

Writing and Rewriting History in Ancient Israel and Near Eastern Cultures

Edited by
Isaac Kalimi

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Samuel as the Paradigm of the Judges

The Use of the Verb **שפט** in the Books of Judges and Samuel

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Characteristic of Israel's history as it is written in the books of Samuel and Kings is its critical view of kingship. This distinguishes it from most of the history writing in the cultures of the ancient Near East. Among scholars there is much discussion concerning the relation between the texts criticizing kingship and those that are more positive. This also concerns the book of Judges, which, especially in its final chapters, may be read as an introduction to the stories about the kings. It is generally assumed that the repeated phrase "there was no king in Israel in these days; everyone did what was right in his own eyes" (Judg 17:6; 21:25; the first line is also found in 18:1; 19:1) may be seen to be an explanation of the cultic and moral decline and thus as a positive view of kingship. This seems to be in contrast with the negative view of kingship as expressed most clearly in chapter 9; the story of the bad king Abimelech and in Jotham's fable condemning him. Different solutions have been proposed to explain this apparent contradiction. It should also be noted, however, that the history of Israel – as it is told in the Hebrew Bible – simply shows that there can be good kings and bad kings. So the question should be: What makes a king a good king or a bad king? The answer is: A good king is a king who brings "justice" (**משפט**) like Solomon (1 Kgs 3:9). This is precisely what the elders of Israel are asking for when they say to Samuel: "make us a king to judge us" (1 Sam 8:5) and: "that our king may judge us" (1 Sam 8:20). In this study it will be demonstrated that the book of Judges, in which the verb **שפט** takes a central place, can very well be read in the light of this text in the book of Samuel. This offers a new perspective on the relationship between the book of Judges and the following books of Samuel and Kings.

I The Relationship of the Book of Judges to the Books of Samuel, Kings, and Chronicles

In both its beginning and end the book of Judges is clearly connected to the surrounding books. Just like Josh 1:1 ("It happened after the death of Moses"), it starts with a reference to the death of the primary figure in the preceding book: "It happened after the death of Joshua." The final part of the book is related to the beginning of 1 Samuel by the sequence of stories all beginning with the phrase "there was a/one man from... and his name was..." (Judg 13:2; 17:1; 1 Sam 1:1; 9:1; partly also Judg 19:1).¹ Whereas the beginning of the story of Samson in Judges 13 is related in this way to the beginning of the books of Samuel, especially in their God-given birth, the

1 Cf. M. Leuchter, "Now There Was a [Certain] Man? Compositional Chronology in Judges–1 Samuel," *CBQ* 69 (2007), pp. 429–439; K. Spronk, "The Book of Judges as a Late Construct," in L. Jonker (ed.), *Historiography and Identity: (Re)formulation in Second Temple Historiographic Literature* (The Library of the Bible/Old Testament Studies 534; New York: T. & T. Clark, 2010), 15–28, esp. 23–24; and C. Levin, "On the Cohesion and Separation of Books within the Enneateuch," in T.B. Dozeman et al. (eds.), *Pentateuch, Hexateuch, or Enneateuch? Identifying Literary Works in Genesis through Kings* (Atlanta: Society of Biblical Literature, 2011), pp. 127–154, esp. 136.

end of Samson's story has a clear parallel with the end of the books of Kings: both Samson and Zedekiah, the final king of Judah, are blinded and bound with bronze fetters (Judg 16:21; 2 Kgs 25:7). All this is hardly coincidental and suggests that the author or editor of the book of Judges was familiar with the books of Samuel and Kings or, at least, with stories recounted therein. It indicates that the book of Judges was written or composed after the books of Samuel and Kings. This is confirmed by the fact that reminiscences of the book of Judges in the books of Samuel are scarce and contradictory. One finds very few references to the period of the judges and when they are related they are not in line with what we read about this period in the book of Judges. In his overview of the history of Israel and its God since the time of Moses and Aaron, Samuel gives the following summary of the period of the Judges:

And when they forgot the Lord their God, He sold them into the hand of Sisera, commander of the army of Hazor, into the hand of the Philistines, and into the hand of the king of Moab; and they fought against them. Then they cried out to the Lord, and said, "We have sinned, because we have forsaken the Lord and served the Baals and Ashtoreths; but now deliver us from the hand of our enemies, and we will serve You." And the Lord sent Jerubbaal, Bedan, Jephthah, and Samuel, and delivered you out of the hand of your enemies on every side; and you dwelt in safety. (1 Sam 12:9–11 NKJ)

It is remarkable that he only mentions a small selection of the deliverers mentioned in the book of Judges, that he uses the name Jerubbaal, that he mentions the otherwise unknown Bedan (often "corrected" in the commentaries to Barak or Abdon), and includes himself (sometimes "corrected" to Samson). It is also remarkable that he does not use the word שפט here. One gets the impression that the author of this text knows of a period before the monarchy and of stories about God punishing Israel by sending enemies but also helping his people again by sending deliverers, but that he is not familiar with the way this period was described in the book of Judges. In 2 Sam 7:11 the reference to the pre-monarchic period is more in line with the book of Judges:

Since the time that I commanded judges to be over My people Israel [אָשַׁר הַיּוֹם אֲצִיְתִי וְלָמָן-הַיּוֹם אֲשַׁר אֶעֱמִי יִשְׂרָאֵל] and have caused you to rest from all your enemies.

