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in Honor of Peter Machinist

*Edited by*

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## *Jephthah*

### *Chutzpah and Overreach in a Hebrew Judge*

JACK M. SASSON

*Do not be deceived; God is not mocked,  
for whatever a man sows, that he will also reap*  
(Galatians 6:7)

Jephthah would hold the seventh slot in the series of judges in the book named after them if, for the sake of number symbolism, we skip over Shamgar, Balak and Abimelech, son of Gideon. These omissions can be done responsibly; but I would not take time to justify them here.<sup>1</sup> Four hundred and eighty years were fixed as the interval between the Exodus and the First Temple, with a comparable interval from the First to the Second Temple. The Judges period was placed midway within the first of these intervals, while Jephthah specifically was set at three hundred years from the conquest of the Promised Land.<sup>2</sup>

Jephthah's story covers less than two full chapters (11 and 12) in the Book of Judges and divides neatly into four tableaux, each featuring his voice. His career is steeped in violence and alienation, opening on personal dislocation and closing on fratricidal warfare. An episode from it that involves his daughter has come to be emblematic of him, his personality, and his career as a Judge of Israel. In a paper I dedicate with much pleasure to Peter, a dear friend and respected colleague for many decades, I skirt issues raised about the historicity of events recorded for Jephthah and the redactions of traditions concerning him to explore instead the motivations behind the portrait redactors achieved for this one judge of Israel.

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1. They are discussed in my forthcoming Anchor Yale Bible *Judges 1–12* commentary, Yale University Press. When not identified, chapters and verses refer to the Book of Judges.

2. The count may (Kimchi) or may not (Rashi) need to include Jephthah's six years of rule. Luckily we need not deal with the sixty years the B recension of the Greek Judges allots him. See also G. F. Moore for a notice on the count (*A Critical and Exegetical Commentary on Judges* [ICC 7; Edinburgh: T. & T. Clark, 1895] 296–97).

### *The background*

The traditions about Jephthah are embedded in Judges for maximum moralizing. After Abimelech failed to inherit power from his father Gideon, Tola of Issachar appears, about whom we are told almost nothing (10:1–2). Yair from Gilead comes next. He is said to have thirty sons who rode on thirty donkeys, a reference to their high status. They each controlled a town in Gilead (10:3–5). After Jephthah’s rule, three judges link him to Samson and what is said about them is equally focused on progeny: Ibzan of Bethlehem (possibly in Asher) has thirty sons and thirty daughters, each finding a match from beyond his or her own borders (12:8–10). Abdon of Ephraim has forty sons but only thirty grandsons, all riding donkeys, so high dignitaries (12:13–15). All this attention on procreation might seem irrelevant in these narratives, since the judges of Israel earn their posts by the grace of God and not through heredity; yet, the core episode in the Jephthah narratives requires keeping this easy fertility in mind lest we miss a major lesson.

In Judges, the normal pattern for how history unfolds is fairly well set: Israel sins; an angry God unleashes enemies; Israel begs for mercy; God selects charismatic leaders, empowering them through his divine effulgence (רוח־יהוה); Israel takes control, but soon weakens its devotion, with the expected negative divine reaction. After Yair, however, the pattern is disrupted. Israel sins and meets the expected punishment. When it begs for respite, God cannot be mollified: “No. I will not deliver you again,” he says, “Go cry to the gods you have chosen; let them deliver you in your time of distress!” (10:13–14). Israel multiplies its effort, but the expected turnabout does not take place; rather, we are told about God that ותקצר ותרקצך ישראל (10:16). This is often rendered (since the LXX), “He could no longer bear Israel’s misery,” implying a merciful change of heart. In fact, it has the opposite sense: as in other texts that use this idiom, God actually “loses patience with Israel’s behavior.”<sup>3</sup> In effect, as Jephthah is about to move on stage, God had pulled out of the rescue business, leaving Israel to its own devices. The consequence was crucial: With no judge (שופט) or savior (מושיע) forthcoming, and with armies facing each other,

3. For similar uses of the idiom קצר נפש, see Num 21:4: “[The Hebrews] set out from Mount Hor by way of the Sea of Reeds to skirt the land of Edom. *But the people grew restive on the journey*”; Judg 16:16: “Finally, after [Delilah] nagged him and pressed him constantly, *he was wearied to death*”; Zech 11:8: “I lost the three shepherds in one month; *then my patience with them was at an end*, and they in turn were disgusted with me.” The noun עמל is often paired with און “misfortune, evil act” and the like, and so it can have a negative valence. D. M. Gunn finds ambiguity in the phrasing of 10:16 (*Judges* [Blackwell Bible Commentaries; Malden, MA: Blackwell, 2005] 167).

the leaders of Gilead (שרי גלעד) make the first pledge in this narrative: “Whoever is first to attack Ammon will be the chief (ראש) of Gilead” (10:18).<sup>4</sup> Jephthah will know how to operate in this power vacuum.

