

11 Taken by Force: Rape and Gender Violence

The book of Judges ends with two linked stories which illustrate the times in which, "There was no king in Israel and everyone did what was right in his own eyes" (Judges 17:6; 21:25). These two stories are traveling Levite stories which set a light-hearted tone for the foibles of the pre-monarchic Israelites. The Levites in these stories are traveling between the city of Bethlehem and the region of Ephraim. The writer will push us over a cliff, but first we are lured to the edge with the comic antics of these traveling Levites and their fellow Israelites.

The first story (chs 17-18) begins in Ephraim where a son, Micah, has stolen his mother's hoard of silver. She utters a curse on "whoever" stole the silver, and she curses out loud where her son can hear it. We might assume that she did this on purpose, suspecting her son of being the culprit. They are family, and the mother knows how to push her son's buttons. The curse has the desired effect and the son quickly restores the silver. The mother is delighted with this small, forced honesty of her son, blesses him, and makes an idol. Micah then sets up his son as priest to the idol. His son? Apparently Micah is not a juvenile or a teenager. He is a grown man, married, and has at least one son old enough to act the part of family priest. But not just any Israelite was supposed to act as priest. The priest is supposed to be a Levite. However, this happened because there was no king in Israel, etc.

A traveling Levite comes into the story, traveling from Bethlehem through Ephraim. He is quickly hired to replace the son as priest, for that is a Levite's job. King or no king, Micah does have some sense of propriety and knows he needs a proper Levite to act as priest for the idol. Because he now has a Levite to tend the cult of his idol, Micah is certain that the Lord will bless him.

Meanwhile, the Danites are looking to relocate. They cannot make any headway against the Philistines we meet in the Samson story. The scouting party stops by this house on their way north and they see the nice little shrine with the silver idol and the Levite priest. Up north they find a Canaanite city, Laish, which seems rather isolated, so they decide they can take it without worrying about angry Canaanite friends and neighbors. They return and convince their fellow Danites to move north.

Along the way they remember the shrine with the silver idol and the Levite. They stop by, steal the idol (made from stolen silver, remember) and convince the Levite to move up in the world and head off north to be priest for an entire tribe, not just a family. Micah raises the alarm and his neighbors join the chase. When they get close to the Danites Micah accuses them of theft. Some of the Danites, presumably the closest ones, use a line still used today for comic effect in modern movies and plays. They warn Micah to keep his voice down because some of the Danites have hot tempers and might hear these insulting (though true) accusations, turn and attack Micah and his friends. Micah acts wisely, chokes on his words and turns back. The Danites go north, slaughter the Canaanites of Laish, rename the city Dan and set up housekeeping, with the Levite and idol installed in a shrine. For there was no king in Israel, etc.

Having to ld one humorous traveling Levite story, the book of Judges tells another, beginning in chapter 19. This time the Levite is traveling from Ephraim to Bethlehem and back. His concubine (second-class wife) was not faithful to her man, then ran away home to her father. The Levite decides to get her back in spite of her fornication. He travels to Bethlehem where the girl's father greets him with gladness. For whatever reason, the father likes the Levite and wants the arrangement to work. Maybe he is embarrassed by his daughter's behavior, or maybe he cannot afford to repay to the Levite his daughter's hire. The Levite convinces the girl to return with him, and a comic chain starts in which the Levite prepares to leave, but the father convinces him to stick around for one more meal — which lengthens out until it is too late for the Levite to leave, so he stays another night. And it happens again. Finally the Levite breaks this chain of annoying hospitality by leaving too late in the day for proper travel.

The late start means the travelers will have to stop somewhere along the way. The best stop is the Jebusite city of Jerusalem, but that is a Canaanite city and the Levite only wants to trust himself to Israelite hosts. So they stop at dusk in a nearby Benjamite city called Gibeah (from which the first king, Saul will come). They wait in the square, but no one takes them in. Finally a resident alien, a fellow Ephraimite returning from the fields sees them and invites them in. Now what comic adventures await us in this traveling Levite story? They dine, but soon men of the city come pounding at the door, demanding the strangers for their amusement. This is beginning to sound like Lot, the angels and Sodom in Genesis 19.

