

FIGURING IT AND FIGURING IT OUT: THE HISTORICAL IMAGINATION AT WORK IN AND ON JUDGES 19-21

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Abstract

In the final article in the series, Judges 19-21 is used to illustrate the role of imagination in historical accounts and historical study. Historical accounts, being linguistic representations of the past, necessarily use figuration, but in assessing the account, the rhetorical critic also has to “figure things out”. This requires imagining the scenario in which the account made sense. The rhetoric of Judges 19-21, which is anti-Saulide and pro-monarchic, suggests that the narrative was loosely based on a historical conflict. This is shown by comparing the views of Wellhausen and Eissfeldt and by expanding the latter view. The rhetorical critic has to take both the literary aspects of the text and the historical context into account – even if the conclusion is that the text is fictional. The conclusion that is reached in this way is never certain, but it is based on reasonable argumentation and is therefore not mere fantasy.

Key words: Historical study, Imagination, Judges 19-21

Historical Cores and Historical Imagination

Those who wished to avoid the stark contrast between fact and fiction in dealing with a biblical narrative used to talk of a “historical core” that had been “overlaid” with theological, ideological, miraculous or otherwise fictional elements and motifs. This terminology is no longer popular – rightly so. The notion of a core that has been overlaid suggests that a valuable historical truth can be reached only by discarding valueless additions that, in the final form of the narrative, obscures this truth.¹ The distinction between fact and fiction is thus retained, but applied to different aspects of one narrative.

If, however, one can give discursive shape to any account of the past only by “fictioning” it, it is best not to talk of a distinct core and equally distinct accretions to it. This still allows one to ask questions concerning the events and the way these events have been shaped in the discourse. Indeed, something of the old distinction can be retained, provided that one acknowledges that “recovering” the core is a much an imaginative enterprise as the earlier shaping was. In each case something of the past is represented, with a degree of speculation, from a particular perspective and with a particular purpose (cf Halpern 1988:13; Dever 2003:227).

In a sense we “recover” a core whenever we ask questions about the composition and purpose of a narrative. We say that the narrative has been deliberately put together in *this*

¹ “One cannot scrape off a late veneer in hopes of finding a fixed older text smothered like a hunk of meat under redactional brown sauce” (Halpern 1988:94).

way and with this tendency, because it has not been put together in *that* way (which would indicate a different tendency). In other words, we imagine the basic materials that were available for “composition”. Naturally the basic elements to be given discursive shape need not be historical events. Whether or not, in a particular case, it is plausible to assume that historical events were among the constraints that the narrator had to deal with has to be argued separately.

I wish to illustrate how such arguments may be constructed by examining the narrative in Judges 19-21. In this case, I shall argue, it is plausible to assume that the narrator shaped available material with a specific rhetorical purpose and, particularly, that it was in the interest of the narrator to make use of historical events as retained in traditional or memorable history. I shall look briefly at a number of scholarly views and then discuss in more detail the views of Wellhausen and Eissfeldt before setting out my position.

History or Fiction in Judges 19-21?

In earlier times Judges 19-21, along with Judges 17-18, was often regarded as a prime source of information about conditions in Israel in pre-monarchic times.² Julius Wellhausen did much to demolish confidence in the narrative as an accurate historical account, yet many continued to base important arguments about pre-monarchic Israel on this narrative,³ while recognizing that the narrative as it stands contains much that is not historical. Others, intent on proving that even these more moderate claims are untenable, devote considerable space to arguments to show that the narrative as a whole has no connection to actual events and circumstances in pre-monarchic Israel whatsoever or that a barely discernible historical core has been so effectively overlaid with material that reflects later interests that it is useless to look for it.

The following is a selection of the views about a possible “historical core” in Judges 19-21: Donner (1984:167) believes that the predominantly late narrative retains a memory of the activities of Benjaminite robbers on the important route passing through their territory. De Geus (1976:79), Wilson (1983:72) and many others feel that the war against Benjamin reflects pre-monarchic events, but at a great distance. Halpern (1983:120) says that Judges 19-21, “if based on anything at all, may reflect Ephraimite attempts to plunder the gains of elements who have moved toward the central passes in order to prey on the caravan traffic”. Gottwald (1979:54) detects old elements in the role assigned to Levites and in the mention of the festival at Shiloh (cf Gray 1967:242), but notes that some other elements may be early as well, even the concern for the “unity and integrity of the tribes” (1979:252, cf 749). Uwe Becker (1990:297) is among those who believe that the intertribal war is pure invention. Niditch (1982:374) is another who rejects the search for a historical core.⁴

² See Jüngling (1981:16) for the older consensus in German scholarship. In the Anglo-Saxon world a positive evaluation of the essential historicity of the narrative survived Wellhausen’s criticism for some time, even in the most critical circles: see Moore 1895:405; Burney 1970:445f; Pfeiffer 1948:324; Myers 1953:808; Boling 1975:273. All of these regard the old and reliable elements as deriving from the J school.

³ Some of these were admittedly conservative scholars holding to the essential historicity of all (or most) Old Testament narratives: Goslinga (1966), Wood (1975) and especially Cundall (1968), who considers Judges 17-21 to be “of first-rate importance” for its account of the conditions in that time (25). But Martin Noth also felt that the narrative “sicher auf einer alten Überlieferungsgrundlage ruht und nur im einzelnen literarisch ausgestaltet worden zu sein scheint” (1963:101; cf Boling 1975:273) and uses it to support some of his views (see 1963:91, 94, 157n1). Similarly, Miller and Hayes find evidence for some of their views in these chapters (see 1986:85, 98, 113, 172, 424).