### *How to become a judge*

At the first mention of Jephthah, his pedigree is scrolled backwards. He is said to be a גבור חיל, an elite status based primarily on means but also on military prowess. It is therefore surprising to learn that his mother was a זונה, a prostitute. In Mesopotamian literature, prostitutes have an equivocal fate, at once satisfying and sordid (see Gilgamesh Tablet VII). According to law codes, which themselves are literary products, they may marry (LL §§27, 30; CH §181; MAL §§A40, 49, 52); but in actual legal documents they may lose their children.<sup>5</sup> The same is likely for the Bible, where they are feared as seducers but can also be praised for heroism.

This prostitute was impregnated by a Gileadite. To judge from the name פתח, the child was her first, an “opener of the womb.” Gilead, the hilly area east of the Jordan between the Arnon and Jabbok rivers, is applied as a personal name to descendants of Joseph who thus act as an eponym. Because we were just introduced to judge Yair of Gilead, he of the sixty sons and daughters, we might speculate that he also sired Jephthah.

In accord with a Proppian analysis of folk and fairy tales, the story is launched when Gilead’s legitimate sons disassociate Jephthah from their father, driving him away from home. Whether or not their action was sanctioned by legal traditions is debatable; but the narrative replays a theme from lore and from real life: men like Jephthah with little future create it elsewhere by collecting equally dislocated riffraff.<sup>6</sup> When no one in Gilead would face the Ammonites, its elders offer Jephthah the role of קצין, a military leader, likely with a specific term of command (11:6). The ensuing negotiation gives crucial insight into Jephthah’s tactical control of arguments.

4. The vocabulary is discussed in J. R. Bartlett (“The Use of the Word ראש as a Title in the Old Testament,” *VT* 19 [1969] 1–10).

5. See the review of J. Cooper (“Prostitution,” *RIA* 11:15–17, with previous bibliography).

6. Much has been written about the motif of the rise of an exiled son, with repeated associations among Idrimi of Alalah, Jephthah, and David (E. Greenstein and D. Marcus, “The Akkadian Inscription of Idrimi,” *JANES* 8 [1976] 59–96, especially 75–77); J. D. Schloen has collected the relevant references, even if he misapplies this motif to Ugaritic myths (“The Exile of Disinherited Kin in KTU 1.12 and KTU 1.23,” *JNES* 52 [1993] 209–20). N. Naʿaman catalogues bands of roving mercenaries in the Bible (“Ḥabiru-Like Bands in the Assyrian Empire and Bands in Biblical Historiography,” *JAOS* 120 [2000] 621–24). The Book of Judges is well represented in his collection.

As an opening in his negotiations, Jephthah zeroes in on his status by accusing the elders (his “brothers” among them?) of hatefully dislodging him from his father’s home.<sup>7</sup> In spurning them, he uses the same sarcasm earlier assigned to God (10:14): why do you come to me when in trouble (11:7)? The elders catch the hint and make him **שׂר**, chief over Gilead, implicitly treating him as one of theirs (11:8; compare 10:18). Jephthah, however, gives permanence to their acceptance by reshaping the offer into an oath that is contingent on divine fulfillment: “If you are taking me back to battle the Ammonites and YHWH hands them over to me, I must then become your chief (**שׂר**)” (11:9). The elders accept the premise; but when Jephthah returns with them to Mizpah, with its ancient shrine (Gen 31:43–55), it is the people who elect him by acclamation, both as chief (**שׂר**) and military commander (**קצין**), dispensing with the need for divine confirmation through victory.<sup>8</sup> This is a stunning development; but to grasp its implication it need only be recalled that acclamation by the people was one of the ways in which Saul came to be Israel’s first national king (1 Sam 9–10:16).<sup>9</sup>

The matter might have ended here; but at Mizpah, the text says, Jephthah “stated all the terms pertaining to him before YHWH” (11:11). Jephthah is not informing God so as to hold the elders to their promise since they have already fulfilled it; rather the reverse: with the sworn agreement having already been discharged, he is making certain that the condition attached to it will come true. Jephthah, therefore, has manipulated

7. D. Marcus is correct to recognize that the bargaining has to do with establishing his rightful inheritance; but he misjudges when dismissing leadership status as the other goal for Jephthah (“The Bargaining between Jephthah and the Elders [Judges 11:4–11],” *JANES* 19 [1989] 95–100).

8. In the Mari archives the *šāpiṭum* administrated the provinces for the king, his authority buttressed by control of *bazahatums* “armed contingents.” The *merḥūm* was the commander of tribal elements in the king’s army, often used to solve hostile outbreaks. (In our story, **שׂר** and **קצין** seem to approximate their respective authority.) The Hebrew **שׂר** actually combines features of both the *šāpiṭum* and the *merḥūm*, and if we imagine that the king they represented was the Hebrew God, owner of the Promised Land, we arrive at a pretty good approximation of what we find in Judges. On the Mari vocabulary, see J.-M. Durand (“Environnement et occupation de l’espace: Les nomades,” in *Supplément au Dictionnaire de la Bible* [vol. 14; Paris: Letouzey & Ané, 2008] 298–324) and H. Reculeau (“Environnement et occupation de l’espace: Les sédentaires” in *Supplément au Dictionnaire de la Bible* [vol. 14; Paris: Letouzey & Ané, 2008] 325–57).

