. 148. But many commentators seem unsure of exactly what the point of the tale is. Boling hints that possibly it is Jephthah's heroic faithfulness to his vow (Judges, p. 210); this is clearly a motif in the tale, but it does not explain either his ejaculations in vs. 35, or the special attention to her "virginity" in vss. 37-40.
General Structural Similarities

1. The two pericopae correlate as the two halves of a rise-fall schema. The first contains the story of Jephthah's Rise in power and honor to headship over Gilead; the second the tragic loss of honor and power, especially of his family continuity.

2. In the first of the two, the Ammonite war is set in motion, but left unresolved; in the sequel the war is concluded in victory through the charismatic seizure of Jephthah by the Spirit.

3. In both pericopae, the "house" is a continuous motif, suspended for a moment, however, by the intervening Diplomatic Speech; in both there is conflict within the "house." In the former the conflict is between Jephthah and the brothers/elders; in the latter it is between Jephthah and his daughter. With both there is resolution, however, so that the stories must be recognized as having had independent existence, i.e., they were always two complete stories.

4. Both of these pericopae have legal interests. In the former, Jephthah enters treaty with the elders; in the latter he is bound by his own vow which has a form identical with that of the oath.

5. The gross structural pattern is the same: both have clear matching inclusios with a well-defined narrative center. Both use strophic progression with matching subject foci on either side of the center/climax. They differ in the particular, however, that the first story uses a stricter chiasmus with a close sequential matching pattern in the strophes moving toward and away from the center; the second has matching cola, but they run in a repetitive style, as has been noted.
Someone or some usage pattern, therefore, has been active in constraining the likenesses of these two pericopae to each other, though not with mechanical precision. The first is slightly longer, the second somewhat shorter; the second does not have quite the balance of the first in strophic cola.¹

Rhetorical Correlations: Inclusios

1. There is an inclusio of וַיֵּלֵךְ in 11:1 and 11:40a. It was shown above, however, that 11:1 is now intrusive in its position in that it breaks the strophic flow of the pericope. Two possibilities were suggested: (a) It has been added where it now is, in order to make clear who is the subject of the story; or (b) it might have stood near the beginning of its pericope, before the beginning strophes were rearranged and reused in 10:6-16. This analysis and its possibilities were arrived at independently of the considerations now under discussion. The present analysis favors the latter of the two possibilities. One may only conjecture that 11:1 has survived the editing process and was placed in its present position after the editor had rearranged the opening strophes in their new position in 10:6-16 as he wished for his purpose.

Recognition of a rhetorical inclusio here requires that either (a) the two narratives were originally one, or (b) the second pericope has been shaped by another (the first?) pericope. The latter possibility seems more plausible, considering the whole picture. But

this suggestion should not be taken to imply that the two stories
could not have reciprocally shaped each other in other strophes or
cola; the shaping process could have also worked in the other direc-
tion, i.e., back upon the first story in a pair or series.

2. There is a probable inclusio of ל'ל, since the word, to-
gether with specific time indications, appears at the beginning of
the Rise pericope, and at the end of the Jephthah's Daughter peri-
cope; the inclusio is clearly one of time interests and, if correctly
identified, is not very highly polished.

3. There is also a possible inclusio with י'— "friend,
neighbor." This concept also occurs near the beginning of the Rise
story and at the end of the Daughter story (10:18; 11:37b, d).

Rhetorical Correlations: Sequencing Patterns

There are some clear patterns of repetition in the sequence of
words, ideas, and concepts reflected in the flow of thought.

1. The lead strophes of both stories use י'ד primeiro.

2. There is repetition of Gilead and Mizpah in the opening
strophen (10:8 as reconstructed; 11:29).

3. The opening strophe of 11:29-40 is interested in י'ננ; as
10:9 (as reconstructed) is also interested in Ephraim. It is pos-
sible, as suggested by Burney, that 11:29 might also have originally
contained a reference to Ephraim; ¹ this suggestion is made on grounds
independent of the rhetorical observations of this study, though it
remains speculative.

4. There are concentrated uses of י'ננ toward the end of each

¹Burney, Judges, p. 319.
pericope; however, its employment is more profuse in the Daughter pericope (cf. 11:11a).

5. נְבוּה is used at the point of tension resolution in the final strophes of both narratives.

6. In the final strophes of both pericopae there is concentrated verbalization of the action. In the Rise pericope the conclusion reports Jephthah rehearsing his "words" before Yahweh at Mizpah (11:10-11—several uses of נְבוּה); in the Daughter pericope this verbalization of the results is expressed by רַמָּה and the participle "to retell the story."

7. In the first half of both pericopae, the נְבוּה along with the war and geographical notices is a motif. When the Rise and Vow pericopae are set next to each other, the concern for lineage/leadership matters is definitely dominant: in the stories before the center/climax is reached. But the meaning of "house" oscillates between family and building, although this may be natural or deliberate. The two stories together create the impression that Jephthah was the charismatic (vs. genealogical) continuer of his father's "house" (= "clan"), but because of disinheritance he must live in another "house" (= "building"). Still, it is possible to conjecture that as a charismatic deliverer fulfilling a treaty with his brothers/elders, he has actually regained possession of the patrician house (building) at Mizpah.

8. If this combination of motifs is characteristic of the first half of both narratives, then the second half of both is

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1That this is so is also suggested by 12:1b where the Ephraimites threaten to burn down his house with fire.
structured by a continuous sequence of conversation scenes using ἴδει constantly for the dialogue; this verb dominates the second half of both stories up to, but not beyond the use of the finalizing πρὸς which marks the end-point in the flow of the action and dialogue.

It is clear that once the intention of each of the two narratives is recognized, further recognition of their mutual relations is possible. It is also clear that they are a pair and intended to complement each other, i.e., they stand in a framing relation to the Diplomatic Speech, as is also suggested by the relative length of the three pericopae. This may be simply represented in a diagram as follows.


Conclusion

The tentative conclusions reached earlier are supported and more precisely defined. The intention of the pericope is to narrate the demise of Jephthah's house through the tragic human sacrifice of his daughter. This event was required by the legal constraints of a vow made calculatedly toward a male sacrifice in the emergency conditions of the Ammonite struggle. What Jephthah did not contemplate was that the sacrifice would be his daughter. Her death is interpreted by Jephthah at the climax/center by four verbal ejaculations, the substance of which is his demise; it is also interpreted by the notices of mourning for her "virginity," which, when understood in its larger sense, means the full-flower of her young womanhood and the tragedy of its non-fruition in offspring. She dies without
marriage or children, and in her death Jephthah's "house" dies as well. The demise of Jephthah's house means that his house cannot continue his rule beyond his own life since he had no other son or daughter, as the text emphatically specifies. Thus his singular headship of Gilead (all functions—administrative, judicial, and military) cannot establish any permanent rule of his family in the region. Some further implications of this aborted rise to power for the view of kingship in Judges are explored in the concluding chapter.

Finally, with this intention in the Daughter pericope, the two pericopae on either side of the Diplomatic Speech are a rhetorical and thematic pair. Since they correlate with each other intentionally as the two respective halves of a rise-fall schema, they have a bracketing function in relation to the Diplomatic Speech. The Speech is thereby given the status of a center in its own right. It now becomes possible, therefore, to think of a "cycle" of Jephthah stories in the sense that 11:12-28 is the center and is framed by two halves which move through a structurally similar narrative pattern. This description raises the questions of whether or not (1) the other two (beginning and ending) Jephthah pericopae were correlated, and (2) whether these narrative frames around the Diplomatic Speech in the center are not part of a larger compositional pattern characteristic of the whole book of Judges. If this is true, then the structure of Judges has been misunderstood for a long time. The next pericope fills in some further details.
CHAPTER VI

JEPHTHAH AND THE EPHRAIMITES (12:1-6)

To the first four Jephthah/Ammonite pericopae is added a final one on Jephthah and Ephraim, although it is still oriented to the Ammonite war. One may view it as part of the aftermath of the Ammonite victory.

Text Critical Problems

Two textual problems affect the wording, structure, and intention of the pericope.

First, the LXX, AL, Old Latin, and Hexaplaric Syriac add \( \varepsilon\tau\rho\alpha\nu\varsigma\upsilon\upsilon\mu\varsigma \) (or equivalent) in 12:2 between \( \gamma\hat{i}\nu\upsilon \) and \( \tau\chi\alpha\delta \) making the last clause a parataxis. Presumably this represents an earlier Hebrew so that the earlier form of the Hebrew text would perhaps have read \( \tau\chi\alpha\delta \gamma\hat{i}\nu\upsilon \hat{\alpha} \hat{\nu}\mu\nu\nu \)---"and the sons of Ammon oppressed me exceedingly." Boling accepts this restoration on the basis that the word was lost by haplography after \( \gamma\hat{i}\nu\upsilon \). The restoration has been shown in the text exhibit supplied in Fig. 6.

Secondly, certain LXX manuscripts omit a portion of the second half of vs. 4 (vs. 4c in Fig. 6; LXX 54, 59, 82, 106, 108, 128, 134). The Syriac has asterisked the second part of the second half.

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1 Boling, Judges, p. 212.
2 Moore, p. 308; Budde, Richter, p. 89 citing Moore.
of the verse as a Hexaplaric addition to the LXX (i.e., beginning with אפרים after אפרים). Moore felt confident in asserting that vs. 5a (5b in Fig. 6) had supplied to vs. 4b (4c in Fig. 6) the wording כִּי אָמַרְתָּם אֲפִּירָם by transcriptional dittography, but noted that the origin of "the rest of vs. 4b is not so obvious." Burney, following Moore, attributed the remainder of vs. 4b (4c in Fig. 6) to a scribal "assumption that the subject of the verb רָאָה refers back to 'Ephraim' preceding, and that the words 'fugitives of Ephraim' form the commencement of what the Ephraimites said." From here, he thought, "the sentence has been conjecturally filled out as we find it in the MT." This argument is convincing, but one must still be cautious since the MS evidence is not overwhelmingly strong against the line. The text exhibit below shows it in brackets; it will not be considered as integral to the text.

Sources of the Pericope

The portion exhibits the influence of words and phrases found earlier in the Jephthah stories as well as in other portions of Judges.

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1Vs. 4c in Fig. 6, Moore, p. 308.
2Burney, Judges, p. 327.
3Ibid.
4Richter, "Überlieferungen," pp. 521-522, quite emphatically: "Dieser Abschnitt hat denkbar wenig Eigengut, so dass es unwahrscheinlich ist, dass er um seiner selbst willen geformt worden ist. Sein Ziel wird es also sein, mit Hilfe weiter gileaditischer Tradition die Bedeutung des Jephtah auszuweiten und ihn zugleich in Verbindung zu den westjordanischen Stämmen zu setzen." This is certainly part of the purpose of this material, but more is said about it below.
Fig. 6a. Rhetorically arranged Hebrew text of Judg 12:1-6

א

וַיָּצָא אֱלֹהִים וַיְעָרֵב אָמָן
וַיְאָבוּר לְיִשְׂרָאֵל לְיִשְׂרָאֵל הַחֲלֹם בְּנֵי שָׁם
ולֹא חָלָא לֵיתָן שָׁם
בִּיתֵךְ נָשָׁה עִלָּר בַּאֶמֶט

ב

וַיְאַבֵּד אֱלֹהִים אֶת הָאֵבֶן לְחָמֶס אָנָּה יְתוֹם בֵּין עַבוֹדָה (שָׁם שָם) מַאָר

ג

וַיִּקְטֹה יִתְנָה אֲפִּילֵי אֲפַרְיֹם אָזְכָּר בָּלֵעָה אוּרֵי אֲפַרְיֹם מֶשֶׁה

ד

וַיִּלֶב בָּלֵעָה מִשְׁכָּר הָיְדֵיה לֵאֲפַרְיֹם

ה

וַיִּרְאוּ בָּלֵעָה אֲפַרְיֹם אָפַרְיֹם אָפַרְיֹם
וַיִּשְׁכָּר לֵאֲפַרְיֹם לֹא אוּרֵי אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם
וַיְאָבֵד בָּלֵעָה לְאָפַרְיֹם לְאוּרֵי אֲפַרְיֹם לֹא אוּרֵי אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם
וַיְאָבֵד בָּלֵעָה לְאָפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם
וַיִּקְטֹה בָּלֵעָה אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם אֲפַרְיֹם

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A  The men of Ephraim were called to arms, and they crossed to Zaphon and said to Jephthah, "Why did you cross over to fight against the Ammonites, and did not call us to go with you? We will burn your house over you with fire."

B  And Jephthah said to them, "I and my people had a great feud with the Ammonites; and when I called you, you did not deliver me from their hand. And when I saw that you would not deliver me, I took my life in my hand, and crossed over against the Ammonites, and the LORD gave them into my hand; why then have you come up to me this day, to fight against me?"

C  Then Jephthah gathered all the men of Gilead and fought with Ephraim; and the men of Gilead smote Ephraim, because they said, "You are fugitives of Ephraim, you Gileadites, in the midst of Ephraim and Manasseh."

D  And the Gileadites took the fords of the Jordan against the Ephraimites.

E  And when any of the fugitives of Ephraim said, "Let me go over," the men of Gilead said to him, "Are you an Ephraimite?"

F  When he said, "No,"

G  they said to him, "Then say Shibboleth," and he said, "Sibboleth," for he could not pronounce it right; then they seized him and slew him at the fords of the Jordan.

C'  And there fell at that time forty-two thousand of the Ephraimites.

Fig. 6b. English text of Judges 12:1-6 (RSV).
Echoes of the Retterbuch

There is an echo of both Judg 8:1 and 7:24. Of nineteen words or phrases in Judg 8:1, nine are repeated in 12:1, and another four are suitable substitutes. 7:24 supplies the group אַשֶּׁר אֶפְרָיָה, צֶなければ, לֶבֶן, לֶבֶן, אֶפְרָיָה. This vocabulary about a contentious Ephraim has been incorporated in 12:1-6 so as to continue the same motif from the earlier passages. Its significance lies more in the combination of words and their focus, than on individual words per se, especially since the group is motif-oriented. Budde notes that "cutting off at the Jordan fords" is echoed in 3:28 as well as 7:24, and that both passages use the iterative imperfect ("frequentative tempora")

Connections with Earlier Jephthah Pericopae

Despite the fact that this pericope focuses (negatively) on Ephraim, the Ammonites are three times alluded to in vss. 1-3, thus making clear the editor's interest in connecting with the preceding. In addition, a summary of the Ammonite conflict occupies vss. 2-3c. Here Jephthah speaks of himself as an בינעה--a designation which summarily characterizes his negotiation efforts with Ammon. The frequent use of יָדוּא also binds this pericope to the preceding four

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1 Budde, Richter, p. 89; CKC, pp. 331-332.

2 Boling, Judges, p. 211, translates this "I was using diplomacy ..." so as to make the reference exclusive to the diplomatic speech of 11:12-28; there is no question that this root refers most of the time in the Hebrew Bible to lawsuits and contentious verbal exchanges. In our context some allowance must be made for the two war pericopae framing the diplomatic speech. Cf. also DB, p. 936, where Judg 11:25 is cited as an example of יָדוּא for bodily struggle, but possibly incorrectly; Exod 21:18 is a certain example of the physical sense.
by repetition. Similarly, the striking reference to Jephthah's "house" (vs. 1), the "delivery formula" (vs. 3c), the verb יברע, and the war-term יניב represent links with the preceding pericopae. Does Ephraim's lethargy (v. 2) explain the desperation behind the vow?

Relation to 10:6-16

The greatest homogeneity, however, appears to be with 10:6-16 after which this pericope is modeled in vocabulary, structure, and style. This connection has been little noticed. The connections here do not argue for a mechanical relationship between the two pericopae, but rather for a high degree of imitative or repetitive interest, even when some words and phrases are not really used in exactly the same way. This only illustrates, however, that 12:1-6 is a kind of free composition, based partly on old tradition, but perhaps entirely rewritten and reduced in size to correspond rhetorically with 10:6-16.

The following are to be noted: (1) use of the pair ירה, יברע in close proximity (12:1; 10:10, 12, 14; this is a favorite word of one or more of the editors); (2) use of יברע for continuity and inclusio interests (12:1-6 passim; 10:9); (3) multiple use of יברע (12:2, 3; 10:12, 13, 14); (4) use of יברע (12:1, 3, 5, 6; 10:8-9, but cf. 11:29, 32, as well as 11:17, 18, 19, 20, and 11:33); (5) יברע for the force of the oppression (12:2; 10:9); (6) the use of יברע as a word for time (12:6; 10:14); (7) the use of יברע, once for Yahweh (10:16) and once for Jephthah (12:3); (8) the use of יברע (12:5, 6; 10:8, 9, but cf.

1Richter, too, notes how this portion takes thought and vocabulary from the preceding: "Alles ist als Rückblick auf einen Ammonitekrieg formuliert" ("Uberlieferungen," p. 520).
also 11:13, 22); (9) the use of מִזְרַח (12:3; 10:15); (10) use of the deliver formula of מִזְרַח plus מִזְרַח (10:7, 12; 12:2-3; but cf. 11:21, 26, 30, 32; this is the standard deliver formula of the holy war vocabulary, used frequently in Deuteronomy-Judges but not much in Numbers except 21:2, 26, 34); and (11) use of מַעְלֶה (12:6; 10:15, but cf. 11:17-19).

Some stylistic continuities can also be seen: (1) use of word pairs such as the two words for "cry out," repetition of identical terms such as the "fords of the Jordan," and the pair of words for treatment of the Ephraimites by the men of Gilead (. . . מְלִץ יִנְא); (2) usage of various terms for oppression, (12:2- יִנְא , cf. 10:8 [יִנְא , יִנְא , another word pair], 9-- יִנְא , 12-- יִנְא , 14-- יִנְא ); (3) use of numerical data with demonstrative pronouns (יִנְא with a word for time, 12:6; 10:8); (4) use of the personal pronoun in order to strongly emphasize (12:2-- יִנְא ; 12:5-- יִנְא ; 10:13-- יִנְא ; 10:15-- יִנְא ).

Certainly not to be overlooked is the fact that 10:6-16 features a lawsuit form, while in 12:1-5 Jephthah actually uses יִנְא as a self-designation. The middle pericope (11:12-28) uses the term also and exhibits in itself an actual יִנְא as does 10:11-15. This use of legal forms is a motif.

These concept motifs do not mean that the terms are employed exclusively in these two pericope; indeed they are scattered throughout Judges in a few additional occurrences. What we are dealing with is a compacted use of the standard vocabulary of Judges in two brief passages made up largely from this stock along with some other added elements. Richter, in the same vein, notes that it can only be
viewed as a construct narrative, i.e., built up secondarily by one of the editors from other already composed materials used elsewhere in Judges.

**Structure of the Pericope**

Richter saw correctly that the first part of the pericope (in his view, 12:1-4a) was a piece more theoretical and discursive, and lacking action which is supplied by vs. 5-6, where Jephthah, however, is not even mentioned. There is no basis for literary sources according to Richter; the same tensions can be observed here as elsewhere in the Jephthah stories. There is only basis for editorial elaboration on a single basic story line.

The two-part division between the discursive and active stages of the pericope is obvious; this kind of relation can be seen already in the analogous relationship of the Diplomatic Speech to the Daughter Sacrifice pericopae which together occupy 11:12-40. Jephthah is first the "diplomatic administrator," then fighter for Israel.

Boling follows Richter in viewing vs. 1-4a as a unity. He finds vs. 4a to be an inclusio with vs. 1 by the repetition in sequence of Jephthah . . . Ephraim . . . Ephraim. This is correct to the extent that vs. 4a indeed has a repetitiv connection with vs. 1.

However, it seems preferable to interpret vs. 4a as the first element of the second part of the pericope. This view is encouraged

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2 Ibid., p. 520.
3 Boling, Judges, pp. 210, 213-214, thinks that this repeated negotiation-warfare sequence is deliberately intended by the editor to make Jephthah appear as a better judge than any of the others since Othniel; this may, in fact, be correct.
by the fact that it is precisely with vs. 4a that the action begins.

If this simple modification of Richter's understanding of the demarcation of the two parts is accepted, then the two halves are represented by vss. 1-3 and 4-6 (eliminating, however, for text-critical reasons, vs. 4c). Part II (vss. 4-6) is introduced by a strophe (vs. 4a) containing repetitive links with the opening strophe of Part I (vss. 1-3). This interpretation of the rhetorica is embodied in the text-exhibit of Fig. 6. It will be clear that once this reinterpretation of the function of vs. 4a is adopted, the structure of the pericope becomes perceptibly symmetrical, and in a pattern corresponding in its gross elements to that of 10:6-16.

The following features are to be noted. (1) In the opening strophes of both parts there is repetition of Jephthah's name, of וַיֵּלֶךְ/וַיַּלֶךְ followed by either Ephraim or Gilead so that the combatants are paired (Ephraim, vss. 1a, 5a; Gilead vss. 4a, 4b, 5a, but distribution is uneven and only roughly numerically determined, suggesting modest patterning interests only), and of יְהוָה. The two opening strophes also have parallel opposites in their climactic lines: the men of Ephraim threaten violence on Jephthah's house (vs. 1d); Jephthah captures the "fords of the Jordan" from Ephraim. The two strophes conclude with paired notes of force or violence. (2) The center strophes are not closely conformed to each other; however, they both contain a series of actions leading to climax. Vss. 2-3abc

1 Despite his view that Part I includes vs. 4a, Richter, "Überlieferungen," pp. 520-521, notes that the half-verse has a "Gewisse Höhe" bearing on the flow of the thought. Boling's suggestion that it functions as an inclusio is more precise, but misses the actual function if the above analysis is correct.
(Part I) have a striking series of I c.s. verbs in five cola representing Jephthah's activities as recounted by himself in answer to the Ephraimites' charges of Gileadite independence and snubbing. Part I climaxes (vs. 3d) with the question of Jephthah to Ephraim, "Why have you come up against me today to fight with me?" In Part II the center strophe is made up of five cola with heavily concentrated use of רָאוֹק (6x in five cola). There is no obvious or apparent constraint of the language of vss. 2-3abc on 5b-6c, although these portions contain five cola as the center section of both halves. Part II ends with a climax: forty-two פָּל of Ephraim "fell" at that time (vs. 6d). This colon functions as a double inclusio. It answers finally to the Ephraimite threat of burning Jephthah's house, and parallels with its quasi-comic גָּאָל the הָעָל with which Part I ends. Thus פָּל and הָעָל form a pair of matching verbs to end the action in the climax lines of the two halves respectively.

The pericope is best rhetorically analyzed, therefore, as a two-part composition answering in its structure to that of 10:6-16. The two halves run roughly in parallel (A-B-C, A-B-C) but without a stiff or mechanical constraint of the first half on the second. The pairing process is minimal with just enough linkages to make the narrative schema hang together.

Two implications follow from this analysis. (1) Vs. 7 is not to be reckoned with vss. 1-6; the pericope ends formally with the...

1 Richter, "Überlieferungen," p. 521, also observes that both parts of the narrative have the formal elements of a narrative. Similarly, he observes about the whole of vss. 1-6, that "Zur Konstruktion verwendet sie die vorausliegenden Formeln und Schemata ...," by which he means something not quite the same as the analysis above; still the perception is valid that this narrative has employed forms and schemata from other parts of Judges.
climactic line about the fall of Ephraimites in vs. 6d. This is confirmed by the identity of vs. 7's formulaic elements with those of the following vs. 8-15, thus making it the first of the concluding series of "minor judge" notices. The distinctive formulaic elements of vs. 7-15 are (a) מִשְׂמַרְתוֹ, (b) Israel as the direct object, (c) notice of the length of the judgeship, (d) a מְלֹא notice, (e) a burial formula (יִרְדְּךָ), and (f) a note of burial location. Thus the analysis clarifies the end point of the pericope. (2) The analysis shows that 10:6-16 and 12:1-6 are an additional framing pair around the centered diplomatic speech; this may be graphed in the following schematic:

```
<table>
<thead>
<tr>
<th>11:12-28</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:17-11:11, 11:29-40</td>
</tr>
<tr>
<td>10:6-16, 11:11</td>
</tr>
<tr>
<td>12:1-6</td>
</tr>
</tbody>
</table>
```

As noted in the discussion above, this connection is established by the combination of verbal repetitions and echoes, stylistic similarities (which are not to be viewed as entirely unique to these two portions), a similar compositional pattern, relative brevity, and a kind of introduction-conclusion "feel" one gets in reading through the entire group of Jephthah stories. The most explicit linkage is

1K.-D. Schunck, "Die Richter Israels und ihr Amt," SVT, no. 15 (1966):252-255, has identified the form of the minor judge reports as having five parts: (1) name and descent; (2) sons and daughters; (3) duration of judgeship; (4) death notice; (5) place of burial. The complete information is found only in the case of Ibzan (12:10) and Abdon (12:13-15); other elements of this formulary are found in bits and pieces for other judges such as Othniel, Samson, and Samuel; cf. Mullen, p. 196, n. 27. Noth, Überlieferungsgeschichtliche Studien, p. 48, and his more recent critic J. deGeus, Tribes of Israel, p. 206, n. 59, also note that 12:7 belongs with the list of "minor judges" as noted here.
the preparatory mention of Ephraim (together with Benjamin and Judah) in 10:9.