⁴ A great many recent interpreters offer “literary readings” that bracket the issue of the relationship between the narrative and historical events (Lasine 1984, Tribble 1984, Webb 1987, Bal 1988, Klein 1988, Fewell and

The arguments against accepting the narrative as an accurate historical account are strong. The figures for the tribal armies in Chapter 20 are without doubt unrealistically high. According to 20:17, the Israelite force was 400 000 men strong and, according to 20:10, this represented a tenth of the available able-bodied men.⁵ Chapter 19 relates in detail (including conversations) the experiences of a small number of relatively unimportant individuals. Such incidents are not the stuff of history. Part of this chapter also shows literary affinities with Gen. 19. Moreover, in Chapter 20 it is assumed that this isolated incident could have led to a bloody conflict – instigated by a single person. Chapter 21 tells of two further events in which the Israelites, having nearly exterminated the Benjaminites, seek to provide them with wives by means of further violence. The whole chapter is studded with implausibilities. The notion of Israel acting as a unit (of twelve tribes) is considered inappropriate for pre-monarchic times (*pace* Noth and Gottwald). Chapters 20 and 21 in particular contain language typical of late sources, indicating a very late date (far removed from the events) for the narrative in its final form. A number of minor points can be added to these.

It is, nevertheless, not easy to dismiss the narrative as invention pure and simple. The story, which reflects very badly on all those concerned, is hardly a very edifying one. The intertribal fighting, while it makes sense for the period in question, does not fit well with Deuteronomistic (or later) views of Israel as united, sacred nation. The prominence of Mizpah and Shiloh could suggest early traditions (see Ahlström 1993:361). Chapters 20 and 21 are clearly composite; therefore not much value should be placed on late diction that may stem from secondary strata in the text. Hosea twice (9:9, 10:9) mentions Gibeah in connection with Israel's sins. Although the references are unclear and the narrative may postdate the references, one has to ask what Hosea had in mind if not the tribal war of Judges 19-21.

Wellhausen's View (and that of Gressmann)

Julius Wellhausen, with no more than a few well-chosen and bitterly ironic sentences, undermined what credence had formerly been given to Judges 19-21 as a straightforward historical account. Although he rehearses the arguments I listed above, his main achievement is that he exposes the narrative to ridicule. "Who could ever have taken this narrative seriously?" he implicitly says. In his later commentary, Hugo Gressmann follows Wellhausen closely, often simply paraphrasing him.

Wellhausen argues that the picture of interpretation as a centralized national unity is in striking contrast to the picture of decentralization presented elsewhere in the book of Judges. Moreover, this unity is a religious one: "Man fühlt sich wie in einer geistlicher Konferenz ... Voll heiligen Ernstes will die Gemeinde die Sünde in ihrer Mitte nicht dulden, und scheut zu diesem Zwecke den Kampf mit den kriegerischen Benjaminiten nicht ... Obwohl sich die Schwerter in den Händen dieser Leute etwas sonderbar ausnehmen, machen sie doch gründlichen Gebrauch davon und lassen aus frommen Konsequenz Niemand übrig von Allem was ihnen in die Hände fällt. Dann erheben sie wieder ihre Stimmen und weinen ein grosses Weinen vor dem Herrn, bis sie Mittel und Wegen

Gunn 1993, and others). The tacit assumption is usually that the narrative is pure fiction. Exum (1993:172) says, "Because the violence against the woman in Judges 19 is so brutally excessive and offensive, I prefer to think that she is a literary creation". But since such excessive and offensive violence against women is still a reality, it may be better not to take this course.

⁵ On the estimated population of the Palestinian Highlands at that time, see Borowski 2003:6, 128n16; Dever 2003:97ff. Even the most generous estimates render the figures in Judges 20 ridiculous.

gefunden haben, den Schaden – durch abermalige fromme Grausamkeit 21,10-12 – wieder gut zu machen” (quoted in Jüngling 1981:19).⁶ This sacral unity did not exist either before or during the monarchic period – it reflects the conditions after the exile, “wo es kein Volk, sondern nur noch eine Kirche gab” (20).⁷

In a later work (Wellhausen 1886:244), he continues in the same vein: This muster against Benjamin is not a temporary alliance of tribes as in Judges 5, “nicht einmal das Volk Israel, sondern die Gemeinde des Bundes, die auf der Einheit des Kultus basirt ... Die Heiligkeit der Theokratie bringt diese 400 000 Mann in Harnisch und erfüllt sie zugleich mit Salbung und mit blutiger Energie. Dieser uniformen Masse sind die geistlicher Instinkte ganz in Fleisch und Blut übergegangen.”

