

JOSHUA & JUDGES REVISITED: A CRITICAL REEXAMINATION

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Part A: A Review & Summary of the Books of Joshua and Judges.

The books of Joshua and Judges, along with Samuel and Kings are traditionally known as the scrolls of the Former Prophets. From them a reader-inquirer can glean the theological history of ancient Israel as preserved by the reforming pen of the Deuteronomistic Historian. The book of Deuteronomy lends its name, as well as its theological viewpoint to this school of theological history.¹

1. Joshua

Joshua begins where Numbers end.² The key passages in Numbers which set the stage for Joshua are Numbers 20:12 and 27:18-23. The LORD had rebuked Moses: “Because you did not trust in me, to show my holiness before the eyes of the Israelites, therefore, you shall not bring this assembly in to the land that I have given them.”³ The LORD then commanded Moses to appoint Joshua to lead the Israelites into Canaan, saying: “take Joshua son of Nun, a man in whom is the spirit, and lay your hand on him,”⁴ whereupon “he laid his hands on him and commissioned him – as the LORD had directed through Moses.”⁵ However, Numbers does not address the death of Moses. This event is left to be reported in the last chapter of Deuteronomy where it is written that “Moses was one hundred and twenty years old when he died” and this unequaled of patriarchs is to be remembered as having died with “sight unimpaired” and “vigor not abated.”⁶ Deuteronomy ratifies Numbers concerning the lawful successor of Moses:

¹ As contrasted with the Priestly school or even the Yahwist or Elohist schools.

² See, Numbers Chapters 13-31.

³ Numbers 20:12 (NRSV).

⁴ Numbers 27:18 (NRSV).

⁵ Numbers 27:23 (NRSV).

⁶ Deuteronomy 34:7 (NRSV). The precise burial place of Moses is left unspecified.

“Joshua son of Nun was full of the spirit *of wisdom*, because Moses had laid his hands on him; and the Israelites obeyed him, doing the LORD had commanded Moses.”⁷

Joshua, having been so empowered by Moses in the presence of the priest Eleazer (son of Aaron), and to whom the LORD now speaks, is ready to cross the Jordan and into Abraham’s promised land,⁸ one that is remembered fondly or perhaps avariciously as overflowing with milk and honey. The Israelites may have been exhorted by the LORD to be strong and courageous, but they were yet fearful. When Moses was still living, he was reported to have sent twelve men into Canaan - they had returned and ten of the spies described a land that “flows with milk and honey,”⁹ but also a land that “devours its inhabitants and all the people that we see are of great size”¹⁰ such that “we seemed like grasshoppers.”¹¹ As Joshua was also filled with the spirit of wisdom which counseled first stealth before drawing the sword, he commenced the campaign by sending two spies into Jericho, a key city which stood at the pass from the Jordan valley into the central highlands to the west. Once inside, the men were taken in by Rahab, a local prostitute who hid them from the city guards. By a strange twist of ethics, the lowly prostitute who also betrayed her own people and city is rewarded by having herself and her family spared from *herem*¹² while the rest of Jericho was devoted to the LORD after its high walls had miraculously collapsed. Rahab and her family having been spared by explicit order of Joshua, “lived in Israel ever since,” and her name is later lionized as the progeny of many famous kings.¹³

⁷ Deuteronomy 34:9 (NRSV).

⁸ The promised land spans “the wilderness and the Lebanon as far as the great river, the river Euphrates, all the land of the Hittites, to the Great Sea in the west.” Joshua 1:4 (NRSV). It is also referred to as Canaan.

⁹ Numbers 13:27 (NRSV).

¹⁰ Numbers 13:32 (NRSV).

¹¹ Numbers 13:33 (NRSV). Only Caleb dissented from this report and later Joshua also argued for invasion.

¹² Joshua 6:22-25 (NRSV). *Herem* has been translated variously as the “ban,” “curse,” “anathema,” and “law of holy war.”

¹³ One by the name of Rahab is identified by the genealogy of Matthew as the ancestor of David, and therefore, Jesus Christ. Matthew 1:1 –17. *See also*, Ruth 4:18-22.