It should be noted, however, that it is not in line with the usual formula in the book of Judges, namely that God "raises" judges: וַיִּקַּם יְהוָה שֹׁפְטִים; (2:16; cf. 3:9, 15). Again, this seems to point at different traditions.

Another reference to the period of the judges is found in 2 Sam 11:21 showing that the writer was familiar with the untimely and shameful death of Abimelech: "Who struck Abimelech the son of Jerubbesheth? Was it not a woman who cast a piece of a millstone on him from the wall, so that he died in Thebez?"

The difference with the story in Judges 9 is clear. Instead of Jerubbaal, his father is called Jerubbesheth, avoiding and dishonouring the name of the god Baal. This can be seen as a correction to the stories about Gideon who is also named Jerubbaal, but it also suggests that the author of the story in 2 Samuel 11 was not familiar with the way the name of Jerubbaal received a proper Yahwistic explanation in Judg 6:32, relating it not to the veneration of Baal, but to acting against this god.

Another indication that the way the period of the judges, as it is pictured in the book of Judges, was not known to other authors of the Hebrew Bible or, that there were different traditions about the period before the monarchy, can be found in a remarkable difference between Kings and Chronicles. In the parallel descriptions of the celebration of Passover by Josiah we read:

Such a Passover surely had never been held since the days of the judges who judged Israel, nor in all the days of the kings of Israel and the kings of Judah. (2 Kgs 23:22)
 There had been no Passover kept in Israel like that since the days of Samuel the prophet; and none of the kings of Israel had kept such a Passover as Josiah kept (2 Chr 35:18)

It seems that according to the Chronicler “Samuel represents the period of Judges.”² It can also be regarded as another indication that the book of Judges in its present form is a late construct.³

II The Meaning and Historical Background of שפֹּט

The question arises whether this relative position of the book of Judges, as being written or composed after the books of Samuel and Kings can also offer a new perspective on the ongoing discussion about the precise meaning and historical background of שפֹּט defining the leadership in the period before the kings. It is usually assumed that the term had its origin in old lists, partly preserved in the references to the “minor judges” in Judg 10:1–5 and 12:8–15. The deuteronomistic author would have added them to the original six pre-monarchic leaders of Israel, some of them also named “judge,” in order to make a full dozen and to create a fitting chronology.⁴ In 1950 Martin Noth launched the theory that the “minor judges,” plus Jephthah, were officials of the amphictyony; a tribal league in the period before the monarchy, united around a cultic center. This implies that the tradition used by the deuteronomistic author refers to a historical reality. The deuteronomist would also have attributed this title to Samuel in 1 Sam 7:2–17.⁵ Some

- 2 S. Japhet, *The Ideology of the Book of Chronicles and its Place in Biblical Thought* (2nd rev. ed.; BEATAJ 9; Frankfurt am Main: P. Lang, 1997), p. 292, note 72.
- 3 Cf. R. F. Person, *The Deuteronomic History and the Book of Chronicles: Scribal Works in an Oral World* (Ancient Israel and Its Literature 6; Atlanta: Society of Biblical Literature, 2010), p. 167: “Perhaps the book of Judges, for example, was a later addition to the Deuteronomic History, such that it was not considered part of the common tradition by the Chronicist school.”
- 4 Cf. W. Groß, *Richter* (HThKAT; Freiburg: Herder, 2009), 205: “Der Terminus ‘regieren’ שפֹּט ist den ihm vorgegebenen Heldenepisoden noch fremd. Er findet dieses Verb aber in der Liste der ‘Kleinen Regenten’ 10,1–5; 12,8–15; es charakterisiert dort die lebenslange Tätigkeit diese einander ablösenden Männer. Indem er hier [2,]16a.18c das substantivierte Partizip ‘Regierende’ bildet und programmatisch, generalisierend auf alle im folgenden erwähnten Helden appliziert,... verwandelt er die Sammlung chronologisch unverbundener Heldenerzählungen in die Darstellung eines kontinuierlichen Geschichtsablauf mit Anführern, die jeweils lebenslang amten, aber keine Dynastien gründen.” [The verb “to rule” שפֹּט does not occur in the existing stories about the heroes. He does find it, however, in the list of the “minor judges” 10:1–5; 12:8–15; it characterizes the lifelong occupation these men take over from each other. Because in 2:16a, 18c he forms the substantive participle “judge” and applies it as a generalizing program to all following heroes ... he changes the collection of chronologically not linked stories about heroes into a presentation of a continuous history with leaders, who fulfilled their office all their life, but did not found a dynasty.] Similarly R. D. Nelson, *Judges: A Critical & Rhetorical Commentary* (London: Bloomsbury T. & T. Clark, 2017), 205: “the author (that is, DH) adopted the phrase *judges Israel* and the concept of leadership in terms of judging from the minor judges list and applied it to the local heroes in order to turn them into national leaders.”
- 5 M. Noth, *Überlieferungsgeschichtliche Studien. Erster Teil. Die sammelnden und bearbeitenden Geschichtswerke Im Alten Testament* (Halle, 1943; reprint Darmstadt: Wissenschaftliche Buchgesellschaft, 1963), p. 55. Cf. also T. Veijola, *Das Königtum in der Beurteilung der deuteronomistischen Historiographie. Eine redaktionsgeschichtliche Untersuchung* (Helsinki: Suomalainen Tiedekatemia, 1977), pp. 33–34, who ascribes 1 Sam 7:2–17 to the deuteronomistic historian; in his view only the reference to Samuel’s travels in v. 16 was derived from an older source.