**Genre of the Pericope**

It does not appear that any attempt has been made by scholars to identify a particular narrative sub-genre here. Wellhausen thought the story a late fabrication, secondarily added in imitation of 8:1-3 by someone who did not comprehend Gideon's conciliatory course, and wanted to give the arrogant tribe (Ephraim) a slap.\(^1\) This view, however, was already rejected by Moore in 1895\(^2\) and has not been held by anyone since. The pericope is not exactly a war story, nor does it look like any of the types related to treaty or covenant. One might entertain the thought that it is a form of treaty-breach on the part of Ephraim, not against Yahweh himself, but against another party to the Yahweh covenant, i.e., by Ephraim against Gilead or the Transjordan tribes generally. It seems wisest not to attempt any further identification here, especially since the pericope is a kind of **Rüchblick** ("look-back").\(^3\)

**The Intention of the Pericope**

The analysis has disclosed the centrality of a rise-and-fall-of-Ephraim motif as judged by its personnel and the two climax cola.

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\(^1\) Wellhausen, *Composition des Hexateuchs*, p. 229.

\(^2\) Moore, p. 283, comments that "... the story does not bear the marks of a late fabrication."

\(^3\) Gaster, *Myth, Legend and Custom*, 2:433, gives only the barest parallels to the *shibboleth* technique for identifying Ephraimite fugitives, and these from later medieval times; he offers no form suggestions.
Burney comments about the pericope:

... the arrogant conduct of the Ephraimites (12:1ff) is strikingly similar to their behavior to Gideon as related in the J narrative, chap. 8:1-3. A narrative reflecting discredit upon the Ephraimites and possibly coloured by tribal antagonism, is more naturally assigned to a Judean than to an Ephramite source.

In a similar vein, Thatcher notes:

Again as after Gideon's success (viii:1-3) the Ephraimites felt that their superiority has been attacked by the fact that a member of another tribe should have taken upon himself the punishment of invaders without consulting them.

Ottosson, too, recognizes such a negativism as an element of this narrative:

Relations between East and West Jordan were highly strained during certain periods when Gideon and Jephthah led the Transjordanian tribes to great military successes against the Midianites and the Ammonites. Obviously with such tribal heroes the eastern tribes temporarily won a certain independence of the west which would be the historical reason for the disfavor of, above all, the Ephraimites.

The story indeed suggests a certain self-assumed hegemony of Ephraim. But it is clear that Judges has a negative view of Ephraim elsewhere, especially in those parts of the book which probably come from the more advanced stages of the collecting and editing process (1:29; 7:24; 8:1; 17:1, 8; 18:2, 13; 19:1, 16, 18). On the other hand, those portions which appear to make up the earlier core of savior stories do not uniformly view Ephraim in such a manner.

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1Burney, *Judges*, p. 303.
2Thatcher, p. 115.
3Ottosson, p. 193; but Boling, Soggin, Cundall, Cooke, and Moore do not attempt to penetrate its intention.
If the view of Ephraim is negative in the later portions, then they take an even harsher view of Benjamin (chs. 20-21), although in the oldest core this tribe too is viewed positively (5:14). In contrast, Judah is viewed positively, almost ideally. Thus, our pericope's negativism about Ephraim is part of a larger outlook on both Ephraim and Benjamin in the later compositional stages of Judges as a whole.

There can be no doubt that Ephraim assumes something special about its own position as it (1) takes the initiative in approaching Jephthah, (2) accuses him of ignoring them in his conflict with Ammon, and (3) threatens to burn Jephthah's house over him for the alleged snub. Jephthah explains that he did, in fact, seek their assistance, but was refused. There is no record of this attempt, unless it is alluded to under the term Manasseh in 11:29—which would mean that Jephthah recruited fighters from a wide area west of the Jordan.

The rhetorical analysis shows that Jephthah's question climaxing his answer to the Ephraimites has a paired relationship to the final colon of the pericope. It features Ephraim's action with

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1 Boling, Judges, p. 111, notes the frequent negative view of Ephraim in Judges; one may justly say that even if Ephraim participated in the war against Sisera (5:14), the phrase "their root is in Amaleq" is itself pejorative—provided that the text is not corrupt here (cf. Moore, p. 152; Burney, Judges, pp. 132-133). LXX corresponds closely to MT and appears to include Benjamin in whatever ἄμαλκη means. LXX diverges sharply from this meaning, apparently assuming ἄμαλκη for ἄμαλκη = "valley of your brother Benjamin" which does not make much sense in context. This old text, therefore, is probably negative about Ephraim also.

2 Benjamin in the Judges period has been studied by B. MacDonald, "The Biblical Tribe of Benjamin: Its Origins and Its History During the Period of the Judges of Israel" (Ph.D. dissertation, Catholic University of America, 1974).
The construction נָלַל may simply mean "go up to." However, although נָלַל is more often used in war contexts with the meaning "go up against,"¹ this meaning is also attested with לְ.² "Arise" in revolt or in arrogance is also possible,³ but not very widely attested in the Hebrew Bible. The immediate contextual references to Ephraim mustering (נָלַל) its troops for war (לְ) indicate that more than an objective question was involved. It rather shows active intertribal hostility, and favors the well-attested meaning "come up against," although the implied diplomatic mission from Zaphon to Mizpah might suggest that Ephraim at least made a pass at negotiation.

The movement and attitudes assumed or expressed by Ephraim appear to justify the three descriptions noted above suggesting Ephraim's arrogance. If this is correct, then the climax-line of Part II, that forty-two נָלַל of Ephraim "fell at that time" suggests that Ephraim's arrogant attitude was suppressed by Jephthah and the "men of Gilead."

The point of the pericope then is that Jephthah's and Gilead's character and power were greater than those of Ephraim whose bearing

¹BDB, p. 748.
²Ibid.
³W. L. Holladay, A Concise Hebrew and Aramaic Lexicon (Grand Rapids: Eerdmans, 1971), p. 273, suggests the meaning "rise up in (greater) violence" for 2 Kgs 12:19; but on the whole "arise in arrogance" is not very frequent.
⁴The term denotes not a literal "thousand," but a group functioning as a military unit, as is now increasingly recognized; Mendenhall, "Census Lists"; Gottwald, Tribes, pp. 257-276; there is no reason to speak of the numbers here being exaggerated since "thousands" is not the meaning in this context. The whole of Ephraim is not to be assumed to be decimated; cf. McKenzie, World of the Judges, p. 149.
was superior, presumptive, and arrogant. Jephthah and Gilead are thereby celebrated as stronger than Ephraim, even though their power arose from victory in the Ammonite war. They were capable of not only resolving the Ammonite conflict, but of dominating intertribal hostilities through retributive action, harsh though it was.

The simple language test for identifying Ephraimite fugitives (the "shibboleth affair") is paralleled in a few examples from later medieval times noted by Gaster. When the language test disclosed an Ephraimite fugitive, he was seized and killed (\(\text{מַכְוָה} \) can only mean "slaughtered"). When the text indicates that forty-two \(\text{גַּלְגַל} \) died in this way, it means to emphasize the decisiveness of this action against Ephraim. The tribe's fighting forces were diminished; but Jephthah and Gilead did not directly attack Ephraim. The details of the shibboleth incident, therefore, contribute to the anti-Ephraimite propagandistic value of the narrative, but, per se, are not especially important or significant.

Is it possible that the references to "Judah, Benjamin, and house of Ephraim" in 10:9 are summarily echoed in the "men of Ephraim" of 12:1? On appearances, this equation does not seem likely. However, Burney, interacting with Cooke's generalization about 10:9, that "'all the children of Israel on both sides of the Jordan' is probably due to the latest editor," observes about this pair of references:

\[1\] Gaster, Myth, Legend and Custom, 2:433.
\[2\] KB, p. 960.
\[3\] Cooke, p. 112.
The writer does not refer to the whole of Israel east and west of Jordan, but to all Israel in Gilead east of Jordan, and to certain tribes (Judah, Benjamin, Ephraim) west of Jordan which (he implies) were somewhat harassed by raids, though not oppressed in the same degree as the inhabitants of Gilead. That the Ephraimites were at any rate interested parties is proved by the narrative of chap. 12.

Burney saw that the tribal identifications do not mean that the whole of these tribes was actually affected in the same way. Thus it is likely that only the extreme north-eastern fringes of Judah, and the eastern portions of Benjamin and Ephraim were affected. Ephraim's Jordan border was, in fact, nearly twice as long as Judah's and Benjamin's combined. Ephraim's wealth\(^2\) certainly would have made it an object of Ammon's desire. Access was available through the fords in the region of the confluence of the Jordan, the Jabbok, and the Wadi Farin—precisely the area where the Ephraimites crossed to deal with Jephthah. These factors suggest that Ephraim would have borne the greatest part of the Ammonite harassments. Thus there is some probability that when 12:1-6 harks back to the reference to Ephraim in 10:9, it does so not exclusively but inclusively of at least parts of Benjamin and Judah, in realistic recognition that Ephraim, in addition to the other reasons why it felt superior, was here representative of the whole region under Ammonite harassment. Realistically, it was not necessary to precisely mention Judah and Benjamin in order to make the connection with 10:9. Ephraim was representative because its border to the east was much the largest, its wealth and power greater, and its resources more fully and easily

\(^1\)Burney, Judges, pp. 295-296.

accessible to Ammon. It is possible that this situation of Ephraim represents an early stage in its reduction as a tribe, and to which it is reacting with aggression and assertion.\(^1\)

**Conclusion**

The text of this pericope has been disturbed in vs. 4b; it is likely that this half-verse has been added to the original text by a combination of transposition from vs. 5a plus later expansion.

The pericope is largely a composite of vocabulary, stylistic, and conceptual elements from earlier portions of Judges, from the other Jephthah pericopae, and especially from 10:6-16. These vocabulary and stylistic expressions are only especially concentrated and compacted in the two pericopae; they are not entirely distinctive to them, since the characteristic words and phrases occur in scattered loci elsewhere in the book, both before and after the Jephthah material.

The structure of the pericope is imitative of 10:6-16, but not mechanically. Both pericopae, using compacted elements of the style, vocabulary, and concepts of the Jephthah and other pericopae in Judges, are structured in a two-part sequence in which there is repetition and climax (A-B-C, A-B-C). The matching halves are not rigidly

\(^1\)Täubler, pp. 293-294, recognizes the Ephraimitic enmity and the "Hochmut der Ephraimiten"; he suggests that its occasion was the Syro-Ephraimitic war of the last decade before the fall of Samaria (Isa 7-12). He rightly sees in the background of 12:1-6 a situation in which tensions have grown between Judah and Ephraim. Ephraim had been reduced by Philistine invasion, Manasseh's growth, and the activity of Saul and David. But it does not seem necessary to attribute this situation so narrowly to the Philistines as is sometimes done. The Philistine growth did involve rapid expansion inland into the central hill country; on the growth of Manasseh, see K. Elliger, "Manasseh," _IDB_ (1962), 3:253.
conformed to each other; but a network of verbal links is visible, more so between the two parts of 10:6-16 than between the two parts of 12:1-6.

These phenomena of narrative composition suggest that just as the pericope on Jephthah's Rise (10:17-11:11) together with the pericope on Jephthah's Daughter (11:29-40) form a frame around the Diplomatic Speech (11:12-28), so these two end pericopae form a further frame around the other three. This shows that the Jephthah stories have been molded into a set of bracketed narratives so as to correlate with each other. They also mutually support the Diplomatic Speech which is at the center. The gross arrangement sequence for the five Jephthah pericopae is thus A-B-C-B-A; but it must be stressed that even the two B stories, while certainly similarly structured and representing true narrative tales of great age, are not mechanically conformed to each other. Composition is free and flexible with modest constraints of the narrative shaping process.

In content and intention, the pericope's significance lies in its interest in negating Ephraim by showing that this great tribe's manifestation of arrogance and superiority was restrained by Jephthah, using his own and Gilead's new-found power as experienced in their victory over the Ammonites. Ephraim is linked in 12:1-6 with its appearance in 10:6-16 in such a way as to form another kind of inclusio. Ephraim alone (contra its appearance in 10:9 with Judah

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and Benjamin as Ammonite oppression victims) is mentioned in 12:1-6, but probably because it was thought to have borne the heaviest weight of the Ammonite harassment.

**Implications: The Jephthah Series as a Whole**

What is the logic of this arrangement? Some suggestions can be made here with a review of the results so far. A final assessment will be necessary after discussion of the larger patterns of Judges of which these five pericopae are part (chap. 7), and after discussion of the meaning of this series of pericopae in relation to the interests of the Deuteronormistic History as a whole (chap. 8).

The first pericope (10:6-16) has been formed to emphasize Israel's repentance and Yahweh's response prior to the Ammonite and Philistine oppressions. It seems clear that the final editor wished to cast the shadow of this change over at least part if not the whole of the Jephthah series, and perhaps over the Samson stories as well. How he saw the implications there is not clear; nor is it within the purpose of this study to investigate this problem further.

The second Jephthah pericope proclaims the rise of Jephthah to the headship of Gilead. The action of the "elders" in asking Jephthah to become military commander and offering him a more general headship over Gilead cannot be put down to carnal machinations, but was probably viewed as a further implication of the power and significance of repentance. The pericope favors singular rule, at least in Gilead; it concludes with a clear interest in the establishment of a treaty with the elders.

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1Cf. Polzin, p. 179.
The Diplomatic Speech is the center. Its intention is to illustrate Jephthah's capacity as a peace-seeking negotiator of territorial boundaries, thereby highlighting one exemplary function of his rule. But in so doing, the narrator makes Jephthah the proclaimer of Israel's kerygma and salvation history. Thus the impact of repentance was probably thought of as extending to this event as well.

The fourth pericope features a lament over the demise of Jephthah's family through the daughter-sacrifice. Its interest is in indicating, via a tale of tragedy, the loss of leadership potential which was so promising in the rise and diplomacy of Jephthah. The pericope was called for, in part at least, by the interest of including the same tragic element which is so much a part of all the deliverer stories. The tragedy is not that the daughter dies; it is rather that Jephthah's family passes from the scene unable to continue his rule. It is not possible to rule out the shadow of repentance here either, since Jephthah's zeal for the nation and its safety are the motive of the vow which resulted in death. The coming of the Spirit upon him at the beginning of the pericope implies that even the vow represents an expression of the power of Yahweh, especially if it was made as an extreme war emergency measure. This is not so strange when one considers the tragic element even among the greatest of the deliverers. Nonetheless, the editor appears to let

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1 Cf. the remarks of J. Dumbrell, "No King in Israel," in which he quite properly follows up on Boling's attention to this overarching motif in the finished book of Judges (see Boling, Judges, pp. 15, 37-38, and passim).

2 Polzin, p. 155, calls attention to this tension in Judges' theology: "... 2:23 forcefully reminds us, as Joshua itself did,
the longer shadow of tragedy outstrip that of Israel's repentance. Nor is this unusual, since all the major characters of the Deuteronomic History appear to bear some tragic experience at their end, even if it is only the fact of their death (Moses, Joshua, Gideon, Jephthah, Samson, Samuel, Saul, David, Solomon, even Josiah). For many it is of their own doing—an entanglement with unwisdom or personal sin. But there is truth in Polzin's argument that the mystery of ambiguity is found in Judges, though one can question whether it appears everywhere he claims it does.¹

The fifth pericope is a rather frontal piece of anti-Ephraimite propaganda, which affirms the greater power of Gilead. This pericope seems alone among the five Jephthah stories. Literarily it is shaped by the editor's desire to give it a framing function so as to match 10:6-16. But intentionally, its purpose is to emphasize the power of Gilead over Ephraim.

We appear to be looking, therefore, at a social or political compositional horizon² in which (1) parallels to singular governmental headship—exercising all administrative functions, military,

that even a relatively sinless generation such as Joshua's can suffer periodic defeat and failure." Jephthah's demise is only the reverse of the constant motif of chaps. 3-9, that God's protection persists even when Israel disobeys. Cf. Polzin, p. 160: "The Deuteronomist is, for example, much more obviously united with the basic viewpoint of the Book of Job than scholars . . . heretofore allowed"; cf. also p. 180.

¹Ibid., pp. 203-212.

²It is the great merit of Richter's study of the Jephthah pericopae, that he consistently seeks the political-social horizon of each portion of the story cycle. The outcome is that different horizons characterize different parts. None of these is conclusive, however, and there is room for other possibilities on various particulars. Nonetheless, in principle the methodology is essential and offers helpful analytical directions in detail.
governmental, and judicial—of large, multitudinal portions of Israel—would be sought in the past history, (2) repentance and its fruits in success or its equivalent in righteousness would be or have in the near past been prominent, (3) Gilead's power is important, and (4) Ephraim, though still sensing its own superiority, is in reduction to both Gilead and Judah (considering the almost utopian view of Judah in Judges as a whole).

These implications also suggest that a positive view of kingship lies behind the Jephthah pericopes, in which parallels to consolidation of power in centralized rule were relevant, even though they did not precisely involve dynastic kingship as such. It is extremely unlikely that the cessation of Jephthah's house embodies an attack on kingship, as has been assumed for Gideon's alleged renunciation of dynastic rule.

The situation in Israel's history in which this configuration of interests seems most fully present is the Davidic-Solomonic monarchy. But one may be skeptical about the Hebron years, as suggested by D. R. Davis. The Early Monarchy Era is extremely significant for David's relationship with Gilead, as Ottosson shows, and at the same time represents various circumstances which would involve a negative view of Ephraim and Benjamin.  

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1Davis, "A Proposed Life-Setting for the Book of Judges."

2Ottosson, pp. 193-222; this valuable discussion of all relevant materials focuses on the Saul-David nexus with Gilead, and makes clear how vital the region was for both of these early kings; cf. also Z. Kallai, "Israel and Judah--A Study in Israelite Historiography," IEJ 28 (1978):251-261.

3Though Täubler, pp. 293-294, does posit a political horizon for 12:1-6 during the Syro-Ephraimitic war of the late eighth century, he recognizes that the relevant social changes were already in motion
It is necessary now to explore two more matters suggested by the discussion above, i.e., (1) the relationship of the Jephthah pericopae to the gross structure of both Judges and the Deuteronomistic History, and (2) the social situation which might have stimulated the assemblage of the substantial book of Judges.

during the time of Saul and David. Täubler, like Richter after him, posits different social-political horizons for various segments of the Jephthah cycle.
CHAPTER VII

THE JEPHTHAH TRADITIONS AND THE STRUCTURE
AND INTERESTS OF THE BOOK OF JUDGES

Matching Interests

It has been shown above that the Jephthah traditions are best seen as frames arranged around a centered diplomatic speech. The position of this material in the approximate center of the book evokes a further search to determine whether the remaining blocks fore and aft show an extension of this pattern. If so, further implications can be drawn for the gross structure of the present book of Judges. One might then be in an advantageous position to judge its purpose from a fresh perspective.

The Lists of Minor Judges (10:1-5; 12:7-12)

The two lists of "minor judges" (10:1-5; 12:7-15) fall precisely on either end of the Jephthah traditions. Richter, taking

notice of this placement, concludes his study of the Jephthah traditions with the observation that:

DtrG came upon this complex, framed the Jephthah tradition with the Judge-Schema (10:1-5; 12:7-15; italics added), formed his Second Introduction (10:6-16), and assimilated the whole into his book in which now the Jephthah tradition has become more closely connected with that of Samson.

These lists of minor judges have their own formulary which has been studied and delineated by K.-D. Schunck. The formulary is present in both groups, i.e., 10:1-5 and 12:7-15. They appear, when viewed together, to register increased power and prestige in proportion to quantity of sons and asses.

This distinctive rating system suggests that perhaps the lists were originally from an independent source which thought of the leaders of this era in a quite different way from the remainder of our present book of Judges. A further purpose for their use was probably to coordinate the two conceptions of "judge" (warrior and aristocrat) and thereby relate them to each other as leaders of the Pre-monarchical Era. This does not necessarily mean that "major" judges fought

"minor judge" means law teacher and "major judge" means war deliverer is not workable. Jephthah is a judge who does both; but this is true of Tola as well; in addition, the introduction of Judg 2:6-3:6 implies that the judges were both law teachers and warrior deliverers (2:16-18).

2Schunck, pp. 252-255.
3T. Mullen's recent reassessment of the minor/major judge varia is correct in concluding that "the obvious distinctions between the literary presentation of the 'major' judges and the 'minor' judges reflect only a difference in literary purpose and not a difference in office" (p. 201). But in arguing that "in each case the notification of the death and burial of the judge signifies the increased cycle of Israel's apostasy . . . " he goes beyond the actual evidence of the text of 10:1-5, 12:7-15. It seems preferable to follow Soggin, "Das Amt der 'kleinen Richter' in Israel," VT 30 (1980):245-248, and
While "minor" judges taught. It does mean that two different conceptions of what made these men notable existed side by side, i.e., war and wealth. In what combination these grounds of prominence existed in each judge is not clear in Judges.

These observations imply that the two minor judge lists were originally one. The list has been broken apart and divided into two lists of two and four "minor judges" respectively. The division was made just before Jephthah's name occurred in the list. The original unity of the list is also suggested by the fact that its system of notices on the length of judgeship differs from time-span notices in chaps. 3-9 where length of oppression and length of rest are specified, but not length of judgeship. A further possible implication is that since this unique time-notice scheme is also found in the cases of Samson and Eli, i.e., only in Jephthah and judges succeeding him, it also was once related to a second collection of judge stories distinct from those of the Retterbuch of Judg 3-9—an implication which has arisen in other parts of this study in connection with other elements of the text.

Since both lists are of the same formulaic character and are comparable with nothing in the Retterbuch architecture of Judg 3-9, still another implication is that though the framing is extended beyond the Jephthah series one step further on either end, it is more or less of an artificial character. Richter is correct, therefore,

Noth, Studien, p. 48, in assuming that this list had an independent source and its own conception of the Judges Era. Mullen's thesis is that the compressed lists of "minor judges" function only to speed up the temporal progress of the narrative; there is no functional difference between the "major" and "minor" judges, certainly no difference of the suggested fighting/teaching type.
in seeing it as the work of one of the final editors (for him, DtrG).

Thus, the same relatively loose and quasi-balanced unity found in the arrangement of the Jephthah traditions is to be seen here. There was pairing and correspondence; but that it was not exactly quantitatively balanced must have seemed unimportant to the editor. The material is worked into a kind of symmetry, but not in a mechanically quantified way.

Gideon-Abimelech and Samson (Judg 6-9, 13-16)

J. C. Exum has recently shown how the Samson material of Judg 13 has been subjected to rhetorical patterning and framing devices ("ring composition") in a way similar to what has been shown above about the Jephthah material.¹ This analysis—which tends to encourage the results reported above—will not be pursued here, however, since it would take this study too far into the Samson group for the present purposes. Instead, the gross similarities of the two narrative blocks in their sequence of features will be discussed in order to highlight their relationship.

S. Cook and Y. Zakovitch have recognized parallels between the first segments of the Gideon and Samson series (the theophanies).²

Cook noted such parallel details as the messenger, the death threat, the meal, and the rock altar. Zakovitch went farther and suggested


²Cf. chap. 1, p. 27 for the literature.
that the sequence of details in the Gideon story actually influenced the (similar) pattern of the Samson story. It is possible to enlarge this analysis into the remaining segments of the two narrative blocks through an extended set of observations; these are not intended, however, to be exhaustive, but only to extend the implications of the preceding analysis in a general way to test the findings so far.