The conquest and destruction of Jericho set the *modus operandi* for Joshua's holy war. Every city must be overrun and its contents (living and inanimate) were to be devoted to the LORD. The conquest of Canaan was to be a gift, the fulfillment of the LORD's covenant to Abraham and to the LORD belonged the glory and the spoils. Accordingly, in the reiterative style of Deuteronomy, Joshua was directed to "make flint knives and circumcise the Israelites a second time." Because the victory is the LORD's, no spoils must be kept by the warriors, or else the favor of the LORD will depart from the Israelites. This point is driven home by the sin of Achan and his punishment. Achan coveted a mantle, silver and gold, and buried them for himself. This sin caused the attack on Ai to turn into a rout and the heart of the people melted into water. Achan and all his family were stoned to death, burned, and buried under a monument of stones.¹⁴ Only then did the LORD turn from his burning anger, permitted the destruction of Ai, its king hanged and left on the tree until evening.¹⁵ The LORD then generously and in a rather inexplicable reversal of judgment, allowed the Israelites to keep the goods and livestock within Ai, an act which, at least to this writer, cast doubt on both the purpose and efficacy of the judgment and execution of Achan.

After the victory at Ai, Joshua assembled the tribes on Mount Gerizim and Mount Ebal and solemnly renewed the divine treaty. Down below, news of the merciless destruction of Jericho and Ai had begun to spread. The neighboring Gibeonites were so terrified that they pretended to be foreigners from a distant land so as to make an alliance with Joshua and escape the invaders' *herem*. When the deception was discovered later, Joshua could not refute the treaty but in his rage, he reduced his Gibeonite allies to lowly hewers of wood and drawers of water in servitude to the congregation of Israel. Even then, Joshua was obligated to defend Gibeon when

¹⁴ Joshua 7:25-26 (NRSV).

¹⁵ Joshua 8:26-29 (NRSV).

it was attacked by other kings. In the ensuing battle, the LORD once again “fought for Israel” by making the sun stand still in mid-heaven over Gibeon in order that Joshua had more daylight to annihilate the attackers.¹⁶ To further impress everyone, the LORD also stopped the moon over the Valley of Aijalon. However, these celestial feats failed to end the resistance – on the contrary, the various remaining kings in both the north and south of Canaan stubbornly continued to band together to oppose the invasion. Joshua, with the backing of the LORD, was not to be deterred and he is reported to have systematically mowed down all who stood in the way. In the end, Joshua “took all that land,”¹⁷ and a list of “thirty one kings in all”¹⁸ was triumphantly recorded as having been vanquished. At this point, it would seem that the glory of the LORD through Joshua was total.

However, in Chapter 13 one reads a contradictory message as it states that the invasion remained unfinished as “very much of the land still remains to be possessed.”¹⁹ Sadly, Joshua had advanced in years, but the LORD declared that “I would drive them out before the Israelites.”²⁰ Notwithstanding an unfinished job, the LORD then proceeded to divide the land amongst the tribes of Israel and the details of allocation take up Chapters 13-22. It is interesting to note that the hero Caleb, as well as Joshua, are allotted land around Hebron as if they were tribes unto themselves.²¹ The last two chapters contain Joshua’s farewell address and yet another renewal of the covenant, this time at Shechem, the very same place where Jacob’s daughter Dinah was raped and then avenged by her brothers who massacred Hamor and Shechem (and all the males of the tribe) through trickery involving circumcision. Before dying, Joshua reiterated

¹⁶ Joshua 10:12-13 (NRSV).

¹⁷ Joshua 11:16 (NRSV).

¹⁸ Joshua 12:7 – 24 (NRSV).

¹⁹ Joshua 13:1 (NRSV).

²⁰ Joshua 13:6 (NRSV).

²¹ Joshua 14:6 – 15 and 15:13 – 19 (NRSV).

the Deuteronomic formula that the LORD will work for Israel so long as the people obey the Covenant and failure to keep the Covenant will directly result in the loss of the land. The book ends with the death and burial of Joshua at Timnath-serah. Interestingly, mention is made of the re-internment Joseph's bones from Egypt in the "ground that Jacob had *bought* from the children of Hamor, the father of Shechem, for one hundred pieces of money."²²

2. Judges

The episodes in Judges are less monistic than the single-minded triumphalism presented in Joshua. In contrast to the dour monopoly accorded Joshua, there are many more colorful and diverse characters who are conferred the title of Judge. Their adventures display a broader range of motivations and much human foible. Indeed, some protagonists have a definite tragic-comic aura, some are pragmatic scoundrels, and one is even a woman admittedly too weak to wield the sword!

