

The Judges - Once More

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H.RÖSEL has in two recent publications revived the old notion of M.NOTH and other scholars regarding the existence of two different 'officials' in pre-monarchic Israel, both popularly termed 'judges'¹. RÖSEL describes his contribution as a "neuer Ansatz" because he combines the offices in the person of Jephthah². It must, however, be stressed that the same argument was actually used formerly when scholars tried to either reduce the difference between the two types of judges or to stress the difference, therefore it is difficult to understand why RÖSEL's approach should be considered particularly "new"³. RÖSEL pays attention to the two titles attached to Jephthah, קצין and ראש, indicating that Jephthah served as a general, whereas ראש marks him out as a local ruler of some kind, and he consequently has no difficulties in viewing Jephthah as the man who combined both offices⁴. Being so it is easy to understand why both offices were included in the tradition under a single heading, ראש⁵.

RÖSEL's "new" interpretation gives birth to several questions. It is possible to indicate not a few traditio-historical problems which he leaves unsolved, how old are the various traditions concerning either the "major" or the "minor" judges? Why are we presented with different kinds of traditions? Why are both types in-

1 H.RÖSEL, Jephthah und das Problem der Richter, *Biblica* 61 (1980) 251-255; Die "Richter Israels". Rückblick und neuer Ansatz, *BZ NS* 25 (1981) 180-203.

2 Cf. *Biblica* 61; cf. also *BZ* 25, 203.

3 Cf. M.NOTH, Das Amt des "Richter Israels" (1950), *Gesammelte Studien zum Alten Testament II*, München 1969, 71-85, 72f.

4 Cf. *Biblica* 61, 253-254, following A.MALAMAT, especially his Charismatic Leadership in the Book of the Judges, in F.M.CROSS, W.E.LEMKE and P.D.MILLER, *Magnalia Dei. The Mighty Acts of God. Essays in Memory of G.E.WRIGHT*, New York 1976, 152-168.

5 Cf. RÖSEL, *Biblica* 61, 255; *BZ* 25, 203.

cluded in the Book of Judges? For what purpose were the different kinds of traditions drafted? When were they collected? There also exist a couple of historical questions to which RÖSEL says nothing of importance. Of course these questions are related to his traditio-historical viewpoint (or rather lack of viewpoint), since we may ask in which way was the society organized to which these officials belonged, i.e. how are we to describe the social structure of pre-monarchical Israel? Is the sources in the Old Testament historical documents in the proper sense of the word? Does it have any consequences for the argument in RÖSEL's papers that he does not refer to the hypothesis of the tribal league? Does it have any consequences for the concept of the period of the judges if the sources were collected, arranged and edited perhaps 4-500 years later than the period in question, or even if they were reduced in writing in the early part of the monarchy?

In this short communication I am not going to comment on all these questions in details. First and foremost I hope to be able to publish a more comprehensive study of early Israel in the near future, dealing with among other things the social structure of pre-monarchic Israel, the origins of the historical tradition in the Old Testament, and methodological questions concerning the study of the history of Israel before the polity⁶. Secondly I have touched upon many of these questions in a monograph which appeared ten years ago⁷. Finally it must be admitted that there is a severe shortage of comprehensive traditio-historical analyses of the Book of Judges, especially now because the notion of the league of the twelve tribes in no more valid. Moreover, at the present there is no totally satisfactory commentary on this part of the so-called historical books in the Old Testament. On the other hand I shall pay some attention to the more general problem concerning RÖSEL's understanding of the formation of the tradition, because here we

6 Preliminary title, "Early Israel". Anthropological and Historical Studies on the Israelite Society Before the Monarchy, cf. especially the second part chapter VI, "The Social Structure in Pre-monarchic Israel", cf. also the following chapter, "The 'Period of the Judges' and the All-Israelite Tradition".

7 Israel i Dommertiden (*Israel in the Period of the Judges*), Copenhagen 1972, 74-87, and to Jephthah Israel i Dommertiden, 92f.

find the reason for his interpretation of the "office" of judge and the reason why his revival of old theses is futile.