1. In the second segment of both narrative collections the action focuses on novel details and mechanisms by which the judge actuates his effort. The Gideon story has its lapping-dog scene, three hundred men, a dream and its interpretation, trumpets and jars with torches and a stratagem; the Samson tale its lion killer, bees and honey in the lion carcass, a riddle and its interpretation, attention to the number three (30 vs. Gideon's 300), and a stratagem which backfired. The two stories end, however, with an inversion: Gideon routs the Midianites and gains support from Ephraim; Samson loses both his secret and his wife (14:17-20). But both stories appear to be primarily concerned about how the activity of the Angel

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1 In addition to the studies of Cook and Zakovitch, Boling Judges, pp. 222-223, observes the following parallels: (1) the protracted theophany scenes (13:2-25; 6:11-27) make the point that the subjects have all the information they need; (2) 13:15—"Please let us detain you"—may be an echo of 6:17-18; (3) like Gideon, Manoah requires a sign (cf. 13:17; 6:37-40); (4) the verb נָאֲדָה in 13:19 has the same sense in 6:19—"prepare, make ready." Cf. also his comments on p. 223.

2 Boling, Judges, p. 230, in addition, notes the parallel uses of נָאֲדָה for Samson (14:4) and Gideon (8:22-23), though of opposite groups. Various echoes of the Deborah-Barak stories are also pointed out by Boling, Judges, pp. 230, 236, 239.

3 There is a larger network of varia including the occasion motifs (Gideon threshes, Samson seeks a wife). Boling, Judges, p. 230, notes that "the frequency with which so many narrative elements from earlier stories reappear in inverted relationship in the Samson stories is indeed striking."
of Yahweh or his Spirit worked in these details and in special manifestations to produce an initial blow to the enemy; hence, both narratives climax with either a real or symbolic destruction of the threatening foreigners (cf. 7:22; 14:19).

2. The third segment of both narrative groups focuses on revenge and death, Gideon toward the men of Succoth and Peniel, Samson toward the Philistines. Both begin with a rebuff and vow of revenge (cf. 8:4-8; 15:1-3). In both there is attention to the brutal details and mechanics of slaughter as the narrative approaches its deadly climax. Both stories end with a brief release, Gideon with the kingship episode occasioned by the jewelry taken from the dead Midianite kings and their camels, Samson with thirst and the supply of water from the rock.¹ Nor does it seem coincidental that both of these narrative groups have a temporal notice at the end of the third segment, the Gideon group at 8:28, the Samson group at 15:20. The implication of these notices is that the fourth/final segments were conceived by the editor as appendices.²

3. The final segment of both narrative groups focuses on chaotic destruction with which the judgeship ended, Gideon-Abimelech with Abimelech's destruction of the tower of Shechem and his own death at the hands of a woman, Samson with his destruction of the

¹Boling, Judges, p. 236, observes that "(Samson) is the complete antithesis of the great judges whose stories were placed ahead of his, especially Gideon and the team of Deborah and Barak." Cf. Koch, Growth, pp. 148-149, on tale conclusions.

²The framework-like piece at 13:1 is probably only an imitation of the Retterbuch framework. The framework language of chaps. 3-9 has almost entirely disappeared from the Jephthah and Samson materials. This, in fact, is its only trace, except for the few details of 10:6-16 noted in chap. 2 above.
Philistine temple and his own death in the midst of it—also (indirectly) issuing from his involvement with a woman (Delilah). But some internal likenesses also are probably intentional. In both final segments the first third of the narrative is dominated by a three-stage movement of thought/action toward the decisive point—Jotham's three flora, Delilah's three bindings—followed by the fateful regressive climax: for Jotham, Abimelech is the miserable bramble; for Delilah, Samson is nagged into revealing his source of strength (cf. 9:7-20, which is fuller [typically for the Gideon sequence]; 16:4-7). At this point both sequences move directly to the fateful hostilities which eventuate in death: both Abimelech and Samson perish in the chaos they create.

The quantitative imbalance of the material is notable. The Gideon series is longer by about one-third. In its segmentation, motif follows motif forming a gross pattern containing, nonetheless, difference in story detail. The motif sequence is largely repeated in the Samson series, but more briefly. Such modest variations have been noted already in the Jephthah series, where the latter two pericopae, though paired with the first two, are slightly shorter. The "minor judge" lists are not quantitatively balanced either; the first is shorter, the latter longer. Thus it can be concluded that the same relative inattention to precise quantity balance, along with a like inattention to complex verbal pairings from strophe to strophe or segment to segment, is present here as well. The unity is a loose one, but real nonetheless.

Some scholarship, as noted above, has recognized the relation between the Gideon and Samson traditions as they are now found in the
finished Judges. These stories have been placed and shaped to relate to each other, and to form a further story-framing pattern in the editing of the final book of Judges. It seems likely that the Samson material has been formed from an earlier collection of judge stories, which at an earlier stage in their literary history comprised a second collection in addition to the first or Retterbuch group of Judg 3-9. This second collection had somewhat different foci than those of the earlier collection. It almost certainly included Eli and Samuel stories which have now been broken off from the original collection and reused in modified form in the earlier portions of Samuel, where at least once the concluding length-of-judgeship rubric, like those of the Jephthah and Samson materials, was retained (1 Sam 4:18). If such an earlier collection existed, it probably contained only or mostly Ammonite and Philistinian stories, as suggested in the second introduction with its delineation of Philistinian and Ammonite oppressions yet to come.

Chapters 4-5, 17-18

That these two blocks of material are related is not obvious from any formulaic device or sequence-of-events pattern. Nor is it obvious that there is distinctive vocabulary or stylistic homogeneity between the portions. Judg 17-18, in fact, has more obvious motif connections with the other sections of Judges. (1) It is closely related to chaps. 19-21 with which it shares pro-monarchial interpretative insertions (17:6; 18:1; 19:1; 21:25) unique to the five final chapters combined. With these succeeding chapters it also shares interest in traveling Levites from Judah, and the insecurities and deviations of the "hill country of Ephraim." (2) It has relations
with the preceding Samson stories; for example, "the introduction to
Micah through his mother forms a calculated contrast to Samson and
his mother." The story of Micah's idols is one of the few con-
crete examples of how the idolatry of the summarizing notices of the
Retterbuch actually worked out in practice, although here we are deal-
ing with idolatrous Yahwism, not Baalism. Perhaps there is also a
glance back to the הַעֲקֹבָּה of the Ehud story (cf. 3:15, 26). This
brief summary of some relations of chaps. 17-18 with other parts of
Judges evidences the same phenomenon as observed above in various
places: Judges has been much interlaced with connections between its
parts. Still, some motifs distinctive to chaps. 17-18 and 4-5 can be
identified, though developed in unique ways because composed from al-
ready preformed stories and narrative units with their own story
lines.

1. The simplest basic observation is that these narratives
are paired, chap. 4 with chap. 5, and chap. 17 with chap. 18. This
pairing distinguishes the respective chapters from those which pre-
cede and follow in both cases. They are related as sequels, Debo-
rah's song as sequel to the prosaized battle story of chap. 4, the
Danite migration as sequel to the story of Micah's idols. From the
standpoint of actual content, one may view chaps. 4 and 5 as parallel
(prose and poetry) accounts of the victory over Sisera, while the

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1 Boling, Judges, p. 255; he goes on, "As companion piece to
the Deuteronomic supplement on Samson, the rebellious ingrate, the
same redactor added the story of Micah."

2 Boling, Judges, pp. 258-259, 266, following the tendency of
Judges scholarship.

3 I am indebted for this suggestion to Dr. William Shea in
personal conversation.
paired relationship of chaps. 17 and 18 is one of etiology—cause and effect. But this kind of variety is, as noted elsewhere in this study, rather common to Judges' arrangement of material. Do the two blocks have any thematic animus?

2. The two portions work with the motif of a powerful woman (Deborah, Micah's mother) whose influence is traced inexorably through many reflexes to its conclusion. Both are called "mother" (דָּבְרֵיהּ), though this term is not exclusive to these pericopae (cf. Samson's mother, chap. 16); its meaning must lie in the notion of influence. One has to be at least suspicious of a play on this theme, when, in an inversion; Micah's Levite priest is called by both him and the Danites a "father" (בָּנָיו, 17:10; 18:19) while Deborah calls herself a "mother in Israel" (5:7). These terms are clearly metaphoric. There is also an inversion in roles: Deborah with Barak sponsors Israel's deliverance; Micah's mother sponsors idolatry. At this (early) point in the Micah story, his mother departs from the narrative and is replaced by her surrogate—Micah's idols made from his mother's encouragement and gift.

3. With both Deborah and Micah the focus is on their cultic place and its function as an oracle. Deborah's palm is noted in 4:4, but her war oracles are alluded to throughout, particularly in 4:6b, 9-10, 14-16, and 5:1-30 passim. In chaps. 17-18 Micah's idols are summarily noted at the outset (17:3-5), and again in 18:5-21 (cf. Boling, Judges, pp. 273-294 passim, notes several cases of inversion of story elements in the relation of chaps. 19-21 to other parts of Judges.)
vs. 27), for their oracular function with the Danites.1 These oracle
notices, in fact, are the central guide in chaps. 4–5 and 17–18 to
the outcome of the action, i.e., in 4–5 the victory over Sisera and
in 17–18 the establishment of the idolatrous cult place in Dan in the
far north.

Several related motifs cling to this central one. Both por-
tions are aware of a close relationship between idolatry and lack of
protective security (cf. 5:6–8; 18:14–28). The Song of Deborah ex-
presses a change: "he (Israel, at least this is the contextual sug-
gestion) chose new gods." מְבַרְּרָה אֲלֹהִים וָדַעַרָם, while well attested
textually, is hard to translate, so that sometimes desire is expres-
sed to delete it2 or emend drastically.3 Moore thinks it is entirely
out of place here.4 More recently there is a tendency to accept the
colon as is,5 either in the standard translations as above,6 or with
אֲלֹהִים as subject of מְבַרְּרָה. In the latter case one would trans-
late "God chose new ones (men)."7 The colon is attested in the MT;

1Weber, pp. 96–102, discusses the war oracle during the Judges
period; cf. more recently and in light of new data from Mari, J. S.
Ackerman, "Prophecy and Warfare in Early Israel," BASOR 220 (1975):5–13,
making use of two earlier studies: R. Bach, Die Aufforderungen
zur Flucht und zum Kampf im alttestamentlichen Prophetenspruch
(Neukirchen: Neukirchener, 1962); W. Richter, "Die nagid-Formel: ein


3Burney, Judges, pp. 117–118.4Moore, p. 145.

5Soggin, Judges, pp. 82, 86–87; Boling, Judges, pp. 109–110.

6As Boling, Judges, p. 102.

7Soggin, Judges, pp. 82, 86; Cooke, p. 57, had criticized this
translation as "ungrammatical in Hebrew and open to the objection
that Jehovah not Elohim, is the Name of the poem." The most natural
reading is to understand מְבַרְּרָה as an adjective modifying אֲלֹהִים.
the traditional meaning is supported by LXX\textsuperscript{AB} ("they chose new gods") though the Vulgate is like Soggin's "God chose new men." The thought of a change in deities is expressed with generalizations in 2:6-3:6, and is repeated in the second introduction (10:6, 12). A sample of movement toward idolatry, showing details of how the problem grew in one case (chaps. 17-18), is appropriate since the editor usually works back and forth from generalization to illustrative story. A change in deities seems more contextually coherent with Judges' interests. The decline of protective security is closely related to idolatry. Insecurity in the central hill country is reflected in 5:6-8\textsuperscript{1} and chap. 18. Micah is vulnerable to Danites; no protective recourse is visible.

4. Judg 17-18 show how Micah's iconic Yahwism originated in Ephraim and passed from there to Dan when the latter tribe migrated to its northern location. This reflects the same dubious view of Ephraim found elsewhere in Judges, and supplements it with an equally low view of the tribe of Dan.\textsuperscript{2} Negativism toward Dan is also

\textsuperscript{1}So Cooke, Burney, Moore, and Myers; but Boling, Judges, pp. 109-110, 118-119, assuming that the locus is a Yahwist revolution in Canaan, takes the verses to refer to Israel's success in gaining control of Canaanite trade corridors and from these successes has grown "fat," i.e., complacent, reading יִתְנַי II—"grow fat, plump" versus יִתְנַי I—"cease." "Then was war in the gates," which has also been frequently redivided and/or repointed to yield quite different meanings, may nonetheless be quite correct; if so, it is remarkably well illustrated in Judg 18, where the Danite force of 600 armed men of war stand in the opening of the gate as a show of force in order to gain Micah's idols from the helpless Levite priest. The language of 17:6 is strikingly reminiscent of 5:8b; the similarity looks intentional.

\textsuperscript{2}M. Noth, "The Background of Judges 17-18," in Israel's Prophetic Heritage, ed. B. W. Anderson and W. Harrelson (New York: Harper, 1962), pp. 68-85, notes many of the themes identified here, including the Danite negativism. It is hard to understand, however, how a Danite could be responsible for such a negative story on the
reflected in the Song of Deborah (5:17) where Dan along with Reuben, Gilead, and Asher are chided for their non-participation in the war with Sisera. Dan is thus viewed as an idolatrous and non-cooperative tribe in these two sections, and as an impotent and disobedient one in chap. 1. The Danite migration may be intended as a northern Canaanite territorial penetration motif to match that of chaps. 4-5 in the plain of Jezreel.

As for Ephraim, the Song of Deborah has the colon, "From Ephraim whose root is in Amaleq." This too is problematic. "Ephraim" is clear. וַיִּכְבֶּה in the Hebrew Bible usually means "root" or some related concept.\(^1\) In Ugaritic, however, the meaning "offspring" is well-attested in the Aqhat texts where it denotes the son of a patrician or royal family.\(^2\) If we read, therefore, "... Ephraim whose offspring is in Amaleq," the line reads as a slur—one of Ephraim's chief clans, perhaps more than one, has left the tribe and joined Amaleq. There is no need to emend יַכְבֶּה to יְכָבָה as Burney,\(^3\) or to give וַיִּכְבֶּה a verbal sense with Boling.\(^4\) The meaning of the line, then, is that while some units did come from Ephraim to fight

origin of his own cult-place as Noth proposes. He suggests, however, an original positive core.

\(^1\) KB, p. 1012.

\(^2\) Cf. C. Gordon, Ugaritic Textbook, p. 495; in 2 Aqhat (Herdner 17) 1:20-21, 26, both occurrences are in parallelism with bn and the context focus is on the lack of a son for Daniel; cf. 2:15 and 1 Aqhat (Herdner 19): 1:60, where the whole line means "may your root not shoot up in the earth," as J. Gibson, Canaanite Myths and Legends, 2nd ed. (Edinburgh: T & T Clark, 1978), p. 119.

\(^3\) Burney, Judges, pp. 132-133.

\(^4\) Boling, Judges, p. 111.
Canaanites, its contribution to the war with Sisera was marred by (recent?) defection of other elements to Amaleq. It is virtually impossible to argue that Ephraim is chided for not participating at all, as the context names a group of tribes which did participate (דַּעְתָּם), although perhaps only haltingly or partially. Boling is then to be regarded as correct in that he sees the line as pejorative toward Ephraim.¹

An equally negative assessment of at least individual wandering or mobile Levites is found in 17-18 and perhaps also in chaps. 19-21.² It is possible that if, as suggested here, the editors of chaps. 17-18 are following clues and openings in chaps. 4-5, they intend to implicate such Levites in their negative judgments on the agenda of motifs discussed above. There is no hint, however, in chaps. 4-5, about such a view of Levi as a tribe. The negative view of Levites in chaps. 17-18 is probably to be regarded as an extension of the equally negative view of cultic deteriorations in the central hill country and the North (Dan).

The prose version of the war with Sisera (chap. 4) is rather positive toward Zebulon and Naphtali, indicating that it was mainly from these two Galilean tribes that Barak's force was drawn (4:6, 10). While Issachar seems to have participated significantly according to the poem (5:14b-15a), it is not mentioned in the prose version. It may, nonetheless, be fairly said that the most cooperative tribes are Zebulon and Naphtali, the two tribes most directly affected by Canaanite presence in the war region. The two portions (chaps.

¹Ibid.

²So Noth, "Background of Judges 17-18," pp. 73-76.
4-5, 17-18), therefore, can be understood as containing a complementary pattern of tribal/sectional conceptions: Ephraim and Dan are dubious in their Yahwist loyalties; Zebulon and Naphtali (the Galilean tribes) are loyal to Yahweh. This is a possible Davidic interest.¹

It may be concluded that there is evidence to indicate a modestly worked homogeneity between these two pairs of chapters. But if the book as a whole in other portions indicates evidence of matching interests which take an ever-larger framing shape, these two pairs of chapters will have to be viewed as very loosely correlated around several common motifs: two "mothers," their respective oracles, the effects of their sponsorships on the outcome of Israel's settlement period, and a similar view of Ephraim and Dan as dubious in their Yahwist loyalty.

It may also be possible to add that the two portions end in a similar way, i.e., in a return with loss, Sisera's mother awaiting her dead son from the window, Micah returning home after losing everything to the Danites. It remains for the final chapter of this study to seek the relation of these motifs to the compositional stage of the Deuteronomistic History represented by Judges.

¹ J. L. McKenzie, World of the Judges, p. 90: "Galilee certainly formed a portion of the kingdom of David and Solomon." The agricultural productivity of the region of Naphtali is especially noted in 1 Chr 12:40; 2 Chr 16:4; cf. the singling out of Zebulun and Naphtali in Isa 9:1-2. After 734 B.C.E. the region was not governed by Jews until 80 B.C.E. (Alexander Janneus); cf. K. W. Clark, "Galilee," TDB (1962), 2:344.
There is a firm starting point in the paired statements about Judah going up first. The brief notices found in Judg 1:1-2 and 20:18 correspond to each other in a remarkably direct way. The larger contexts of the passages also show a community of tribal rating interests in the midst of which these formulaic representations occur. Military and leadership concerns are also expressed here.

Boling recognized here a "redactor's inclusio," which "functions to express both the primacy of Judah and unified (with Simeon) nature of the enterprise."¹ Both the formulaic character and conceptual content of these two statements are virtually identical with only slight differences. In 1:3 it is clarified that "Judah" includes Simeon² so that the subsequent references are also to be so viewed.

¹ Boling, Judges, p. 53; Burney seems unaware of this possibility, though this may be due to his concern with history, language, and sources rather than with rhetorical analysis, narrative, saga, and book construction. Moore, p. 432, however, had suggested that 20:18 was borrowed from 1:1-2. If it is true that "in the following verses nothing is to be discovered of such a precedence of Judah" (Moore, p. 432), then this shows more decisively that 20:18 is conscious of 1:1-2. On Judah's position in 1:1-2:5, cf. also N. Gottwald, The Hebrew Bible, p. 236.

² Cf. the discussion of J. L. McKenzie, World of the Judges, pp. 82-85, who notes the "heterogeneous" character of Judah; McKenzie doubts that Noth's hypothesis that Judah was originally a regional name adopted by the tribe after settlement can be substantiated; Z. Kallai, "Judah and Israel--A study in Israelite Historiography," IEJ 28 (1978):256-257, notes how the idea of "Greater Judah" was formed.
understood (vss. 4, 8, 9, 17, 19). "Judah" is also made to include Calebites and Kenites in the same chapter (vss. 11-18). The narrative featuring Jael, the wife of Heber the Kenite in 4:11, 17 and 5:24, shows how pro-Kenite attitudes are expressed beyond chap. 1. Judah's prominence is thus an implication of its successful strengthening by amalgamation combined with Yahweh zeal. Boling's correct point about Judah's "primacy" is not to be thought deducible from the meaning of יְהוָֹה (1:2; 20:18) since it does not mean "foremost" but "in the beginning" or "the first time." The context, however, implies that Judah is the most theocratically zealous of the tribes. This point has also been made along with many other details of Judg 1:1-25, in Josh 14-15, to which it is related.

The "Judah first" notice is, moreover, part of a larger interest of appreciable parts of chaps. 1-3 and 19-21 in the relation of Judah to Israel. In these portions (1:1-2:5; 3:7-11, 15-30), Judah


3KB, p. 1025.

4"Israel" in the sense of the nation (whole or parts) occurs 59x in Judg 19-21, 5x in 17-18, 2x in 1:1-2:5, but 16x in 1:1-3:6. The name "(all) Israel" has a more localized, representative meaning when not used with a tribal list as in chap. 1 or in the context of an assembly of the whole as in chaps. 19-21. Kallai, pp. 257-261, locates the origin of this conception in the early monarchy. Cf. Flanagan's recent study of "The Deuteronomic Meaning of KOL YISRAEL," Studies in Religion 6 (1976-1977):159-168, where he argues that
is the ascendant tribe, especially as against Benjamin and perhaps Ephraim as well.¹

In Judg 1, "Israel" designates the list of tribes included in the chapter, so that the portions oscillate between "Israel" and specific tribal names.² This oscillation from "Israel" to individual tribes is also sustained in chaps. 19-21 in a different form: "And the people of Israel departed from there at that time, every man to his tribe and family (סְבוֹץ, מַשְׂרָת), and they went out from there every man to his inheritance (21:24)." Oscillation from the whole to the parts is exhibited in a corresponding notice in 2:6: "When Joshua dismissed the people, the people of Israel went each to his inheritance to take possession of the land (RSV)." The nominal link is which appears in both sources.

The "Israel" of chaps. 19-21 also contains an antithesis to certain generalizations of 2:11-19. In the latter, all Israel is viewed negatively; the tribes slip into idolatry and oppression and

(1) the phrase is pre-Deuteronomistic, having originated well before 850 B.C.E.; (2) the phrase became a favorite of the Deuteronomic editors in the Josiah epoch. Despite the extreme frequency of "Israel" in Judg 17-21 as noted above, "all Israel" per se only appears in Judg 8:27; 20:34. Flanagan, p. 165, notes the interchange of "Israel" and "all Israel" in pre- or early-monarchial uses. Thus its use in Judg 17-21 is not necessarily late.

¹Soggin, Judges, p. 303, notes, correctly, as there is some evidence in the text, that the Benjaminitc focus of chaps. 19-21 also includes Ephraim.

²G. A. Danell, Studies in the Name Israel in the Old Testament (Uppsala: C. W. K. Gleerup, 1946), showed that "Israel" may often be used to contrast the great majority of the people with a minority usually mentioned by name, so that "Israel" has a kind of variable meaning in the historical books of the Hebrew Bible (cited by de Geus, pp. 44-45; Flanagan, p. 164, notes the same use in (pre-Deuteronomistic) 2 Sam 3:12, 21, where Israel is spoken of apart from Benjamin before the united monarchy.
cry out in anguish. In chaps. 19-21 all Israel rather acts in assembly to punish and then reconstitute the nearly decimated Benjamin. Thus, 2:11-19 contains concepts with a somewhat different orientation than chaps. 19-21; this may be due to its lateness or to another intended contrast/inversion. The remainder of chaps. 1-3, however, is more homogeneous with chaps. 19-21.

In addition to this whole-to-the-parts oscillation, in which Judah is the ascendant tribe, there are frequent negative references to Benjamin. Employment of historical traditions of Benjamite deficiencies shows that this is the tribe over which the editors wished to place Judah. The two portions--chaps. 1-3, 19-21--maintain a rather consistent tribal rating system in which Judah is the most powerful, Yahwistically zealous, and unifying tribe, while Benjamin is an ineffective (1:21), violent (3:18-24), independent, and disruptive tribe (chaps. 19-20), though nonetheless part of the Israelite union, thereby warranting reconstitution (chap. 21). This rating system is focused in chaps. 1-3 and 19-21 for both Judah and Benjamin.²

1 Similarly B. MacDonald, "The Biblical Tribe of Benjamin: Its Origins and Its History During the Period of the Judges of Israel" (Ph.D. dissertation, Catholic University of America, 1974). This rating system includes a Sodomite slur in chap. 19, which was achieved in narrating the events leading to the murder of the Levite's concubine by using the language of Lot's Sodom experience (Gen 19) in the amount of no less than thirteen phrases in sequence (Burney, Judges, p. 444; cf. also S. Niditch, "The 'Sodomite' Theme in Judges 19-20: Family, Community, and Social Disintegration," CBQ 44 [1982]: 365-378).