But the Levite is not an angel, and there is no comic turn to the story. Having lured us on with the antics and foibles of Israel before the kings, the comedy of the traveling Levite stories turns horrible. As the Levite gallantly pushes his concubine out the door to save his own skin, the narrator pushes us over the edge of the cliff and we drop down, and drop further, and further yet into a seemingly bottomless abyss of depravity in Israel when there was no king in Israel.

The concubine is raped to death by the gang of Benjaminites. At dawn the Levite callously tells her to get up as she lies there with her hands reaching for the threshold of the door. He cuts up her body and sends the parts around Israel to raise them up against Benjamin. Israel responds and suffers initial defeat until they succeed in massacring Benjamin — the Judges equivalent to the destruction of Sodom by fire from heaven for the crime of (attempted) rape, a most egregious form of inhospitality. Then Israel realizes what they have done to one of their own tribes. They must save this tribe. They must find women for the survivors — but not their own daughters — they made a vow! Oh, but there was an Israelite city that did not respond to the call to arms. They massacre the city and take the virgins for Benjamin. Everyone else is killed. But these Israelite virgins, handed over for rape/marriage, are too few. They need more. So they come up with a plot for further rape/marriage. If the Benjaminites steal brides from Shiloh during the dance of the virgins, then the Israelites haven't broken their vow against giving their daughters for marriage to Benjamin. So Benjamin, decimated and massacred for the crime of gang-raping an adulterous concubine is now encouraged and allowed to rape and carry off the virgin daughters of the Israelites who avenged the concubine. And they are encouraged to this rapine for the purpose of procreation. Only here does the Bible deal with reproductive rape — whether reproduction is intentional or not. We read of no children of rape born to Dinah or Tamar (Gen 34, 2 Sam 13), nor does the law deal with the issue. Only in the narrative of Judges would Israel sink so low as to use rape to replenish a tribe with children.

For there was no king in Israel, and everyone did what was right in his (not her!) own eyes. One wonders what the women of Israel thought of all of this. The writer of Judges certainly did not think much of it. These two stories stand as a condemnation of Israel before the time of the kings, and illustrate how low Israel had sunk before Saul and David. Luring us with the comic, the story suddenly turns ugly and is meant to horrify us. There are several rapes in the Bible, but only in the last chapters of Judges is rape institutionalized. This happens when Israel sinks to its lowest level.

It is fitting that the book of Judges introduces the issue of gendered violence, especially rape.

Women In Judges

As noted by Mieke Bal (21-34) and Susan Ackerman (2004, 175-176), the book of Judges has a remarkable content of female characters. The rape narratives are part of a larger pattern exploring gender relations in the pre-civilized pre-kingdom period of Israel's history. The strongest female characters are Deborah and Jael from chapters 4-5, active women who together are the tools of God to defeat the Canaanite armies of Sisera. The weakest seem to be the women at the end of the last story (ch 21), taken as wives for the Benjaminites through conquest and rape. But in the Deborah story the fate of these maidens seems foreshadowed (Bal, p. 30). Deborah sings of Sisera's mother, waiting at the window, wondering what could be delaying her son. She consoles herself by assuming he is dividing the spoils of conquest, including "a woman, a pair of women" for each warrior (5:30). However, the term for the women here is *rehem* (רַחֵם), "womb." The spoils include "a womb, a pair of wombs for each man." These women are not full persons but merely objects of rape and possible impregnation. At the end of the last story the women taken for the Benjaminites are taken precisely for impregnation, and they are taken by force — raped. One for each man. It is interesting that the mother of Sisera, the womb that bore him, would console herself with the rape of other wombs. But then, she is a Canaanite. Israelites would not sink that low for several more chapters. Again it is interesting that only in Judges is rape tied to reproduction.