The time period covered in Judges is after the purported great conquest which is glorified in Joshua. The Deuteronomist Historian whose political bent is to uphold the idealistic model of the Davidic monarchy centered in Jerusalem, bemoaned "in those days there was no king in Israel; all the people did what was right in their own eyes,"²³ and worse yet, "the people of Israel did what was evil in the sight of the LORD."²⁴ The latter is Deuteronomic code for worshipping other gods,²⁵ the very sin that Joshua throughout his life worked to eradicate via *herem*, a program which if actually carried out, comes close to the modern definition of religious genocide. Notwithstanding this heavy theological editorializing of Chapter 2, an honest

²² Joshua 24:32 (NRSV).

²³ This lamentation first appears towards the end at Judges 17:6 (NRSV) and the Deuteronomistic formula is repeated at 18:1, 19:1, and 21:25.

²⁴ This judgment appears near the beginning at Judges 2:11 (NRSV). Sandwiched between these obvious commentaries of the Deuteronomistic editor are the folklore of the judges.

²⁵ I.e. "serving the Baals". *Id.*

ambiguity survives the ink of the Deuteronomist, via the popular folk heroes that underlie the sequel to the theological, no nonsense conquest saga of Joshua. Here and there, even a certain cheekiness can be glimpsed in the waywardness of the heroes, the best example of which is the ignorance of the LORD shown by Samson. Nevertheless, Judges carries the distinct signature of the Deuteronomist, especially at the beginning and end.

Concerning the individual judges, their numbers total thirteen.²⁶ From a reading of their narratives, the judges can be classified as major and minor. The minor judges are afforded their literary immortality in a few sentences, as if they were included as filler or as an afterthought. The major judges got many paragraphs or even chapters. Mighty Samson led with four chapters, Gideon received three, Jephthah was remembered tragically with three, Deborah is glorified with two, Abimelech's ruthless ambition garnered him one, and the slimy assassin Ehud, got a portion of one chapter. Each of these major judges fought a different adversary, viz. the Philistines, Midianites, Canaanites, seventy of his own brothers, and King Eglon of Moab respectively. Samson killed his enemies out of passion for women and riddles. The somewhat foolish strongman chose to die the death of a violent suicidal martyr with these last words: "Let me die with the Philistines."²⁷ Gideon killed to defend the worship of Yahweh and is recalled in the Epistle to the Hebrews as a man of faith.²⁸ Jephthah sacrificed his own daughter because of a solemn vow made in exchange for military victory; ironically, he too joins Gideon among the New Testament list of men of faith.²⁹ Abimelech killed his own kin to be king. Ehud slipped into the private "cool room" of king Eglon with the pretense of bringing a message from God,

²⁶ In order of appearance, they are Othneil, Ehud, Shamgar, Deborah/Barak, Gideon, Abimelech, Tola, Jair, Jephthah. Ibzan, Elon, Abdon, and last and certainly not least, Samson.

²⁷ Judges 16:30 (NRSV) which then reports "He strained with all his might; and he house fell on the lords and all the people who were in it. So those he killed at his death were more than those he had killed during his life."

²⁸ Hebrews 11:32 (NRSV).

²⁹ *Id.*

stuck his blade using his left hand into a fat king who was about to relieve himself, and then fled the scene by slithering down the sewer. The tales of the judges, while exhibiting varying taste, are no less sanguine than the *herem* journalized in the preceding book of Joshua. Most are harrowing accounts which one would hesitate to read to those tender of age as bedtime stories. Judges concludes with the frightful tale of the Levite's concubine (I have trouble gleaning the preceding two chapters about Micah and the Levite priest). This unfortunate woman was sacrificed to a gang of rapists from Gibeah, a city belonging to the tribe of Benjamin. Unlike the case of Lot, God did not intervene to save the woman with angels. In the morning, her master the Levite from the tribe of Ephraim exploited her corpse by dismembering it "limb from limb" and sending a grisly piece to each of the tribes.³⁰ This calculated act incited the indignation of most of the Israelites. They assembled before the LORD at Mizpah and the decision was made to punish not only Gilead but all of Benjamin because they had mustered in defense of Gilead.³¹ Gilead fared slightly better than that of Sodom. After a costly internecine war, punishment was exacted through the killing of all Benjaminites except for six hundred men. All the animals were also killed. In their blood frenzy the tribes also slaughtered the people of Jabesh-gilead (the hyphenated name suggests a satellite or tributary town of Gilead) for refusing to fight against the common enemy. However, four hundred virgin girls were spared and they were duly given to the survivors from Benjamin, because the tribes had vowed never to give these despised men their own daughters. But 400 women were insufficient to satisfy 600. To remedy this arithmetical shortage, the elders of the congregation permitted the Benjaminites to carry off, in the manner of chattel, some of the women who came out to Shiloh to dance during the yearly festival of the LORD. The book of Judges closes on this contrived note of compassion and false

³⁰ Judges 19 (NRSV).