2 Benjamin is referred to 3x in chaps. 1-3, but 42x in 19-21, though, of course, this is mostly due to the narrative focus; the only other references are in 5:4 (the old poem where Benjamin seems to be viewed positively), and 10:9 where Benjamin is occupied or at least harassed by Ammon.
The values on these two tribes in chaps. 1-3 and 19-21 can be summarized as follows: Judah leads the disinheritance of the Canaanites (chap. 1) and the war of vengeance on Benjamin for the death of the Levite's concubine (chaps. 20-21); Judah is stronger because of tribal amalgamations and the kinds of amalgamating groups (Calebites, Kenites, Simeon).¹ Judah conquered Jerusalem² and worked south and west from there. From this tribe the "example" judge (Othniel) emerged; and Judah's deliverance from Cushan-rishathaim is the first to be reported to the reader (3:7-11). When "the men of Israel sent up in fire" in 20:48, they were doing what Judah also did in 1:8.³ Benjamin, however, cannot take (its portion of) Jerusalem, so the Jebusites⁴ and Benjaminites lived together "until this day."⁵ It is the violent, treacherous, ambidextrous (3:15; 20:16) tribe, as chaps. 19-21 argue and as one can see from Ehud's


²Boling, Judges, p. 56, thinks that the apparently contradictory references in Judg 1 to Jerusalem's capture by Judah and non-capture by Benjamin can be explained by a distinction between the unfortified southwestern hill (which Judah took) and the fortified eastern hill (which Benjamin did not take).

³"Send up (תננה) in fire" occurs only in 1:8; 20:48; otherwise the formal expression is "burn with fire (הנך יב)."

⁴Jebus (Jebusite, Jebusites) occurs only in chaps. 1-3 (3x) and 19-21 (3x).

treachery, and an idolatrous tribe, as can be seen from its association with the otherwise unclearly identified שָׁמִיר in the Jordan valley (3:19, 26).\(^1\) Security is weak or non-existent in Benjamin (chap. 19); one does not dare stay in the street and might encounter sexual attacks even if he has a house for protection (chap. 19). Benjamin is only defeated or subdued with difficulty. The act of "reconstitution"\(^2\) of the tribe in chap. 21 is only due to the concern of the other tribes for its existence, nothing more.

The Canaanites are another homogeneous element in 1-3 and 19-21 as Boling suggests.\(^3\) They are frequently mentioned in 1:1-3:6 (17 times by Boling's count). They are not prominent in chaps. 19-21, but the curious identification of Shiloh in the land of Canaan (21:12) betrays a geographical concept: the Canaanites belong to the West Jordan, not the East Jordan. They form the chief opposition to Israel according to chap. 1. The only other reference to Canaanites in Judges is in 5:19 (the old Deborah poem). "Shiloh in the land of Canaan" is so unusual that it can hardly be understood as less than deliberately evocative.\(^4\)

\(^1\) שָׁמִיר is a framing element in the chiastic arrangement of the Ehud tale.

\(^2\) Soggin's term, Judges, p. 320; Boling speaks of Benjamin's "revival," Judges, p. 292, but it is more like a rescue; Benjamin only survives because the other tribes feel "all Israel" responsibility.

\(^3\) Boling, Judges, p. 292.

\(^4\) Boling, Judges, p. 292, interprets "Shiloh in the land of Canaan," "to reflect an early exilic comment," since this is when he understands 1:1-2:5, 19-21 to have been added—a widely held view. But the expression answers to Jabesh-Gilead in the context. Therefore it would be better understood as referring to West Jordan in contrast to Jabesh-Gilead which is in East Jordan and which is the
In still another homogeneous element, Bethel is the site of an oracle in chaps. 19-21 (21:19[2]; 20:18; 21:2) to which Israel assembles to consult Yahweh. In chap. 1 special attention is devoted to the securing of Bethel by the "House of Joseph." Otherwise Bethel only occurs in 4:5 with no other apparent interest than locating Deborah's palm. But this too refers to an oracle.

Again, בֵּית has significance for the compiler of these portions. If a "Judah first" conception characterizes the beginning of 1:1-2:5, then 2:1-5 at the end of this segment now functions to summarize the covenant non-compliance detailed in the chapter's tribal list. This piece (2:1-5) closes 1:1-2:5 with the motif of Israel weeping, although why Israel weeps is not clear. The verb root בֵּית is used of all Israel in 2:1, 4, 5; 20:23, 26; and 21:2, but nowhere else except incidentally of two individuals, both women (Jephthah's daughter, Samson's first wife). The first three and final two of these six uses of בֵּית conclude with a notice that sacrifice is offered (cf. 2:5; 20:26; 21:2-4); in the latter cases the weeping and sacrifice is at Bethel.

Finally, among the several motifs common to chaps. 1-2:5 and 19-21, Boling notes the prominence of the dismemberment interest (Adoni Bezek and the concubine respectively). Adoni Bezek, who had cut off the thumbs and toes of seventy kings, received the same treatment from Israel (1:6-7); the Levite cut up his dead, brutalized concubine and sent her twelve parts throughout the tribes of Israel.1

1 Boling, Judges, pp. 273-279, 283-288, 292-294 passim. The dismemberment motif may correlate with the "all Israel" interest,
Boling is undoubtedly correct in his view that what chaps. 19-21 answer precisely to is 1:1-2:5. But the discussion above suggests that the editor who added these portions was also aware that the material now in 3:7-31 already contained deliverer stories favorable to his tribal rating interest, i.e., Judah and Benjamín. Still, it is to be emphasized that the chief connections in detail are with 1:1-2:5, the least with 2:11-3:31, although the all-Israel viewpoint since in the second case (chap. 19) the dismembered concubine is cut up into twelve parts, one for each tribe. The Bezek dismemberment (chap. 1) is also related to the pro-Judah interest. Boling, Judges, pp. 276-277, rightly notes the difference between Bezek and the Levite's concubine: "... this time (chap. 19) the aim is to mobilize the confederacy, not to demoralize the opposition." The aim of arousing the tribes in an emergency situation is reminiscent of Jephthah's daughter-sacrifice.

1At an earlier stage of composition, Judges began with 2:6-9 (107; J. Myers, "Judges," IB [1953], 2:680-681). While this Joshua portion contains an inversion with its parallel in Josh 24:28-31, their otherwise virtual identity shows that the last few lines of Joshua were repeated as the first few lines of Judges, suggesting an original scroll or tablet join. These repetitions are similar to those which are found throughout Exodus as joins (R. K. Harrison, Introduction to the Old Testament [Grand Rapids: Eerdmans, 1969], pp. 567-574) and paralleled in the join paragraph which ends and begins Chronicles and Ezra respectively. The several scrolls of the Atrahasis Epic are also joined in precisely the same way, cf. W. G. Lambert and A. R. Millard, Atrahasis: The Babylonian Story of the Flood (Oxford: Clarendon Press, 1969), pp. 87, 89. Perhaps Joshua and Judges were once a joined work, although now they have been separated.

2While it has been noted that some connection exists between 2:6-3:6 and chaps. 19-21, detailed correspondences are not in evidence. This may well be due to the possible late inclusion of 2:11-19. Beyerlin, "Gattung und Herkunft," pp. 13-15, shows that this portion alone, unlike the frameworks around the deliverer stories, has real linguistic and phraseological connections with Deuteronomy, Jeremiah, and Kings; a smooth connection may be seen to exist between 2:10 and 2:20 if an earlier form of Judges lacked 2:11-19. But there are difficulties with this since both Williams' and Weinfeld's lists suggest that D language may go as far as vs. 23. Cf. A. D. H. Mayes, The Story of Israel Between Settlement and Exile: A Redactional Study of the Deuteronomistic History (Philadelphia: Fortress Press, 1983), p. 68, for discussion of the discontinuity between 2:19 and
of 2:6-3:6 is clearly in motif-continuity with chaps. 19-21. It is not unthinkable that the Retterbuch sequence of deliverer stories was modified by an editor in order to bring the desired motif manifestations into proximity. However this may be, the observations above lead to the conclusion that the front matter of Judges (chaps. 1-3) and the end matter (chaps. 19-21) form frame blocks which extended the framing interests of the stories of Judges all the way to its outer edges.

In sum, then, there is evidence of a gross compositional technique in which after having made the Jephthah pericopae fit each other around the centered diplomatic pericope, the editors went on to extend the framing process farther. They split the list of minor judges just before Jephthah's name appeared, and framed the Jephthah material with the two portions. They added the Gideon and Samson blocks, highlighting their similarities by a system of sequenced motif links. Chaps. 4-5 and 17-18 were correlated by a similar system of linkages, as were chaps. 1-3 and 19-21. Diagramatically the book's structure was conceptualized in blocks as follows:

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<thead>
<tr>
<th>JJJJJ</th>
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<tbody>
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<td>Gideon</td>
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<tr>
<td>Judah First</td>
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<td>Mic</td>
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<td>1 3 4-5 6</td>
<td>9 10</td>
<td>12 13 16 17-18 19 21</td>
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2:20 together with pertinent literature; there are some differences in detail between this discussion and that of Mayes.
The Problem of Leadership/Kingship in Judges

The Monarchial Statements of Chaps. 17-21

I have discussed the gross redactional unity of Judges implied by the Jephthah pericopae, and noted their interest in his rise to singular rule in Gilead. Jephthah's rule, however, is not an isolated case of interest in government in Judges. Monarchial interests are strong elsewhere in the book. These interests form an important part of the envelope of the Jephthah pericopae, and so must be discussed to determine their contribution to the meaning of the particular parts under examination here.

While it is understandable how the monarchial insertions of chaps. 17-18 relate to their story-contexts, Soggin expresses bewilderment at how the same statements fit into chaps. 19-21, where without any monarch Israel seems capable of keeping itself intact. Still, the sense of the editors was that the horrifying events of chaps. 17-21 and the social chaos they represented required monarchial evaluative comments. At face value, they seem to imply that an all-Israel central monarch would be better than the free tribal assembly at preventing or solving such problems. On this reading, the recurring statement that "there was no king in Israel," could be interpreted as all-Israel monarchy propaganda. What do these statements mean?

There are four no-monarchy evaluations in Judg 17-21. They

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2. Soggin, Judges, pp. 280-283, 300-301.
In those days there was no king in Israel; every man did what was right in his own eyes (17:6).
In those days there was no king in Israel. . . . (18:1)
In those days when there was no king in Israel . . . (19:1)
In those days there was no king in Israel; every man did what was right in his own eyes (21:25 RSV)

There appear to be no clear links in these statements with Judg 1-3, beyond the general "all Israel" orientation of both blocks.¹ There are several reasons, however, for understanding this evaluation as casting its shadow over the entire era. (1) "In those days" certainly refers in the first instance to the immediate contextual events of violence and disruption; but בְּהֵמָה יִשְׂרָאֵל is broader in its reference than the immediate events which follow; it is rather their context. (2) "... there was no king in Israel" appears to be a generalized characterization of the whole era prior to the monarchy. It has only a two-era time orientation—the monarchy and the era before the monarchy. (3) "... each man did what was right in his own eyes" characterizes the independence of all individuals and social entities in the Judges Era. The immediate examples in chaps. 17-21 give this generalization a predominantly individualized application—Micah with his iconic Yahwism, the Levite with his mobility and family relations. But even within these immediate chapters, tribal autonomy also shows itself. Micah gives way to the unhindered

¹ But A. D. H. Mayes, Judges (Sheffield: University of Sheffield, Department of Biblical Studies, 1985), pp. 15-16 suggests that the pro-monarchial viewpoint of chaps. 17-21 is reflected in 1:1-2:5: "Through emphasizing the disunity of Israel and its failure to secure the land in the pre-monarchic period, Judg 1 intends to highlight the need for strong and united leadership as provided by the monarchy, through which the land is secured. This is an account which in fact vindicates the monarchy, and especially the monarchy of David and Solomon, under whom those areas which the tribes could not conquer were incorporated into Israel."
Danite movements and idolatrous interests; and the Levite and his concubine are the victims of Benjaminite violence. In both stories the problem spreads itself out, not merely to other individuals, but to a whole tribe. This notion lies behind the outline of tribal conquest efforts in chap. 1 as well. The tribes fend for themselves, and help each other only to the extent that amalgamation strengthens, as in the case of Judah with Simeon and the Kenites, or to the extent that they wish to do so in their own interests, as in the war against the Canaanites (chap. 5). Throughout both the pre-Jephthah, Jephthah, and post-Jephthah materials, the warfare is local-tribal with individuals as leaders largely acting alone on instructions from Yahweh. There is no central control. Each judge either himself commits acts of private treachery and vengeance, or is aided by others who do so (Jael).

There is no presumption in concluding, therefore, that these value judgments intentionally cover the whole Judges Era. They also appear to make explicit what was already implicit in several places in the sequence, i.e., that in some "major judges" there were already certain impulses to kingship. At the same time, these monarchic evaluative comments add a finalizing thought to the apostasy-idolatry generalizations of the corresponding chapters (1-5) at the beginning of Judges. They take the reader into the monarchy, but not farther, as a larger framework for control and order.† In what follows below,

†The view adopted here is articulated but not argued by Burney, Judges, pp. 410, 459, and Moore, p. 453—a "final comment on the whole history ..." Boling, "In Those Days," p. 41, is certainly on the right track in suggesting that while "he (the editor) intended to show how Yahweh was in fact still king ... the local arrangements were in need of revision and, eventually, Davidic stability." Cf. also Dumbrell, pp. 30-31, who thinks "no king in
the monarchial impulses visible in the Jephthah pericopae will also become visible in his predecessors.

Are these rubrics really positive about monarchy, however? The critical commentators recognize the pro-monarchial nature of the "no king" passages. Even Buber, who argues that Judg 1-16 is massively anti-monarchial, acknowledges that chaps. 17-21 are quite the opposite. In a recent article, however, W. J. Dumbrell pushes this perception farther and concludes, against both past and present, that the whole book, including chaps. 17-21, is anti-monarchial. His arguments are: (1) the Gideon-Jotham-Abimelech material (chaps. 8-9) is clearly anti-monarchial; (2) the book is a redactional unity; and (3) the "no king" statements of chaps. 17-21 are exilic and cannot, therefore, be understood as pro-monarchial. What they mean is that "the time had arrived once again for every man to do what was right in his own eyes" signifies what Israel must do in the Exile Era. But the contextual meaning fill-out in Judges hardly encourages such a view; Dumbrell also suggests that the significance of "no king in Israel" is the reality of Israel's continued existence (p. 30). But can this really be the intent? Dumbrell is depending for this assessment on Boling, Judges, p. 293. However, to take this view of the fourth of these evaluative comments, Boling posits a meaning for "every man did what was right in his own eyes" in 21:25 which is "positive," i.e., the direct opposite of what the statement means in 17:6 where it introduces "the cultic manifestation of anarchy which preceded the careers of Samuel and Saul (Judges, p. 256)." This shift in meaning seems quite unlikely. A similar expression of the same idea occurs in Deut 12:8 where it is quite flatly forbidden to do what is right in one's own eyes in reference to the coming conquest and settlement in the land.

1Soggin, Judges, p. 265; Keil and Delitzsch, p. 428; Moore, p. 369; Burney, Judges, pp. 410-411; Cooke, pp. 161, 197.

2Buber, 69-78.
before Yahweh without any sacral political apparatus to get in the way.\(^1\)

However, (1) the text does not say “before Yahweh,” but “in his own eyes”; (2) an Exilic Era date for this material is not at all certain from any internal evidence, as Moore long ago observed;\(^2\) and (3) “political apparatus to get in the way” appears to twist the intention of the formula toward the anarchic context surrounding it. Therefore, these arguments are not satisfactory. The pro-monarchial understanding of the “no king” clauses deserves a new credence. But are the apparently anti-monarchial views of the Gideon-Abimelech materials (chaps. 8-9) coherent with such a view?

Gideon

Then the men of Israel said to Gideon, “Rule (נָפַל) over us, you and your son and your grandson also; for you have delivered us (נָתָן) out of the hand of Midian.” Gideon said to them, “I will not rule over you (נָפַל), and my son will not rule over you (נָפַל); the LORD will rule over you (נָפַל, Judg 8:22-23 RSV).”

The clear and obvious מִלְּתַיִל of Gideon for both himself and his sons seems to indicate an outright rejection of kingship and dynastic succession, while reaffirming the sole kingship of Yahweh.

But there are complications with this simple inference. No sooner does Gideon appear to reject kingship, than he begins to act as a king, and is, in fact, pictured as doing kingly actions, or at least living a kingly life, throughout the remainder of the narrative. Cundall summarizes the relevant combination of elements as follows:

\(^1\)Dumbrell, pp. 27-31, relying on Boling, Judges, p. 293.

\(^2\)Moore, p. 382; 18:30 need not go beyond the fall of Samaria and its kingdom to Assyria in 711 B.C.E., or it may be an isolated Exilic Era gloss.
(1) he makes and uses an ephod (priestly, but cf. David, 2 Sam 6:14); (2) he gathers jewelry and royal garments from his people; (3) he has a harem (8:30-31); (4) his most prominent son is named Abimelech—"my father (is) a king"; (5) Abimelech and the people of Shechem assume that his son will succeed him; (6) Abimelech and Jotham, his youngest son, wrangle over the succession; and (7) the two Midianite kings speak of Gideon as a מָלָאך (8:18). The seventh point is important as it illustrates immediate awareness that in some sense Gideon was acting with the bearings of a king even before he was asked by the "men of Israel" to rule over them and found a dynasty. The list of kingly features noted by Cundall is mostly compressed into the brief closing pericope of the Gideon stories and can, except for the statement of the Midianite kings, be drawn from the perspective of the response of Gideon to the people's request.

The first desires for a king appear to have arisen locally. If Gideon had been a king, his sphere would have been limited. He would have ruled over a city-state on the social model of Canaanite city-state kings of the Late Bronze age. The particular case in point has a connection with Shechem, which was a covenant center of the tribes settling into Palestine (Josh 24). But, unfortunately,

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1 Cundall, Judges, p. 121; this summary appears, in part at least, to follow that of Oesterley and Robinson, A History of Israel, 2 vols. (Oxford: The Clarendon Press, 1932), 1:150. Oesterley and Robinson believed that whatever 8:22-23 means, Gideon was actually a king in at least some sense.

the role of Shechem is not entirely clear. All we know is that Gideon had wives and/or concubines and must have conducted some activity there. At the end of his life, he does not appear to have been king of Shechem since Abimelech has to struggle for its control; yet it is possible that Shechem was within his power in some way.

Since the verb לֵית is repeated no less than four times in the two verses, its prominence requires assessment. When the people asked Gideon to מֵית, they were asking for a ruler, something more than a judge. מֵית refers more to the activities of ruling than to the office. מֵית appears to denote a socially sanctioned ruling authority (Gen 45:8). To מֵית means to have power to dominate persons or situations with legitimacy, even though that power may be abused, or may be in the hands of wicked and/or incompetent persons. To מֵית is to have the right to rule, even if evil is perpetrated by it. In such situations the problem is to remove the evil or incompetency, not to abandon or remove מֵית. A further connotation is that מֵית suggests order, management, and determination of the proper functions and position of persons, institutions, events, and social mechanisms (Gen 24:2, Gen 1:18, Prov 6:6-8; 23:1-3). It sometimes denotes the activity of a מֵית, but is as easily used of lesser administrators, even in royal contexts. Metaphors of power are often found (throne, sceptre, lion, bear; cf. Dan 11:5: "stronger and stronger... and ruled"). The activity of מֵית occurs in the opposite of slave contexts; it represents the actions of the socially

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1 Boling, Judges, p. 160.
most powerful—kings and governors.¹

When the people ask Gideon and his sons to ἱέρας, they are asking for him to take such power as will keep their area secure and their lives well ordered. Gideon answers that Yahweh will do this. He does not seem to be aware that even under theocracy Yahweh works through operatives (covenant mediator, judges, elders, priests, warriors, e.g.). It is striking how few of the approximately ninety occurrences in the Old Testament (no more than ten) use the word for God himself. Judg 8:23 is one of these few. Merely from the statistical viewpoint, therefore, the response is curious. The people, however, ask for more: they want dynastic rule—Gideon, his son, and his son’s son. They seem to have in mind a permanent rule of Gideon and his offspring. Perhaps the threat to the order of their lives is Midian or the settling Philistines. Their request, at any rate, seeks their own security, certainly legitimately, since both tribe and clan are already protective social units. It is necessary, thus, to try to understand precisely what it was that Gideon rejected. But before undertaking this discussion, the meaning of Gideon’s substitute must be determined, i.e., the ephod.

“Gideon made it into an ephod” appears to refer to the purple king’s robes and the heap (ἰλίν) of jewelry which the people cast on the ground. After examining evidence for equivalents to the Hebrew תֵיתְלִית from a wide range of Near Eastern languages, Albright concluded that Gideon’s ephod was a vestment, probably studded with gold and silver pieces symbolizing cosmic deities or their oracular powers

¹This summary represents a general survey of usage, but cf. KB, p. 576, especially the uses they suggest.
and functions. Perhaps it resembled that of the high priest, whose ephod, however, was devoid of pagan symbols. Gideon is said to have "set it up" in Ophrah. The verb form לָאָ֣בָד, as Burney long ago pointed out, does not have to mean "set up"; he too had already decided that it is a vestment, and translated the verb "established it." On the function of the ephod, there is agreement that it was oracular. But when the story says all Israel "played the harlot" (נָאָ֣שׁ) after it there (Ophrah), a pagan element must be implied. Albright's suggestions would clarify what this pagan element was--divination, with celestial deities as the source of its oracular content.

In addition to נָאָשׁ there is another major judgment word about the ephod in the text--"it became a snare (שַׁמֶּ֣שַׁל)," which more exactly means that which traps "anyone into disaster or ruin." It is significant that the "ruin" is said to be not to all Israel, but to Gideon and to his house (8:27b). It would be erroneous to deduce from this that the ephod was a symbol of kingship and that it is Gideon's kingship that is the "ruin." Two implications seem rather

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2Burney, Judges, p. 240; Boling, Judges, p. 160, does not follow this exegesis, though he does not oppose it either. Perhaps Albright was depending on Burney: still he finds fresh archaeological confirmation.

3Burney, Judges, pp. 241-243; Albright, Yahweh, pp. 200-203; G. H. Davies, "Ephod," IDB (1962), 2:118-119; Cundall resolves the seeming lack of homogeneity in the Old Testament references to ephod by suggesting that the form and use of the ephod underwent change and development over its history and even locally in various persons' hands.

4BDB, p. 430.
more plausible: (1) Gideon substituted a symbol of power (the oracular ephod) for a responsible rule (kingship), i.e., he did "establish" a public symbol of his achievement, but he did not take the responsibility of governing; (2) the "ruin" of which the text speaks, and which it limits to Gideon and his house, seems best interpreted as referring to Abimelech—the disastrous end to both the house of Gideon, which he brought about, and the miserable end to which he himself came. A further implication now seems obvious: it was not Gideon's ambiguous refusal of kingship which brought on the ruin of his house; it was the fact that he did not accept the offer and instead substituted a pagan divining instrument as a symbol of his power. The retirement to Ophrah is then to be viewed as confirmation that Gideon refused the kingship which the people desired. The Abimelech disaster was the ruin which resulted from the substitute and his refusal to accept what the people wished. If this is so, then there is no conflict between chaps. 17-21 and this seeming anti-monarchial narrative, since this narrative is not anti-monarchial; it rather affirms precisely the same thing as chaps. 17-21, that Israel's confused life during this period is due to the fact that there was no (responsible, functional) king. Gideon fits the editorial comments of 17:6 and 21:25 perfectly: he did not become king; he did do what was right in his own eyes. The text notes a specific example of a move toward kingship by the people to which the chosen instrument refuses to respond, while at the same time offering a symbolic substitute\(^1\) in the form of a (Canaanite) ephod. The ephod is

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\(^1\)Vs. 24 implies the substitute character of the ephod project. Cf. K. R. R. Gros Louis, "The Book of Judges," in Literary Interpretations of Biblical Narratives, ed. K. R. R. Gros Louis,
spurious both because it is Canaanite in nature and because it is a substitute for responsible kingship. The succeeding chapter (9) illustrates what the story meant in saying that the ephod was for the ruin of Gideon and his house. The text makes the Abimelech disaster a judgment on the house of Gideon, without, however, detailing any explicit or direct cause-effect mechanism. The fall of Gideon's house is thematically continuous with both Jephthah and Samson. The fallen house motif is integral to these three collections of tales.