This conclusion is further strengthened by the language (there are numerous late words and phrases), the impression of literary dependence (on Gen. 19, Joshua 7-8 and 1 Sam. 11)⁸ and the absence of personal names (20). But the story itself provides the strongest arguments against its own historicity. How could an isolated incident give rise to such a terrible massacre? The supposed cause is out of all proportion to the effect. On this point Wellhausen pulls out all the stops: “Wegen dieser Schandtat nun, die vor allen Dingen seine eigene ist [referring to the Levite and his willingness to sacrifice his concubine to save his own skin – DGL], soll ganz Israel zu seinen Gunsten ein-geschritten sein? Man beurtheilt die alten Israeliten zu schlecht, wenn man glaubt, sie hätten nicht eher den heiligen Mann gesteinigt als die Rotte von Gibeon gezüchtigt” (20n).⁹ Later Wellhausen sustains the irony: “Da die gottlosen Buben von Gibeon dem dort übernachtenden Leviten an den Leib wollen, liefert er ihnen sein Weib aus, um sich zu retten – und ganz Israel findet an dieser empörenden Feigheit nichts auszusetzen; vermutlich ist die Meinung, der heilige Mann habe durch sein verhalten die Frevler vor noch schlimmerer Schuld bewahrt” (Wellhausen 1886:244). (This is surely unjust rhetoric, since Wellhausen does not bother to take the Levite’s false report into account.) In his view the whole narrative was composed at a late date, after D and not long before P (Wellhausen 1886:245).¹⁰

In assessing this influential view, one is immediately struck by the vehemence with which Wellhausen defends his position: I have deliberately quoted him directly to give an impression of his attitude. Quite apart from his actual arguments – these have been repeated often by others – his rhetorical investment in the discrediting of the historicity of the tradition is considerable. A closer look shows that the violence of his disgust and the irony with which he expresses it cover a surprising failure of both historical and ironic

⁶ The work was not available to me in the original; here and elsewhere I follow the summary in Jüngling 1981.

⁷ The arguments here and in the following paragraph are all repeated by Gressmann (1914:266ff). Gressmann’s own contributions are “form-critical”: “Wie alle Legenden, so ist auch diese Geschichte von der Greuelzeit zu Gibeon jungeren Ursprungs und für die historische Betrachtung wertlos” (15). For Gressmann the identification of the genre as legend includes a value judgment: Hals (1985:47) notes that Gressmann considered legends to be “artistically lacking”, partly because they include miracles (or, as in this case, unlikely events).

⁸ It is never easy to decide who borrowed from whom. It is generally believed that Judges 19 depends on Gen. 19, but as noted an expert as Westermann (1985:300; cf Niditch 1982:375ff) reverses the order.

⁹ Gressmann (1914:269), without ever referring to Wellhausen, uses virtually identical wording at this point: “In Altisrael hätte man überdies wohl eher den Leviten gesteinigt, der sein Keksweib feige den nichtsnutzigen Burschen auslieferte, als die Stadt zur Rechenschaft gezogen.”

¹⁰ Wellhausen also has to undermine the foundation upon which the earlier positive assessment of the historicity of the narrative was based: the reference to some evil deed at Gibeon in Hosea 9:9 and 10:9. He believes that the late fiction was inspired by the words of the prophet, words which actually refer to the evil of the introduction of the monarchy (Jüngling 1981:21). The argument is not strong, as Moore (1895:405f) points out. Even the faithful Gressmann balks at this juncture – Saul was not crowned at Gibeon (1914:270f).

imagination. A less emotionally engaged Wellhausen might have asked pertinently whether the impression of religious and national unity in the narrative is not as clearly secondary here as it is elsewhere in the book of Judges.

Once this question is posed, it becomes clear that some elements in the narrative are not covered by his characterization at all. For all the obtrusive “churchiness” of some verses (that do not carry the narrative further), the impression of purely secular and painfully irresponsible action is not removed (cf Buber 1956:31f). In the main narrative line, religious motivations take a second place and are ridiculed as hypocritical. Wellhausen does not consider that the narrative that becomes the butt of his irony might itself be an ironical one.¹¹ Since he remains oblivious to the logic of story-telling, he assumes that the Israelite assembly would have known how the Levite had actually acted in Gibeah, instead of hearing only his considerably edited version of the story. He makes no attempt to consider the implications of the three cases in which the Israelites consult Yahweh and of the answers they receive.

Even at a historical level Wellhausen suffers from a failure of imagination. Secure in the knowledge that an isolated atrocity could not possibly lead to a major war, he does not stop to ask what abysmal stupidity had led somebody to present this as possible. Wellhausen was spared the experience of living through a global war sparked off by the assassination of one person, but his knowledge of history should have provided him with an even more apt analogy (since the later case did, after all, involve the heir to an empire). In 1739 Britain went to war with Spain for the most respectable of all historical reasons: Material gain. As Willcox (1976:96) says, the ground for the friction between the two countries was economic and the war “was more purely commercial than any Britain had fought since the Dutch Wars”. All the same, the commercial interests that wanted the war had a hard time getting it started: Spain was not ready for war and in Britain the leading politician, Sir Robert Walpole, was firmly opposed to war (Willcox 1976:96, 98f). In the Caribbean, the scene of the conflict of interests, local Spanish authorities and British merchants and smugglers were practically at war already, with atrocities being committed on both sides (98). To gain national support for a local squabble of sectional interest required the force of popular opinion.

Enter Captain Robert Jenkins, master of a British merchant ship operating from the Caribbean. Jenkins arrived in London minus part of his ear and with a terrible story of his suffering at the hands of Spanish coast guards off the Jamaican coast. Although no contraband had been found on his ship, he and his crew had been subjected to various threats, indignities and assaults; in the process part of his ear had been cut off (97f). The supporters of war now had something to work on. Stories of the atrocity were widely publicized. Jenkins even recounted his story before Parliament, where he told how, when his ear was being cut off, he “recommended his soul to God and his cause to his country”. As Willcox says, it will never be known whether Spaniards were responsible for severing Jenkins’s ear: “What they were accused of doing, not what they did, helped determine history” (98). When the war was finally declared – eight years after the incident was supposed to have occurred – it became known as “the War of Jenkins’s Ear” (100).