scholars assume that the references to Samuel as a judge in 1 Sam 7:15–17 and 25:1 were originally part of the list of “minor judges.”⁶

And Samuel judged Israel all the days of his life. He went from year to year on a circuit to Bethel, Gilgal, and Mizpah, and judged Israel in all those places. But he always returned to Ramah, for his home was there. There he judged Israel, and there he built an altar to the Lord. (1 Sam 7:15–17)

Then Samuel died; and the Israelites gathered together and lamented for him, and buried him at his home in Ramah. (1 Sam 25:1a)

Although the theory of the amphictyony has been abandoned, the assumption of a distinction between charismatic and institutional leadership, coinciding with the distinction between “major” and “minor judges,” is still dominant. The same holds true for the assumed relation between the “minor judges” and the original meaning of the verb שפֹּט. Noth relates it to the way the work of an Israelite judge is described in Deut 17:8–13 and assumes that he had the special task of judging important issues.⁷ Already, long before Noth, Hans Wilhelm Herzberg pointed to the possibility that שפֹּט can also have the meaning of “to rule.”⁸ In later studies, arguments for the double meaning of שפֹּט are based on the comparison with related verbs in Akkadian (especially in texts from Mari), Ugaritic, and Phoenician.⁹ Recently, this is called in question again. According to Jack Sasson the evidence from Mari appears not to be as convincing as it was presented fifty years ago, and in general he concludes that the study about the right translation of the title שפֹּט “has led to no happy outcome.”¹⁰

6 Cf. P. Mommer, *Samuel. Geschichte und Überlieferung* (WMANT 65; Neukirchen-Vluyn: Neukirchener Verlag, 1991), 47; W. Dietrich, *Samuel. Teilband I. 1 Sam 1–12* (BK VIII/1; Neukirchen-Vluyn: Neukirchener Verlag, 2010), pp. 311–312.

7 M. Noth, “Das Amt des ‘Richters Israels,’” in W. Baumgartner et al. (eds), *Festschrift Alfred Bertholet* (Tübingen: Mohr, 1950), pp. 404–417; reprinted in *Gesammelte Studien zum Alten Testament II* (München: Kaiser, 1969), pp. 71–85, 417: “Er hatte besonders schwierige Fälle der Rechtsfindung zu entscheiden, und zwar auch auf dem Gebiete alltäglicher Rechtsstreitigkeiten, das eben auch mit in den Bereich des israelitischen Gottesrecht hineingehörte.” [He had to decide in very difficult judicial cases, and also in everyday disputes, because these were part of the field of the Israelite divine law.] This was based on a suggestion by Albrecht Alt, who saw a parallel with the Icelandic “Gesetzsprecher... dessen eigentliche Aufgabe es war... der versammelten Volksgemeinde einen Teil des im Jahre 930 von Norwegen her übernommenen, allmählich umgebildeten Landrechts mündlich vorzutragen, und der außerdem je nach Bedarf in streitigen Rechtsfällen zur Auskunftserteilung herangezogen werden konnte” [It was the task of the Icelandic speaker of the law to recite to the assembled community of the people a part of the law of the land, which was taken over from Norway in the year 930, which was gradually adapted and could be consulted when necessary in juridical cases.] (A. Alt, *Die Ursprünge des Israelitischen Rechts* [Leipzig: Hirzel, 1934; reprinted in *Kleine Schriften zur Geschichte des Volkes Israel. Erster Band*, München: Kaiser, 1953, pp. 278–332], p. 32).

8 Herzberg started his big study on the development of the term שפֹּט in the Old Testament with the statement: “Für das Verbum שפֹּט sind zwei Sinnmöglichkeiten als unsprünglich erkennbar. Die eine läßt sich am einfachsten kennzeichnen durch das Wort ‘regieren’” (H. W. Herzberg, “Die Entwicklung des Begriffes משפט im AT,” *ZAW* 40 (1922), pp. 256–287; 41 (1923), pp. 16–76). He refers here among others to the use of שפֹּט in the book of Judges and assumes that judging was an element of the work of the rulers denoted with this word (p. 258).

9 Cf. F.C. Fensham, “The Judges and Ancient Israelite Jurisprudence,” *OTWSAP* (1959), pp. 15–22; A. van Selms, “The Title ‘Judge,’” *OTWSAP* 1959, 41–50; W. Richter, “Zu den ‘Richtern Israel,’” *ZAW* 77 (1965), pp. 40–72, esp. 59–70; H. Niehr, *ThWAT* VIII, pp. 412–416 (ET: XV, pp. 414–420).

10 Cf. J.M. Sasson, *Judges 1–12* (The Anchor Yale Bible, 6D; New Haven: Yale University Press, 2014), 187. Cf. also the remark by G. Liedke, *THAT* II, 1003 (ET: p. 1728): “Aus der Betrachtung von שפֹּט ist für das ‘Richter’-

Also, the historical reliability of the report about the “minor judges” is questioned. According to Reinhard Müller the list of “minor judges” was composed by the redactor for its present literary context by analogy with the royal annals, thus presenting them as mighty and wealthy leaders.¹¹ In his opinion the use of the verb שפט in the book of Judges should be compared to the description of the function of prince Jotham replacing his sick father Azariah: “Jotham the king’s son was over the royal house, judging the people of the land” (שפט את־עם הָאָרֶץ, 2 Kgs 15:5). It may be seen as “pars pro toto for the government as a whole,”¹² as can be derived also from Absalom’s wish: “Oh, that I was made judge in the land” (שפט בְּאָרֶץ, 2 Sam 15:4). For Absalom this would be the first step in replacing his father as king.