Judges attributes the impulse toward kingship to the people. But this cannot be viewed as a reason for the Abimelech disaster since the view of major portions of the Deuteronomic literature (Deuteronomy-Kings) is that kingship has its proper origin in the people and must make covenant with the people a continuing ground of legitimacy (Deut 17:14-20; 1 Sam 10:17-27; 11:14-15; 12:1-25; 2 Sam 5:1-3). The Abimelech disaster is not a punishment for experimenting with kingship at the call of the people; it is rather a punishment

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J. S. Ackerman, and T. S. Warshaw (Nashville: Abingdon, 1974), p. 167, who recognizes both the substitute nature of Gideon taking the jewels, and the immediate relevance of the ephod as a snare to his family.

1 This assessment is consistent with the recent tendency of scholarship to see more and more details of the Deuteronomistic History as pro-monarchial, contra Noth, Deuteronomistic History, p. 49. The growing literature opposing Noth's view is identified above in chap. 1, p. 48, note 2 and p. 53, note 1. The civil and sacral legitimation of kingship in Samuel and Kings is discussed in detail and with complete literature review by T. Mettinger, King and Messiah: The Civil and Sacral Legitimation of the Israelite King. Coniectanae Biblicae, Old Testament Series (Lund: C. W. K. Gleerup, 1976); Mettinger argues that a king's acclamation with oath and covenant by an elders assembly constitutes the fullest form of civil legitimation. F. Crüsemann, Der Widerstand gegen das Königstum: Die antiköniglichen Texte des Alten Testamentes und der Kampf am den frühen israelitischen Staat, Wissenschaftliche Monographien zum Alten und Neuen Testament, no. 49 (Neukirchen-Vluyn: Neukirchener Verlag, 1978), pp. 42-54, argues that Judg 8:22 begins an anti-monarchial
to the house of Gideon for the combined acts of refusing kingship and substituting for it a Canaanite divining device, which brought ruin to Gideon's house.

The evidence gathered so far suggests two conclusions in tension: (1) Gideon was something of a king; (2) Gideon refused to be king. The only way to resolve this impasse is to ask exactly what it was that Gideon refused.

As noted above, there is appreciable evidence in the context that Gideon's refusal of kingship was not absolute and unqualified; but it cannot be said either that his power was not perceived as kingly. The people asked him to become founder of a dynasty, and the Midianite kings use the term הַיֶּפֶם for him (8:18). What did he refuse? Several explanations are current.

1. In 1963 G. H. Davies published an article in which he suggested, following the analogy of Exod 4:13-17, Gen 23, and 2 Sam 24, that Gideon's refusal was only a polite one, not meant to be taken literally. Just as in the three analogous stories cited, a polite acknowledgment is followed by clarification of what was actually meant. In each of the examples, the refusal is only polite, and

piece which ends only with Abimelech's death in 9:57. This portion was added by anti-monarchial propagandists during the reign of Solomon to emphasize Gideon's proper rejection of human kingship in favor of Yahweh's kingship alone. The Jotham fable and Abimelech kingship attempt bespeak the folly of the (Davidic) monarchy. Crusemann's basic thesis is that opposition to the monarchy both in historical development and literary expression in the Deuteronomistic History predates the Exilic Era, and arose during the United Monarchy—much earlier than the Deuteronomic School. Weinfeld (review of Crusemann in VT 31 [1981]:104) rightly notes, "That Gideon was called upon to reign over Israel and that he responded as he did is no mere invention, even if, as Crusemann believes, the story of Judg viii was first written down in the Davidic-Solomonic period."

1 Davies, "Judges 8:22-23."
the sequel shows this to be the case. Davies concludes:

The evidence of similar passages and the evidence of the context lead me to reject the view that Gideon's words are a refusal of kingship . . . they rather are a protestation of the kind of kingship he would exercise, an avowal that his kingship . . . will be so conducted as to eliminate any personal and tyrannical element, and to permit of the manifestation of the divine rule through his own.

Davies' view that Gideon was in fact a king of sorts is similar to the conclusions reached above. He thinks that Gideon refused a kingship characterized by tyrannical power, i.e., statism of the Egyptian and Canaanite type—the kind of statism to which Samuel was so reactionary (1 Sam 8) and which actually developed in and after Solomon. The text however says nothing about tyrannical power, and this is not the meaning of לְוַדָּה.

2. A more precisely formulated view is that Gideon refused dynastic kingship, i.e., vis-à-vis charismatic kingship. This thought seems to be supported by the explicit disclaimer of vs. 23: "I will not rule over you, and my son will not rule over you." Also, 1

1Ibid., p. 155.
2Ibid., p. 157; he is followed in this view by J. Gray, Joshua, Judges, Ruth, The New Century Bible (London: Oliphants, 1967), p. 227, and by deVaux, Early History, p. 772, with the modification that the elders offered "authority" to Gideon.

3Davies' approach is not unlike that of Mendenhall, The Tenth Generation, p. 195; Gottwald, properly, it seems to me, points out that Mendenhall's anti-statism is too sweeping: "... what does it do toward clarifying a social system to say that it surrenders the monopoly of power to its deity? Clearly the tribal or trans-tribal social form in early Israel controlled and exercised power . . . ." This is indeed a problem which those who see Gideon's rejection of kingship as an unqualified affirmation of Yahweh's kingship seem to persistently overlook. Gideon may have rejected statism; he did not reject power on any reckoning.

if Gideon were following a strict Yahwism and the provisions of Deut 17, he would have recognized that dynastic kingship was not provided for, but only a modest, divinely chosen, humanly sought king. The problem with this view is that Abimelech certainly acted as though he understood himself to stand in dynastic succession. Still, the explicitness of Gideon's rejection of dynastic succession shows that this is at least one factor to be reckoned with.

3. G. E. Gerbrandt, depending on H. J. Boecker, suggests that since 7:2 already stressed Yahweh's function as Israel's only deliverer, what Gideon rejected was the usurpation of Yahweh's deliverer role. Israel could not rightly say to Gideon, "rule over us . . . for you have delivered us out of the hand of Midian," because Yahweh is Israel's only deliverer from oppression and trouble. Israel, however, does not ask Gideon to deliver (יולו); rather Gideon is asked to rule (מלך) because he has already delivered. It is true that war could be one of the expectations of a complete reign, but Gideon does not reject a rule of deliverance, but dynastic rule in an apparently more comprehensive sense. This explanation does not seem quite exactly focused on the implications of the text's own focus—

4. A more comprehensive solution can be suggested. What Gideon rejected is comprehensively contained in the implications of מלך, i.e., the responsibilities of a comprehensive reign. He rejected, for example, the functions of organizing a kingdom, administering

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its operation, establishing the organs and institutions of statecraft, providing and protecting, and developing a military, economic, and judicial system—all the activities which are normally associated with הָדָֹר, as illustrated in contexts like Gen 45:8, 26; Josh 12:2; 1 Kgs 4:21; Ps 103:9; and Prov 6:6-8. Cundall correctly points out that the narrative pictures him instead as retiring to Ophrah to live in more or less solitary enjoyment of the economic and personal benefits of a powerful and wealthy ruler, but with no further efforts at using his power for the national or even tribal good.¹ Though 8:35 speaks of נבון he did for Israel, the meaning is probably confined to the successful Midianite war. In effect, Gideon was a king, but one who would not take up the larger responsibilities of kingship (מלוך). Instead, he substituted for his own guidance and direction of the region a Canaanite divining instrument, to which Israel was all too willing to attach itself. This explanation seems to harmonize best with all the data and is consistent with the view of Judg 17-21 that the difficulties of the period were due to the absence of a king.

The suggested interpretation implies that Gideon's appeal to Yahweh's rule, while ostensibly proper and correct, lacked fullness of meaning; indeed, it was an evasion. The immediate contextual sequence of events certainly suggests this, as does the halting and dubious element in the early aspects of Gideon's relationship with Yahweh. He is full of doubts and needs constant supports; but now that he is in power, this relationship takes on the tone of superficiality. The immediate sequel shows how much Gideon, in spite of

¹Cundall, Judges, p. 121.
this affirmation, desired the accouterments of kingship if not the office itself. Perhaps Abimelech's (short) monarchy shows what Gideon really valued.

Gideon's refusal to reign and the consequences devolving on the alternative actions, show how shallow a glib appeal to Yahweh's (sole) kingship could be. This phenomenon is reminiscent of Saul's vacillations between resounding military success, irresponsible hesitations, aggressive authoritarian moves, and dubious spirituality (1 Sam 15:30-31; 19:6; 23:7; 24:16-21; 26:21-25). There is no question about Yahweh's rule; Gideon is formally correct in the statement. But Yahweh's rule cannot mean--set up a Canaanite oracle, retire with affluence and acclaim to Ophrah, and refuse the people's requests for leadership. The narrative's total intention, including Gideon's alternative actions and their results, must be allowed to give his affirmation of Yahweh's kingship its proper contextual sense. So viewed, the narration is not anti-monarchial; it exhibits an unfortunate rejection of monarchy with a glib appeal to Yahweh's sole kingship. This loss of a responsible Yahweh perspective can already be seen earlier in chap. 8. No sooner is the victory over Midian complete, than Gideon turns to personal vengeance on Succoth and Peniel. The Angel and Spirit of Yahweh, so totally dominant in the first two Gideon stories (6:11-7:25), virtually disappear in the vengeance segment—a development with close likeness to the matching Samson vengeance segment (chap. 15).

It is now necessary to turn to an examination of Jotham's teaching about kingship in his famous fable to see if it is congruent with the view suggested here.
Abimelech and Jotham

In Judg 9:7-15 (the appendix to the Gideon series), Jotham, the one son of Gideon who survived Abimelech's massacre, utters a famous fable from Mt. Gerizim on the occasion of Abimelech's coronation by the men of Shechem. B. Lindars, in what is perhaps the most important article in recent years on Jotham's fable, observes that "nearly every critic supposes that it (the fable) is an attack on monarchy as such," and the only point under dispute is whether it is directed against monarchy in general or against a particular instance of it.\(^1\) He identifies Budde, Reuss, Wildeboer, and Smend as critics, who, detaching the fable from its context, assume that it is against monarchy in general.

Even today some critics take it as an expression of nomadic feeling, regardless of the fact that the imagery demands an agricultural context in which fruit trees operate as symbols of goodness.\(^2\)

Both Moore and Burney, however, had expressed the belief that the fable cannot be separated from the Abimelech story and so is directed only against this instance of monarchy.\(^3\) Two studies published in 1963 appear to mark the beginning of a reversal on the issue, although already in 1960, E. H. Maly had published a study in which the anti-monarchy view was questioned.\(^4\) Since 1970 two important

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2. Lindars, p. 364; even T. H. Gaster, 1:423, speaks of "the distrust of monarchy which the parable implies."
commentators have adopted the same view of this very significant pericope on kingship.

Maly pointed out correctly that the fable is "against those who refused, for insufficient reasons, the burdens of leadership . . ."—precisely the point of the closely preceding Gideon story. Lindars himself follows this opinion:

The institution of kingship is a presupposition of the fable just as sowing corn is a presupposition of the parable of the sower. The fact that the fable tilts at a particularly unfortunate situation does not of itself constitute an objection to monarchy as such. The sarcastic attitude of the fruit-trees is necessary to their function in the fable, but does not necessarily express the opinion of the composer of the fable. There is no suggestion that the trees were wrong or foolish to seek for themselves a king.

G. H. Davies concluded his 1963 article on Gideon's refusal of kingship with this comment on Jotham's fable:

The one survivor of the massacre was Jotham who uttered the parable of the kingship of the trees, ix. 7-21. There is not one word against kingship as such in the parable, but the point of the parable is that it is the wrong person who holds the kingship. Jotham's parable and his subsequent flight are intended to reveal him as the third claimant to Gideon's office.

Opinion thus appears to have shifted about the anti-monarchy bearings of the fable: in the fable, the first three requests for a king are met with a reaction of self-satisfied irresponsibility and a cynical renunciation of a supposed vanity or instability in such a move. The verb יַזָּק (shake, tremble), which represents these

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2 Quoted by Lindars, p. 365.

3 Ibid.

4 Davies, p. 156.
attitudes, is a further clarification of Gideon's attitude.

**Literary Background of the Fable**

Boling thinks Jotham's fable had a pre-history; he cites T. H. Gaster's *Myth, Legend and Custom* for parallels.¹ To judge from the number of published variants of the Akkadian fable of The Tamarisk and Date Palm, such fables were popular.² Most of Gaster's material is from later Greek fables, but the East Mediterranean currency of fables is certainly attested over a long period of time. Regardless of variants and differentia, the genre structure is strikingly self-consistent (personified flora and fauna conflict tales).

Jotham's fable is not precisely parallel to the Greek examples of Gaster, whose most relevant case in point is the fable of The Laurel and Olive. It does, however, contain the same conflict motif as these fables: the laurel and olive argue over who is superior. But the differences in detail are striking: (1) the Greek fable is an elongated dispute over the parties' respective superior qualities; (2) there is no historical sequence as is implied in the Jotham fable; (3) there is no clear reason to believe that the fable has a real political outcome as its concluding point, though this is possible since the major text is broken near the end.

There are, however, suggestive parallels among some of the fables cited by Gaster and those selected for ANET. (1) Gaster's Armenian Fable of the Trees is oriented to kingship, and all the


variants of The Tamarisk and Date Palm likewise occur in the context of kingship though they are not concerned with accepting or rejecting it.1 (2) In one of Aesop's Fables the conflict is between the fir tree and the bramble; the fir tree says the bramble is "good for nothing"; but the bramble replies, "... if you only remembered the axes and saws that will chop and cut you, glad enough you would be to be a bramble instead of a fir."2 (3) Jotham's "for God and man" (9:9, 13) is formally paralleled by the claim of the Akkadian date palm against the tamarisk to be good "for slave and governor."3 (4) "In his shadow" (vs. 15) appears in royal Assyrian letters for persons under the special protection of the king; an inscription of Pharoah Pi-ankhi (720 B.C.E.) also uses this language for courtiers who entreat him to "set us in your shadow."4 (5) Just as in the East Mediterranean parallels, the flora with edible fruit seem to have the edge in the arguments, so here the flora with edible fruit are contrasted with the bramble which is useless, harmful, or dangerous. This brief study suggests that the story probably does have a prehistory, or at least its genre, imagery, and interests have parallels. One is able from this factor to move to the meaning of the fable with more facility and perspective.5

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1 Gaster, 1:426.
2 Ibid., p. 424.

3 Burney's explanation (Judges, p. 250) that "the allusion is to the use of wine in libations at sacrificial feasts, when the god as well as his worshippers, was thought to be cheered by the beverage," appears unnecessarily elaborate in this context though such a practice may be somewhere in the background.

4 Boling, Judges, p. 174; Gaster, 1:427.

5 Cundall, Judges, p. 129, assumes that TOX is a carpet-like plant, from which he draws the added implication that when the plant says "put your trust in my shadow," a further irony is intended since
The Meaning of the Fable

The more recent view is that the fable is not anti-monarchical, but anti-Abimelech, as noted above. The fable, however, arrives at the anti-Abimelech/bramble conclusion only after another sequence using the olive, fig, and vine for establishing a value schema. The range of values in the fable is simpler than in its East Mediterranean counterparts, where the parties to the fable tend to simply conjure all the reasons they can for their own respective superiorities.

If Jotham's fable is drawn from the East Mediterranean fable stock, as it appears to be, then it probably follows their symbolic values. The three fruitful flora symbolize what is good and beneficial to both God and man, i.e., responsible, competent kingship, since the trees attempt three times over to get the good fruit to take on the task. The implication is that the good fruit can become socially beneficial if put to good use. There is not a hint of condemnation; the stock fable imagery of delightful produce from these edible flora is carried unaltered into the fable. The people wish these fruitful plants to become king(s). The fable is thus full of irony: the bramble is worthless, even harmful; it takes the kingship while the fruitful plants, which could have fulfilled the people's

It casts "almost no shadow, and offered no protection to the forest giants at whose feet it lay." Other scholars think the plant is rather the buckthorn which is not a creeping vine but a bush, but see J. Trevor, "Bramble," IDB (1962), 1:460—"a shrub with sharp spines and runners usually forming tangled masses of vegetation." Cundall appears to be more correct than some other suggestions.

Lindars, op. 355-357, has probably solved the problem of the jump in logic from the fable to its application (i.e., from vs. 8-14 to 16-19), by suggesting that vs. 15 is a proverb attached to the fable to provide a transition to the application, i.e., to the idea
needs, refuse. The irony is heightened by the suggestion that the faith of the trees who made Abimelech king is dubious, due to their complicity in the murder of his brothers as a means to the throne. Both the just desire of the people that the good fruit plants become kings, and the excellent quality of the plants to do this are assumed in the fable. If one follows the implications of its movement, the thought structure is that the good can become constructive in a larger and more responsible (social) function, while the worthless becomes destructive to the social situation because of its inadequacy.

This simple thought structure, which argues for a positive view of kingship in the fable, vis-à-vis a merely tolerant one, leaves unanswered, however, the question as to why three fruit plants were used to represent the positive side, and only a single bramble to represent the negative side. The old rabbinic view was that the fable contained progression, not merely from the good fruit to the bramble, but through each of three distinct requests for kingship to the fourth situation in which an unworthy bramble actually took on the task. Accordingly they identified the three fruit flora (olive, fig, grape) as representing a progression in the previous history in Judges, i.e., Ehud, Deborah, and Gideon. The modern view is rather that the three fruit flora of the Jotham fable represent only a

of curse which he rightly identifies as the theme of the application; cf. 9:57b which makes the curse an inclusio. Cf. Burney, Judges, p. 275; Moore, pp. 250-251; Lindars, pp. 357, 363.

1Ibid., p. 356.
2Cundall, Judges, p. 129.
single general idea. Burney observed the progression too, however, and commented that

the olive, the fig tree and the vine which are invited in succession to accept the kingship, represent men who like Jerubbash possess a status which has been won by service for the public good. It is not at all clear why the rabbinic view is wrong, except that modern hermeneutics is suspicious of allegorizing, of course with good reason. The sequence with wine at the end is reminiscent of the flow of Judg 3-8. Gideon, for whom the request of kingship is explicitly attested, would have been viewed as the best of the three; i.e., the wine which cheers.

Jotham's fable has been examined sufficiently to yield a conclusion for our purposes: the fable is not out of harmony with the positive view of kingship expressed in Judg 9 with respect to Gideon, or in Judg 10-12, 17-21. Modern scholarship is aware that the fable is not anti-monarchical as was once thought. In fact, the fable views the people's desire for a king as proper because the candidates were pleasing to both God and man. But the candidates refused; Gideon is at least one example of the process.

From this analysis, three conclusions follow: (1) there were just desires for and moves toward kingship by the people during the

1 Boling, Judges, p. 174; Cundall, Judges, p. 129.
2 Burney, Judges, p. 272.
3 Lindars, pp. 360-362, leans heavily on the analogy of Jesus' Parable of the Sower. In the parable, as here, there is progression so that the details which contain no independent meaning do have dependent individual significance. This is also true in the parables of the Marriage Feast (Matt. 22:1-14) and the Wicked Tenants (21:33-46) where the progression is historical. These analogies prove nothing, but they are suggestive.
period of Judges; (2) the last five chapters of Judges are homogeneous with the first sixteen in their view of kingship: a stable, continuous monarchy would have saved Israel from certain chaotic conditions had the right candidates been willing or able to accept and carry on the responsibility; on the whole they were not; and (3) kingship per se is not viewed negatively in Judges.

In conclusion, it may be said that monarchy is a focused theme in Judges. No passage is clearly and forthrightly anti-monarchial. The foregoing study suggests, however, that the theme is unfolded with a certain sophistication and subtlety. This is manifested in a variety of ways: (1) the leadership terminology is varied and fluid לארשי; (2) conceptualization of the form is ambiguous—explicitly dynastic with Gideon, only implicitly dynastic with Jephthah, but undefined in chaps. 17-21; (3) the qualifications are ambiguous—with Gideon it is military, with Abimelech by treachery and intrigue, with Jephthah by elders' treaty; (4) the initiatives vary—with Gideon it was the men of Israel; with Abimelech it was personal power, with Jephthah, the elders; (5) its failure is for varied reasons—with Gideon, irresponsibility; with Abimelech, rebellion, power hunger, and cruel fate; with Jephthah, a well-intentioned oath which required the end of his house; (6) the motivations and contexts vary—war heroism, personal ambition, security problems, cultic instability, and intertribal hostility (chaps. 17-21).

The net outcome, however, is to make kingship just prominent enough to suggest that the monarchy which did finally come had its precursors in the Judges Era, that the precursors were of a mixed quality, that they arose for mixed reasons and with mixed
conceptualizations of its purpose, nature, and scope, and that a series of tragic events gave its early manifestations a halting and uncertain character. The impression one gets from this total picture is quite simply that the divinely determined leader and combination of circumstances were not quite yet in place, but coming nonetheless. Judges notes with interest the inevitable character of the Israelite monarchy, its early precursors, and some reasons why the precursors could not be the institution itself. It even rates the precursors on motive, character, responsibility, and sense of theocratic propriety. It thus proclaims monarchy but with reserve and caution. Jephthah belongs to this schema.

**Summary and Conclusion**

Enough evidence of a larger complex of framing interests has been found to reach a conclusion on the significance of the Jephthah stories in the whole of Judges.

The five Jephthah pericopae have been made the center of the finished book of Judges. They also have their own internal interrelations. Two outer compositions (10:6-16; 12:1-6) have been used to frame the three centermost pieces. Of these three, the center is Jephthah's diplomatic speech; it is framed in turn by the two matching/balancing tales of Jephthah's rise (10:17-11:11) and Jephthah's fall (11:29-40). These stories in turn were further framed by breaking an old list of "minor judges" in two so as to fit the two portions properly around the Jephthah stories in a way harmonious to the appearance of Jephthah's name in this list. Jephthah was the only "major judge" to appear in the "minor judge" list. These five Jephthah pericopae were in turn further framed by a sequence of
motif-linked Gideon (chaps. 6-9) and Samson stories (chaps. 13-16). Finally a body of front matter and end matter (chaps. 1-5, 17-21) was added with some motif-integration, though apparently less than in the other matching portions. The argument yields a view of Judges which recognizes its literary balance and symmetry. This perception has not been possible heretofore. The centrality of Jephthah has not been recognized because the basis for structure has been sought in the wrong place, i.e., in the so-called "cycles" of chaps. 3-9. An editor's imitative use of frameworks or one small part of the framework language of chaps. 3-9 in 12:1 has blinded students of Judges to its true structure.

A further implication is that the finished Judges has its own literary architecture, made up of many and diverse kinds of materials. We are probably dealing with two earlier collections of deliverer or judge stories, one group preserved in the deliverer tales of chaps. 3-9, the other preserved partly in the Jephthah and Samson material, and partly in the Eli and Samuel and, possibly, even the Saul materials of 1 Samuel. Several pre-monarchial social chaos stories have been incorporated into chaps. 17-21 and laced with several pre-monarchial rubrics. Portions of chaps. 1-2 have been added to the old core of deliverer stories at various stages, and in one case an old war poem has been preserved alongside a prose version (chaps. 4-5), while each of the surrounding old deliverer stories have had the "cyclic" framework built around their margins in the editing process.

It also follows that Judges was compiled by its final editor as a book in its own right, an estimate visible in its traditional
name "Judges." At one stage of its composition, the book probably began at 2:6-9 (10?) which then functioned as a "join" with the end of Joshua. Where this earlier form of the book ended is impossible to tell or even suggest.