Returning to the action in the story of Deborah, Sisera dies at the hands of a woman just as Deborah warns her general Barak. Not only does the Deborah story have a rare mention of reproductive rape, but also one of the few Scriptural texts in which women do violence to men. Because Barak insists that Deborah accompany him to battle, she warns him that the enemy, Sisera, will not die at his hand or that of his warriors, but rather at the hands of a woman. There is a double shame implied in this warning. There is shame for Sisera to die at the hands of a woman at the conclusion of the battle, and there is shame for Barak and his warriors that their quarry would not be

theirs, but be given to a woman to kill. The first shame is reflected in the death of Abimelek (Judges 11:52-54) who was morally wounded by a milling stone dropped on him by a woman during a siege. To avoid the reputation of dying by the hand of a woman, Abimelek commanded one of his men to kill him before he could die from the woman's domestic implement. How terrible for a warrior to be killed by a woman. Even more terrible that she used a household tool. In all the Hebrew Scriptures only in Judges do we find narratives of violence done by women to men.¹

Two female victims are known as individuals in Judges, Jephthah's daughter and the Levite's concubine (ch 19). All the female victims are anonymous, but these two nameless women are given some personality. The Levite's concubine at first is active. She fornicates, then leaves the Levite and runs home to daddy for protection. But by the time the couple arrives in the city of Gibeah she has neither voice nor volition, for he throws her to the mob to save himself. And dawn finds her vainly trying to crawl back to the "safety" of the doorway from which she was thrown, to return to the Levite from whom she once fled. Jephthah's daughter is at first passive, the potential victim of her father's vow. But once her fate is established she holds to duty, gains a final favor from her father, and leaves with her companions for her final days before she returns and gives herself to the death which her father promised to God. Jephthah's daughter is active in the end.

And the story of Samson is full of women, active and passive. Samson's mother is the messenger of God, an active tool, not that her husband would take her word for it (13:2-14). There is the Philistine maiden used by God to lure Samson to make war on the Philistines (14:1-4). This woman is passive in the hands of both God and her father, but she manages to be active as Samson's bride. She wheedles the answer to his riddle from him. There is the prostitute of Gaza who services Samson but is unwittingly the tool of the lords of the city in taking Samson captive. There is Delilah, the active woman of treachery who finally manages to bring Samson down, for a fee. When she cuts off his hair, or does other things which she believes will make Samson weak, does this also count as violence done by women to men?

The first woman in Judges, Aksa, is at first passive, a prize with a piece of land offered by her father to a victorious warrior (1:12). But soon she is active, demanding from her father additional land for water-rights (1:15).

In the Bible only Genesis rivals Judges for the number and variety of important female characters, though the books of Samuel come in as a close third with the characters of Hannah, the wife of Phineas, Michal, Abigail, the witch of Endor, Bath-Sheba, Tamar, the wise woman of Tekoa, Saul's concubine Rizpah and David's concubines. But in Genesis none of the women suffer violence, with the possible exception of Dinah who was deflowered by the Cananite Shechem (34:2), and no woman does violence to a man. The clearest threat of rape is to two angels posing as men (19:4-8), a parallel story to Judges 19. In the books of Samuel, Tamar and the concubines of David are violated, and Abigail acts to prevent violence to herself and her household. As with Genesis, in the books of Samuel no woman does violence to a man. But the book of Judges openly explores gender violence in which either the man or the woman may act violently. In Judges rape is merely one of the acts of violence between the genders.

Rape as Crime

The law on rape is found in Deut 22:23-29. The only victim considered is a virgin young woman (*na'era[h] bethulah*, נערה בתולה) under marriage contract (*me'oresah l'ish*, במארשה לאיש). If the young woman is taken in the city she shares the guilt and punishment of the rapist because she could have cried out for rescue. In the compact confines of a walled city (*'ir*, עיר) there is little privacy to be had. An assaulted woman should be able to get some response from some of the people nearby. The punishment is execution for both the man and the silent young woman, even if the rapist threatens the life of the woman should she cry out. What is her life compared to her contracted virginity? This may not seem fair to us, but we should remember ancient family values which

¹

There is one legal text which posits violence done by a woman to a man, Deut 25:11. If two men fight and the woman of one man grabs the other by his "shameful parts," she is to be punished. For those churches which include the Book of Judith in the Canon, there is one more story of violence done to a man by a heroic woman of faith.

valued a woman's virginity when she marries, a value of 50 pieces of silver (v 29). If the woman is engaged to be married the sexual encounter is considered adultery, punishable by death.