Richard D. Nelson is of the opinion that the list of “minor judges” was a scribal construction. It would have been intended to show that for good leadership no kings were needed. The verb שפט would have been used to indicate that they ruled Israel but did not reign as king, avoiding the verb מלך and also משל (denoting hereditary rule offered to Gideon in Judg 8:22–23) and שר (used for Abimelech in Judg 9:2, 22). The phrase that they “judged Israel,” “need not suggest any sort of intertribal league or national institution or office... Notices about Deborah (Judg. 4.4–5) and Samuel (1 Sam 7.15–17) suggest that early readers could picture someone judging ‘Israel’ while restricted to a narrow geographical area.”¹³

A similar view may be found with Andreas Scherer, who states that, within the present literary context, the stories of the “minor judges” were intended to present the pre-monarchic period as a time of order and prosperity. But he is more confident that they also go back to a historical reality. In his opinion we should look for the best description of the function at the way Samuel was pictured as a judge in 1 Sam 7:15–17 and 25:1. According to Scherer these texts describing Samuel as a judge and reports of his death are loosely connected to their present literary context. Originally they would have been the climax of the list of the “minor judges.”¹⁴ This means that

Problem der vorstaatlichen Zeit Israels kein Aufschluß zu gewinnen.” A. Scherer, “Die ‘kleinen’ Richter und ihre Funktion,” *ZAW* 119 (2007), pp. 190–200, 191: “Was וישפט את־ישראל (‘und er ‘richtete’ Israel’) im Rahmen der Richterliste tatsächlich bedeutet, ist damit noch in keiner Weise geklärt”. Scherer criticizes especially the suggestion by Niehr in his article on שפט in *TbWAT* VIII who assumes that the mention of judges in the pre-monarchic period served to legitimize the newly created judicial office in the time of Josiah.

11 R. Müller, *Königtum und Gottesheerrschaft: Untersuchungen zur alttestamentlichen Monarchiekritik* (FAT 2.3; Tübingen: Mohr Siebeck, 2004), 63: “Bei der Interpretation des Begriffes שפט im Rahmen der Richterliste muß v. a. vorschnelle Historisierung vermieden werden. Deutlich ist zunächst nur, daß das Bild der kleinen Richter in wesentlichen Punkten in Anlehnung an einige über das Alte Testament verstreute Züge des Königtums entworfen ist.” [When interpreting the term שפט within the framework of the list of the judges, one should avoid especially rash historicizing. The only thing that is clear is that the most important aspects of the image of the minor judges are constructed according different elements of kingship as they can be found throughout the Old Testament.]

12 “pars pro toto für die gesamte Regierungstätigkeit”; Müller, *Königtum*, p. 62.

13 R. D. Nelson, “Ideology, Geography, and the List of Minor Judges,” *JSOT* 31 (2007), pp. 347–364, 353.

14 Scherer, “Die ‘kleinen’ Richter und ihre Funktion”, 196: “Die Angaben über Samuel führen die Liste freilich nicht nur weiter, sondern sie sind Schluß- und Höhepunkt der Liste. Mit Samuel erreicht die Zusammenstellung ihr Ziel. Er nimmt als letzter die mit שפט bezeichnete Aufgabe wahr, und er ist ohne jeden Zweifel der prominenteste Repräsentant der fraglichen Funktion.” [The statements about Samuel not just continue the list, they are the end and climax of the list. With Samuel the compilation reaches its goal. As latest he fulfills the task indicated as שפט and he is without doubt the most prominent representative of the function in question.]

Samuel should be seen to be the “paradigm of the ‘minor judges’”¹⁵ and that we have to look at 1 Sam 7:15–17 for the right interpretation of the verb שפּשׁ in the book of Judges.

III Samuel as the Paradigm of the Judges

As may be inferred from the title of the present study, in what follows the suggestion by Scherer is taken up, though it will be turned around. Scherer does not explain why the assumed original list of “minor judges” would have been built up in such a way, that it only at the end gives more precise information about the function of the judges. He remarks that in its present form the original text of 1 Sam 7:15–17 and 25:1 has been expanded, but he does not give a reconstruction.¹⁶ He probably finds the expansions mostly in the context and not in these verses themselves. It can be compared to Walter Dietrich who assumes that verses 15–17a (leaving out the reference to building the altar in verse 17b) were taken by the Deuteronomist from the list of “minor judges” and put in the chronologically right place.¹⁷ The information about traveling around and judging at different places would have been part then of the original list. Dietrich suggests that next to the reference to Samuel’s death and burial in 1 Sam 25:1 also the information about his sons in 1 Sam 8:1–2 might have been part of this list.¹⁸

There are good reasons to consider the possibility of relating the references to Samuel as a judge to the manner in which the judges are described in the book of Judges. As was indicated above, the book of Judges could be read as a kind of introduction to the books of Samuel and Kings and, therefore, it is likely that at least some parts of Judges were written after Samuel and Kings. This may have included the description of the leaders in the pre-monarchic period as judges. A first indication in this direction is that the title and function of judge fits Samuel and his actions as leader of Israel and as precursor of the kings very well. Contrary to the remark by Scherer that it is obvious that the references to Samuel as a judge would not fit within their context,¹⁹ it may be noted that already previous to the general remarks about his function as a judge a clear example is given of his work. In 1 Sam 7:5–6 Samuel’s judging is described as acting as intermediary between God and the people.