³¹ Judges 20-21 (NRSV)

optimism that the line of Benjamin may not be blotted out from Israel. The last words written into Judges are the reiteration of the sardonic cliché: “In those days there was no king in Israel; all the people did what was right in their own eyes.”³²

Part B: An In-depth Discussion of Critical Issues in Joshua and Judges

Professor Frank S. Frick in Chapter 8 of the textbook subtitled Israel – A People and A Land, examines the books of Joshua and Judges. This Chapter begins rather forebodingly: “We have now reached a critical point in our journey – one where many who have traveled this way before have come to a parting of the ways.”³³ A careful reading of this Chapter yields a number of critical issues raised by Professor Frick. This paper will identify three and also add a fourth which is not grappled by Professor Frick, but which flows out of his perceptive observations.

First, is the question of whether the conquest of Canaan attributed to Joshua actually happened as written – the fundamental issue of “the historical reality underlying the biblical text.”³⁴ **Second**, is the related question of, if not by conquest, how the Israelites ascended in Canaan so as to able to establish the monarchy of Saul, David and Solomon. **Third**, is the important question of how religion and socio-politics mixed or clashed in during the transition of Canaan into Israel, eventually to culminate in the monarchy.

Fourth, taking this third question one step further, one would arrive at the critical question of how religion and politics shaped the ethics of the early Israelites and that of the Deuteronomist Historian. The bloody sagas appearing in both Joshua and Judges make good

³² Judges 21:25 (NRSV).

³³ Frick, F. S., A Journey Through the Hebrew Scriptures, 2nd ed. Thomson Wadsworth 2003 at p.240.

³⁴ *Id.*

reading if one is seeking violent adventure and tales of mindless glory. The reiterative style can also be explained as fulfilling the theological-cum-political motives of the Deuteronomist. This writer's opinion is that, as case studies of moral behavior in the today's lighting, the contents of these books and the approach of the Deuteronomist all leave much to be desired.

1. Historical Reality in Canaan

Professor Frick includes in his book the argument is that the conquest narrative of Joshua is not corroborated by independent physical evidence – in other words, the historicity of the conquest model is in doubt. Archaeologists to the date of the writing of the 2nd Edition has not found evidence for the existence during the Late Bronze Period of the key cities of Jericho, and Ai, as well as for other secondary cities such as Dan, Heshbon, and Makkedah. On the other hand, secondary cities such as Lachish, Hazor and Bethel are documented by archaeology as being destroyed during the same period. Professor Fricks reports that “[o]f sixteen cities said to have been destroyed by the Bible, only three have produced evidence for a destruction *ca.* 1200 B.C.E.”³⁵ On the other hand, the American Albright school points to the Armana Letters, Merneptah Stele and writings of the Medinet Habu Temple as literary evidence which tend to corroborate the conquest claim made in Joshua and Judges and to actually fix the date at 1200 B.C.E.³⁶

2. Competing Models of Israelite Ascendancy

Professor Frick and many contemporary scholars, having seriously questioned the conquest model, go on to propose alternate models of how the Israelites established themselves

³⁵ *Id.* at 252. *See also*, Table 8.1 at p253.

³⁶ *See* Frick at 249-250.

in Canaan. Professor Frick endorses two: (i) the Immigration Model, and (ii) the Social Revolution Model. Other recent text writers have suggested yet another – (iii) the Gradual Emergence Model.³⁷

The immigration model can be traced to the 1920s work of Albrecht Alt, a German scholar, and enlarged by his student Martin Noth.³⁸ These scholars argued that the area settled by the semi-nomadic Israelites were the sparsely populated central highlands and the tribes had moved in gradually and without major violence.