As RÖSEL clearly sees the substantial difference between the "major" and the "minor" judges is that the traditions related to each category are very different - except in the case of Jephtah. The real problem is, however, whether this is only a literary difference, which is the opinion of some scholars including W.RICHTER, A.J.HAUSER and this author⁸, or it is a historical difference as RÖSEL thinks? RÖSEL himself pays attention to the fact that some characteristic traits of the "annalistic" lists of the minor judges also appear in the narratives concerning the major judges, but this observation leads to nothing. Nevertheless the real problem is whether these common features make it likely that "originally" there existed a single longer and coherent list including also the major judges who were perhaps not yet connected with their narrative context as is the case to-day, or a secondary harmonization took place trying to combine two different types of tradition, the lists and the narratives? There are some reasons to consider the first possibility because in their present shape the two lists in Jud 10,1-5 and 12,7-15 do not comply well with the historical, i.e. the deuteronomistic fictitious framework structuring the Book of Judges. According to the deuteronomistic setting Israel was only loyal to Yahweh when ruled by a judge, between the various judges they practised illegal cults⁹. Thus in the deuteronomistic Book of Judges there seems to be no succession of judges, one judge superseding another just like a king is replaced by his successor (which was really the opinion of NOTH)¹⁰. In the lists of the minor judges no interregnum is taken into account, according to the present lists the judges ruled Israel in an unbroken succession. On the other hand this does not explain why the major judges now appear in separate narratives?

8 Cf. W.RICHTER, Zu den "Richtern Israels", ZAW 77 (1965) 40-71; A.J.HAUSER, The "Minor Judges" - a Re-evaluation, JBL 94 (1975) 190-200, and my Israel i Dommertiden, 74-87. Cf. also my paper Israel in the Period of the Judges - The Tribal League in Recent Discussion (forthcoming).

9 Cf. Israel i Dommertiden, 87.

10 Cf. NOTH, "Richter Israels", 74.

First and foremost we have to consider the aim of the narratives in their present deuteronomistic setting. It is a flagrant misinterpretation of the intention of the deuteronomistic redactors to understand the collection of narratives as an attempt at writing a "history of Israel in the period of the judges". By this I intend to say that the narratives do not form a chronological and historical synopsis of the fortunes of Israel in the 12th and 11th centuries B.C. Obviously the collection of 'saviour'-narratives has a well-defined admonitory purpose. The redactors behind the collection want to warn their contemporaries against the danger emanating from the cult of the foreign gods and thereby they of course were able to put forward an explanation to the fate of Israel in their own age as well. The admonition is illustrated by concrete "historical" examples drawn from the past which includes the traditional enemies of Israel in the preceding centuries, Edomites (or Arameans)¹¹, Moabites, Canaanites, nomads from the desert (Midjanites), Ammonites. Each of them represented a potential threat to Israel during most of her history and each of them is present in only one narrative, there were no need to repeat the warning¹². On the other hand we may also be able to explain the presence of the note concerning Shamgar in Jud 3,31, because of the admonitory aim of the redactors. One narrative is missing including one of the most important foes of Israel, the Philistines - in case the narratives concerning Samson did not form part of the deuteronomistic Book of Judges. In case this is an acceptable explanation to the enigmatic note about Shamgar ben Anath then the presence of this note might be interpreted as evidence of the pre-existence of the saviour-narratives before they were incorporated in the deuteronomistic corpus, and consequently the deuteronomistic redactors were not the authors of these narratives¹³. Still we do not know how old the narratives

11 Depending on whether "Kushan-Rishataim" was king of Aram or Edom (Jud 3,8.10). Cf. already to this E.MEYER, *Die Israeliten und ihre Nachbarstämme* (1906), reprinted Darmstadt 1967, 374, who mentions earlier authors sharing this opinion.

12 Cf. *Israel i Dommertiden*, 87.

13 In *Israel i Dommertiden*, 81, I proposed to see Jud 3,31 as a gloss depending on a misinterpretation of Jud 5,6, according to which Shamgar must be considered a notorious highwayman. Presumably no tradition concerning wars between Israel and the Phi-

themselves are. We know that the narratives did exist c.600 B.C., on the other hand this is more than 400 years after the "events" themselves. We might have a protracted argument discussing the form of transmission, whether it was oral or the sources survived as written documents. Yet this does not change the general situation that in case we turn to the period before 600 B.C. it is in fact totally impossible to check the informations contained in the narratives. Time and again we neglect the importance of this time factor for the precise transmission of the narratives concerning the life of Israel before the polity. Frequently we are only presented with an unscholarly telescoping of the actual span of years and consequently our concept of the tradition-history is much too simple (even when the very elaborate reconstructions of the individual texts are taken into consideration). It goes to say that as to the historical reliability of the sources the lapse of time between the pre-monarchic period and the date of the present text is of the utmost importance (we are speaking of sixteen to twenty generations) which must not just be dismissed out of hand by rationalistic artifices or by our "positive" *conjectures* regarding the date of a certain text or tradition and our "interpretation" of the event behind the tradition¹⁴.