And Samuel said, “Gather all Israel to Mizpah, and I will pray to the Lord for you.” So they gathered together at Mizpah, drew water, and poured it out before the Lord. And they fasted that day, and said there, ‘We have sinned against the Lord.’ And Samuel judged [שפּשׁ] the children of Israel at Mizpah.

15 Scherer, “Die ‘kleinen’ Richter und ihre Funktion”, p. 199. Cf. also D. Jobling, “What, if Anything, is 1 Samuel?,” *SJOT* 7 (1993), pp. 17–31, who problematizes the canonical division between the books of Judges and Samuel: “we focus on the present ending of Judges, with its suggestion that judgeship was a failure, and forget its apparent rehabilitation in the figure of Samuel (1 Sam 7)” (p. 25).

16 He speaks of the “Schlußteil der Liste (...), der heute in stark erweiterter Form in I Sam 7,15–17; 25,1 vorliegt” [the concluding part of the list which is now found in a highly enlarged form in 1 Sam 7:15–17; 25:1] (p. 196).

17 Dietrich, *Samuel*, pp. 310–312. As was noted above (cf. n. 5), Veijola, *Das Königtum*, pp. 33–34, assumes that only verse 16 was taken over by the Deuteronomist from an existing source.

18 Dietrich, *Samuel*, p. 312.

19 Scherer, “Die ‘kleinen’ Richter und ihre Funktion”, 196: “Man kann ohne Übertreibung sagen, daß sie sich ausgesprochen disparat zu ihren gegenwärtigen Kontexten verhalten”. [One can state without exaggeration that they are explicitly of a different kind within their present context].

Something similar can be found in 1 Sam 12:7:

Now therefore, stand still, that I may judge²⁰ with you [שפט] before the Lord concerning all the righteous acts of the Lord which He did to you and your fathers.

Samuel's function as a judge and his act of judging also play a key role in the story about Israel asking for a king. The wish for a king only comes up because the sons of Samuel prove to be unworthy successors of their father. They are two times explicitly called "judges" (שפטים) and their misbehaviour is indicated as "they perverted justice" (ויטו משפט):

Now it came to pass when Samuel was old that he made his sons judges over Israel. The name of his firstborn was Joel, and the name of his second, Abijah; they were judges in Beersheba. But his sons did not walk in his ways; they turned aside after dishonest gain, took bribes, and perverted justice. Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, "Look, you are old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations." (1 Sam 8:1–5)

When the elders ask for a good successor of Samuel, they also use the verb שפט. They do not just want a king, but "a king to judge us" (מלך לִשְׁפֹּטֵנוּ). In verse 20 it is repeated: "our king may judge us and go out before us and fight our battles." The first task of a king is to judge, that is, to bring justice. And when he goes to war, it is to restore justice. A good king is focused on representing divine justice (1 Kgs 3:9; Ps 72:1–4). In the first seven chapters of the book, Samuel is pictured as the ideal leader of Israel: he is appointed by God, has a continuing direct relation with God, and defeats with God's help the Philistines. He sets the example for the kings to come and, therefore, his title "judge" is associated with ideal leadership.²¹ This makes it likely that, instead of the common assumption that the term "judge" was taken over from the list of the "minor judges" and then connected with Samuel as the main figure in the period before the monarchy, the primary source for the use of the words "judge" and "to judge" in the book of Judges was the tradition about Samuel as the ideal leader of Israel.

This is corroborated by the use of the verb שפט in 1 Sam 12:7, quoted above. Here, again, it is said of Samuel that he judges, whereas in the list of judges mentioned in verse 11 of the same chapter the saviours of the pre-monarchic period are not referred to by this title. It suggests that this must have happened in a different, later tradition. If it is true, as suggested by Scherer and others, that Samuel would have received his title "judge" from the list of "minor judges," one would have expected that the list in 1 Sam 12:11 would have been more in line with the information from the book of Judges.

At least two stories in the book of Judges show signs of being written or edited according to Samuel as paradigm. As was noted above, the stories of the birth of Samson and of the birth of Samuel have many parallels. According to Dietrich, the shared motifs of being childless and of a miraculous birth are so common that one cannot decide about whether one text depends on

20 On this translation, see Dietrich, *Samuel*, p. 524.

21 Here I disagree with R. Baker, *Hollow Men, Strange Women: Riddles, Codes and Otherness in the Book of Judges* (Biblical Interpretation Series 143; Leiden: Brill, 2016), p. 4, who states that Samuel was only valued in his judicial capacity and was pictured negatively as leader: "Samuel did not succeed in delivering Israel from the aggression/domination of the alien power. As such, compared with, for example, Othniel or Deborah, his judgeship was a failure, a distinction he shares with Samson alone". This is contradicted by the clear references to the great success in the fight against the Philistines as reported in 1 Sam 7:13–14.

the other.²² There are good reasons, however, to explain the many parallels by assuming that the author of the story of Samson was familiar with the story of the birth of Samuel.²³ Especially the element of non-drinking as part of the regulations for the Nazirite is more natural in the story of Hannah, whereas it hardly functions in the story of Samson.²⁴ The story in Judges 13 is also made more miraculous by replacing the priest Eli with the messenger of the Lord. It is likely that Judges 13 was added as an introduction to chapter 14–16 when the story of Samson was incorporated into the book of Judges.²⁵ It is also likely that in this way the story of Samson was related to the beginning of the books of Samuel, presenting Samson as the negative counterpart of Samuel.