I have to conclude that Wellhausen the historian accurately identified the points at which those trained in historiography would entertain doubts when examining a piece of evidence. He has, however, failed to consider how the past may be presented with specific

¹¹ Exum (1993:182) speaks for the majority of modern commentators when she says that “all the events come under narrative censure”. But a minority still find a positive “message” in the story: see Boling 1975:293; Dumbrell 1983:32.

purposes and to a specific audience. In this respect Eissfeldt shows himself to be a more competent reader of the past.

Eissfeldt's View

When Eissfeldt (1965) approaches the same narrative, it was certainly not in a spirit of credulity about its historicity. He cites Wellhausen's criticism (66f) and rejects Noth's attempt to find evidence for an amphictyonic organization in the narrative (68). Since the book of Judges often recounts events of purely local significance as if the whole of Israel had been involved, he believes that this could be the case here as well (70). Since the immediate victim lived in Ephraimite territory, it is possible that only Ephraim and Benjamin were involved (70). He acknowledges that the incident described in Chapter 19 could hardly have led to a bloody war, but he argues that purely political matters are often presented in terms of sexual offences. Political motives are not well understood by ordinary people, whereas sexual misdeeds always evoke a response. The actual *casus belli* was probably a political rebellion by the Benjaminites, though the author may have made use of an actual incident (71f). He is able to adduce other examples both from the Old Testament and from other ancient literature to illustrate his point.

Next he argues that various pieces of evidence within the Old Testament indicate that the tribe of Benjamin originated later than the other tribes. The tribe is not mentioned in Ju.1 and the stories in Genesis depict Benjamin as the only one of Jacob's sons to be born in Canaan. This birth was a painful one, causing the death of Rachel: Another pointer to the conflict that accompanied the origin of the tribe as a separate unity (73f). Originally Benjamin was simply the southern part of Ephraim (Benjamin meaning "son of the South"), but the militant Benjaminites rebelled and established themselves as a separate tribe, a "younger brother" of Joseph (73f).¹² He points out that many passages confirm that the Benjaminites were known to be a warlike group and that the Ephraimites were known to be jealous of their honour and prerogatives.¹³ Under such circumstances the Benjaminites' bid for independence had to lead to fighting (75ff).

Eissfeldt identifies some other possibly historical elements in the story. As he sees it, Benjamin managed to weather the storm and some form of compromise was soon reached: Benjamin remained independent but closely linked with Ephraim. Although he regards Chapter 21 as predominantly fictional, he considers a refusal of marital ties possible and sees the reference to Jabesh-Gilead as indicative of a strong link between this Transjordanian city and the Benjaminites in pre-monarchic times, one probably based on exogamic relations (78f, cf 1 Sam. 11).¹⁴ Lastly, he believes that the reference to the presence of the ark at Bethel could well be historical; when Jeroboam 1 set up the sanctuary there, he could well have been drawing on an earlier tradition that recognized Bethel as a cultic centre (79).

In some respects then, Eissfeldt is on firmer historical ground than Wellhausen, even when he considers it possible that an actual incident might have been the immediate cause of the conflict (78). Whether his idea of a rebellion against Ephraimite dominance is

¹² This view is still held by Lindars (1979:101f) and Mayes (1985:50). See also Miller and Hayes 1986:97 (more tentative).

¹³ This point was recently taken up by Hamlin (1990:143). See also Davis 1978:23; Becker 1990:265.

¹⁴ The link between the Benjaminites and the people of Jabesh Gilead is considered to be historical by Halpern (1983:9) and (tentatively) Görg (1993:110). See also Rowley 1955:62; Miller and Hayes 1986:137; Amit 1994:32.

equally sound, may be doubted – it remains unclear what Ephraim stood to lose or Benjamin to gain. A further weakness of his view is that he does not consider the aspects of Chapter 19 which suggests that, apart from Ephraim and Benjamin, Judah and the Levites may have been involved. Nor does he ask why this tradition was preserved and why it was shaped in this particular way.

Eissfeldt Improved

Some of the questions left unresolved by Eissfeldt may be addressed by pursuing his own thoughts a little further. Gunkel had already connected the reference to Benjamin as a wolf in Gen. 49 to possible raids on passing caravans (Eissfeldt 1965:77). Donner (1984:133f) points out that Benjaminite territory was strategically placed with respect to major routes. The longitudinal route along the escarpment, vital to communication between the northern and southern inhabitants of the central highlands, had to pass through it and major routes to both the Jordan valley and the coastal plain passed across this neck of the central mountains. As Donner (1984:134) indicates, this gave the Benjaminites a prime opportunity of preying on passing travellers and disrupting the flow of trade.¹⁵ If they had taken this opportunity, their neighbours, both to the North and to the South, would have had an excellent reason to mount a punitive expedition. Not only Ephraim but also Judah (thus Gottwald 1979:749) and perhaps even Manasseh could have been involved. It cannot be ruled out that even Transjordanian communities entered the fray, since they might also have been threatened with a loss of a route vital to their well-being.