Accordingly it must be concluded that it is irrational to believe that we in the Book of Judges find historical documents in the proper sense of the word. This conclusion actually emanates from the departure of the hypothesis of a comprehensive Israelite tribal league (the amphictyony), because the all-Israelite concept laying behind the present shape of the sources in no case predates the

listines was available to the deuteronomistic redactors, except from the days of king Saul (following authors who consider 1 Sam 7 to be a deuteronomistic or at least a late narrative without a historical foundation).

14 Cf. already E.MEYER, *Israeliten*, 50. H.ENGEL is totally justified in stressing this axiom of MEYER's, cf. H.ENGEL, *Die Vorfahren Israels in Ägypten*, Frankfurter Theologische Studien 27, Frankfurt a.M. 1979, 77-78. As to the concept of "historical Sources" in the ancient Near East and in the Old Testament, cf. the various papers by M.LIVERANI, especially (to the informations contained in the Old Testament) his *Le "origini" d'Israele progetto irrealizzabile di ricerca etnogenetica*, *Rivista Biblica Italiana* 28 (1980) 9-31.

united Israel, i.e. the notion of Israel of the twelve tribes is hardly older than the period of the united monarchy. The fact that traditions which may have been transmitted from pre-historical times are collected and edited in a society sometime after it became a state is quite normal and many analogies may be cited, e.g. Greek traditions (the poems of Homer), Roman (as contained in the first books of Livy's Roman history), German (for example the Nibelungenlied), and many other¹⁵. In no case historians would agree to consider these traditions as *reliable* historical documents. It is an established fact that such sources first of all contain informations relevant to the society in which they were edited and only with extreme caution may be used as informations of any use when we study the pre-history of the society in question¹⁶.

It is of interest that the narratives concerning the major judges as well as the lists enumerating the minor judges to a degree confirm this notion of the traditions pertinent to a stateless society and RÖSEL himself draws attention to it - unconsciously. Among the Saviour-narratives RÖSEL wants to depart with the tradition of Othniel¹⁷. According to RÖSEL (and other scholars) no historical foundation exists of the tradition in Jud 3,7-11. Obviously he is quite justified, after all Othniel was rather the name of a tribal group or a clan or a lineage living in the southern part of the country before it was swallowed up by the tribe of Judah, or Othniel may have been one of the small tribes who combined to form the great tribe of Judah (in case the concept of R.DE VAUX as to the date of the emergence of the tribe of Judah is reliable)¹⁸.

15 Cf. also MEYER, *Israeliten*, 50. Especially a study of the debate relevant to the question of the reliability of Homer is rewarding, cf. to this M.FINLEY, *The World of Odysseus*, 2.ed., London 1977, 44ff., but also G.S.KIRK, *The Songs of Homer*, Cambridge 1962, 23-39, in opposition to studies like D.L.PAGE, *History and the Homeric Iliad*, Los Angeles 1959, or T.B.L. WEBSTER, *From Mycenae to Homer*, London 1958, who maintain the basically historical reliability of the socio-cultural description of Mycenaean Greece in the poems of Homer.

16 Thus FINLEY and KIRK (cf. the preceding note) maintain that Homer is actually describing the society in his own age or just before.

17 *Biblica* 61, 252.

18 Cf. R.DE VAUX, *The Settlement of the Israelites in Southern Palestine and the Origin of the Tribe of Judah*, in *Translating*

Consequently one of the characters who in the deuteronomistic literature figures among the major judges was in fact only the apical ancestor of a certain social group to the South. Of course it is improper to advocate that every major judge was originally an apical ancestor, though it still remains a possibility because it is not uncommon that tribal eponyms or even clan or lineage ancestors as time goes on are inserted in narratives praising among other things their military ability. On the other hand it must be stressed that such an assertion is pure conjecture. Besides Othniel differs from the other major judges because he belonged to the South whereas the other were connected with tribes to the North, *in casu* Benjamin, Manasse, Naphtali and Gilead. Shamgar of course has no place in this context, after all he was hardly an Israelite at all¹⁹.

Generally speaking the same circle of tribes is involved when we turn our attention to the minor judges who belonged to the tribes of Issachar, Gilead, Zebulon and Ephraim. After all it is more likely that Ibzan of Bethlehen belonged to Zebulon and not to Judah²⁰. However, among the number of minor judges some "characters" are included the historicity of whom is very doubtful, Tola ben Pua, Jair and Elon. Tola and his father, Pua, are included in the list in Num 26,23 as progenitors of clans or lineages in Issachar. According to NORTH this fact might be quoted as evidence of the existence of clans in Issachar who in the period of the judges choose the judge Tola and Pua, his father, as their apical ancestors²¹. His conjecture is, however, dependent on his date of the compilation of the list in Num 26 which I do not share at all²². You may just as well argue that Tola and Pua were originally eponyms of some groups belonging to the tribe of Issachar who secondarily

and Understanding the Old Testament (H.G.MAY-Festschrift), Nashville 1970, 108-134, 133f., and cf. already S.MOWINCKEL, "Rachelstämme" und "Leastämme", BZAW 77, Berlin 1958, 129-150, 137f.