In the book of Judges, we also find a parallel to Samuel in the person of Deborah. The way she is presented in Judg 4:4–5 seems to be inspired by the way Samuel is pictured in 1 Samuel 7. Whereas Samuel lives in Ramah and regularly travels to Bethel, Gilgal and Mizpah, Debora lives “between Ramah and Bethel.” That the geographical information is derived from the story of Samuel is indicated by the fact that it suggests that Deborah is living and working far away from the events taking place in the northern part of the land. Samuel and Deborah are also the only people in the Hebrew Bible to combine the function of prophet and judge. Moreover, in the book of Judges, Deborah is the only one of whom more information is given about the way she acted as a judge. Again, this is in line with what we read about Samuel’s activities. Whereas Samson may be seen as Samuel’s negative counterpart, Deborah is pictured positively in line with Samuel as the Lord’s prophet. The contrast is emphasized by the fact that, on the one hand, Samson is presented as very strong but also defeated by a woman; on the other hand, Deborah is presented as a woman who has to ask a man to fight for her people but, who can also announce that the final blow will be dealt by a woman. Samuel’s paradigm may also be discerned by the fact that in her relation to Barak, Deborah plays the same role as Samuel in his relation to Saul; in brutally finishing off Sisera, the leader of the beaten army of the enemy, Jael acts in a similar way as Samuel hacking Agag, the king of the beaten army of the Amalekites, in pieces (1 Sam 15:33). In both stories this symbolizes the shortcomings of the leader of Israel: first Barak and then Saul.

IV Why judges?

The reason why the author/editor of the book of Judges used the verb *שפ* may be found in the combination of his view of Samuel as the ideal leader and the fact that he was familiar with a list of judges. It is a generally acknowledged fact that the author/editor used many different sources.

22 Dietrich, *Samuel*, p. 31: “Das Grundmotiv von Kinderlosigkeit und wunderbarer Geburt freilich ist für beide Erzählungen konstitutiv; da es, wie gezeigt, noch häufiger begegnet, muss hier nicht mit literarischer Abhängigkeit, sondern kann mit paralleler Überlieferungsbildung gerechnet werden, zumal das Motiv auf beiden Seiten doch sehr unterschiedlich ausgebildet ist.” [However, the basic motif of childlessness and miraculous birth is characteristic of both stories; because, as was indicated, it occurs more often, we must not assume literary dependency, but a parallel development of the tradition, even more so because the motif is developed in very different ways.]

23 It is also suggested that the birth story of Samuel originally referred to Saul; for a bibliography and discussion, see I. Kalimi, *Writing and Rewriting the Story of Solomon in Ancient Israel* (New York: Cambridge University Press, 2019), pp. 127–128.

24 Cf. R. Bartelmus, *Heroentum in Israel und seiner Umwelt* (AThANT 65; Zürich: Theologischer Verlag, 1979), pp. 86–87. According to Dietrich, *Samuel*, p. 31, the command that “no razor shall come upon his head” was added by the deuteronomistic author to 1 Sam. 1:13 to relate the story to Judg 13:5, because this element does not play a role in the rest of the story of Samuel. It can also be explained, however, as taken from the law on the Nazirite in Num. 6:5.

25 Cf. Groß, *Richter*, p. 658.

It is not likely, as suggested by Nelson, that 10:1–5 and 12:8–15 were constructed by the author using analogy with formulas of royal succession from the books of Kings.²⁶ A better parallel can be found in the list of “mighty men” (גִּבּוֹרִים) in 2 Sam 23:8–39. This list is often mentioned in connection with the short story about Shamgar in Judg 3:31, because of the related information about David’s heroes.²⁷ In the list in 2 Sam 23:11–12 we read:

And after him [ואחריו] was Shammah [שָׁמַח] son of Agee, the Hararite. The Philistines gathered together at Lehi, where there was a plot of ground full of lentils; and the army fled from the Philistines. But he took his stand in the middle of the plot, defended it and killed the Philistines; and the Lord brought about a great victory.

Next to the identical beginning to Judg 3:31 and the related names of Shammah and Shamgar, one may also note the correspondence with the story of Samson slaying a thousand Philistines at Lehi (Judg 15:14–16). The author of the book of Judges seems to have adapted information from this ancient list of heroes to create the foreign hero Shamgar ben Anat. In Judg 5:6 Shamgar is mentioned next to Jael. They are both presented as outsider, apparently to set an example for the Israelites who hesitate to take action. It is interesting to note that also the enumeration of judges in Judg 10:1–5 and 12:8–15 could be compared to the list in 2 Samuel 23. In both lists the different members are connected with the preposition אַחֲרַי, “after” (2 Sam 23:9, 11; Judg 10:1, 3; 12:8, 11, 13). Both lists combine short personal information with short stories. In 2 Samuel 23 we also find longer stories, followed again by lapidary information, just as in the book of Judges where, after the few verses on Tola and Jair, the elaborate story of Jephthah follows, which is followed again by the few verses on another three judges.