When we turn to the narrative, a special emphasis on geography is immediately apparent. Those travelling from North to South or from South to North across the highlands not only had to pass through Benjaminite territory, but were often forced to stop somewhere in this vicinity, in which case they would have had to choose between a Canaanite city or one of the Benjaminite settlements. Such travellers would generally have been well provisioned (cf 19:19) and would have been both attractive and easy prey. Although the story emphasizes the sexual aspect to create a greater sense of outrage, the message is clear: Travellers find no hospitality in Benjaminite settlements and are not even physically safe there. This goes for Ephraimites (the host), Judahites (the concubine) and Levites, who, being without fixed territory, may have been on the road often (cf Brettler 2002:84). The narrative in chapter 19 could well be an individualized and sensationalized illustration of a situation that actually prevailed and that actually led to a conflict.

As for chapter 21, it would seem that two separate traditions, neither originally linked to the conflict of the previous chapter, were used or abused here. The evidence of 1 Sam. 11 makes it probable that some relationship existed between the tribe of Benjamin and Jabesh in Gilead. Whether this was based on a practice of exogamic interaction or whether Jabesh was a Benjaminite colony (on the model of Greek colonies) can no longer be determined. Both may be equally true, since the stories of Genesis may point to a practice of seeking wives from a distant but related group (a form of attenuated endogamy). This does not mean that the story of the destruction of Jabesh has any historical base.

The second story is even more obscure, but it may reflect a successful raid by the Benjaminites against Shiloh during the conflict, in which they carried off some women of the town as booty. Had they made use of the revelling of the harvest festival to launch their

¹⁵ For the importance of the route along the watershed, see also Halpern 1981:62; Ahlström 1993:69. Gottwald (1979:749) believes that the pertinent mention of the highway in Judges 20:31 indicates that “brigandage on the highways” underlies the narrative.

surprise attack, thus catching their enemies unprepared (and half-drunk)? Most scholars explore a second possibility, namely that the abduction in the vineyards recalls practices associated with the harvest festival. In fertility religions harvest festivals were often celebrated orgiastically and the reference in 21:19 to the annual nature of the festival makes it possible that this story recalls a regular practice and not a single event. If this is the case, I would suggest that the Benjaminites had a certain prerogative at the Shiloh festival (thus already Gressmann 1914:271).

Finally, one must pose the question whether the story about Israel's pity for Benjamin is pure invention. It may well be, but it is possible to read the story of Israel's pity on Benjamin in a way that makes sense in the unsentimental world of politics. Benjamin, as I argued above, could, because of its geographical position, become a nasty stumbling block on the route between North and South. But by the same token it could also be a useful buffer between the two most powerful and land-hungry tribes, Judah and Ephraim. If the initial conflict had involved both Judah and Ephraim, as I believe is likely (both having had an interest in keeping the route safe), it might well have been in the interest of both to stop short at total annihilation. Eliminating Benjamin would have opened the question as to who was to control the territory, a question that would automatically have lined up the allies against each other. The solution was to allow a chastened Benjamin to retain its tribal territory, so as not to leave a "breach in Israel". Thus the theme of the "breach" does not have to reflect later idealization, but could reflect *Realpolitik* – it is not wise to create a political vacuum within which two groups would inevitably vie for control. Far better to "pity" Benjamin and allow this tribe an "inheritance". (Note that the word is not נחלה but is not נח" either: It shows an interest in the maintenance of a geo-political unit).

This is speculation; so is the view that the whole narrative was created as fiction after the exile. Before I pose the question as to the plausibility of this imaginative construct, I shall look at the narrative from another angle, asking what the rhetorical purpose of the narrative seems to be.¹⁶

The Rhetoric of Judges 19-21

It has been fairly widely recognized that an anti-Saulide tendency marks Judges 19-21.¹⁷ The Benjaminites (Saul's tribe) are the main culprits and the people of Gibeah (Saul's city) are the vanguard of the tribe. When one adds to this that the Bethlehemite host and his daughter come off best in the narrative and that Jerusalem (David's city) is (implicitly) favourably compared to Gibeah, it is clear that the narrative champions the cause of the Davidic dynasty against that of the Saulides.

The people of Gibeah are portrayed as monstrously uncouth, but other characters do not shine either. The Ephraimite host and the Levite are both willing to sacrifice women to save

¹⁶ Yet another set of questions pertains to the unity and editing of the narrative. It has to be noted that the case for postulating the presence of different sources (or extensive editing) in Chapters 20 and 21 is very strong, though Chapter 19 may, apart from a few glosses, be regarded as a unit (cf Pfeiffer 1948:323; Jüngling 1981:285; Becker 1990:257ff). In brief, my view is that the text contains a few expansions from a Northern (Bethel) source and that chapters 20 and 21 were extensively expanded and edited in the style of P after the exile. These "priestly" expansions represent a futile attempt by a generation that no longer grasped the rhetorical purpose of the narrative to turn the story into an edifying one.

¹⁷ It is, in fact, so patent even those who take the whole narrative to be a late invention could not ignore it. Wellhausen (quoted in Jüngling 1981:21) saw it as evidence of abiding Jewish hatred against the house of Saul (fairly late in the post-exilic period!) and Gressmann (1914:270) expressed himself in virtually identical terms. See also numerous other authors from Moore (1895:408) to Görg (1993:7), Amit (1994, 2000:178ff), O'Connell (1996:324) and Brettler (2004:88f).

their own skins (or their honour). The Israelites react with disproportionate violence and then weep over the destruction they themselves have caused. In the end they “save” the situation by committing more violence and sanctioning more rapes. These features of the narrative do not follow from the anti-Saulide tendency, but require a separate explanation.