9. The other two avenues involved the casting of lots (1 Sam 10:17–27) and Saul’s singular bravery (1 Sam 11). In fact, God had instructed Samuel to anoint Saul as a **גִּיד** (1 Sam 9:16), a difficult expression to pin down, but one that probably does not entail continuity.

the language of pledges, essentially saddling God with a fait accompli: not only has he committed God to give him victory, but by combining two offices, with civil and military responsibilities, Jephthah in effect has assumed the prerogatives of a judge, circumventing divine reluctance to select one. The second tableau takes the process one step further.

*How to acquire רוח־יהוה*

This first of four tableaux about Jephthah has given a clue to the character that the editors want to create for him: He whines and allots blame, but only for tactical purposes; he haggles, but only for assured advantage. Most strikingly, Jephthah engages God in a future that he wishes to shape for himself. The second tableau displays Jephthah's sophisticated control of diplomacy as he declares war on the Ammonites; but its primary goal is to extract a sign of acceptance from God.

Normally, this is exhibited as an investment of divine zeal (רוח־יהוה) that suddenly and dynamically captures its targets, by landing on (היה), clothing (לבש), or gripping (צלח) them.

With the enemy camped in Gilead, Jephthah first personalizes the tension. "What is there between you and me," he tells the king of Ammon, "that you bring the battle to my land?" (11:12). On receiving an ultimatum from Ammon, Jephthah declares war, carefully justifying it by appealing to the centuries of undisputed control Israel had over the land, ever since God delivered it to Moses. The issue now is neither to unlock the veracity of Jephthah's claim nor to evaluate how it differs from traditions elsewhere about it. Rather, it is to notice how this episode builds on some of the traits the narrator wants highlighted. When, centuries earlier, Yarim-Lim of Yamḥad posted a similar declaration of war to an erstwhile ally, he wrote: "[The god] Šamaš must investigate your conduct and mine and come to judgment. While I have acted as father and brother toward you, you have acted as villain and enemy toward me."<sup>10</sup> Similarly, Jephthah tells the Ammonites, "I have done you no wrong; yet you would do me harm by attacking me. May YHWH, the Judge, decide this day between the people of Israel and the people of Ammon!" (11:27). With an appeal to divine justice at its core, Jephthah's challenge has effectively pushed God into making a decision: If there is any validity to Moses' conquest of the disputed territory, YHWH had better take Jephthah's side. This obligation, more than any agreement Jephthah has made with his brethren, is what

10. I offer a new discussion of this text in "Casus Belli in the Mari Archives," forthcoming in the Proceedings of the 52nd RAI (Münster).

leads God to bestow his spirit (רוח־יהוה) on him. He is now a judge of Israel in all the important ways. Yet, as Jephthah maneuvers his army, there is still one more reassurance he wants out of this god.

### Vows

When setting off to war, beyond organizing a large and disciplined army and investing in decent spies, good generals consult the gods, sacrifice to them, and bring them along as talismans out to battle. More economical, however, is to petition a god with a specific goal in mind, pledging gifts or services in return for divine patronage. The petition, the condition, and the promise are essential components of a vow (נדר); but they operate differently depending on their application.<sup>11</sup> Legal documents and prayers carefully itemize what is pledged in a vow, including gifts, services, increased devotion, or adoption of atypical practices.<sup>12</sup> In such material, the uncertainty is not about whether to discharge the pledge, but whether heaven will act favorably on the petition.

In narrative, however, the reverse is at stake. There is hardly any doubt that the condition will be met; instead, whether or how to resolve the pledge generates the plotline and gives shape to the personality of the character involved.<sup>13</sup> In Ugaritic lore, King Keret loses control of his future when he forgets a promise to an unforgiving goddess. In Genesis, Jacob's fortunes begin to decay when he neglects to fulfill pledge components of a very *chutzpadich* vow (Gen 28:20–22).<sup>14</sup> Jephthah's vow produces its own complications.

### *Jephthah's vow*

Here is how the text presents Jephthah's vow (Judg 11:30–31):

11. A vow differs from a שבועה "oath" in that it does not generally include a curse, that presumably it has a term limit, and that it becomes void if the condition is not fulfilled.

12. I discuss vows in the ancient Near East, with bibliography, in a study on "The Vow of Mutiya, King of Shekhna," in *Crossing Boundaries and Linking Horizons: Studies in Honor of Michael C. Astour on his 80th Birthday* (eds. G. D. Young, M. W. Chavalas, and R. E. Averbeck; Bethesda, MD: CDL, 1997) 483–98.

13. When Absalom cites a vow he allegedly made when in exile as reason for going to Hebron (2 Sam 15:8), we (but not necessarily David) are clued to its fabrication because no terms are attached to it.

14. A point made by T. Cartledge (*Vows in the Hebrew Bible and the Ancient Near East* [JSOTSup 147; Sheffield: Sheffield Academic Press, 1992] 166–75): If God stays with him, protects, feeds, and clothes him, and if God brings him back home, then that God will be his god (Gen 28:19–22). Since this vow comes *after* God had made him fervent promises, in effect Jacob has found a way to bind his god via a vow.