A similar list might have been used by the author/editor of the book of Judges as background of chapters 10–12. An example of such a list can be found according to some scholars²⁸ in Josephus’ description of the history of Tyre after the campaign of Nebukadnezzar:

I shall add the Phoenician records as well – for one must not pass over the abundance of proofs. The calculation of dates goes like this. In the reign of king Ithobalos, Naboukodrosoros besieged Tyre for 13 years. After him Baal reigned for 10 years. Thereafter, judges were appointed: Ednibalos, son of Baslechos, was judge for 2 months, Chelbes, son of Abdaeos, for 10 months, Abbalos, the high-priest, for 3 months; Myttnos and Gerastartos, son of Abdelimos, were judges for 6 years, after whom Balatoros was king for 1 year. When he died they sent for Merbalos and summoned him from Babylon, and he reigned for 4 years; when he died they summoned his brother Eiromos, who reigned for 20 years. It was during his reign that Cyrus became ruler of the Persians. So the whole period is 54 years, with 3 months in addition (Josephus, *Against Apion* 1.155–159).²⁹

²⁶ Nelson, “Ideology”, p. 362.

²⁷ Cf. K. Spronk, “Shamgar ben Anat (Judg 3:31) – a Meaningful Name,” *ZAW* 128 (2016), pp. 684–687, esp. 686.

²⁸ Cf. Van Selms, “The Title ‘Judge’”, pp. 46–47; J. Van Seters, *In Search of History: Historiography in the Ancient World and the Origins of Biblical History* (New Haven: Yale University Press, 1983), pp. 345–346; P. Guillaume, “From a Post-monarchical to the Pre-monarchical Period of the Judges”, *BN* 113 (2002), pp. 12–17, esp. 13–14.

²⁹ Translation J. M. G. Barclay, *Against Apion* (Flavius Josephus. Translation and Commentary, vol. 10; Leiden: Brill, 2007), pp. 89–90.

Not only do we find here a list of judges and the periods of their activity, we also come across the interesting fact that these judges were appointed to govern the city in the absence of a king. This points to the same situation as described in 2 Kgs 15:5, where it is told of Jotham that he replaced his father, king Azariah, as “judge of the people of the land.” Absalom’s aspirations to become king instead of his father David by acting as a good judge (2 Sam 15:1–6), probably also have to be seen against this background.³⁰

The leaders of Israel are described in the book of Judges as “proto-kings”³¹ and their stories “anticipate, pre-play key elements of the royal story.”³² This is usually interpreted as the work of one or more deuteronomic authors connecting their different sources to form a consistent unity of the ongoing history. The way some of these texts are related indicates that we have to assume that the history was written “backwards”: to the existing story of the kings of Judah and Israel the history of the previous period was added. This is in line with a tendency in recent research on the Deuteronomic History.³³ In his monograph on the first part of the books of Samuel, Serge Frolov makes a similar case for 1 Samuel 1–8. He convincingly maintains that these chapters were added as an antimonarchic introduction to the more positive account of the story of kingship starting in chapter 9.³⁴ Whereas Frolov assumes a redactional interpolation between Judges 21 and 1 Samuel 9, one could also consider the possibility that the book of Judges or parts of it were added in their turn as an extra introduction to the stories of Israel and its leaders.

In this connection it is interesting to look again at the repeated phrase “there was a/one man from... and his name was...” in Judg 13:2; 17:1; 1 Sam. 1:1; and 9:1. According to the history of the text, as it is proposed here, the original story would have started in 1 Sam 9:1 with the introduction of Saul, son of the Benjaminite Kish. To this would have been added the story beginning in 1 Sam 1:1 with the introduction of Samuel, son of the Ephraimite Elkanah. The connection with the later added book of Judges would have been made via Samson who is introduced in Judges 13 as the son of the Danite Manoah. When in a probably later stage the chapters 17–18 and 19–21

30 These texts were also quoted above as arguments used by Müller to interpret שפּט as an element of kingship; cf. Müller, *Königtum und Gottes Herrschaft*, 62. It should be noted, however, that in both cases the emphasis is on the fact that we are dealing with a position inferior to the position of the king. Also the according to Noth, “Das Amt des ‘Richters Israels,’” 404–405, incomprehensible reference to “the judges of Israel” in Mic. 4:14, can be interpreted in this way: as a reference to king Pekah who was demoted by Tiglath-Pileser to the “status of a petty ruler”; cf. J. C. de Moor, “Jerusalem: Nightmare and Daydream in Micah,” in M. C. A. Korpel, L. L. Grabbe (eds.), *Open-Mindedness in the Bible and Beyond* (Fs Becking; LHB/OTS 616; London: Bloomsbury, 2015, 191–213), 195.

31 Cf. M. Z. Brettler, “The Book of Judges: Literature as Politics,” *JBL* 108 (1989), 395–418, 407; cf also I. De Castelbajac, “Les juges d’Israël: une invention du Deutéronomiste?,” *RHR* 221 (2004), 83–97: “proto-royauté” (pp. 88–91).

32 G. Auld, “The Deuteronomists between History and Theology,” in A. Lemaire, M. Saebø (eds), *Congress Volume Oslo 1998* (SVT 80; Leiden: Brill, 2000), pp. 353–367 esp. 355.