Since the time of Martin Buber (1956) the explanation has been that the narrative is (also) pro-monarchic. The programmatic notices in 19:1 and 21:25 remind the readers that these events occurred when there was no king in Israel; 21:25 adds that “each did what was right in his eyes”. In the absence of royal authority and leadership, anarchy reigned and the weak were at the mercy of the strong. Even supposed leaders took unwise decisions that led to disaster.

Although the two lines of attack – on the Saulides and on pre-monarchic conditions – are not logically linked, it is easy to see a plausible historical link. Defenders of the Davidic dynasty had to make both points, for their opponents included some who wished to see the restoration of Saul’s line and some who wished to return to the loose tribal alliance of the pre-monarchic era. Pro-Davidic rhetoric was forced to argue that Israel desperately needed a king, but obviously not one from the tainted stock of Gibeah. Or, conversely, even if Saul failed (being of tainted stock), it does not mean that the institution of the monarchy itself was a mistake. Israel simply needed the *right* royal line (O’Connell 1996:1 and *passim*).

If this is the basic rhetorical thrust of the narrative, unclear elements and passages can, albeit speculatively, be explained by referring to this dual purpose. For instance, the point of the story of the destruction of Jabesh is probably to show that Benjamin, supposedly the saviour of Jabesh from foreign aggression (1 Sam. 11), had actually previously been the cause of the razing of this same city. Again, if the Benjaminites had once successfully raided Shiloh, it would have been an exploit worth boasting of for many a year. Here the incident is mockingly portrayed as something permitted by the other Israelites to help the Benjaminites get women to marry. The Benjaminites, previously painted as villains of the darkest hue, become figures of ridicule in this section – sex-starved men crouching among the vines to snatch a chance at connubial bliss. Or, if the Benjaminites had certain prerogatives at the festival at Shiloh, this is turned into a concession needed to provide the poor fellows with wives they would otherwise have lacked.

Since the Davidides claimed kingship over all Israel, the rhetorical attack on Benjamin could not be presented as an attack on the Northern tribes as a group. A narrative in which “all Israel” have to unite against Benjamin suits this purpose. The characters who suffer under the barbarity of the Benjaminites in chapter 19 – a Judahite woman, an Ephraimite sojourner and a Levite – adequately represent “all Israel threatened by Benjamin”. Note how the Judahite father-in-law and daughter and the Ephraimite גר are the only persons to be presented in a more or less favourable light in the narrative. Judah and Ephraim belong together – against Benjamin!¹⁸ It should also be kept in mind that the pro-monarchic rhetorician would have had as good a reason to present the conflict as one involving “all Israel” as later priestly writers would have had. The Davidides certainly did not want breakaway tribes claiming local autonomy.

The massacre of the Benjaminites is unlikely to have any basis in fact.¹⁹ Benjamin is remembered as a small tribe and was probably never a large one (Burney 1970:447). It is

¹⁸ Becker (1990:265) also finds the mention of the Ephraimite significant and connects it to the claim of the Davidides to rule over the whole of Israel. O’Connell (1996:314) believes that the whole of the book of Judges had the aim of making Judahite rule acceptable to the northern tribes, especially Ephraim.

¹⁹ Arnold (1990:77, 82f), however, believes that precisely the massacre is the historical core. The story was told to justify a war crime.

possible that the author wanted the readers to consider what a menace a large number of warlike Benjaminites could be. A defender of the Davidides would certainly have wanted to suggest that Davidic kings were perfectly willing to tolerate a suitably chastised tribe of Benjamin.

This section should have made two things clear. In the first place, a study of the rhetoric of the text frequently requires imaginative constructions. Reasonably clear rhetorical vectors may have to be extrapolated to cover murky areas. I am convinced that precisely the same happens when a text is analysed structurally, although I cannot demonstrate that here. Secondly, the imaginative extrapolations sometimes require guesses about the “past” of the rhetorical act. If the Shiloh incident is turned against the Benjaminites in some way, there must have been a prior “something” to be shaped. This something does not have to be a historical event or a historical practice; it is at least a historical tradition. The uncertainty is marked by the fact that I offer two different guesses – both merely guesses.

Why Rhetoric and History?

Does a rhetorical account that purports to be about past events have to be based on actual events? Certainly, in the absence of historical memory, rhetoricians are under no constraint, but a historical vacuum contributes nothing positive to persuasion. For my part, I find the picture of the past as a sphere inhabited by people who kept recreating their past *ex nihilo* only to forget it again a few years later most implausible.²⁰ Yet it is such a world – one for which we have no present-day analogy – that is implicitly reconstructed in much biblical criticism. That people today keep reshaping their past or that people’s interests guide the process of reshaping does not have to be denied. But interests do not give birth to views of the past by parthenogenesis, nor do existing memories mutate randomly. Invention pure and simple, though always available to the rhetorician, is seldom the most effective means of persuasion.²¹ One resorts to it when other means – reinterpreting, adjusting the lines of association and dissociation, expanding or curtailing a story and so on – would no longer serve. In rhetoric invention is best employed in devising means of avoiding an excess of invention.