If the young woman loses her virginity outside the city she may be presumed to be innocent and only the man need be executed for presumed rape. And if the young woman is not yet engaged, and is discovered with a man, he must pay the cost of her virginity to her father. Apparently the word of an unengaged woman is not sufficient to identify the man who took her virginity. They must be "found" (v 28) so that the man may be identified and fined and forced to marry the woman with no possibility of divorce. This case is treated as rape.

There is no law on rape of a married (non-virgin) woman. Later the rabbis would elaborate on other law to cover other cases. If the woman is not engaged when she loses her virginity she is assumed to be taken by force, and then made to marry her rapist. In many ways this law on rape seems incomplete and is based solely on the young woman's reproductive value, so it is odd that in none of the legal texts is reproductive rape contemplated. In contrast the narratives of rape show that there was a broader and more nuanced concept of rape in ancient Israelite culture than that found in the legal material.

Individual Rape

Both Dinah and Tamar lost their virginity when taken by force within the city (Gen 34, 2 Sam 13), yet they were not considered worthy of death. But then, they were not engaged to another man. Only their assailants were executed, even though in the case of Dinah the assailant was willing to complete a marriage contract. In both cases lust is given as the cause of the rape.

Twice Sarah was taken into a harem of a local ruler, and Rebekah was threatened with the same due to the lust of the ruler. But the hand of God intervened and both women were spared from the threat of rape and adultery. In Genesis adultery is only threatened and never consummated (Miller, 2000 a). Notably, the text does not allow for the appearance of sexual intercourse, an important factor in such cases as Absalom entering the tent of his father's concubines. In the case of Sarah, the menfolk of the abductors are stricken with a malady such that they could not carry through with sexual activity. This malady serves to preserve Sarah's monogamy both in fact and in appearance.

David's daughter Tamar, full sister of Absalom, is raped by her half-brother Amnon who throws her out after using her. Later Absalom would defile some of his father's concubines by publicly placing them in a tent, then entering that tent himself (2 Sam 16:20-22). It is doubtful that Absalom had sex with all ten concubines, and maybe not even with one of them. But the appearance of intercourse is enough. The damage is done when Absalom enters the tent, and when David is restored to the city the concubines are shut up "like widows" away from the king (2 Sam 20:3). Absalom's entry into the tent is equal to a rape and the implied incest/rape needed no actual consummation.

Implied rape takes an interesting turn in the book of Esther. Esther contrives to get the king and Haman to dine together with her so she might accuse Haman before the king (Esther 7). Once Haman is accused the king stalks out in anger. Haman rushes to Queen Esther's couch to plead for his life. As the king enters he finds Haman at his wife's couch and assumes an attempt at rape. This man was attempting to make physical contact with his wife, after all. The assumption of rape is a very strong social force and it takes all ambivalence from the king. He has no reason to sway between his minister and his wife and Haman is executed summarily.

Gang Rape, Gibeah and Sodom

The most harrowing tale of rape in the Bible is found in Judges 19. It is a story of gang rape with several parallels to the Sodom story in Genesis 19. Unlike the law in Deuteronomy, in these two narratives rape victims can be non-virgins, and even can be male. Reproductive purity is not a consideration. We may inquire whether sex is an important consideration. These cases of civic gang rape seem more about inhospitality, assault and power than about sexuality. In the end the rapist cities are destroyed for their crime.

The story in Judges 19 continues on for two more chapters. As the story ends the surviving Benjaminites need wives. Presumably their wives had been killed in the warfare described in chapter 20. First, one Israelite city is destroyed to provide the surviving Benjaminites with wives. The virgins of Jabesh Gilead are then taken and

given to the Benjaminites. Since this is marriage, by legal technicality they are not about to be raped by their new husbands. Likewise with the virgins of Shiloh caught dancing in the vineyards. They, also, the Benjaminites can take by force as wives, and by a legal technicality they also are not raped. But then this was a time when there was no king in Israel and everyone did what was right in his own eyes. In other words, these actions were not approved by the writer and probably were meant to be read as rape, in spite of legal technicalities. These rapes are connected to the concubine's rape in chapter 19 and the comment of Sisera's mother in chapter 5.