33 Cf. Levin, “On the Cohesion and Separation of Books within the Enneateuch,” 134: “At present the opinion is gaining ground that the Deuteronomic History originally consisted only of the books of Samuel and Kings”. He refers to the analysis of R. G. Kratz, *The Composition of the Narrative Books of the Old Testament* (London: T&T Clark, 2005), 158; cf. also D. Carr, *The Formation of the Hebrew Bible. A New Reconstruction* (New York: Oxford University Press, 2011), p. 291.

34 S. Frolov, *The Turn of the Cycle: 1 Samuel 1–8 in Synchronic and Diachronic Perspective* (BZAW 342; Berlin: De Gruyter, 2004). See also the critical discussion by Leuchter, “Now There Was a [Certain] Man”, and the response by Frolov, “‘Certain Men’ in Judges and Samuel: A Rejoinder to Mark Leuchter,” *CBQ* 73 (2011), pp. 251–264.

were included,³⁵ the same path was followed, using a similar formula in 17:1, introducing the Ephraimite Micah, and in 19:1, introducing the anonymous Levite.

With 1 Samuel 1–8, ideal leadership is represented by Samuel and connected to his function as judge. It is precisely formulated this way by the Israelites when they ask Samuel for a king to “judge” them (1 Sam 8:5, 20). From this perspective, old stories about local heroes were collected and adapted in a series of stories which, in later tradition, became known as Judges 1–16. They represent a critical evaluation of leadership. With Samuel as the criterion, only few of them stand the test of good leadership. The many links to the future kings of Israel and Judah,³⁶ especially the one relating the deaths of Samson and Zedekiah, function as a warning and a call for a critical reading of the following texts about kingship.

The use of the verb פָּשַׁע as a key word in the story of Samuel must have been the reason why the author/editor also added an existing list of “judges.” Strictly speaking, the function of these judges differed from that of Samuel and was more in line with that of Jotham as described in 2 Kgs 5:15. Within the book of Judges the dominant but also secondary role of the verb פָּשַׁע is illustrated by the fact that it is used – next to the references to the “minor judges” and Jephthah – in strategic places: in the introduction (Judg 2:16–19), with the first leader Otniel (3:10), with Deborah as the leader who looks most like Samuel (4:4), and with the final leader Samson (16:31).

One may see a deliberate alternation with the verb פָּשַׁע , “to deliver”: the two verbs are combined in the references to the first and the last leader (Judg 3:9–10 about Otniel; 13:5; 15:20; 16:31 about Samson), whereas פָּשַׁע is used with the leaders that are not referred to as “judge” (3:15 Ehud; 3:31 Shamgar; 6:14–15 Gideon).³⁷ The combination of these two verbs is part of the description of the ideal king (cf. Ps 72:4). It will be no coincidence that whereas the first judge, Otniel, may have met this ideal, the last judge, Samson, is far removed from it.

The fact that the verb פָּשַׁע is missing in Judges 17–21 is one of the indications of the generally held idea that these chapters are added, presenting a more positive view on kingship.

Dating these assumed redactional activities must remain hypothetical. One can only conclude from the relative order of the texts that the book of Judges in its present form must be dated after the history which ended with the Babylonian exile. As was noted above, 2 Chr 35:18 suggests that the Chronicler speaks of the period of Samuel instead of the period of the judges. This can be interpreted as an indication that the descriptions of that period – as found now in the book of Judges – is of a later date, and even as another argument for regarding Samuel as the paradigm of the judges before him. There are no clear indications of a more specific time in which it was written and edited.³⁸ Discussions about leadership in general and more specifically kingship have taken place in many times and many different situations.

35 The secondary nature of these chapters is broadly accepted; cf. Levin, “On the Cohesion and Separation of Books within the Enneateuch,” 137.

36 Cf. Spronk, “The Book of Judges as a Late Construct,” 21–24.

37 Cf. Frolov, *Judges*, p. 353.

38 According to Baker, *Hollow Men Strange Women*, 246, the book of Judges was written by someone living in Jerusalem during the reign of Manasseh, shortly after the death of the Assyrian king Sennacherib in 681 B.C.E. and was “conceived as an encrypted prophecy that takes as its object the people of Judah who chose to accept the other gods and the transgressions of covenant law promoted by their rulers”. This remains highly hypothetical, as we have to assume that the author used devices like “mirror-imaging, the confusing of single and double characters, and ascribing to one participant an act that properly belongs to another” (p. 278). In this way the author hid that in fact he caricatures Assyrian kings. Baker has to admit: “If a guiding principle of the method is plausible deniability, demonstrability is, by the same token, impossible”.

V Summary

Comparison of the references to the period of the judges in the books of Samuel, Kings and Chronicles shows that the book of Judges in its present form is a late construct. This insight appears also to be helpful in understanding the special use of the verb **שׁפַּט** in the book of Judges. The way Samuel is described in 1 Sam 7:15–17 may be regarded as paradigmatic for the way the leaders in pre-monarchic Israel are presented. It may have inspired the author/editor of the book of Judges also to use an ancient list of judges, taking for granted its slightly different use of the verb **שׁפַּט**. The formation of the stories of the judges and kings of Israel can be considered as a process in which the original story beginning in 1 Samuel 9 was first supplemented with a critical introduction consisting of 1 Samuel 1–8. Therefore, the example of Samuel as judge would have been illustrated by the stories of the leaders, who are critically mirroring the later kings, in Judges 1–16. A final addition with an again more positive view of kingship may be assumed in Judges 17–21.