When rhetoricians evoke the past to make a point in the present, it is in their interest to use “known facts” as *topoi* as often as possible. Obviously it is not simply a matter of *recalling* the past; it is a matter of *re-presenting* the past, using as much traditional material as is available and as serves the purpose. The more the tendentious shifts, combinations and inventions of the rhetorician can be covered by “known facts”, the greater is the chance of success. Once there is a known story, the rhetorician can plausibly present her or his tendentious embellishments as “the whole story” (or “the inside story”).

The rhetorician’s responsibility with regard to existing views of history is not the same as the responsibility of the author of realistic fiction with regard to verisimilitude. The

²⁰ The notion of the pure invention of what clearly purports to be history is never an easy one to swallow, though it may be correct in some instances. Moore (1895:405, opposing Wellhausen) said: “Nor does it appear to me at all probable that the whole story is a fiction inspired by Jewish hatred of Saul and all the places which were associated with his memory”. The point is that the “creation” of history is not an easy task and requires a sound motivation. For this reason the tendency to regard large parts of the Old Testament historical tradition as created *ex nihilo* in the post-exilic period should be regarded with some suspicion whenever a plausible reason can be given for assuming instead a tendentious shaping of earlier material. In this regard, see Mendenhall 1987 – especially 337f and 343 – and Halpern 1992:55.

²¹ “Even propaganda and myth ... must necessarily contain some objective truths, lest they be completely unbelievable and thus ineffective” (Dever 2003:226; the formulation assumes his somewhat eccentric definition of myth on page 232). See also Halpern 1988:200; McCullagh 1998:164.

author of realistic fiction has to strive to tell a credible story by creating a possible world – no more than the acceptance of possibility is needed. The rhetorician has to inculcate a sense of actuality, a belief that the actions portrayed really happened. This means that the rhetorical account should strive not to fall foul of existing memories or traditions and that, beyond a certain point, only the *confirming* of such memories and traditions can really serve to strengthen the case. But, in the ancient world (and largely today) the rhetorician for the most part has to cope only with *memorable historical accounts* known to the audience. Memorable history latches onto specific aspects of historical accounts without bothering too much about the finer detail that would interest the historiographer. This allows the rhetorician much scope to create new traditional accounts.

In the rhetorical situation it is useless to expect the authority of the one party to carry much weight with the party that defines itself in terms of opposition to that authority. The authority, whether it be political, ecclesiastical or social, can have no impact because it is the authority itself that is challenged. Thus the rhetorician must search for an authority that is specifically not bound up with or dependent upon the existing order of power. Whereas a brand new historical account emanating from the seat of power would be suspect, a memory that is clearly independent of the existing power structure can provide such an independent source of authority.

Finding a Fit

Up to now I have argued: a) that it is possible to reconstruct a plausible historical core for Judges 19-21 – one to which the narrative relates in a way that is commensurate with what we know of ancient texts; b) that the basic rhetorical vectors of Judges 19-21 can be determined with considerable certainty, indicating that the narrative has a strong rhetorical thrust; and c) that it is in the interest of rhetoricians to appeal to historical memory whenever this is at all feasible. I shall now argue that the fit (the modish word would be “synergy”) between the rhetorical thrust and the historical reconstruction is such that it strengthens – albeit slightly and indirectly – the arguments that a historical core underlies the narrative.²² Central to this argument is the consideration of possible options to my thesis.

If, as I have argued, the rhetoric of Judges 19-21 is pro-Davidic (anti-Saulide) and pre-monarchic, the author needed to do two things simultaneously:

- a) Show the Benjaminites (particularly “Gibeah of Saul”) in a poor light; and
- b) Show pre-monarchic Israel in a state of disarray.

It was obviously possible to use two separate narratives showing, respectively, “Benjamin as villain” and “Israel in anarchy”. But the options for showing both things at once are not many. A story of tribal conflict makes it possible to identify the Benjaminites as the cause of the conflict and to show a sad situation in which Israelites are pitted against fellow Israelites. It would be at least highly desirable to argue that there was an instance when the interests of Judah and that of the powerful Joseph tribes in the Israelite heartland coincided and clashed with those of Benjamin. Indeed, if no such instance existed, the rhetorician would have had to invent one. The narrative as we have it clearly meets these rhetorical needs, although conceivably other narratives could have done so as well.

Since we have this narrative and not another, we only need consider whether it is possible to account for its existence in some other, more plausible way (cf Dever 2001:108,

²² Fay (1990:9) argues that the rhetorical attitude and the scientific attitude are both necessary to the historian. In the same way the historical attitude and the literary critical attitude are both necessary to the rhetorical critic (cf Halpern 1988:200).

157). And unless we argue that the rhetorical shape of the narrative allows for some other, more plausible rhetorical purpose,²³ we need only consider the possibility that the author pursued the purpose I outlined above by resorting to pure fiction. How likely is this? Tribal conflict remains in the collective memory for a very long time – ask any Scot. A story of tribal conflict that is completely absent from collective memory would therefore evoke suspicion, particularly if it emanates from parties with a stake in the matter and is highly scurrilous (as this narrative is). If, in the absence of useful starting points in historical memory, the rhetorician was forced to “invent history”, would this have been the best invention? Obviously one has to consider the possibility that the author was heavy-handed (and probably not very successful), but the composition of especially chapter 19 suggests that the author was subtle and skilful.