Warfare

In the song of Deborah the mother of Sisera frets over the delayed return of her son. He is the Canaanite military commander sent to fight the Israelites. Her servant women remind her, and she reminds herself of the various things which could delay him, including "a maiden or two for each man" (Judges 5:28-30). Sexual use of the conquered women is implied. This comment is heavy with irony as the singer (Deborah), the mother of Sisera and her servants, and the killer of Sisera (Jael) are all women. Depending on the fighting prowess of their menfolk, any one of these women could have been exposed to the same treatment by a successful enemy.

What if the Israelites are the victors? Are they free to rape their captive women? This question has a double answer. First, Israelite warriors were forbidden to engage in sexual activity while at war. This includes women (e.g. 1 Sam 21:4-5; 2 Sam 11:11), masturbation and wet dreams (Deut 23:10-11). To produce semen is to make oneself unclean for warfare. Of course this also would include rape of captive women. While the military campaign is underway the Israelite warriors would be disqualified from further action should they stop to rape a woman of the enemy.

However, this military restriction would stand only during the military campaign itself. Once the campaign is completed the Israelite male is free to engage in sexual activity by himself, with his wife, or with any other licit woman. And women were taken captive by Israelites (Num 31:17-18), including Israelite captives (Judg 21:12-14). These women were specified as virgins, and they were taken to be used sexually by their captors. Some (not all) were given the status of wife. These wives did not require a dowry and were relatively easy to obtain by a young man lacking funds. However, at least one legal text requires the captor to allow his captive a month to mourn her deceased relatives before forcing himself on her and making her his wife (Deut 21:10-14). This captive wife also retains special divorce rights. These legal texts do not treat such marriages as cases of rape. Though the legal texts do not treat these warfare wives as rape victims, the narrative of Judges does seem to make this connection and thus condemns the practice, at least in the case of the Benjaminites. The connection to the comment of Sisera's mother in the Song of Deborah may indicate a broader condemnation of the practice. But, given the nature of the narrative in Judges, we might doubt that the Benjaminites gave their new brides a month to mourn their loss.

Rape is a practice condemned in the Hebrew Scriptures, but the precise definition of rape varies somewhat between the legal texts and the narratives.

The New Testament and Rape?

The practice of rape is not treated overtly in the New Testament. This is interesting, for many converts to the new faith were slaves; and slaves, male and female, were commonly subject to sexual use by their owners. Though such sexual use of slaves was not rape under Roman law, one might expect the early church to find the practice execrable and a form of rape. But the New Testament texts seem somewhat reticent to make strong condemnations of social structures and institutions, such as slavery itself. Within this reticence would fall a condemnation of the sexual use of slaves. However, Romans 1:27 and the use of *arsenokoites* in 1 Cor 6:9 and 1 Timothy 1:10 may specify the sexual use of slave boys. And the use of "fornicators" (πορνοί, *pornoi*, masc. pl; 1 Cor 5:9-11; 6:9; Eph 5:5; 1 Tim 1:10; Heb 13:4; Rev 21:8; 22:15) might include such slave owners as used their (female?) slaves sexually, but perhaps not to the slaves who perform sexually under duress. Then again, the slaves so used might be required to resist to their utmost such sexual use to escape being classed with the *pornoi*. Though many slaves who were used sexually were used by their owners, some were made into prostitutes — male as well as female — to turn a profit for the household, a situation emphasized in the study of Glancy (pp 54-59). Paul counsels the (male)

Christian not to patronize prostitutes, because such activity would join the prostitute to the church (1 Cor 6:15-16). Does this mean that a Christian slave who is forced into prostitution is joining her or his customers to the church? Working from New Testaments texts forbidding *porneia*, Glancy (p 69) concludes that we cannot know exactly how Paul answered the question of slaves sexually used by their owners.

Paul counsels slaves to submit to their masters. The texts are not explicit how far slaves are to submit to their masters (Eph 6:5-8; Col 3:22; Titus 2:9-10) and 1 Peter 2:18 speaks of receiving a beating for doing right as a slave, but with no indications that sexual resistance is a cause of such a beating. We, of course, have our own answers to such questions and expect proper service not to include sexual gratification for a non-Christian master, for each of these texts specifies service to God through service to the master. But there is no expectation that the modern reader would be such a slave and have to answer this question in a real situation. Sexual harassment at the office is not the same thing. The realities in the first century were quite different from our realities and precise answers to their ethical questions elude us.