אם־נתון תתן את־בני עמון בידי והיה היוצא אשר יצא מדלתי ביתי לקראתי  
 בשוֹבִי בשלום מבני עמון והיה ליהוה והעליתו עולה:

*If you deliver the Ammonites into my hands, then the one who comes out to meet me by going through the gates of my home on my safe return from the Ammonites, that one will be YHWH's and I will have him offered as a burnt victim.*

Most commentators propose that Jephthah's vow was flawed because it was unnecessary. This is true not just because in narrative what is requested of heaven tends to be fulfilled, but also because biblical narrators rarely challenge a character's privileged knowledge of God's decision. It is crucial to note, however, that Jephthah embedded a *second* condition in his vow. He would deliver on his promise, he says: **בשוֹבִי בשלום מבני עמון**. This is often rendered something like "when I return with victory (or triumph) from the Ammonites"; in fact, this is the same language that Jacob used in his vow at Bethel, **ושבתי בשלום** (Gen 28:21). In both cases, they are stipulating making payment only *after* a safe return from a dangerous mission.<sup>15</sup> This might seem like a perfectly natural wish, given the many traditions about leaders not returning home from campaigns (for example Saul, Ahab, and Josiah); but here this extra request engages two aspects of the sensibility that has been shaped for Jephthah: He may trust in God, but like Gideon he sees no harm in bolstering the chances for a happy ending. More subtly, Jephthah wants to return *not* to Tov, where he controlled ruffians, but to Mizpah, where those who rejected him probably lived and where God witnessed his consecration as a *de facto* judge.

This setting in Mizpah stimulates yet a third provision that Jephthah builds into his pledge. God must select his own gift by motivating a victim to be the first in stepping out from Jephthah's compound. Since antiquity, the suggestion has been that Jephthah meant to include animals among the potential greeters, and some translations read "whatever comes from my doors" for "whoever" in order convey this. For Pseudo-Philo, God

15. For the idiom **שׁוֹבִי בשלום**, see also Josh 10:21; Judg 8:9; 11:13. In some translations Jephthah's important condition in 11:31 is elided, for example in Boling's translation in his early Anchor Bible commentary, "when I return with victory from the Ammonites" (R. Boling, *Judges: A New Translation with Introduction and Commentary* [AB 6A; Garden City, NY: Doubleday, 1975] 206); or G. F. Moore, "when I return successfully from the Ammonites . . ." (*Commentary on Judges*, 299), and "when I return in triumph from the Ammonites" (NIV; NRSV also has "victorious from"). Cartledge (*Vows*, 147) writes, "The phrase . . . has been understood by some as an implied condition, but a return in peace is to be assumed if the Ammonites are defeated, so this adds nothing new to the condition. . . ." Cartledge is citing disapprovingly Adolf Wendel (*Das freie Laiengebet im vorexilischen Israel* [Leipzig: Pfeiffer, 1931] 109).



retaliated against Jephthah because a dog may have trotted out from his gates. This is far-fetched: Israelites did not keep dogs as house pets and did not grant animals the opportunity to lead victory parades.<sup>16</sup> In fact, in the other usage of the expression “those who come out from the gates of a house,” only human beings are at stake (Josh 2:19).

What is significant, however, is that the choice of victim reinforces the gambling personality created for Jephthah. Biblical lore knows of other occasions in which God is forced into decisions, for example when Abraham’s servant maneuvered God into selecting a bride for Isaac (Genesis 24). Here, however, Jephthah has selfishly pledged the life of another human being as substitute for his own. Sordid as the offer might be, it would not have jolted us had Jephthah simply stopped at the first clause. The pledge would have been to deliver a member of his household to God, as Hannah did when she begged for the future Samuel (ונתתיו ליהוה, 1 Sam 1:11).<sup>17</sup> By adding that extra clause, Jephthah consigned the victim to a particularly loathsome fate. When animals are offered as holocaust (עולה), violence never slackens: the trussing is brutal, the bleating is shrill, blood spurts everywhere, limbs jerk, and the bowels let go. Then there is the cracking of bones, the ripping of organs, the screeching of fire, and the acrid stench of burning flesh. Imagine all these steps when they involve a human victim, and especially one that is dearest to you. Naturally, the question arises: Where could Jephthah, or more precisely his creators, have drawn inspiration for such a violent offer?

### *Human sacrifice*

There is much discussion in the literature whether Jephthah was impervious to Hebrew traditions that forbid human sacrifice, especially as reflected in Deuteronomistic writing, or whether he was simply imitating vile Canaanite practices. The premises themselves are flawed. From Canaan, there is as yet practically no incontestable record of its practice. In Hebrew narratives, albeit not necessarily in real life, ritualized killing is scarcely condemned, with reference to the extermination of prisoners, the hacking of kings “before YHWH” (1 Sam 15:33), the immolation of Hebrew princes, and the construction of fortifications over the corpses of immolated brothers.<sup>18</sup> Most famously, there is also the near sacrifice of Isaac.

16. The last measure is even harder to apply to sacrificially acceptable animals, such as sheep, goats, cattle, or giraffes; see D. Marcus (*Jephthah and His Vow* [Lubbock, TX: Texas Tech University Press, 1986] 16–18).

17. Or even when, after its first defeat at Hormah (Num 14:43–45), Israel pledged that town to God were he to give them victory over their enemies (Num 21:3).