However this may be, what emerged was a loosely constructed unity. No effort was made to create precise and obvious mechanical matches of this part with that. The pericopae stock either varied in length in their original forms, or were edited into pericopae of somewhat varied lengths and structure-types. The Jephthah pericopae themselves are not mechanically uniform in length or in their rhetorical characteristics. The farther the editors moved toward the outer margins of the finished book, the less care was taken to make the connections obvious and clear, though enough effort was expended to make motif or theme connections more or less visible. To do this the editors either used the first few old deliverer stories as they were in the original deliverer book, or rearranged them so as to put Judah and Benjamin first to create a balance with the end-matter stories similarly containing a Judah-Benjamin evaluational perspective. But whatever the process, the finished book is to be viewed as a real but loosely balanced symmetrical construct, not subjected to much mechanical fashioning, but formed mostly of story and essay material with

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1 Contra de Geus, and McKenzie, World of the Judges. But von Rad, Old Testament Theology, 1:346-347, had already argued that the editorial systems of Judges and Kings were too diverse to attribute these "books" to one single Exilic Era editor (against Noth). Cf. Fohrer, pp. 194-195, who also thinks individual books were composed as such; these contributions are noted by J. R. Porter, "Old Testament Historiography," in Tradition and Interpretation, ed. G. W. Anderson (Oxford: Clarendon Press, 1979), pp. 125-152. Mayes, Judges, p. 12, notes what he thinks to be the unsuccessful attempts of scholars at showing editorial diversity in the Deuteronomistic History; but problems of complexity stubbornly persist.
thematic or story motif links between front and end counterparts.

The "no king" evaluations of chaps. 17-21 are pro-monarchial and are crucial to Judges' overall function and propagandistic value. An extensive study was made of the alleged anti-monarchial materials in the Gideon and Abimelech stories. It was found that there is no certain anti-monarchial element here as has traditionally been claimed. Rather, the same tragic dimension as is characteristic of most of the Judges personalities exists here too: the candidates for kingship either refused (Gideon, Jotham's fable) or were too unsuitable (Abimelech). The relevant story-groups also explore the varied motivations and results of monarchical precursors.

These observations yield a correlation with Jephthah. He was, in fact, head of a central government of Gilead functioning with full headship powers in all administrative areas and loyal to the central historic ground of Israel's existence, the proclamation of salvation from Egypt; but he too fell victim to tragedy, and lost the possible extension of his family into a dynastic central rule, due to the sacrifice of his daughter—his only child.

It is hard not to see a certain divine arrangement of things presupposed by the final editors. The divinely favored monarchy could not really appear in Israel until the time of David who nonetheless had his precursors. The precursors, and sometimes the reasons why they themselves could not be the divinely elected monarchy, are the subject of Joshua and Judges; among the judges, Jephthah was viewed as the most significant of the precursors.

The question now arises as to what kind of situation would have given rise to such a composition and its incorporation into the
final Deuteronomistic History of which it ultimately became part. To this question we now turn.
CHAPTER VIII

JEPHTHAH IN THE DEUTERONOMIC HISTORY

The Editions of the Deuteronomistic History

The concern of this chapter is to identify the editions through which Joshua-Kings has been put, and particularly how this compositional and editing process has affected Judges and the Jephthah stories, and what role these five pericopae play in it.

Recent Study of the Deuteronomistic History

All recent critical work on Joshua-Kings takes its rise from the 1943 thesis of M. Noth that the composition of these books represents a single historical horizon, a unified theological point of view, a singularly formed structure and chronology, a singular attitude toward its sources, and a homogeneous set of presuppositions about its history. These theses postulate one single editor in the Exilic Era. Noth's theory, of a single exilic editor of the whole, opposed the earlier theory of two redactors first articulated by A. Kuenen and followed thereafter virtually without exception until Noth's work.

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1. Noth, Deuteronomistic History, pp. 5-11.

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Since 1973 there has been a tendency to follow F. Cross in restoring the older view of two redactors, one in the time of Josiah, the second in the Exilic Era.\footnote{Cross, \textit{Canaanite Myth and Hebrew Epic}, pp. 274-289.} For our purposes, it is sufficient to state simply here that a major problem with both views is that the compositional-redactional process in Judges is very probably more complex than this.

The basic study of the redaction of Judges is that of W. Richter.\footnote{Richter, \textit{Die Bearbeitungen des "Retterbuches."}} Richter thought he could detect in Judges several redactional hands. (1) There was an original collection of deliverer tales. (2) A first Deuteronomic editor (Rdt) added the framework ("cycle") portions around the margins of each of the old deliverer stories of 3:12-9:57. (3) Still another Deuteronomic redactor added the "example" judge, Othniel (3:7-11a; Rdt2). (4) The final redactor, identical with Noth's exilic Deuteronomist (DtrG), was responsible for substantial parts of the two introductions (2:6-3:6; 10:6-16), the chronological notices, the minor judge lists (10:1-5; 12:7-15), and the death notices of the Retterbuch (chaps. 3-9) framework portions.\footnote{Cf. W. L. Moran's brief review article, "A Study of the Deuteronomic History," \textit{Biblica} 46 (1965):223-228.}

Boling's recent commentary on Judges, however, follows Beyerlin in assigning the "framework" portions to the pre-Deuteronomic editing process. He thinks of only two late editions, a Deuteronomic one in the seventh century (Josiah Era) and a final Deuteronomistic one in the sixth century (Exilic Era). Boling further simplifies the
editing process by attributing to the seventh century Deuteronomic editor two internal portions—the judgment speeches of 6:7-10; 10:6-16 and the material of 2:1-5; 16:1-18:31. The exilic Deuteronomistic additions are chaps. 1 and 19-21. Thus Boling, too, is content with two Deuteronomic additions.

In the meantime, the multiplication of suggested editors for the whole history proceeded with zest. Shortly after Richter, R. Smend made the suggestion that DtrG was a historian for whom David was appointed permanently and unconditionally to his throne. Smend also suggested a second editor with nomistic interests whom he called DtrN. Following Smend, W. Dietrich added yet another specific sigillum (DtrP) for one of the intermediate editors who, he thought, was prophetically interested. Finally, T. Veijola, in two important and increasingly influential studies, adopts Dietrich's DtrP, his DtrG, and Smend's DtrN; Veijola argued that DtrN believed David to have been the perfectly law-abiding king.

Another editor (DtrL) who was concerned with the possession or

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1 Boling, Judges, pp. 30-38.


4 T. Veijola, Die Ewige Dynastie: David und die Entstehung seiner Dynastie nach der deuteronomistischen Darstellung (Helsinki: Suomalainen Tiedeakatemia, 1975); Das Königtum in der Beurteilung der deuteronomistischen Historiographie: Eine redaktionsgeschichtliche Untersuchung (Helsinki: Suomalainen Tiedeakatemia, 1977). One can see the influence of Veijola's work, e.g., in the recent commentary by R. Klein on 1 Samuel (Waco, Tex.: Word Books, 1983).

loss of the land has been proposed; still another (DtrU = Überarbeiter), from whom came certain portions of Deut 7-9, was suggested by N. Lohfink. This editor in the Exilic Era capitalized on DtN's law interest, by stressing Israel's history of self-righteous resistance to Yahweh as a warning.

These studies generalize about the whole of the Deuteronomic History from their own and the text's concentration on David. And it is undoubtedly correct that the final editor(s) saw David as the quintessential divinely chosen king. He therefore makes him the center of this historical series. The question remains as to what the first one-third (Joshua-Judges) contributes to this scheme.

The principal doubts about the alleged Deuteronomism of Judges are these. (1) Richter himself suggests that "Deuteronomic" is too general a term for the framework, example (3:7-12, Othniel), and introduction sections of Judges. (2) The evidence for Deuteronomism in the framework passages is limited linguistically to "they did evil" (Deut 17:2). This is "very little supporting evidence," and the clause in question may not even be assignable to the original text of the law in Deuteronomy. (3) Beyerlin shows that of all the alleged Deuteronomic material in Judges, only 2:11-19 bears evidence


3Ibid.; Boling, Judges, p. 36, puts it: "... exceedingly slim support for the notion that the book of Deuteronomy guided the bulk of the internal organization of Judges." These observations articulate in their own way the strictures of D. R. Davis' dissertation. Burney, Judges, p. xlix, already concluded from his survey (1918) that "Deuteronomic" influence was not to be seen in Judges except in 2:12-19 and perhaps 3:1a, 3.
of substantial linguistic/phraseological connections with Deuteronomy. Even this, he argues, is limited to a few phrases. He also points out that two other important introductory pieces are related to the framework portions in their use of a treaty-breach lawsuit conceptual pattern. Finally, Beyerlin observes that the alleged Deuteronomic language in both of these types of editorial additions (introductions and frameworks) has connections with both the Exodus traditions and the Song of Moses of Deut 32—an early treaty-breach lawsuit.¹ These alleged Deuteronomic additions are not therefore Deuteronomic, but pre-Deuteronomic.² (4) Two recently compiled lists of Deuteronomic phraseology do not show a very impressive input of Deuteronomic language into the book of Judges;³ at the same time, an appreciable quantity of Deuteronomic vocabulary may be seen in supposedly non-Deuteronomic Old Testament sources, as has been shown by Beyerlin and Davis. The one portion of Judges with any appreciable concentration of Deuteronomic language is 2:11-19, as Beyerlin argues.⁴

Still, there is a Deuteronomic feel in these edited-in portions of Judges. They contain at least a smattering of Deuteronomic

¹First identified by Wright, "The Lawsuit of God."
words and phrases; they are scattered through the introduction and framework passages and are more densely concentrated in 2:11-19. But there are also many Deuteronomistic themes and interests here: idolatry, disobedience, foreign harassment, a people's kingship, prophets and fulfillment of prophecy, the land and its possession, covenant, lawsuit, and wrath. Perhaps in the framework and lawsuit introductions we are dealing with a nascent or early proto-Deuteronomism; or, following D. Greenwood's discussion, Deuteronomism is really a mix of varying inputs including priestly/Levitical, prophetic, and wisdom ingredients.\(^1\) At the present, one must conclude for only a very minimal linguistic expression of Deuteronomism in Judges,\(^2\) but also for an editing activity embodying early forms of its values. This does not hold for 2:11-19, however, which contains a somewhat denser compaction of language and concepts closer to the form of Deuteronomism found in the speeches and theological exposition of Kings and Jeremiah. The connection with Kings and Jeremiah may be evidence of later date for this small piece.\(^3\)

\(^1\) D. Greenwood, "The Origins of Deuteronomistic Literature," in Proceedings of the Sixth World Congress of Jewish Studies, vol. 1 (Jerusalem: World Union of Jewish Studies, 1975), pp. 191-199; Greenwood thinks Deuteronomism to be exilic, but arising in the developing synagogue from a mix of priests, prophets, and sopherim. The lack of agreement on the kind of circles which produced Deuteronomy might well be an indication of such a mixed situation, whether early or late.

\(^2\) Mayes, Story of Israel, pp. 76-78, recognizes limited Deuteronomism in Judges; he believes it is confined to 2:11-3:6 and 10:6-16. But the linguistic basis for 10:6-16 is limited; the vocabulary in question is almost entirely concentrated in 2:11-19.

\(^3\) Beyerlin, Gattung und Herkunft, pp. 13-15, discusses the Jeremiah-Kings connection.
The Origins of Deuteronomism

Several recent developments in Deuteronomic studies point to options falling outside a kind of Deuteronomism conceived of as concretely identifiable in vocabulary/style and in time, i.e., identifiable with the language of Deuteronomy-Kings-Jeremiah and datable in the Josiah-Exile Era. ¹ Several scholars have recognized that at least portions of Deuteronomy and Deuteronomism originated well before the Josiah era, perhaps in the North prior to the fall of Samaria in 721. These scholars argue that the Deuteronomic movement began in the eighth century in the Northern Kingdom from which its leaders fled after 721 to the South, where additions were made to the already drafted nuclear Deuteronomy. But if an early nuclear Deuteronomy already existed in the eighth century, it is probable that early forms of the Deuteronomic language and values existed still farther back—into the united monarchy or earlier. ² Indeed, K. Koch finds the earliest case of the Nabi speech form, with which

¹McKenzie, World of the Judges, p. 10: "... when we speak of the Deuteronomic History, redaction, or theology, we do not imply (as perhaps some critics do) that the Deuteronomic ideas appeared for the first time in the seventh century."

Deuteronomism is closely associated, in Nathan's reproach of David (2 Sam 12).  
(2) A group of conservative scholars continues to argue with plausibility that Deuteronomy should be dated approximately at the Late Bronze-Early Iron horizon on the basis of the likeness of its six-part treaty formulary to the Hittite and other Bronze Age treaties. The elements of this formulary did not continue in the same balanced use after the tenth century, even though McCarthy and Weinfeld have shown that the curse section of Deuteronomy in particular is more like that of the vassal treaties of Esarhaddon than those of the Late Bronze Age treaties.  
(3) W. Brueggemann suggests that the basic perhaps *we should distinguish between a Deuteronomic school which collected, preserved and . . . shaped ancient traditions ( . . . originating very far back in Israel's history) and a more narrowly defined 'D-group' . . . responsible for the final . . . Deuteronomistic History . . ."  


3. A treaty text from the seventh century B.C.E., of no more than sixty-four lines, containing a pact of Assurbanipal with the Arabian tribe of Oedar has come to light. This treaty has closer affinities to the thirteenth-century forms than the other treaties of the seventh century. The readable fragments suggest (1) a history of
elements of the Judges framework formulae (evil/sell, cry out/save) may in fact reflect a social reality in the period of Israel's formation:

If the formula reflects the early liberated community before the monarchy, our analysis suggests the formula urges movement from the world of imperial oppression with a managed epistemology to the new world of trust, freedom and hopefully justice.

For this analysis he appeals to Mendenhall and Beyerlin:

This early placement is argued by Mendenhall on sociological grounds and is permitted by Beyerlin's literary analysis. It is not impossible that Beyerlin's lawsuit interpretation can be understood in fresh ways in terms of the sociology of withdrawal and liberation.

Thus, several converging lines of study point to the early origin of some forms or aspects of Deuteronomism in Israel. Before concluding on this matter, however, attention must be given to the implications of the structure and themes of Judges for its date.

**Origin and Date of the Substantial Judges**

The Historical Horizon of Judges

It has been concluded above that Judges must have been a complete book (with the possible exception of 2:11-19) before it was incorporated into the Deuteronomistic History. There are reasons for the relationship (verso, lines 6-11), (2) oath and curses (verso, lines 12ff), (3) prohibitions (recto, lines 4-7), (4) a god list (recto, lines 8ff). How close to the balanced character of earlier treaty forms this really is, is not entirely clear; it may even be a treaty lawsuit since it seems to contain breach charges, cf. K. Deller and S. Parpola, "Ein Vertrag Assurbanipals mit dem arabischen Stamm Qedar," Orientalia 37 (1968): 464-466; A. F. Campbell, "An Historical Prologue in a Seventh-Century Treaty," Biblica 50 (1969): 534-535.


2Ibid., p. 113, n. 52.

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suggesting that Judges, as a completed book, originated during the early monarchy era, despite the preference of most modern scholarship for a considerably later date, and 18:30 notwithstanding.¹

The chief reason is that its total pattern of interests, ideas, values, emphases, and themes is more satisfactorily associated with the early monarchy than with the Exilic Era or the reign of Josiah.

1. The book promotes the notion of a charismatically determined monarchy. It does this in two ways. (a) Chaps. 17-21 do so directly by a combination of affirmations in which the absence of a king is linked to an absence of order in the religious (cultic), moral, and civil protective spheres. (b) Chaps. 3-16 do so indirectly by identifying antecedents of monarchy in the form of charismatically gifted warriors who deliver Israel from foreign invaders and oppressors, people's movements toward local or regional single-head rule (Gideon, Jephthah), and quasi-monarchy in Gilead in which the older tribal distinctions are less important than a single ruler over the whole region who incorporates into his headship all the ruling functions—administrative, military, and judicial. Jephthah's significance in the book is clearly highlighted by this unusual combination of circumstances plus the fact that his name is the only one appearing in both deliverer-story material and in a minor judge list.

By a system of more or less subtle comparisons and omissions, however, this series of antecedent monarchy-suggestive events is kept to a preliminary, antecedent stage. For example, though both Gideon and Jephthah are the objects of people's movements for kingship, there is no divine election of them or any other judges to kingship.

¹Judg 18:30b is probably a late gloss.
The divine Spirit moves toward warrior-charisma. This silence on kingly election by Yahweh is probably to be understood as an intentional deference to David, who is the first king to be initially elected by Yahweh, proved by his conduct, and then confirmed by a treaty with the people (or their representatives, 2 Sam 5).

More obviously, the compilers of Judges follow a pattern in which either tragedy or character defect or a combination of these elements serves to keep the social or personal impulses thrusting toward singular charismatic rule in a state of frustration. In this respect also the Cidcon-Jephthah-Samson series contains kingship-suggestive elements which are not yet explicit in the deliverer episodes of Othniel, Ehud, or Deborah-Barak, although perhaps implicit in Jotham's fable. This motif, however, appears to intentionally defer to David who, in the Deuteronomistic History, is the singular expression of "The Eternal Dynasty," to use Veijola's term. And yet, despite this qualifying motif, Judges does not negate the movement toward singular charismatic headship, of which Jephthah is the most advanced representative. There is not a negative word about the establishment of singular headship over Gilead; not even the daughter sacrifice is intended as a blot on Jephthah. Its purpose is primarily to elaborate the tragic loss of his lineage and thereby to show why even he could not become Israel's first dynastic king. Jephthah in fact is honored in the affair by the narrator through emphasis on his oath-keeping before Yahweh.

2. In their front and end matter (chaps. 1-5, 17-21) the editors of Judges worked another related system of values-in-combination. These are primarily (a) the elevation of Judah over the rest of the
tribes as the one in which the twin elements of power and responsibility are creatively and triumphally present, and (b) the berating of Benjamin and Ephraim. This valuing system is achieved by suggesting that deviations of several sorts came from the central hill country where the Benjamin and Ephraim border areas met. Thence came false oracles promoting the idolatry of devious sanctuaries (chaps. 17-18), moral and social chaos, and insecurity (chaps. 19-21). Covenant theocratic life was dangerous, threatened, even negated in that region.

This combination of interests and motifs has, of course, some relevance to the reign of Josiah and/or the exile (anti-idolatry, positive view of monarchy). But it also contains elements which do not seem to be most relevant to that period (strong pro-Judah, anti-Benjaminite/Ephraim interest, and fresh remembrance of the origin of Danite idolatrous Yahwism established at a northern sanctuary). The total configuration appears to fit best into a time in the early monarchy when the Davidic-Judah supremacy might fall anew into idolatry and dangers from surrounding nations, despite the newly built Solomonic temple. Thus, this study suggests an origin and date for the substantial Judges in the early monarchy, not as Davis thought, as a monarchy propaganda piece originating in the brief period of Davidic rule at Hebron, but rather in the middle or later years of Solomon. At that point the promotion of the temple and monarchy had the charismaticly determined, Yahweh-elect Davidic model and promise to work with in retrospect. This set of circumstances would have provided impetus for the pro-charismatic monarchial element in Judges, as well as insight into the anticipative and varied character of the
pro-monarchy impulses of the Judges Era. It was precisely in the Solomonic age when the problems of idolatry and foreign threat brought about, according to Kings, by Solomon's foreign wives and cultic sponsorship, again began to loom on the horizon. In 1 Kgs 11-12, both the Edomite Hadad and Jeroboam already had Egyptian political involvements before Solomon's death. The Egyptian invasion of 1 Kgs 14:25 is related to these contacts. Judges addresses persistent anti-monarchy elements in the Israel-Judah of this era, as well as the idolatry/foreign harassments problem and the tendency toward secularized elements (the standing army, for example) of dynastic rule. Judges rather promotes Yahweh-deliverance through the charismatic warrior. To these circumstances the whole of Judges is relevant in all of its major interests, and in its elaboration of the particulars which this study isolates in the Jephthah pericopae.

Three other elements of the early monarchy era are especially pertinent to such a provenance of Judges.

1. The distinction suggested above between the first three judges (Othniel, Ehud, and Deborah-Barak) where no monarchical impulses are explicit, and the next three (Gideon-Abimelech, Jephthah, Samson) where they are (though less directly in Samson), evokes comparison of the series Gideon-Jephthah-Samson with the corresponding

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1 Early in the monarchy the ancient Near Eastern connection between kingdom and temple was established by the Davidic dynasty (2 Sam 7). There is an appreciable literature on this connection discussed with evaluation by E. von Nordheim, "König und Tempel," VT 27 (1977):434-453. Whatever kind of fixity this connection was designed to embody, it was impossible thereafter to ignore other sanctuaries and their potential or actual deleterious influence on the people. Von Nordheim rejects several views of the background of the connection of king and temple, and finally opts for the view that the temple building interest is in sonship, i.e., Solomon, for which he appeals to other Near Eastern parallels.
series Saul-David-Solomon. Some details in which Jephthah evokes David have already been noted above in chaps. 2-6. This chapter has neither the space nor context for a critically sifted comparison between Jephthah and David, but the obvious likenesses can at least be noted: the Davidic Era was preceded by national repentance and a series of treaty renewals (1 Sam 7-15); David and Jephthah share obscure origins, an outlaw period, charismatic warrior rule, a treaty with the elders as legitimating single-head rule, a period of victory over foreign forces—including especially the Ammonites (1 Sam 10-12), the establishment of Gilead in treaty history, lawsuit, and conquest as Israelite and as a military-economic staging area governed by one head,¹ the use of diplomacy for peaceful settlements with enemies—especially the Saulides (2 Sam 2-4) and Ammonites (2 Sam 10:1-4), and the tragic loss of an only/favorite child.

Gideon evokes Saul in his extreme oscillations, his uncertainties about himself, his demands for assurances, the remarkable victories in war followed by faltering commitments (Gideon refuses kingship but lives as a king), and the tragic end of his own life and that of his son. Samson likewise evokes Solomon in his flair for grandeur, use of wisdom, mingling with the enemy, and passion for and dominance by foreign women with deleterious effects on actual or potential accomplishments.²

This leader-typology ends abruptly with Samson. If

¹Ottosson, pp. 190-223, notes the strategic character of Gilead in David's plan of development.

²Leader-typology studies similar to this have been done by R. D. Nelson, "Josiah," and J. R. Porter, Moses and Monarchy (Oxford: Basil Blackwell, 1963), who argues persuasively that Moses is presented as a kingly type.
intentionally Solomonic, it fairly requires a late Solomonic context—a time when such a sequence of leader-types began to show a downgrade turn with proposed idolatrous entanglements and the debilitating spectre of Syrian, Edomite, and Egyptian aggression (1 Kgs 12-14).

2. The "Judah first" motif, combined with the strong anti-Benjaminite and anti-Ephraimite motifs, fits well with the fact that during and after the Absalom affair, David experienced two other threats to his throne from Benjaminites—Shimei and Sheba (2 Sam 16:5-13; 20:1-22). These opponents from Benjamin ("hill country of Ephraim," cf. 1 Sam 20:1, 21) were Saulides in motivation and sympathy. There is no evidence that this hostility was ever resolved until the apparently forced submission of Benjamin to the house of David noted in 1 Kgs 12:16-21. An anti-Benjaminite motif can be viewed as directly relevant, therefore, well into the reign of Solomon, if not even through it, especially if coming from Davidide prophetic circles in Judah such as the followers of Nathan, or even from priestly circles attached to the court of David and Solomon, or a mix of the two.

3. T. Mettinger shows how essential an elders' assembly and covenant were for the civil legitimation of the king until the death of David. After that, neither Adonijah or Solomon is said to have held such an assembly. A consciousness of this problem would have

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1. Ottosson, pp. 190-223.

2. D. Greenwood, "The Origins of the Deuteronomistic Literature," pp. 197-199. Greenwood suggests that the Deuteronomism of the Exile, too, was a mix of varying social-religious motifs, including prophets, sopherim, and priests. Deuteronomism as an amalgam of varying elements at different times is an attractive suggestion.
motivated the use of old traditions containing examples as a warning about its omission. Its use by David showed its normalcy and functionality for stabilization and success, and as part of the pattern of just government. Solomon's reign with its increased destabilization resulting from taxation, slave labor, idolatry, foreign entanglements, and growing gap between king and people, would have forcefully brought to the foreground the lack of legitimation by elders' treaty. Jephthah's elders' treaty would have been pertinent in this situation.

Judges, therefore, may be justly assigned to the middle or later years of the reign of Solomon. It was compiled to promote the monarchy by showing that the Judges Era already anticipated some forms of centralizing rule, particularly in the person of Jephthah over the central Davidic military-economic staging area of Gilead. It also reflects the Davidic-Solomonic consciousness of troublesome Benjamin and the central "hill country of Ephraim" through most of this era, the seriousness of the new threats to Israel arising from Solomon's (renewed) idolatry, and the inevitable political harassments to the Judahite state resulting from it. In other words, the book embraces the monarchy with caution, insists on charismatic leadership, and thereby warns against a renewed idolatry, weakness, and foreign pressures.