19 Cf. n.13 above.

20 Cf. Israel i Dommertiden, 84.

21 "Richter Israels", 76f.

22 Cf. his Das System der zwölf Stämme Israels (1930), reprinted Darmstadt 1966, 122-132, and finally Das vierte Buch Mose. Numeri, ATD 7, Göttingen 1966, 173-182. As to my own opinion of this list I have to refer to Israel i Dommertiden, 109f.

rily were inserted in a list over the so-called minor judges and RÖSEL is presumably in accordance with this view²³. The same may be said of Jair from Gilead who may be considered the ancestor of the inhabitants of חוּת יַאִיר in Gilead²⁴. As to Elon who was buried in Ajjalon in Zebulon we have to underline that the names of the judge and of the city in the Hebrew consonantal spelling are identical, אֵילוֹן, and this applies also to the rendering of the names in LXX, in LXX^A Αἰλωμ, in LXX^B Αἰλωμ, Αἰλιμ. Besides according to Num 26,26 a Zebulonite clan called Elon existed. A city of the name Ajjalon in Zebulon is on the other hand not mentioned elsewhere. Instead we find Elon as the name of a city in the district of Dan to the South, and another Ajjalon in the same region²⁵.

Presumably RÖSEL is in accordance with these observations and therefore he ought to have excluded the three names from the lists enumerating some kind of "officials" belonging to Israel before the monarchy²⁶. Still he obviously maintains the historicity of the remaining characters as belonging to pre-historic times. Even though RÖSEL is dependent on an established tradition in Old Testament scholarship arguing that if we cannot prove a certain tradition to be without a historical basis it is history, his conclusion is nevertheless not legitimate from a methodological point of view. The consequence would be that the lists of the minor judges were non-homogenous, some of the names belonging to historical figures other to clan eponyms. We cannot, however, be sure of the historicity of the remaining persons. The proper approach is to look for a common denominator for all the names on the lists and therefore the most obvious conclusion is that the names on the lists do not belong to historical characters at all but the lists contain "traditional" names from Israel's past, names pertinent to unknown (to us) ancestors who were only remembered because of the traditions concerning their place of burial when the lists were drafted. Such traditions may be related to tombs of the same kind, traditional

23 Cf. RÖSEL, BZ 25, 190 n.25.

24 Cf. Israel i Dommertiden, 85, referring to MEYER, Israeliten, 517, against NOTH, "Richter Israels", 77-78.

25 Cf. Jos 19,43; 1 Kg 4,9; and Jos 19,42.

26 BZ 25, 190 n.25.

burial places of heroes or saints comparable to the tombs of the "sheikhs" in the modern Near East. If my observation is relevant to the problems presented by the lists of the minor judges, then we are entitled to conclude that *the lists have no bearing at all on any specific office in pre-monarchic Israel*. The title שָׂרָא which RÖSEL considers the designation of the holder of that office is much too general and is used of several different levels in the ancient Israelite society - and is not exclusively attached to one office²⁷.

Finally I have to protest against the intensive search for specific and definable *offices* of which the contribution by RÖSEL form a part (and in fact most of the studies surveyed by him). Actually these endeavours emanate from a severe misapprehension of the kind of society in existence in Palestine in the stateless period before c.1000 B.C. Most likely it is not reasonable to think that offices in the full sense of the word existed at all. In fact it is much more likely that a certain number of *ad hoc* functions existed and were handled by more or less informal leaders as maintained by many Old Testament scholars depending on the sociologist Max WEBER, even though his idea of the charismatic leadership was to a degree misunderstood as the charismatic leadership became the prerogative of the military leaders (the major judges) after the triumphal progress of the amphictyonic hypothesis between 1930 and 1960. It goes to say that the notion of informal leadership relevant to many different levels in the stateless period does not collide with the traditional view of the major judges, but the quality of charisma did not only apply to the military leaders, it also included the civil administrators as well.

27 שָׂרָא is connected with שָׂרָא several times and with שָׂרָא אלפי ישראל as well as שָׂרָא or שָׂרָא.