The Social Revolution Model was first articulated by George E. Mendenhall in 1962 and further refined by Norman Gottwald. This model dispenses with the assumption that the Israelites were nomadic and argues that they did not emerge out of Egypt. Instead, they were thought to be a lower peasant caste who had lived in Canaan all along and having developed over time their own theology and culture, ended up revolting violently against their social superiors.³⁹

The Gradual Emergence Model suggested by Professor Collins derives once again from the lack of archeological evidence of violent destruction of cities during the late bronze period. Hence the Israelites must have emerged peacefully and uneventfully until they were strong enough to establish a dominant monarchy centered at Jerusalem.

3. The Impact of Religion & Socio-politics during the Transition from Canaan to Israel

The Deuteronomist has painstakingly and repeatedly pointed out that Israel must worship the one God whose ineffable name is YHWH. To deviate from monotheism by covenanting with another god or goddess is to court disaster. The Canaanites embraced a diametrically opposing

³⁷ See, e.g., Collins, J. J., Introduction to the Hebrew Bible, Fortress Press, 2004.

³⁸ Frick at 257-260.

³⁹ *Id.* at 260-281.

theology based on polytheism. Their famous deities included both male and female gods with names such as El (father of the gods and creator), Baal (male god of rain and consequently, fertility), Anat (the goddess consort of Baal), Astarte (a lesser consort of Baal) and Asherah (consort goddess of El and mother of gods). It is interesting to note that the Hebrew Scriptures also refer to El as the one god and Professor Frick suggests that “El may have been the original God of Israel.”⁴⁰

A number of socio-political structures are reviewed in Chapter 8. Drawing on the Greco-Roman analogy, Israelite society has been thought of as an amphictyony, i.e., a confederation of tribes organized around a central religious sanctuary where the LORD is worshipped. This paradigm has been disputed by scholars who fail to see archaeological or even scriptural evidence that the pre-monarchic tribes were so united. Another model drawn from anthropology is the “segmented societies” or acephalous model, implying that the tribes were not organized around a center.

The stories preserved in the book of Judges, notwithstanding the editorial efforts of the Deuteronomist, help to shed considerable light on the socio-political scene. The Israelites during the time of the judges were going from one military crisis to the next. Most of the time, they appeared to be fighting piecemeal just to survive (as contrasted with the glorious conquest scenes preserved in Joshua). At each crisis, they were delivered from doom by a charismatic warrior leader known as the judge and the tribes then rested for period of peace. The woman judge Deborah, while unable to wield a sword, was assisted by her general Barak. Another woman in the Deborah saga lured the Canaanite general Sisera to sleep in her tent and drove a tent peg into his brain. The judges are persons of blood, never to be confused with the modern namesake who sits in a courtroom dispensing justice to the citizens. Because of the intense charisma displayed

⁴⁰ *Id.* at 267.

by the major judges, their stories have been characterized as “historical romance”⁴¹ coupled with high adventure, fascinating literary works to be relished by teenagers on up.

Most scholars now believe that both Joshua and Judges are the result of editing by the Deuteronomistic Historian. This editing is especially dominant in the scroll of Joshua. Judges show heavy-handed editing at the beginning and end, but the stories of the judges retain values and thinking that are not all Deuteronomistic. An excellent example is the biography of Abimelech, the son of Gideon by a concubine. He mercilessly killed his seventy brothers in order to be king but his ambition was abruptly squashed by an upper millstone dropped on his head by a hostile woman. This tale is so anti-monarchy that it is a great surprise to have escaped disapproval by the editor.⁴² Perhaps these stories are so deeply embedded in the oral tradition of the tribes and memories of individuals, that it would have been futile to blot them out.

The Deuteronomist used Judges to showcase the need for the establishment of monarchy in Israel and to set the stage to present Samuel and King, the remaining books of the Former prophets. There is good reason for the Deuteronomist to repeat that old cliché, “In those days, there was no king in Israel; all the people did what was right in their own eyes.”⁴³

4. Ethics in Joshua and Judges

A *caveat* is in order when venturing into a critique of early Israelite ethics from the contemporary vantage-point; it is difficult to shoe-horn a society that lived around two thousand years in the past into our present context and frame of values, and on that discomfiting basis pronounce judgment on a people and a period long past. The *Sitz im Leben* is not readily

⁴¹ *Id.* at 277.

⁴² Both King David and King Solomon have ruthlessly killed their enemies and potential enemies.

⁴³ See note 22, *supra*.

comparable due to the relentless passage of time. Nevertheless, this writer holds to the opinion that a discussion on comparative ethics is productive, even for that limited purpose of learning from the experiences of those who preceded us so as to avoid the pitfalls that ensnared them.