1. Mettinger, King and Messiah, pp. 107-150.
2. Ottosson, pp. 200-214; David's three major support regions appear to have been Judah, Gilead (both north and south of the Jabbok), and Galilee, i.e., the northern tribes on which cf. Naphtali's special significance to David, 1 Chr 12:40; 2 Chr 16:4; Isa 9:1-5. A full study of David's relations with the north is needed, however.
The Formation of Judges

Drawing together, now, these several considerations—a Solomonic Era origin, an early form of Deuteronomism, and a possible later Deuteronomy-inspired component (2:11-19)—an attempt is made to identify the compositional process of Judges. This effort is skewed, however, to identifying the unique placement of Jephthah in the process, based on where the evidence seems to point. It becomes clear that there are many resemblences in what follows to the similar efforts of Richter, Boling, and Mayes.1

1. The earliest form of Judges was undoubtedly, as most scholars think, a collection of independent deliverer tales, perhaps fashioned originally as folk ballads celebrating the heroic successes of Israel’s Settlement Era warriors in their struggle against foreign pressures. Such ballads were poetical or quasi-poetical in form as is suggested by several strands of evidence, some of it noted in the rhetorical analysis of the foregoing chapters. These songs came from the twelfth to tenth centuries and were early grouped into clusters around the personalities of their subjects.

2. In the Solomonic Era these songs were further organized into two basic collections, were prosaised in varying degrees, and reworked with early Deuteronomistic-like editorial modifications around their margins, and with other additions by the editors reflecting the framework theology. This process may have been approximately as follows. (a) There were, at an early time, two collections of deliverer stories, the first perhaps including at least Ehud, Deborah, and

Mayes, Story of Israel, pp. 72-80; idem, Judges, pp. 32-34.
Gideon, the second including at least Jephthah, Samson, Eli, and Samuel; the latter group reflected conflicts with two persistent enemies—Ammonites and Philistines. (b) To the margins of the first collection were added the "framework" portions length-of-oppression notes, "do evil/sell" and "cry out/save" formulae, and closing formulae on the length of the period of peace. To the second group was added a concluding length-of-judgeship formula. These latter formulae are still preserved in a few places in Judg 10-16 and 1 Sam 1-12. (c) Shortly thereafter, 2:6-10, 2:20-3:6, and 3:7-11 were added as a general introduction and example to the collection, and to make a join with the last paragraph of Joshua (in whatever stage of composition Joshua existed at the time; or alternately, the compilers of Joshua used the first paragraph of Judges to make the join). The motifs of Joshua's leadership (2:6-10, 21) and the remaining nations formed an introduction to the collection. This material already contained a covenant-breach motif (2:20). (d) About the same time or shortly thereafter the covenant-lawsuit pieces of 6:7-10 and 10:6-16 (11-14?) were added to expand the themes already introduced in the accumulated framework and introduction passages. The second of these (10:6-16) was at least partially formed by taking some material from the opening lines of the original Rise of Jephthah story (10:8-9 at least) for the purpose of introducing the Ammonite war and the Jephthah series as a whole, as well as the whole second group of

1Idem, Story of Israel, p. 73, following the flow of scholarship determined by Richter.

2Ibid.

3Generally this scheme is still similar to Mayes' suggestions (Story of Israel, pp. 73-74), but differs in a few details.
judge stories extending through Samuel (the man) and focused on the Ammonite and Philistine oppressions. This effectively made the two collections of deliverer stories into a continuous two-part work, with Jephthah now functioning as the center and marking a new section in the collection. We do not have the material, however, in anything but an edited later form, as suggested in the next point below. At this stage, a few imitations and echoes of the first collection's editorial framework formulae were included for continuity (e.g. 11:29, 32; 13:1).

3. In the next major step, also in the Solomonic Era, the Eli-Samuel stories were removed from the collection. For them was substituted the idolatry-oracle material of chaps. 17-18 to correspond with chaps. 4-5 through a network of related themes and parallels including the tribal value assessments, the influential "mother" motif, a negative assessment of individual rural Levites moving from

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1 This analysis differs from Boling's in that while he did assign the "framework" portions to a pre-Deuteronomic (pre-Josianic) time (eighth century), he also placed the lawsuit pieces in the Josianic Era Deuteronomic editorial stage. Some empirical reasons for the view expressed above are: (1) the treaty-breach lawsuit per se on which the prophetic lawsuit is modeled predates any appearance of it in Israelite literature from either the Settlement or Early Monarchy Eras; (2) Wright thought its prophetic use began in the ninth century ("Lawsuit," pp. 64-65), but the note, apparently by Boling, on lawsuit for treaty-breach in the Wright-Beling volume on Joshua in AB (Joshua, The Anchor Bible [Garden City: Doubleday, 1982], p. 43, n. 67), frankly recognizes that in Israel the "covenant lawsuit could have been, and probably was in existence in theological conception throughout the period of the tribal league as well as later"; (3) K. Koch discovers in Nathan's rebuke to David (1 Sam 11) the earliest manifestation of the distinctive pattern of Nabi-speeches and notes that this one and those following are based "solely on its (Israel's) indissoluble bond (my italics) with Yahweh (Prophets, p. 22); (4) Beyerlin has shown ("Gattung und Herkunft") that these passages, particularly 6:7-10 and 10:11-14 at least, contain the same orientation as the "framework" passages; this is good reason to keep them together.

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Judah to the North, an equally negative assessment of idolatry impulses, and security problems.

4. Very shortly after these additions, others followed which filled out the substance of the book as we now have it. (a) Chaps. 1-2:5 and 19-21 were added to connect with 2:6-10, 2:20-3:12 and to continue development of the tribal rating scheme already implicit in chaps 4-5, 17-18. This editor enlarged the rating system by making Judah the foremost tribe and by underscoring the dubiousness of Benjamin, as well as the fact that its very survival was due to the responsible action of other tribes under Judah's leadership. It is possible that the Ehud material was placed in its present position at this time to keep the Judah (Othniel)-Benjamin (Ehud) rating scheme integrated. (b) The minor judge pieces, which probably existed for some time separately, were now added (10:1-5; 12:7-12) to emphasize the centrality of Jephthah, and to call attention to Gideon as his immediate forerunner and Samson as his immediate successor. The purpose of this addition was to highlight the series Gideon-Jephthah-Samson in order to suggest its typology with the series Saul-David-Solomon, and in the process emphasize Jephthah as the strongest Davidic type during the Judges Era. It can at least be suggested that at this point the Samson and Gideon material was made to show certain sequential resemblances and parallels.

It is important to note that whatever details were added by various editors in this Solomonic Era editing process, they were clearly united in their opposition to Solomon's sponsorship of idolatry and their belief that it would bring on a new wave of foreign pressures and land losses. They were, however, committed to the
Judahite monarchy as such and to the unity of the nation under it, while at the same time recognizing the problems of disruption resident in Benjamin, Ephraim, and Dan.

5. The last major addition aside from probable glosses (such as 18:30)—possibly, but not necessarily, as late as the sixth century—was 2:11-19. This portion contains some language like the form of Deuteronomism found in the speeches of Kings, and in Jeremiah. By this time a quite new historical horizon had been reached which was different from that of the Solomonic Era in which the substantial hook originated, though not entirely different since the problems under development in the Solomonic Era to which Judges is addressed are similar to the problems which brought the Judean kingdom down and into exile. This expanded introduction (2:11-19) again traces judgment to the broken covenant and, gathering up some concepts and language of the previous framework and introduction portions, concludes that Israel brought about its own destruction by persistent disobedience.

Thus, in summary, it is proposed that the substantial Judges with Jephthah at the center emerged in three major steps; first as a collection of deliverer-stories; then as a Solomonic Era enlargement in several steps in rapid succession, promoting the Davidic-Judahite charismatic monarchy while warning about covenant unfaithfulness and its political consequences; finally, perhaps many years later, 2:11-19 was added as a kind of epitaph over the fallen Israel or Judah, though with a definite suggestion of restoration by repentance—an important interest of the Deuteronomist(s).
Jephthah and Judges in the Structure of the Deuteronomistic History

How do the Jephthah stories and their larger Judges counterparts function in the Deuteronomistic Era when, at the end of the history of ancient Israel, the whole Deuteronomistic historical work was assembled? This problem is created by the reality of a second historical horizon of Judges, i.e., the end of the Israelite monarchy. It is clear enough that, although the immediate historical situation is different (smaller nation-states of the Early Iron age have given way to the "world" empires--Assyria earlier, then Babylon), the thesis of the Deuteronomist is that the same treaty disloyalty of the Judges Era is also the reason for Judah's demise. Judges, therefore, takes on new relevance in this situation.

Studies in the Structure of the Deuteronomistic History

In the Überlieferungsgeschichtliche Studien of 1943, when he established the thesis of a singular editor in the Exilic Era, Noth also proposed that this historical collection was chronologically structured. He took as his point of departure the 480 years of 1 Kgs 6:1-2, which he understood as the Deuteronomist's summary of all the years from the Exodus to the fourth year of Solomon.1 The Deuteronomist, seeing in the building of the temple an event of great importance, added to this climaxing chronological notice of 480 total years, the speech and prayer of Solomon in 1 Kgs 8. Thus, the temple was, for the Deuteronomist, a "milestone in history."2 To this

1Noth, Deuteronomistic History, p. 18.
2Ibid., p. 19.
temple scheme, the historian also added a larger series of speeches, strategically placed in the narrative movement, to "interpret the course of events" and enable his exilic readers to draw "the relevant practical conclusion about what people should do." The chief of these are Josh 1, Josh 23, 1 Sam 12, 1 Kgs 8, and 2 Kgs 17.

The 480 years from the Exodus to Solomon's fourth year was arrived at, according to Noth, by totaling certain figures which appear in Joshua, Judges, and Samuel as indicators of time spans, mostly in forty-year segments. In order, however, to do this, Noth attributed to the Deuteronomist a compression of the forty-year figures and acceptance of a two-year reign for Saul--according to the (almost certainly corrupt) text of 1 Sam 13:1.

H. Van Zyl addressed these weaknesses in his 1971 paper on the chronological arrangement of the Deuteronomistic History. He points out that Noth did not take into consideration the strategically placed formula, "And it came to pass after the death of . . ." found in Josh 1:1, Judg 1:1, 2 Sam 1:1, and in slightly modified form, 2 Kgs 1:1, and only elsewhere in Gen 25:11a where it concludes the stories of Abraham.

We may therefore call it a Deuteronomic introductory formula belonging to the group of introductory formulae described by Van Selms in another connection as 'introductory words indicating a date.'

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1 Ibid., p. 5.  
2 Ibid.  
Van Zyl, while not wishing to discount Noth's observations about the importance of the numbering system in the Deuteronomistic History, nonetheless thinks that these strategically placed death-sequence markers are the Deuteronomist's way of dividing his history into its segments. Using the placement of this periodizing heading, Van Zyl notes that the division it yields marks off four periods: after Moses, after Joshua, after Saul, and after Ahab. There is no major division intended after Samuel's address in 1 Sam 12.

The great division between the pre-monarchical and monarchical forms of government occurs just after the death of Saul. Saul was a king, but more the last of the judges, i.e., the end of the charismatic era and who was 'scarcely ... the beginning of the actual monarchy.'

Recognition of the chronological significance of the death formula yields a balanced four-part Deuteronomistic History, according to Van Zyl. The death of Saul is its center (1 Sam :1, 2 Sam 1). The first portion is devoted to the conquest of the land under charismatic leadership (Joshua), the second portion to the possession of the land under charismatic leadership (Judges-1 Samuel), the third portion to possession of the land under monarchical government (2 Samuel, 1 Kings), the fourth portion to loss of the land under monarchical government (2 Kings). David is the center of this series. What is antecedent to David is preparatory and anticipative; what follows is to be measured by him.

In the meantime, D. J. McCarthy had published another study of

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1Ibid., p. 15.
3Ibid., pp. 23-24.
the structure of the Deuteronomic History. He rather devoted attention to the speeches, and suggested that the Davidic covenant speech of Nathan in 2 Sam 7 should be included in Noth's original list of inserted speeches, since the Deuteronomistic interest is primarily in David, and only secondarily in Saul who preceded him and Solomon who followed. 2 Sam 7 is to be seen in relation to Samuel's speech in 1 Sam 12 and Solomon's in 1 Kgs 8, the former with its negative interpretation of the kingdom of Saul, the latter with its positive interpretation of the temple. The passage is the center of the History.

Van Zyl and McCarthy have made helpful suggestions; but they are not compatible. The main interest of this history is indeed David; but the exact center is not both the death of Saul (1 Sam 31) and the Davidic Covenant (2 Sam 7), though they are quite proximate.

One simple recognition, however, would make Van Zyl's and McCarthy's insights more compatible, and would yield a clue to the overall structure of the History with David as the center. It is this: the covenant speech of 2 Sam 7 is the counterpart of Saul's speech to David in 1 Sam 24. The importance of this chapter within its own context has not gone unrecognized, but its contribution to the structure of the Deuteronomic History has not been noticed.


2Its contribution to the long narrative of David's legitimation as king has been studied, for example, by A. Weiser, "Die Legitimation des Königs David: Zur Eigenart und Entstehung der sogenannten Geschichte von Davids Aufstieg," VT 16 (1966):337.

3J. van Seters, "Histories and Historians of the Near East: The Israelites," Orientalia 50 (1981):152-156, expands McCarthy's observations to include connections of 2 Sam 7 with the "History of David's Rise" (1 Sam 16-2 Sam 5—the end point of this "David's Rise" sequence is not certain) and with the history of the ark since the
The exchange between Saul and David in 1 Sam 24 bears a similar structure to the covenant material of 2 Sam 7. Both are introduced by a brief narrative; then two speeches occur, one by each party. In 1 Sam 24, David speaks first, then Saul with the words of David's "legitimization." In the latter passage Nathan speaks first with the covenant promise, then David in responsive prayer to Yahweh. The theme of 1 Sam 24 is that in sparing Saul's life when he could have killed him, David is more righteous than he; therefore, the kingdom will be his. The pericope ends with the climactic words,

I know that you shall surely be king, and the kingdom of Israel shall be established in your hand. Swear to me therefore by the LORD that you will not cut off my descendents after me, and that you will not destroy my name out of my father's house (RSV).

This portion is among the most forthright statements of the "Rise of David" (1 Sam 16-31) about the legitimacy of David's kingship. The covenant of 2 Sam 7 is certainly an expansion on this testimony of Saul.

Thus 2 Sam 7 is not the climax or center of this history. Van Zyl is correct in making the death of Saul and David's lament (1 Sam 31 - 2 Sam 1) the center. But if 2 Sam 7 is seen as the counterpart of 1 Sam 24 then a basis exists for understanding the whole history as a balanced four-part construct, following Van Zyl's recognition of the chronological-structural significance of the death formula: "it came to pass after the death of ..."

The material of 1 Sam 25-31 has many thematic and <em>dramatis personae</em> correspondences with its matching material in 2 Sam 2-6. Then come the longer historical blocks containing other antecedent Davidic covenant promise correlates king and temple. This observation, too, is making for the right conclusion.
Implications of Recent Study

It is now possible to see how Joshua and Judges correspond to their counterparts on the other end of the Deuteronomistic History: Joshua roughly corresponds to the era of Jehu-Hezekiah-Josiah. The Judges series in turn corresponds to the great Elijah-Elisha cycle which spans a large block of material from 1 Kgs 17-2 Kgs 8:15. Just as the Deuteronomist featured a sequence of iconoclastic kings to correspond with Joshua, so he saw between Joshua and Saul a series of deliverers corresponding to a sequence of prophets between Solomon and Jehu. The same charismatic Spirit of Yahweh which empowered the deliverers also empowered the prophets to call the kings to forsake their idols, and to just as heroically challenge their intractability. But as is so often true in biblical narrative expanses, the sequel is the reverse of its counterpart. The deliverers are successful with certain qualifications; but the prophets are not successful, though also with qualifications. It may be that as the Deuteronomist moved away from the center, his system of correspondences became less precise; but more study is needed to determine to what extent this may be true.

In what relation to this whole historical series has Jephthah finally been put by the Deuteronomist? (1) The sharp profile of the originally centered Jephthah material has been somewhat blurred because of the sheer quantity of story material with which it is now

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R. D. Nelson, "Josiah."
Fig. 7. Links of the Deuteronomistic History across its center.
surrounded and superceded. The Davidic focus of the completed history subsumes all else under it. Nonetheless, the anticipative and typological flashes of the Jephthah pericopae are not lost; they rather have now reached their fulfillment—their ultimate meaning in David. (2) Jephthah can now be seen along with the other judges as one of several bearers of the Spirit of Yahweh in the time of origins. In this he anticipated the prophetic bearers of the same Spirit of Yahweh (Elijah and Elisha) as the end approached. The combination illustrates the importance of charisma as Yahweh's power for the Deuteronomists. All together are actual or potential charismatic deliverers of Israel from idolatry or its curse—consequences of social chaos, political strife, and foreign domination. This motif, even though it exists in the History in variant forms (first deliverers, then prophets), bears a significant meaning for the Exilic Era: it implies punishment and restorative repentance. (3) J. Mejia has pointed out that the aim of the Deuteronomic History, contrary to Noth's thought of a dead end, is rather futuristic via the permanence of the Davidic dynasty and its messianic promise. This suggestion is the most direct antithesis to Noth's final-judgment, no-renewal theory of the historian's meaning to have yet been suggested. The meaning is that the Jephthah stories, in their anticipation of David, may now be read as a prelude to an even larger Davidic significance, i.e., the futurism of the messianic promise. Resting on the promise of world dominion to Abraham, the Judges Era establishes aspects of Yahweh's rule of Israel as a stepping stone to the Davidic throne,

which in turn is seen by the prophets as a further plateau in the rise of Yahweh's world order. Exilic Era Israel may place its hope in the Davidic promise, but only if it repents and turns with its whole heart to Yahweh.  

The Themes and Interests of the Deuteronomistic History

One final dimension of the recent study of the Deuteronomistic History requires discussion, i.e., its central theological motifs and their appearance in Judges and in the Jephthah pericopae. The search for the guiding theological motifs has been discussed already in chap. 1 as well as in the preceding portion of this chapter. It remains here to identify and evaluate the accrued suggestions of recent study and thought. The grid of suggested themes should make it possible to correlate the five Jephthah pericopae with the interest of the historian in a comprehensive way according to the present state of inquiries into the theological meaning of the History.

The suggested comprehensive themes may be briefly cataloged as follows: (1) retributive judgment (Noth); (2) prophecy-fulfillment (von Rad, 1948); (3) the credo of Israel's deliverance, journey, and


2 C. von Rad, Studies in Deuteronomy; it is important to recognize that these efforts often tend to derive something decisive from Kings and then make generalizations about the whole from heavy dependence on only this segment of the History. This procedure cannot be dismissed as wrong since the most broadly reflective part of such an edited history might be its final segment; one should proceed with caution about applying such insights to the whole in too generalized a manner, however.
land-taking (Von Rad, 1957); (4) repentance and return to Yahweh (Von Rad, Wolff); (5) Jeroboam's sins and David's election (first edition), the finality of destruction (second edition; Cross); (6) the Davidic covenant (McCarthy); (7) wrath (McCarthy); (8) good (Brueggemann); (9) "that you/Israel/the nations may know that I am Yahweh (W. H. Williams);\(^1\) (10) rest (Roth);\(^2\) (11) election (March);\(^3\) (12) the king as covenant administrator rather than military leader since this is Yahweh's function alone (Gerbrandt).\(^4\)

In addition\(^5\) to this rich if confusing field of studied rhematics, there have been several scholars who, understandably supposing with justice that one single primary theme is unlikely to explain everything—although this simplistic intent was not that of any of the above—have sought to describe the Deuteronomist's theology by combining several of the suggested primary motifs.

One of the earlier of these multiplex attempts was that of C. Graesser (1968), who, following the reaction to Noth which this line of study represents, thought of four major questions which exiles would have faced and to which various themes are respectively

\(^1\)W. H. Williams, "A Look Within the Deuteronomic History," \textit{SJT} 25 (1972):337-345.


\(^4\)G. E. Gerbrandt, "Kingship According to the Deuteronomistic History."

\(^5\)I have not cited the titles of all of these contributors to the discussion since they have been identified in chap. 1; I have cited those here, which were not mentioned there, where the discussion was not intended to be exhaustive, but suggestive.
addressed. (1) Did not the Exile prove Marduk's power superior to Yahweh's (the prophecy-fulfillment dimension addresses this)? (2) If Yahweh was in control, why are his people in exile out of the promised land (broken covenant, curses)? (3) If Israel is guilty, is there any hope of reinstating the covenant (permanent Davidic dynasty)? (4) What must exiled Israel do (prayer, repentance)?

R. D. Nelson also suggests four basic themes addressed to the exilic situation: (1) the Ark; (2) the Land; (3) a hero-villain valuational scheme based on Josiah and projected onto Joshua in a thoroughgoing way; and (4) the positive value of the Northern Kingdom. Watts' summary simply gathers all of the themes together and affirms a multiplex theology. J. Mejia, too, gathers the themes together, but concludes by stressing the positive advocacy of a Davidic-promise, messianic futurism.

A final type of multiplex assessment is represented (most recently) by T. Veijola who isolates certain themes associated with various strata of editorial expansions, i.e., DtrP (prophetic), DtrN (nomistic), and DtrL (the land).

It is clear that among this remarkable quantity of correctly perceived themes, only four really have any direct appearance in the Jephthah series: repentance, wrath (judgment), the Credo, and ruler as covenant administrator. The first two of these are found only in

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1 C. Graesser, "Message of the Deuteronomic Historian."

2 R. D. Nelson, Double Redaction, and "Josiah."


4 Veijola, Das Königstum, p. 127.
the second introduction (10:6-16), the third very directly and clearly in Jephthah's Diplomatic Speech, and the fourth only in a general and indirect way.

However, while not found directly, the David typology of Jephthah is fairly necessitated by the structural character of the History as a whole, with its Davidic center. But this approach to a comprehensive thematic for the whole History must include within it a way of explaining the many obviously correct suggestions of the accumulated research. It is scarcely possible to think that the Deuteronomist had a written or mental checklist of perhaps some dozen to fifteen values from which he busily set himself to the task of seeing to it that all were repeated at satisfactory intervals so as to create a well-balanced multiplex such as appears in the catalog of studied suggestions. An alternative is to discover an integrating, indigenous (to the theology of the Hebrew Bible) ground-concept which in its simple singleness nonetheless evokes a many-sided complexity. What might this be?

**Comprehensive Themes of Judges and the Jephthah Stories**

1. David's kingship is so obviously the centered interest of the Deuteronomistic History, that this seems the most solid ground on which to build. Furthermore, as noted, David has antecedents and consequents. These leader personalities are mixed in their contribution to the flow--some have positive likeness to David, others are inferior. All, however, are functioning, in the literary representation, in relation to David. Those who typify positive Davidic qualities, events, and gifts are exhibited for these values; those who
fall seriously below this ideal are exhibited for their deleterious significance. The guiding motifs in this evaluation system appear to be the rule, power, and moral will of Yahweh, and the communication of the story of its expression to the world. In this respect, W. R. Williams in his short and unnoticed essay cited above, where he argues that the concept "... that you/Israel/the nations may know that I am God/Yahweh," has identified one of the more basic elements in the whole complex.

2. The Yahweh values coming to expression in the reign of David and more or less in his antecedents and consequents are more than merely fascinating or heroic. What controls the Deuteronomistic system is the covenant in its history of accumulating promises, demands, and results, particularly as defined in Deuteronomy. The multiplicity of themes in the Deuteronomistic History has a plausible explanation in the manifold character of the covenant—in its long history of growth and historical fulfillments, the complexity of its six-element formulary, and above all the manifoldness of its promises and demands touching all aspects of life. In other words, the many-factored evaluative system of the Deuteronomistic History corresponds to the equally multiplex evaluative system of the covenant idea and the even more complex history of its actual embodiment or disregard in Israel.