18. The two are the sons of Hiel of Bethel (1 Kgs 16:34; see Josh 6:26).

Still, it is asked, could the Jephthah narrator have poached on non-Hebraic, especially Greek, traditions where there is a rich repertoire of tales about the sacrifice (or near sacrifice) of human beings? While the story of Iphigenia is most often brought into comparison, it is commonly acknowledged that, with its multiple settings for Agamemnon's vow and its diverse resolutions, none of the versions has a sequence that matches the steps found in the Jephthah account: 1) a request to be fulfilled by a divinity, for which 2) there is a pledge to sacrifice a human being, and 3) a stipulation on how the victim is to be singled out.<sup>19</sup> There are, however, three examples that compare well, all from Late Antiquity. Pausanias tells of a Boeotian king who, facing a drought, accepts advice from Delphi to kill the first person he meets on his way back. His son Lophis is the victim, his spurting blood turning into gushing water as it hits the soil (*Paus., Description of Greece* 9.33.4). Pseudo-Plutarch offers another etiology for a body of water. To gain a victory, Maiandros pledges an unspecified victim who will meet him. His entire family does. According to some versions, he felt such remorse on killing his kin that he let a river bear away his body, as well as his name (*Pseudo-Plutarch, de Fluviis* 9.1). The latest example is taken from Maurus Servius, a commentator on Virgil's *Aeneid* (notes to 3.121 and 11.264).<sup>20</sup> Caught in a storm, King Idomeneus of Crete pledges the first person to meet him on his safe landing. His son does; but the resolution is unclear in all but Mozart's opera, *Idomeneo* (K. 366). Servius lived among Christians of the fourth century, some of whom attributed materials to him. So, through them he may have drawn on Jephthah's story for inspiration.

These examples from the classics are interesting, in a Stith Thompson *Motif-Index of Folk-Literature* sort of way; but despite frequent allusions to them in biblical scholarship, they are hardly the stuff that might seriously contribute to shaping a Hebraic tale, if only because of their obscurity or their late development. So, we are left to pursue an inner-biblical understanding of what the story meant for its audience.

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19. The comparison is often discussed; see D. Marcus, *Jephthah and His Vow*, 38–49; P. Day, "From the Child Is Born the Woman: The Story of Jephthah's Daughter," in *Gender and Difference in Ancient Israel* (ed. P. Day; Minneapolis: Fortress, 1989) 60–62; T. Römer, "Why Would the Deuteronomists Tell about the Sacrifice of Jephthah's Daughter?" *JOT* 23 (1998) 27–38, with earlier literature. Rich lore about human sacrifice in Greek literature is found in D. Hughes, *Human Sacrifice in Ancient Greece* (London: Routledge, 1991) 71–138.

20. Interesting comments on the Servius development of the Idomeneus narrative (through Mozart's opera) are in the Introduction of Theodore Ziolkowski, *Scandal on Stage: European Theater as Moral Trial* (Cambridge: Cambridge University Press, 2009).

*The Daughter*

In biblical lore, when individuals are slated to play a role in a developing narrative, they are generally introduced earlier, if only to identify them by name. For example, Rebecca is announced long before God chooses her as Isaac's bride (Gen 22:23), Laban is introduced long before he duels mischievously with Jacob (Gen 24), and David's children are brought together (2 Sam 3:2–5) before they begin their murderous competition. Jephthah's daughter, however, makes her debut like a supernova and with nary a hint of her existence previously.<sup>21</sup> Biblical narrators try not to be intrusive, deflecting the audience's own construction of events only to avert potentially damaging conjectures. For example, the order to have Isaac sacrificed is labeled a "test" (Gen 22:1), lest we question God's motivation. So when it is said of Jephthah's daughter that *רק היא יחידה* "she was absolutely the only daughter," and that *אין-לו ממנו בן ארבת* "from him [ממנה?]: "beside her"; see LXX, Syr., Vulg.], there was no (other) son or daughter" (Judg 11:34), we are alerted to a potential shift in condition.

Jephthah, of course, knew all about the shape of his family. We may presume too that he expected a greeting at home, since it is in his pledge. "When Jephthah arrived at his home in Mizpah, there was his daughter coming out to meet him, with timbrel and dance!" This NJPS translation gives the impression that just one person trotted out to meet Jephthah when, as is evident from other victorious returns (for example at 1 Sam 18:6–7) and from the use of plural nouns (*מחלות, תפים*), she took part in a procession that included a small crowd.<sup>22</sup>

It would not be out of character for Jephthah to have ignored the possibility that his only daughter would be first to step out in a crowd. Fortunately, we do not have to penetrate his mind, for we have his reaction as guide. First, his eyes locked on his beloved daughter when they could have landed on another person in the crowd. The irony here is profound: Jephthah may have wished God to choose, but the choice turns out to be Jephthah's just the same, a selection that is ripe for a psychological

21. Nothing is said about her mother and she remains so famously nameless that Pseudo-Philo (and many commentators since) felt the need to assign her one ("Se'ila"). Later she is identified as *בת יפתח* "daughter of Jephthah," not an impossible personal name; see Bathshua, wife of Judah and daughter of Shua, and likely also Bathsheba. The latter's father is given as Eliam in 2 Sam 11:3, but Ammiel in 1 Chr 3:5. Some have conjectured that she might be the daughter of Sheva who rebelled against David (2 Sam 20:1).