A fundamental threshold ethical issue is the obligation to write the unembellished historical truth, pen stroke for sword stroke as the event actually happened (or did not happen). This is the criticism that confronts the scribe or scribes with responsibility for Joshua.

Controversial questions include:

- Did the Joshua writer have access to the facts or did he simply write from theological conviction (or even imagination)?
- Is Joshua a work of historical truth or political revisionism, or theological license?
- Was the Joshua writer preserving *Heilsgeschichte*, a history of salvation rather than a history of facts?
- Did he write to satisfy the political desires of a post-Davidic king of Judah such as King Josiah or even an earlier King Hezekiah?
- Could he be living during the exile in Babylon and used Joshua as a building block in his exegesis for the rise and fall of Jerusalem in a mighty effort to conform reality to Deuteronomistic theology?
- Finally, was the author of Joshua and Judges faithfully writing to please his one true God, truly believing he was simply recording the revelation of the LORD?

Each of these questions has spawned vast scholarly analysis and there is no consensus in the Jewish and Christian communities as to on how much historical truth or theological truth is contained in Joshua (and Judges as well).

On the historicity question, Joshua and Judges juxtaposed succumb to a number of textual contradictions which diminish the credibility of the books. An example of troublesome inconsistency involves the city of Hazor which was claimed to have been captured in Joshua 11, but when one examines Judges 4 and 5 (Deborah and Barak), it can be read that Hazor was still held by King Jabin of Canaan. Another example involves the possession of Jerusalem. Judges 1:8 claims that “the people of Judah fought against Jerusalem and took it,” and per the injunction of *herem*, “they put it to the sword and set the city on fire.” A few paragraphs later, 1:21 states that “[b]ut the Benjaminites did not drive the Jebusites who lived in Jerusalem; so the Jebusites have lived in Jerusalem among the Benjaminites to this day.” The latter account suggests a peaceful co-existence where the city is shared between the Jebusites and the tribe of Benjamin. Then at 2 Samuel 6:1 it is recorded that “King [David] and his men marched to Jerusalem against the Jebusites, the inhabitants of the land.” and at 6:9, a triumphant announcement is made that “David occupied the stronghold, and named it the City of David.” The Davidic occupation does not recognize any presence of Benjaminites living in Jerusalem. These plain textual contradictions can be explained away as simple clerical error, but such an excuse militates against any assertion of scriptural inerrancy.

A different ethical dilemma, no less fundamental, is encountered in the application of *herem* as epitomized by the treatment of Jericho. The Hebrew word *herem* is derived from a verb which means to consecrate or devote. Any object so sacrificed or devoted to the LORD is absolute and could not be redeemed. Leviticus 27:28 mandates that “[n]othing that a person

owns that has been devoted to destruction for the LORD, be it human or animal, or inherited landholding, may be sold or redeemed; every devoted thing is most holy to the LORD. 27:28 continues this line of command: “No human beings who have been devoted to destruction can be ransomed; they shall be put to death. Accordingly, the idea of unmitigated destruction became associated with the word. Numbers 21 provide a pre-Jericho account of the *herem* against the towns of the Canaanite, king of Arad.

Before the attack on Jericho, Joshua issued the order that “the city and all that is in it shall be devoted to the LORD for destruction,”⁴⁴ with the only exception of Rahab and her family.⁴⁵ When the Israelites enter Jericho, “they devoted to destruction by the edge of the sword all in the city, both men and women, young and old, oxen, sheep, donkeys.”⁴⁶ Even, *arguendo*, that the narrative is fictitious, an imagined *herem* of an entire city raises serious questions about the moral values of that time. The modern word – genocide - is generally understood as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”⁴⁷ Accordingly, *Herem* can be readily understood as genocide.

⁴⁴ Joshua 6:17 (NRSV)

⁴⁵ See, Notes 11 & 12, *supra*.

⁴⁶ Joshua 6:21 (NRSV).

⁴⁷The full definition pursuant to Article 2 of The Convention on the Prevention and Punishment of the Crime of Genocide adopted by Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948 is: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

See, <http://www.hrweb.org/legal/genocide.html>. This Convention is often referred to as the Convention Against Genocide.