Clearly, however, not all of these values apply to every person, event, or institution which the Deuteronomistic History encountered in its sources. Which themes discovered in the History and noted above actually appear explicitly anywhere in the Jephthah series? Of the approximately dozen to fifteen motifs, no more than four
or five are found in any focused function here. Perhaps this is enough; but even these are either compacted in the first pericope or subordinated to some other specially focused interest in the other four Jephthah narratives.

3. This means that other manifestations of Yahweh’s sovereignty, power, and will have been found by the Deuteronomist in his sources, than were delineated in the covenant-oriented documents. Not even the multiplex system of values found in the covenant can exactly or exhaustively anticipate, program, or pre-define the movement of Yahweh’s sovereign will among men. The Historian saw that there were other, more spontaneous stirrings of the sovereign Lord which fell outside the controlled specificity and language of the covenant document. These, too, had to be integrated into the historical flow.

In Judges, this unpredictable and spontaneous element occurs side by side with covenantally defined forms. Deborah, for example, is a prophetess—a well-known covenant gift in Deuteronomy; but Gideon and Samson are moved into place by the Angel of Yahweh who is not a predictable covenant operative according to Deuteronomy, although, of course, not unknown from earlier spontaneous manifestations. The Angel and the Spirit are not covenant operatives at all, as defined in the theocratic offices section of Deuteronomy (chaps. 16-18). They become covenant operatives by spontaneous works which serve the covenant ends.

Yahweh’s movement in Jephthah takes the following specific forms. (a) Jephthah’s rise through the natural process of security breakdown, elders’ request, and treaty, making him head of Gilead as
a consequence of victory over Ammon, is a manifestation of the working of Yahweh through human needs and institutions. There is no divine intervention or miracle. But the legal basis of Jephthah's rise corresponds to David's treaty with the elders as a basis for his own kingdom (1 Sam 5), and is consistent with the recognition of Deut 17 that a people's movement will establish kingship. The divine election of Jephthah is missing, but it is present in David (1 Sam 16) along with (contra Saul) a pattern of covenant obedience and covenant administration. This could only have meant, for the Deuteronomist, that Jephthah was not yet a complete Davidic antecedent, but only a partial and imperfect one. (b) The diplomatic pericope, seeking peaceful settlement with Ammon on the basis of the kerygma of deliverance from Egypt, journey, and land-possession, is unique; but it evokes David's interest in negotiated settlement with both Saulides and Ammonites (2 Sam 2-4, 9-10), and may reflect Deuteronomy's philosophy of peaceful settlement with non-Canaanite nations (Deut 20). There is no supernatural intervention here either; Jephthah is exhibited in his commitment to the great Israelite kerygma and its use to settle territorial disputes peacefully, on the basis of Yahweh's decisions in council with the deities of surrounding nation-states. Both of these features evoke David—the kerygma psalmist and peace-seeker. (c) The daughter sacrifice as a war emergency measure was based on an aggressive oath to Yahweh and bore Jephthah the consequence of sacrificing his daughter-heiress. This may have been calculated to evoke the Davidic oath to build a temple (Ps 132:2) which appears to rest at the base of the promise of permanent dynasty in 2 Sam 7; it may also evoke David's loss of his son Absalom.
(2 Sam 18). These battle or political oaths come not from a covenant program, but spontaneously from needs or desires. (d) The aggressive move against Ephraim found in the last Jephthah pericope evokes David's persistent troubles with the Benjamite-Ephraimite Saulides from the central hill country, who apparently never ceased their pressures on his government (2 Sam 16, 20); this situation was not predictable from the covenant document. The Ephraimite affair is also spontaneous and serves to keep Ephraim reduced to size; Judah is rather the ascendant tribe in Judges' value system.

These interests evoke aspects of David's life and outlook, but they defy the generalized abstract theological categories in the list of suggested themes (repentance, good, wrath, election, rest, unfaithfulness). The covenant history enshrined in documents (Deuteronomy primarily), and the exhibit of an ideal king (David), are clearly supplemented by feeder movements of Yahweh—either direct ones or those mediated through human needs and desires.

Perhaps, then, scholars should distinguish several levels of thematic conceptualization in the Deuteronomistic History: (1) a Davidic overarch; (2) secondary supportive motifs focused from the details of the covenant formulary, history, and contents, especially as defined in Deuteronomy; and (3) feeder motifs which integrate with the Davidic and covenantal elements, and which are only to be accounted for by recognition that Yahweh injects into the history and life of his people certain acts which are not derivable or predictable from the strict provisions of an objective treaty. His work is not reducible to such strict controls and precise legal definitions. Some of these actions of Yahweh are mediated through a divine
visitation such as the Angel of Yahweh or the Spirit of Yahweh. Others are mediated through the human socio-political process in the interest of civil order and protection, as in parts of the Jephthah series.

The Deuteronomist did not excise this material, because he too saw that Yahweh's work could and did go beyond precise conformity to a fixed order, precisely so as to contribute the new and creative to it, and to continuously move the whole toward realization of a new stage of his plan in history. Therein lies the ultimate significance of the Jephthah stories in the Deuteronomistic History.

Conclusion

Recent studies of Deuteronomism in Judges by Beyerlin and Davis have led to negative results for the framework and short-introduction lawsuit portions. The Deuteronomism of Deuteronomy, Kings, and Jeremiah in combination is confined to 2:11-19 in Judges. The studies of Beyerlin, Nicholson, Davis, Koch, Kline, Craigie, and Brueggemann point to an early origin for the values and ideas of Deuteronomism, i.e., in the Monarchy Era, or possibly as early as the Settlement-Early Monarchy Era. The stylized linguistic expressions of Deuteronomism as found in Kings and Jeremiah, appear in Judges only in the possibly late addition of 2:11-19.

The combined interests of Judges fit best into the theory of a

rapid composition of the present book in several closely tied stages during the united monarchy—most likely climaxing in the second half of Solomon's reign. This provenance also fits best with the intent of the compilers to elevate Jephthah to the central position in the book in order to promote a Davidic antecedent typology, supported in turn by the likeness of Gideon to Saul and Samson to Solomon, as well as the charismatic norm of leadership. This provenance also explains the book's hostile attitude to Benjamin/Ephraim, and to idolatry and foreign threats. Thus, Judges was originally a pro-Davidic-Solomonic monarchy propaganda piece (Cundall, Davis), skewed in its interest to rally the northern, eastern, and southern tribal elements for the united monarchy and against idolatry and Benjamin/Ephraim, although it is impossible to identify what kind of anti-Benjaimite action might have been imagined. Studies in the finished structure of Joshua-Kings point to the Davidic monarchy as its center, and to a new view of Judges now conceived of as a series of Spirit-led deliverers anticipating not only David himself, but a similar series of Spirit-led prophets (Elijah, Elisha) intermediate between David and the end of the Monarchy Era. This combination serves to explain the Exile as the manifestation of covenant curses while at the same time continuing to advocate the Davidic monarchy and its promise of a permanent messianic future (Mejia). Thus the whole Deuteronomistic History, so far from proclaiming a cul de sac for exiled Israel (Noth), rather opens the future by assembling the history of both curse and promise, enslavement and deliverance.

Since Noth, the Deuteronomistic History has also been searched for its leading themes. Several studies of Judges' themes have
appeared. But these estimates of the primary themes of the Deuteronomistic History are not entirely applicable to the Jephthah pericope. The theological-thematic significance of the Jephthah series, therefore, must be established on its own indigenous interests and the implications of these interests for both horizons, i.e., the Davidic-Solomonic Era and the Exilic Era.

The integrative themes center in the Davidic monarchy and the covenant. These elements in combination explain adequately the multiplex character of the many actual motifs and themes which have been discovered as central in the whole History. But for the most part these are not satisfactory for the Jephthah cluster. The Jephthah series rather embodies unique manifestations of Yahweh's power which fall outside any predictable or programmed covenant definition. Here the concentration is on human ingredients used by Yahweh to establish central rule in Gilead as an antecedent to David. In some parts of Judges, the emphasis is on the intervening power of the Spirit or Angel of Yahweh. This type of manifestation of Yahweh's will is barely present in the Jephthah series. Here Yahweh rather uses humanly mediated events in all their humanness to move affairs toward the Davidic plateau. Thus the compilers believed that Yahweh's work was not limited to strict, closely defined extensions of the already existing covenant; rather in his freedom, Yahweh at times moved in human experience apart from the covenant per se in order to feed into the stream of its history that which contributed to its outworking. Herein lies the significance of the Jephthah stories. The covenant might serve as a canon, but history is more varied, complex, and deviant than such a canon. Yahweh's movements begin where history
actually is in order to use certain of its ingredients for the covenant ends.
CONCLUSION

A review of the literature reveals that opinion about the structure of Judges is in a state of quiet agreement mixed with doubt. The recent growth and development of the analytical technique known as rhetorical criticism seemed like a promising approach to discovering the structure of at least one portion of Judges—a portion which on other grounds has been perceived as unique in the sequence of judges found in the book. Another ingredient in the growth of Judges studies also pointed to the Jephthah stories as a possible clue to the structure of the book: the recognition that the book has been subjected to framing/matching interests. Cooke and Zakovitch recognized clear matching materials in the Gideon and Samson blocks; Richter saw that the Jephthah material was framed with the two minor judges lists; Boling perceived framing elements linking chaps. 1-2 with 19-21; and Radday, noting discovery of the use of chiasmus in ancient literature, expressed surprise that in the light of other discoveries of chiasmus in narrative portions of the Hebrew Bible, the book of Judges should continue to be seen as an unbalanced construction. Pursuit of these perceptions and their implications has led herein to a new conclusion on the structure of the book of Judges, on the crucial place of the Jephthah stories in it, and on the function of both in the Deuteronomistic History of which it is part.

The employment of rhetorical criticism yielded substantial results. It has unveiled the presence of five distinct Jephtha...
pericopae by furnishing a grid for determining the beginning and end points of a single pericope. A composite criterion was developed in which narrative lines (cola) were identified by a) a verb, b) an attached conjunction, and c) attention to placement of the atnah. After tentative identification of cola making up groups, word repetitions and corresponding matching interests were identified; then an overall rhetorical structure for each pericope was sought based on observed rhetorical features. The result of this analysis is that definite rhetorical features were identified in each pericope; indeed, enough features were observed to make clear that each of these five narratives bears a symmetrical character. Each appears to be binary in construction—basically two parts. A chiastic pattern was followed (A-B-B'-A') in two pericopae; a repetitive pattern was followed (A-B-A-B) in two; and in yet another, a combination of the two was used (A-B-A, A-B-A). In the latter case, however, the pattern faded in the second half of the pericope; one may only speculate what editorial or compositional process may have caused this abandonment; but editorial shortening of an originally longer pericope is certainly possible.

Within these rhetorically structured pericopae, clusters of lines clearly emerged. The clusters of lines focus on a move, a thought, a counter-move, an episode, a list, a scene backdrop (exposition), or a conclusion. Matching link-words characterized the relations between clusters corresponding to each other in each of the two halves. Parallelism is limited, although word pairs are sometimes used. There appears to be little control on line length within a cluster of lines. Most clusters of lines are two or three in
number, but a few five-line clusters appeared. These elements were present in varying quantities and frequency throughout the five pericopae.

The analytical technique used here should be tested, refined, and applied to all of Judges. From some samplings of other narratives in the book by myself, and more detailed work on the Samson stories by several scholars (most recently C. Exum), it appears that similar and varied narrative patterns are probably present elsewhere.

It is perhaps proper, without confusing terms, to speak of poetical elements in narrative. The data here seem supportive to J. L. Kugel's warnings about sharp distinctions between prose and poetry in the Hebrew Bible. He observes:

If one puts aside the notions of biblical poetry and prose and tries to look afresh at different parts of the Bible to see what it is about them that distinguishes one from another, it will soon be apparent that there are not two modes of utterance, but many different elements which elevate style and provide for formality and strictness of organization. Consistent binary sentences, an obvious regard for terseness, and a high degree of semantic parallelism characterize some sections; less consistent (and less consistently semantic) parallelism is found in other parts; some narrative sections ... are basically built of short, simple clauses but lack correspondences between them; still others show little regularity in clause length and sentence structure. This represents a continuum of organization or formality, with parallelism of different intensity and consistency characterizing a great span of texts.

Analysis of the rhetoric of the five pericopae encouraged identification of the story intention through observation of structure and concept foci in the gross structure of each pericope. A search for the possible form of each pericope proved helpful in identifying its genre or sub-genre which in turn aided identification of

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pericope intention. The respective rhetorical characteristics, genre, and intention of each of the five pericope may be summarized as follows.

The first of the five Jephthah pericopae (10:6-16) is unusual. It employs a two-part repetitive construction (A-B-C, A'-B'-C') in order to emphasize a divine lawsuit against Israel for breach of treaty. After a pretense of repentance, Israel responds to this warning lawsuit with real repentance by putting away its foreign gods. To this, Yahweh responds in turn with weariness over Israel's suffering, which he can bear no longer. This leads the reader up to the movement which begins the second pericope. Since this pericope also incorporates elements which were probably once part of the second pericope (the Rise of Jephthah), its emphasis on repentance and Yahweh's consequent willingness sets the context for the reported works of Jephthah.

The second pericope in this series is devoted to the story of the Rise of Jephthah (10:18-11:11). This piece is chiastically arranged, although the first two or three strophes have apparently been reduced in the editing process in order to reuse some of their lines or phrases in the first pericope. The strophic arrangement clearly traces the rise of Jephthah through an initial rejection by his family, to his flight, and finally to their change of mind. The elders then seek to return him to military leadership from Tob whence he has fled them. By arranging the material in a series of matching strophes, the movements of Jephthah toward restoration with his family are followed, leading to his agreement to assume permanent headship of Gilead—if he is successful in driving out the Ammonites. These
arrangements are embodied in a treaty, the enactment of which closes and climaxes the narrative. The narrative apparently follows a type of pattern found elsewhere in the Hebrew Bible, in which installation in office is the chief interest. The main point of the piece is Jephthah's establishment as head of Gilead through treaty with the elders. Since the narrative makes a point of Jephthah's rejection of the title "commander," but acceptance of the title "head," and there is reason to believe that "head" includes all major ruling functions (administrative, military, and judicial), Jephthah would seem to have assumed headship of the government of Gilead. The term "king" is not used. But the conspicuous use of an elders' treaty as a basis of single-head central government, corresponding to the use of a similar procedure under David, is suggestive of kingship, although not of the dynastic type. This ingredient in the civil legitimation of the king is essential, as T. Mettinger has shown. Thus this pericope celebrates the rise of a single-head government by elders' treaty in Gilead.

The third pericope in this series is devoted to Jephthah's Diplomatic Speech to the Ammonites. It is structured in an A-B-A, A-B-A pattern in its first segment; perhaps this repetitive literary pattern intends to reflect the repetition of diplomatic missions to eastern neighbors during Israel's period in the desert. Its point is that Israel sought peaceful passage of both Moab and Edom, and undertook no military aggression against Edom, Moab, or Ammon. The A-B-A rhetorical pattern fades in the second segment of the pericope where the emphasis is fixed on dispossession of Amorites in East Jordan by battle. The pericope ends by informing the Ammonites that they have
no right to occupy Israelite territory in East Jordan, and that Yahweh will judge the situation justly. The pericope gives evidence of being another treaty lawsuit; but it is a suit for peace. It asks for Ammon's withdrawal from illegitimately occupied territories. The suit assumes that a treaty has been broken. Study of other ancient treaty diplomacy procedures, especially at Mari, reveals parallels elsewhere in the region. The suit specifies certain territorial violations. However, the probable intention is not primarily territory, but Jepthah's pursuit of peace with eastern neighbors through the standard channel of diplomacy. In the process of reciting the history of relationship with Ammon, Jepthah proclaims Israel's central deliverance kerygma. Therefore, Jepthah not only tries to resolve conflicts with eastern neighbors through proper diplomacy, but he undergirds the effort with Israel's distinctive proclamation of the ground of its existence, i.e., the kerygma of deliverance from Egypt and journey to destiny in Canaan through the working of Yahweh in its midst. Jepthah is therefore a loyal, covenantal Israelite. Finally, it is notable that this pericope, with its kerygma emphasis, is the longest of the first three, which have increased in length respectively from first to third. This long kerygma-based speech is also the longest such kerygma rehearsal in Judges.

The fourth Jepthah pericope is devoted to the sacrifice of his daughter in the context of the resumed story of the Ammonite war. This pericope, like the second of the series, is a chiasm, although it contains a slight modification of the normal chiastic pattern in the strophes around the center. This piece corresponds to the second pericope (Jepthah's Rise) in another important aspect, i.e., it
represents Jephthah's fall. Thus the two pericopae intentionally
match each other in both rhetorical structure and theme. They are of
approximately even length. Both are shorter than the Diplomatic
Speech which intervenes between them. Matching interests are also
present here: the Speech is centered, with a rise-fall schema on ei-
ther side. Jephthah's vow and war victory are focused in the first
half, although the daughter is introduced. In the second half, the
daughter is focused; Jephthah remains in the scene until the last few
strophes when he disappears and the daughter's tragic death is fo-
cused. At the center is a six-part exclamation of alarm by Jephthah
at meeting his daughter as the unexpected subject of the vow. These
six exclamations of alarm focus on death and demise, but, strikingly,
his demise, not hers. The vow and its necessary fulfillment mean his
fall. As the six exclamations progress, it becomes ever clearer that
her death means his fall. This cannot mean, however, that he sudden-
ly ceases to be a judge or warrior, since another military subjug-
tion occurs after this one, although its brevity and concluding in-
tent in the series may suggest that he diminished slowly. But this
can hardly be the significance either, since he was offered and ac-
cepted the responsibility of a permanent ruling position—the only
major judge to have fought and ruled. Another option, preferred
here, is that the notice that she was his only child primarily means
the demise of his family, because with her death, his line ends. The
possibility of some form of family succession dies with her. Thereby
the possibility of a dynastic or quasi-dynastic rule during the
Settlement Era is again denied as it was with Gideon for another
reason, and again with Samson for still another reason. Tragedy
again demolishes fulfillment of promise: the situation in which Israel came closest to any form of centralized rule simply collapsed again. This can hardly be anything but a form of deference to David. The oath narrative, with the two elements of promise and fulfillment, sets this sad story in a theocratic context. The motif of the loyal Israelite continues here. It is probable that the oath was taken in the extremities of a war emergency, since this is the context of the relevant ancient parallels. It means that child sacrifice could be tolerated when a leader of Jephthah's stature thought that the nation's safety depended on it. This explanation, however, only holds good for a time in Israel's history when there was no other recourse, and when there was still moral ground for its continued existence in the land—as there ceased to be in the later monarchy. Jephthah apparently had no help from other tribes, nor the advantage of a standing army. It was still the holy war era, but the tribes lay inert.

The fifth pericope focuses on Jephthah's subjugation of Ephraim. It concludes the series, and is the shortest of the five. In structure it repeats the A-B-C, A'-B'-C' pattern of the first pericope. It is full of allusions and hark-backs to earlier Jephthah pericopae; it especially parallels the language of the first pericope with many repetitions and adaptations of its language. It has been composed to parallel it closely, thereby forming another matching pair of stories at the outer edge of the Jephthah material. Its intent appears to be Jephthah's dominion over Ephraim, a tribe which is viewed as having an excessively high view of its own importance. The two-part nature of the narrative includes a word-action sequence
similar to the two preceding pericopae. One reaches the conclusion, therefore, that this story functions to finalize the Jephthah series by becoming the final element in a framing schema which centers in the Diplomatic Speech. This schema follows a chiastic form, but it is not a tightly woven chiasmus, only a loose and rough one, as can be seen particularly in the fact that this final story does not return to the subject of the first pericope. Its connections with it are loose and rhetorical, not substantive. And yet this loose but real web of interconnections among the five pericopae is typical. Most rhetorical repetitions in these stories are loosely interrelated; none is highly mechanized.

A new view of the structure of Judges is implied by the preceding examination of the rhetorica and intention of the five pericopae. Jephthah, not Gideon or the cycles pattern, has been made the organizing principle of the book. The persistence of the framing technique in narrative placement and relevancy beyond Jephthah can be seen in the position of the minor judge material on either side of Jephthah. At the next level, the Gideon and Samson material (chaps. 6-9, 13-16) has been made to bear similar motifs in sequence, albeit with the same loose connections as those of the Jephthah material. At the next level, chaps. 4-5 and 17-18 have been made to match each other by the use of several integrating themes revolving around an influential woman. Finally, chaps. 1-3 and 19-21 likewise have several distinctive homogeneous themes revolving around the idea of all-Israel.

The discovery of such a symmetrical structure of Judges requires recognition that to affirm the "cyclical" or "framework"
structure of chaps. 3-16 is misleading and in fact quite an erroneous way to understand the structure of this book. It is rather balanced, editorially unified, and redactionally integrated, even though diverse materials have been employed in its composition. The redactional unity of the book implies that it stood as a composition in its own right, and should not be thought of as a collection of diverse material only assembled in the Exilic Era without any structured preexistence as a book per se. From the standpoint of rhetorical analysis of narrative pericopae, this study means that (1) larger blocks—say, single pericopae and groups of pericopae—reflect in their macrocosm the characteristics of the rhetorical microcosm, i.e., the larger units of narrative tend to be fashioned after the smaller unit consisting of a rhetorically fashioned single poetical line or a cluster of two to five lines; and (2) it is helpful, in this kind of study to work with a larger group of materials than one single pericope, since the larger quantity of material allows one to see variations within a group of narratives focused on one subject.

In seeking a likely context for composition, the later years of the Solomonic monarchy present a suitable set of circumstances in which Judges as understood here would have been useful. It appears to represent an anti-idolatry movement which recognized the covenant-based warnings of foreign dominion as the most serious consequence of such idolatrous deviation. These circles were not opposed to the united monarchy, however. They rather wished to promote and affirm it, and to note its antecedents in the Settlement Era. They believed, in fact, that Jephthah was the best ruler of that era; and they endeavored, therefore, to covertly suggest a pattern of
similarities between him and their ideal monarch, David. They also saw in Gideon an antecedent of Saul, and in Samson an antecedent of Solomon. Judges therefore can be thought of as a pro-monarchy treatise, which nevertheless warns about idolatry and its effects, and about certain persistently troublesome sources of idolatry and insecurity in the tribes of Benjamin, Ephraim, and Dan. The editors probably thought of the Settlement Era as a time of incomplete possession of the promised land, and the monarchy as the period when this hitherto unfinished work was advanced. The centralization of religious life in Jerusalem also perhaps generated their view that the era of mobile Levites had come to an end, and that they should perhaps stay in their places, and keep to their teaching work. They wanted to promote the unity of all Israel under Judah's leadership, although there seems to be a recognition that some elements, especially Benjamin, must be subdued and kept under control by force.

Throughout the book, they advocate covenant obedience and loyalty as the primary basis for Israel's successful fulfillment of her worldly mission, and charismatic leadership of the nation in this mission.

When the Deuteronomistic History was assembled in the Exilic Era, Judges was newly understood as an early representative of the Deuteronomists' values and advocacy. Its content already showed how Israel was led during this era, i.e., by charismatically inspired leaders, who anticipated not only the Davidic monarchy, but another group of charismatics in the Monarchial Era, i.e., the prophets. By constructing their long historical series symmetrically around death notices of leaders representing the primary segments of Israel's history in the land, they were able to show how charisma, covenant, and
monarchy were coordinated, even though Israel's history did not em-
body a uniform acceptance of these values and powers by the whole 
people at all times. In fact, the later rejection of covenant and 
charisma, especially as they were experienced in the first half of 
the history (through David's early years), was the undoing of the 
nation. These editors believed that the charismatic Davidic 
monarchy, and all that it embodied, brought Israel nearer to the 
kingdom of God than any other era of its history.

This study points to the need for a thorough new examination 
of Deuteronomism which assumes and works forward from an early, say 
13th century, date for some form of Deuteronomy. Lack of clarity and 
definition on this issue was felt at every stage of this disserta-
tion. Several studies of Deuteronomism assuming a ninth- or eighth-
century origin exist, and were helpful. But it is very important 
that the advocates of an Exodus Era Deuteronomy work out a definitive 
study of the history of Deuteronomic thought from such a base. This 
should occur at as early a time as possible so that studies in Joshua 
and Judges such as this one may have a framework within which to 
work. On the other hand, studies in Joshua and Judges of the type 
represented here may themselves help contribute to gradual clarifi-
cation of the history of Deuteronomic ideas in ancient Israel.


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