Looking from the other side, we see that there is no pressing need to regard the narrative as pure invention. I have argued that Benjaminite attacks upon travellers along the routes passing through their territory could have led a conjunction of the interests of Judah and Ephraim/Manasseh and to joint action by these tribes against Benjamin. Such a view at least makes geographical and historical sense, as many scholars have recognized. If such a conflict had already found a place in memorable history, it would have provided the rhetorician with a solid core, ripe for embellishment.²⁴

Chapter 19 is a suitably sensational account for consumption by the broad public, yet it embodies enough of the cause of the conflict (attacks on travellers) not to fall foul of traditional accounts circulating among those who still retained a reasonably clear memory of the events. Perhaps some stories of similar atrocities were current, but Chapter 19 is obviously primarily a fictional representation, a trope for an actual situation at best.²⁵ The argument that the narrative as a whole has to be fiction because a war could not have been caused by such an incident clearly holds no water, as I have indicated above. On the contrary, stories of atrocities against private citizens were presented to the public as reasons for going to war throughout the ages (at least up to the 20th century).

I do not really have to carry the argument any further. Possibly certain events or practices in the past also underlie other parts of the narrative (see above), but they cannot be

²³ This is the line taken by Arnold (1990:77-86), who believes that the historical core is the slaughter of the Benjaminites and that Chapter 19 was written to justify the atrocity (precisely because it lingered in people's memories). He fails to account for the anti-Saulide (pro-Davidide) and pro-monarchic aspects of the text. Hamlin (1990:143ff) proposes that the author, living under the rule of Jehoiaqim, pleaded for a limited monarchy and that “David” stands for Josiah and “Saul” for Jehoiaqim. Is this not overly subtle? Similarly subtle is Amit's argument that the narrative (which she shows clearly to be anti-Saulide) was concocted very late to counteract the view that Saul was a tragic hero, which one could reach from 1 Samuel (1994:39ff; cf Brettler 2002:89).

²⁴ Pfeiffer (who assigns the basic narrative to J), says that the whole of Judges 19-21 is a “fairly accurate report of actual events” supplemented by “a vivid imagination and superb literary art” (1948:324). This may be going too far, but Pfeiffer can hardly be accused of undue credulity in his dealing with biblical material. When Brettler (2002:90) says that Judges 19 “does not reflect ancient events; rather, it creates them”, he may be both right and wrong.

²⁵ On the use of the rape of women as a trope, see Alice Keefe's fine article “Rapes of Women/Wars of Men” (Keefe 1993). The figurative nature of this section explains the mob is so easily diverted from homosexual rape to heterosexual rape. In a realistic account this change of direction would make little sense; the charge of *indiscriminate* sexual perversion is, however, typical of political rhetoric aimed at the masses. Thus Marie Antoinette was accused of every imaginable sexual vice, not excluding incest with her young son (Schama 1989:224ff), and the Tsarina Alexandra being Rasputin's adulterous lover, and of having (simultaneously) a lesbian relationship with her lady-in-waiting (Figs 1996:284. Figs adds that her supposed sexual corruption “became a kind of metaphor for the diseased condition of the tsarist regime”). In both cases the emphasis on indiscriminate indulgence is perfectly clear.

identified with as much plausibility. As a general rule one can say that the rhetorician would have used “memories of things said and done” as often as possible, shaping these memories to fit with the rhetorical purpose. Once the rhetorician has staked a claim in the field of “history”, each confirmation from memory is an asset and each invention a risk.

What is abundantly clear is that casual arguments against *any* link between the narrative and historical events are not acceptable. The alternative supposition, that a late author invented a most bizarre story to further a quarrel from the distant past with no immediate relevance, is distinctly implausible. *To claim that a particular account is fictional, one cannot simply show that there are good reasons to doubt whether it accurately represents historical events. One also has to show how and why it could plausibly have been invented as a fiction. This too is a historical claim that requires warrants.*

It should be noted that this is not the old conservative argument that places the “burden of proof” squarely on those who wish to deny the historicity of any biblical account. When I claim that the story of Jonah is fictional, I do so because it is easy to provide a highly plausible historical setting for such a (post-exilic) fiction. I cannot make an equally plausible case for a historical core.²⁶ I do not have to *prove* that the events in the story could not, through God’s intervention, have taken place.

Conclusion

My purpose in this exercise has been to show how arguments about “biblical accounts and history” work in practice. My claim is that such arguments are hardly ever settled by using a set method, strictly logical deduction or fixed “truths” about the past. Instead, the arguments are rhetorical (weighing relative plausibility) and imaginative (requiring imagined scenarios).²⁷ The arguments issue in claims about history, because a conclusion that a particular discourse is fictional is also a historical claim. Such a claim also has to be defended positively; it is not established merely by casting doubt on the historical accuracy of an account.

One type of scepticism I have left out of consideration. Those who say “I do not know” *and* refrain from all guesses, claims, judgements and working hypotheses have clearly taken an indefeasible position. “I do not know” is one of the very few statements we can make that is (at least sometimes) absolutely and undeniably true. In practice very few of us are brave enough or cowardly enough to adopt this position.

²⁶ Thus I find Brettler’s comparison between Judges 19-21 and Jonah (2002:90) unconvincing. He says that Judges 19 “does not reflect ancient events; rather, it creates them”; I would say that it does both. It should, however, be noted that my modest claim does not imply that we can write a history of Israel in the pre-monarchic period by using Judges as a source, as Brettler (2002:6f) rightly says.

²⁷ The same claim was made and ably defended by JH Hexter more than thirty years ago (see Dillon 1991: 114-118. McCullagh (1998:32) stresses that historians also need imagination to construct possible alternative scenarios to be eliminated.

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