22. Much has been built on the false premise of her exit as one single individual; see for example P. Trible (*Texts of Terror: Literary-Feminist Readings of Biblical Narratives* [Philadelphia: Fortress, 1984] 101).

explanation. Second, he rends his garment, in Hebrew a sign of great frustration in some contexts, mourning in others. Third, he shrieks אהא "my daughter!" This "Ahah!" is an onomatopoeic *cri d'angoisse*, and it occurs about a dozen times in Hebrew. Strikingly, in the narratives and in the prophets, it is overwhelmingly (8 out of 12 times) followed by "Lord God" (or other divine address), indicating that it is directed to God.<sup>23</sup> For example, Joshua pleads (7:7) "Ahah, Lord God! Why would you have this people cross the Jordan, just to deliver us to the Amorites for destruction?" This exclamation confirms that Jephthah is not so much addressing the daughter he will consign to the flames as he is the god who has done him wrong. The charges he will soon lay on his daughter can equally be meant for God.

We may now loop back to the portrait the narrator has been constructing for Jephthah. In his meetings with the elders and in his letter to the Ammonites Jephthah proves to be a *kvetcher*, but one with a talent for using perceived victimhood as a basis for concessions. Jephthah had hoped to draw God into this circle of dupes. He would go eyeball to eyeball with him and expect God to blink first, just as God did for Abraham when the life of Isaac was being wagered in a high-stakes game. But even as Jephthah loses his gamble and is cut to the quick by events, he remains fully in character. When he says, "you have brought me low; you are now among my tormentors" (11:35), he lays a twofold blame on his daughter. Moreover, by claiming that his pledge is beyond retraction, Jephthah once more deflects onto God the responsibility of justifying his poor judgment.

### *The choices*

If in narratives vows are tracked mostly for their resolution of pledges, then our narrator had several options for concluding the story. Since Roman times, commentators have assumed that the daughter was sacrificed and scathingly indicted Jephthah's deed and character. Artistic depictions and scholarly assessments largely have followed suit; but especially in recent years a series of inspired feminist contributions have sharpened the daughter's status in culture and in memory. Nevertheless, a venerable minority opinion has argued that, whether intentionally or accidentally, the daughter was consecrated to divine service rather than sacrificed. The arguments for both conclusions are nicely charted in David Marcus's careful study of 1986. While he gravitates towards a non-sacrificial resolution of

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23. An exception is Joel 1:15. In 2 Kgs 3:10, as in our passage, the appeal to God is presumed.

the daughter's fate, Marcus credits the narrator with "devising a deliberately ambiguous ending."<sup>24</sup>

There is something to Marcus's opinion; but I would not term the plotting ambiguous, at least not in any rhetorical sense, in which a word, expression, or idea is open to multiple interpretations. What we have here, instead, are conflicting clues that lead to incompatible yet individually coherent endings. The narrator relies exclusively on dialogue, thus constricting all potential solutions to what the characters, by their words, allow us to consider.

### *The Jephthah solution*

Jephthah knew what he had pledged. Had the narrator wished to formulate an ending consistent with that pledge, two avenues were available. The first path would take the readers directly to the tale's atrocious conclusion at v. 39. Following immediately on his grief-stricken lecture to his daughter, we would learn that, "[Jephthah] did to her as he had pledged. She had never known a man (or: she was not to know a man)." However, to avoid exalting a perverse act of piety and thereby exposing God's passivity, the narrator could have taken another path, which is to rely on several *dei ex machina* available to Hebraic traditions. A substitute animal could have manifested itself, as happened for Isaac (Gen 22). The Gileadites could have prevailed on Jephthah to change his mind, as was done for Saul's son, Jonathan (1 Sam 14). The narrator could have given Jephthah refuge in redemptive acts, known already to Mari Amorites and later codified in Lev 27:1–8. In fact, he was criticized in rabbinic lore precisely for that failure.<sup>25</sup>

### *What the daughter understood*

What the daughter understood her father to have pledged is at the heart of the discrepancy. In Hebrew, direct quotations are commonly introduced by forms of the verb אמר "to say," and if there is to be a string of them in a dialogue, they tend to be separated by pertinent responses, also similarly introduced. This pattern is by no means universal; but when it is broken, attention is being drawn or gaps are being ignored. The daughter's initial reaction to her father's overwrought charges is restrained: "Father!" she says, "You have made a pledge to YHWH; do with me as pledged, given that YHWH has vindicated you against your Ammonite enemies" (11:36).

24. Marcus, *Jephthah and His Vow*, 50

25. See the fine discussion on all these topics in W. Smelik, *The Targum of Judges* (Leiden: Brill, 1995) 555–57. Hebrew narrators are generally reluctant to draw on legal traditions to solve literary problems, provoking us into endless debates why this is so.

The daughter disregards the double-dosed onus Jephthah has set on her. Subtly censorious, nonetheless, she twice affirms the need to fulfill any pledge to God.<sup>26</sup> What, in fact, is there for an unmarried daughter to say when learning that both her father and her God had agreed to trade her life for her people's victory? It is just as well, therefore, that Jephthah keeps shut the mouth that is costing him so much; instead, he listens to a proposal with a premise he knows to be false.