Whether Jericho was actually devoted or not, the Joshua account comports squarely with the theology of the Deuteronomist vis-à-vis *herem*:

When the LORD your God brings you into the land that you are about to enter and occupy, and he clears away many nations before you--the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, seven nations mightier and more numerous than you - and when the LORD your God gives them over to you and you defeat them, then you must utterly destroy them. Make no covenant with them and show them no mercy. Do not intermarry with them, giving your daughters to their sons or taking their daughters for your sons, for that would turn away your children from following me, to serve other gods. Then the anger of the LORD would be kindled against you, and he would destroy you quickly.⁴⁸

Clearly, *herem* offends the letter of the Convention Against Genocide of the United Nations. The Convention, albeit a secular document, is the norm for all signatory nations-states. Few contemporary nations will condone the practice of genocide as a matter of law or of religion. The specter of genocide *qua* doctrine is *per se* repugnant to the present understanding of morality, but there are always the tragic exceptions even now. The norm, despite tragic exceptions, is that genocide is a crime against humanity.

The standard apology for the *herem* of Joshua is that Canaan became “an object of God’s special wrath because of their idolatrous propensities”⁴⁹ Theologians wishing to defend *herem* explain that the cultic worship of the pantheon of Baal by the Canaanites encompasses sexual rites, cult prostitution, human sacrifice, and idolatry, all of which are so detestable that they must be utterly destroyed by the followers of Yahweh Sabaoth, lest they too became infected by the abominations. This is not persuasive - especially when viewed under the light of the Christian Scriptures. Deuteronomic *herem* must necessarily be consigned to safekeeping by good people as a curiosity spawned by the theological misconstruction of the past.

⁴⁸ Deuteronomy 7:1-4 (NRSV).

⁴⁹ See, e.g. Merrill, E.H, An Historical Survey of the Old Testament, The Craig Press 1975, at p. 158. By its own declaration, this book contains exegesis of the conservative American school.

CONCLUSION

There exist substantial questions as the historicity of Joshua and Judges. Professor Frick is quite effective in making the case against the historical accuracy of the two books, especially through the discussion on archeological evidence in Chapter 3 subtitled An Illuminating Side Trip – Archeology and the Hebrew Bible. The arguments presented in Frick pertaining to the lack of archeological evidence of the destruction of the key cities of Canaan are persuasive. From the Frick premise that the conquest narrative of Joshua and Judges is not grounded in fact, the student begins to look for other motives that animated the writing of these books. What could be a higher motive than recording the historical facts? A troubling thought is focused on the question of whether it is immoral to bend history to serve fit another more compelling end?

When read for theological truth or dogma, the morality expounded in the two books is no less troubling. This is particularly the case with Joshua where the imperative for *herem* is quite absolute. There is less emphasis on *herem* in Judges, but the pervasive glorification of the act of killing the enemy in open battle or by stealth is also troubling. The deeds of the conqueror Joshua and most of the martial Judges which the Deuteronomist claims to be done in obedience to Covenant and with the blessing of the LORD, would render the LORD an irascible god of violence – a divine tyrant of blood. Indeed, Joshua at Jericho was under the impression that if he does not enforce *herem* on the Canaanites, Israel herself will suffer *herem* by the hands of the LORD.⁵⁰ Is the LORD a martinet, a merciless sergeant major who at the point of his sword orders his troops to kill, and at their refusal, kills them with his own hand?

⁵⁰ See, Joshua 6:18 (NRSV).

The gospel writer known to us as Matthew transmits this revelation of a heavenly Father, very same LORD of Joshua and of the judges of Israel by quoting through Jesus Christ:

You have heard that it was said, “You shall love your neighbor and hate your enemy.” But I say to you, Love your enemies and pray for those who persecute you, so that you may be children of your Father in heaven; for he makes his sun rise on the evil and on the good, and sends rain on the righteous and on the unrighteous. For if you love those who love you, what reward do you have? Do not even the tax collectors do the same? And if you greet only your brothers and sisters, what more are you doing than others? Do not even the Gentiles do the same? Be perfect, therefore, as your heavenly Father is perfect.⁵¹

How could there be such a diametric divergence between the theology of Joshua and that of Jesus Christ? One plausible explanation is that the redactors of Joshua and Judges were writing from a flawed, or at best, an incomplete perception of the divine nature of the LORD.⁵²

Charleston C. K. Wang – August 1, 2005.

⁵¹ Matthew 5:43-48. (NRSV)

⁵² Perhaps, the LORD is the God of *hesed* and not *herem*. The New Testament reveal that this *hesed* is for all peoples, Gentiles and Jews alike.

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