The daughter continues: "May this be done for me: let me be (הרפה ממני; see Deut 9:14) for two months, to go and roam the mountains, my friends and I, bewailing (my) בתולי" (11:37). Her request is at once vague and precise. She is firm about obtaining release from her father's control, a rebuke to him no matter what fate she expected to meet; but she is imprecise, perhaps also ungrammatical, about her trajectory. Why the surcease is for two months is not clear, at least for the moment; neither is the import of her mountain destination, nor why her friends would leave their families to join her. The crux here is the phrase על-בתולי in v. 37, normally rendered "to bewail my virginity/maidenhood."

If with her own words the daughter is lamenting not reaching puberty, as Day has argued, then the daughter must certainly have grasped her father's brutal plans; for any other arrangement would not have prevented her reaching that stage.<sup>27</sup> However, if she fears consecration into divine service, then she is imagining a confined life, with no hope of bearing the child that might normally memorialize her—or her father for that matter. What would strengthen assigning to her this second reflection is to know something about consecrating women to religious organizations in ancient Israel, as we do about the *gubabtus* of Kanesh and the *naditus* of Mesopotamia.<sup>28</sup> These women were cloistered as in-laws of diverse gods:

26. Insensitive readers have latched on her answer to turn her into a manipulative martyr. Ostensibly a daddy's girl, Jephthah's daughter forces her own death to avoid being married out of home (P. Reis, "Spoiled Child: A Fresh Look at Jephthah's Daughter," *Prooftexts* 17 [1997] 290). See also R. Ryan, *Judges* (Readings: A New Biblical Commentary; Sheffield: Sheffield Phoenix, 2007), esp. p. 91: "Jephthah's daughter is manipulative and intent on her own self-sacrifice for reasons which are not disclosed."

27. Day, "From the Child."

28. On the former, see C. Michel, "Les filles consacrées des marchands assyriens," *Topoi* 10 (2009) 145–63. For the latter, it might suffice to look at R. Harris, "The *Naditu* Women," in *Studies Presented to A. Leo Oppenheim, June 7, 1964* (ed. J. A. Brinkman; From the Workshop of the Chicago Assyrian Dictionary I; Chicago: University of Chicago Press, 1964) 106–35; idem, *Ancient Sippar. A Demographic Study of an Old-Babylonian City (1894–1595 B.C.)* (PIHANS 36; Istanbul: Nederlands Historisch-Archaeologisch Instituut, 1975). On the *naditus* of Sippar, see F. van Koppen and D. Lacambre, "Sippar and the Frontier between Ešnunna and Babylon: New Sources for the History of Ešnunna in the Old Babylonian Period," *JEOL* 41 (2008–9) 151–77.

some were celibate; none were to have children. In the Bible, the צבאות (Exod 38:8) were connected to sanctuaries and in one passage those who slept with them were labeled sinful (1 Sam 2:22). The devotees of Tammuz in Jerusalem may have belonged to the same institutions (Ezek 8:14; see Dan 11:37). We know too that the fertility of certain women was controlled, especially after abnormal activities. Tamar, raped by Amnon, was forced to live in seclusion in Absalom's home (2 Sam 13:20). We are left then without a clear notion of what the daughter expected her future to be. Luckily we have the narrator's comment on what transpired.

### *The aftermath*

Jephthah gives his daughter permission to do as she requested. She returns two months later and her father fulfills his promise. It is at this point, after her immolation, that we learn that והיא לא־ידעה איש "she herself had not known a man" (11:39). Given her father's resolve, it does not much matter whether this tidbit is circumstantial (what she was at death) or consequential (how she died as a virgin).<sup>29</sup> What does matter is that with this act we move from the events as described in a tale and enter the narrator's comment on them. "It came to be a custom [חק] in Israel," we are told, "regularly, the women of Israel would set out to commemorate (לתננות; see 5:11) the daughter of Jephthah of Gilead, four days a year" (vv. 39b-40).<sup>30</sup> In the cultic cycle of ancient Israel there is no mention of such celebration. Could the narrator simply have conjured it up to divert attention from a distasteful ending?<sup>31</sup> Did it reflect a living institution that was slighted in a male-oriented Bible? Or might it be, as argued in the literature, an etiology for puberty or for a prenuptial ceremony, both of which are reflected in classical literature?<sup>32</sup> Yet the narrator must certainly want us to

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The women consecrated at Sippar may have been celibate; those consecrated to Marduk could marry but could not give birth.

29. The latter is one argument made by those who have her consecrated rather than sacrificed; see Marcus, *Jephthah and His Vow*, 33–34.

30. On מימים ימימה, see M. Haran, "Zebah Hayyamim," *VT* 19 (1969) 11–22. On לתננות, see Smelik, *Targum*, 557 n. 1379.

31. Biblical historiography readily explains historically sacred sites (for example, Bethel and Achor) and institutionalized practices (for example, circumcision and the Passover). Some customs are given gratuitous or incongruous etiologies. For example, the priests of Dagon do not tread on their thresholds because the Ark of YHWH decapitated that god's statue (1 Sam 5:5). Or: the blind and the lame cannot enter the temple, because David hated them (2 Sam 5:8).

32. The debate is well charted in Marcus, *Jephthah and His Vow*; Gunn, *Judges*, 133–69; and (somewhat scattered) in B. Miller, *Tell It on the Mountain: The Daughter of Jephthah in Judges 11* (Collegeville, MN: Liturgical, 2005). In the Middle Ages,



recognize the daughter's horrible fate, for it would hardly make sense for him to wish us to know that the women of Israel gathered four days a year to memorialize a young girl just because she was vowed to die a spinster.<sup>33</sup>

Whatever the anthropological value of the tradition, there is no denying that the narrator used this emblematic scene to rebuke Jephthah. This indictment of Jephthah's character will prove even more powerful if we assign the fourth tableau about him (in chap. 12), not to events occurring *after* the immolation of the daughter, but to those *during* the two-month surcease he gives his daughter, for they would expose how little Jephthah learned from his experience; which is also to say, how relentlessly negative his portrayal remains. That episode, famous for its "shibboleth" incident, is set immediately after Jephthah's triumph over the Ammonites, and is inspired by it. The Ephraimites, obviously seeking a share of the spoils, accuse Jephthah of warring without them. In the days of Gideon, the same tribe had a similar complaint; but Gideon knew how to mollify. Jephthah, instead, proves true to form. He first accuses them of abandoning him, and then attacks them. Even after defeating them, he corners and butchers an astronomical number of their fighters (42,000).

In the Hebrew text, Jephthah is said to rule six years; in one of the Greek versions, sixty—extreme numbers on either end. He is said to be buried not in Mizpah or even Toy, but in "in the towns of Gilead," lacking the precise location normally attached to judges. Expanding on this odd phrasing, the rabbis had Jephthah die in battle, with portions of his body scattered all around—a small price to pay for his bad judgment. Yet, on facing another invasion by the Ammonites, the prophet Samuel cited the great wonders God performed for his people, singling out Gideon and Jephthah among them (1 Sam 12:11).<sup>34</sup> It may therefore be that in some

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Jewish commentators were almost unanimous in saving the daughter from death, with notable exceptions. In his comments on Lev 27:29, Ramban (Nachmanides) argues that she was indeed killed, Jephthah being ignorant of *halachic* laws that would not permit such severe restriction on a human being (*Commentary on the Torah: Leviticus* [ed. C. Chavel; New York: Shilo, 1974] 479–83). Centuries later, during commemoration for the Winter Solstice, Jews recall the blood that dripped from Jephthah's knife: "The *tekufah* of Tevet, why? During this *tekufah* Jephthah made his vow concerning his daughter, and for four days during this *tekufah* the daughters of Israel mourned her. When Jephthah slaughtered his daughter all the waters turned to blood. And since it says *Every year for four days in the year* (Jgs 11.40), we observe all four *tekufot*" (cited from E. Baumgarten, "Remember That Glorious Girl?: Jephthah's Daughter in Medieval Jewish Culture," *JQR* 97 [2007] 197), who quotes R. Judah the Pious' twelfth-century *Sefer ha-kavod*.

33. This is Ramban's opinion (*Commentary on the Torah*, 482).

34. "And the Lord sent Jerubbaal, and Bedan, and Jephthah, and Samuel . . ." Much ink has been spilt on identifying Bedan, with suggestions to equate him with



traditions, Jephthah's reputation was much more appealing than what our narrator drafted for him. The portrait achieved in Judges, however, is what is retained over the centuries.

### *Conclusion*

Traditions about Jephthah may have been many; but as gathered in the Book of Judges they gave occasion to mull over the problem of power when there is a spiritual or moral vacuum. The story is framed between two series of short notices about "minor" judges and thus stands removed from the more substantial tales of Gideon and Samson on either side. Together with the isolation from divine support that God maintains during Jephthah's rule, the series of episodes acquires a parabolic texture. Jephthah, much like Saul, can display all the signs of success, but because he could not rise above the scars of rejection, he will remain a troubled personality throughout. Opportunistic, he can grasp power although it is not his to have—but truth to tell, also not Israel's to give. Controlling, he imagines himself capable of manipulating Israel's God. He plans selfishly and, in one scene that distills his many faults as well as his few virtues, he makes a vow that is emblematic of his incapacity to adjust to life as leader of consequence. To the last, the narrator rigidly portrays Jephthah in character: In the two months in which his daughter resolutely faces a gratuitous death, Jephthah never summons the courage to break his vow and risk suffering the consequences.

Even after Jephthah dies, God's continued disinterest in Israel is made evident by the absence of the usual notice about sin, punishment, and deliverance that normally separates the rule of each judge. Three of them are said to lead Israel for a total of 25 years, not one of them challenged by the usual enemies God sends to discipline Israel. They seem simply happy with producing children and making nice *Schiduch* for them. Ahead are stories about Samson, an adult but with the hormones of an addled teenager; which is also to say that the experiment in giving rule to Israel via God-selected judges had run its course. Kingship will not be too far ahead.

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Baraq (LXX), with Samson (rabbinic lore), and with Abdon (H. Ewald). Zakovitch suggests that it is a doublet for Jephthah, offered as a gloss in our passage; but he is challenged by J. Day ("Bedan, Abdon or Barak in 1 Samuel XII 11?," *VT* 43 [1993] 261–64) and others. Hebrews 11:32 obviously depended on the LXX version of this verse.